

**MOLDOVA–TRANSDNIESTRIA:  
Working Together for a  
Prosperous Future**

NEGOTIATION PROCESS

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## INTRODUCTION

The authors of this Collection of Essays – respected expert analysts from the spheres of economics, sociology, political science and conflict studies from Chisinau, Tiraspol and Kherson – were tasked with a **common goal**.

This goal consisted of the following components:

- To write innovative analytical essays – accessible not only to specialists and academics but to a broader audience of readers – which include:
  - An analysis of the impact of the conflict on particular spheres of social and economic development of the two banks of the river Nistru/Dniester, in which the particular experts specialise;
  - Recommendations on possible options for solving the existing problems;
- To help consolidate and strengthen the capacity of the expert community to deal with the Moldova–Transdnistria conflict – strengthening the influence of civil society in building confidence and in the resolution of issues relevant to all inhabitants of the region
- To influence the opinions and attitudes to conflict resolution of the elites, political actors, public servants and the broader expert community on the two banks of the Nistru/Dniester – by providing high quality, accessible analysis and policy proposals in the framework of this publication

### The Conflict

The Moldova–Transdnistria conflict is considered by many in the international community as a “frozen conflict”, where enemy images, mutual misperceptions and mistrust among elites – and, 15 years after the armed confrontation, to some extent the population at large – have had a two-pronged result:

- (i) a low level of systemic cooperation between the middle to higher levels of society across the conflict divide, and
- (ii) high economic and social costs of the conflict, which, while experienced broadly by populations on both banks, are not often directly identified or associated with the conflict.

While there have been a number of projects over the years, which have, with some success, focused on strengthening cooperation across both banks in the realm of mass media, youth and civil society engagement in peacebuilding, there have been few attempts to make directly visible the economic and social costs of the conflict and the quantifiable benefits for peace in a way that is easily accessible and appropriate for populations and elites on both sides of the river. It was also recognized by the authors of Project IMPACT that there is a need for more sustained and inclusive initiatives for improving the peace process, which tap into the creative and analytical potential of the expert communities on both banks of the river Nistru/Dniester, and regionally.

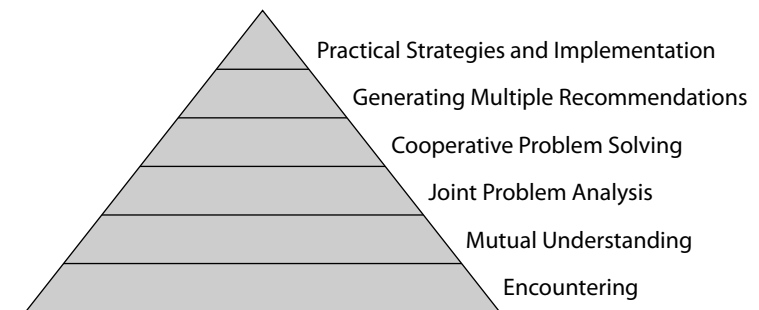
### The Project

The IMPACT project was developed with the specific aim of strengthening joint work of analytical NGOs and independent expert analysts from the two banks of the river Nistru/Dniester, Russia, Romania and Ukraine. The **goal** of this cooperation was to make a joint analysis of the socioeconomic effects of the protracted political conflict and to develop policy proposals in order to contribute to developing effective strategies and options for transforming the conflict.

In order to meet the main purpose of the project – to constructively influence the political and executive bodies’ decision making and to inform public opinion about the costs of the Moldova–Transdnistria conflict – the activities of the 2007–09 phase of the project included:

- Strengthening networking and mutual understanding of researchers and expert analysts, within a practical regional cooperation framework which included Moldova–Transdnistria, Ukraine, Romania and Russia;
- Capacity building of the Moldova–Transdnistria expert community by sharing and exchange of international experience from similar and related conflict zones and in relevant fields;
- Developing the conflict-sensitive capacity and constructiveness of participating professional socioeconomic researchers and analytical institutions;
- Engaging in practical cross-border expert cooperation, focused on investigating and making visible the economic and social costs of the conflict and benefits of peace in Moldova–Transdnistria;
- Experts across the conflict divide working together on advocating constructive policy alternatives in partnership with mass media.

A significant part of the Project which took place prior to and during the writing of this Collection of Essays is the series of Expert Dialogue Workshops held in Vadul lui Voda (Moldova), Tiraspol, Odessa and Lazurnoe (Ukraine). These Dialogue Workshops focused on building up sufficient mutual understanding, joint analysis and cooperative problem solving in the broader group of IMPACT’s participants, to both facilitate the writing of this publication, and to lay the foundations for the future IMPACT Think Tank. The dialogue approach, based on the work of conflict transformation practitioners internationally, is illustrated in the pyramid diagram below – to be read ‘bottom-up’.



The Project IMPACT partnership consists of the following organisations:

- Center for Strategic Studies and Reforms (CISR), Chisinau
- Independent Centre for Analytical Research “New Age”, Tiraspol
- PATRIR, Cluj-Napoca, Romania
- Joint Commission for Democratisation and Conciliation (JCDC), Chisinau
- Russian Information Agency New Region – Pridnestrovie Bureau, Tiraspol
- Center for Independent Television Development, Chisinau

Other outputs of the Project from its 2007–2009 phase include:

- A Documentary Film about the human story of the socioeconomic cost of the conflict in Moldova–Transdnistria, and untold stories of peacebuilding from the last 20 years, titled “Transdnistria: When the Guns Fell Silent”;
- A Sociological Report based on a unique opinion poll conducted on both banks of the Nistru/Dniester, focusing on the “Social and economic wellbeing of the population of both banks of the Dniester/Nistru in conditions of frozen conflict”;
- An Economic Analysis Report, focusing on the “Costs of the Transdnistrian conflict and benefits of its settlement”.

For more information about the project, its participants and publications, and to contact the project team, or the authors of the essays in this volume, please refer to the project website: [www.impact-project.org](http://www.impact-project.org)

## The Volumes in the Collection

The Collection of Essays is published in 3 separate volumes, all of which have the same series name: “Working Together for a Prosperous Future”. Each of the volumes contains thematic essays in English, Romanian/Moldovan and Russian.

Each of the essays is structured with an **Executive Summary/Abstract** of up to 1 page at the beginning, followed by the **Body** of the essay, and completed with a **Bibliography or Endnotes** after the main body of text.

One of the volumes is devoted to analysis of **Economic Aspects**, with the following chapters:

- Political economy of reintegration – *Dr. Elena Gorelova (Chisinau)*
- A Ukrainian Contribution to the Formation of the Common “Dniester/Nistru – Black Sea Coast” Economic Macro-region – *Prof. Vladimir Korobov (Kherson, Ukraine)*
- Public opinion concerning the degree of socioeconomic protection of small business in Transdnistria – *Nikolai Osinenko (Tiraspol)*
- Moldova and Transdnistria: the Regional Economic Dimension – *Dr. Galina Selari (Chisinau)*

Another volume is devoted to analysis of **Social Aspects**, with the following chapters:

- Social and economic wellbeing of the population of the two banks of the Nistru/Dniester in conditions of frozen conflict – *Dr. Elena Bobcova (Tiraspol)*
- The demographic situation in Transdnistria in conditions of unresolved conflict – *Dr. Vladimir Fomenko (Tiraspol)*
- Moldovan population in the context of current migration processes – *Prof. Valeriu Mosneaga (Chisinau)*
- Social policy and human development – *Dr. Anatol Rojco (Chisinau)*
- Social protection and social provision: effectiveness of legislative regulation – *Dr. Natalia Schukina (Tiraspol)*
- The establishment of a “new” post-Soviet identity, in conditions of ethnopolitical conflict – the example of Transdnistria – *Nina Shtanski (Tiraspol)*
- Labour market issues in Moldova–Transdnistria – *Dr. Dorin Vaculovschi (Chisinau)*

The present volume is devoted to analysis of the **Negotiation Process**.

## The Essays

One of the key aims of the Collection of Essays was building capacity to generate new levels of quality in conflict policy analysis and proposals. In compiling this publication, we identified the following **‘levels’ of capacity** some of which are demonstrated by many of the authors and others which can be used as benchmarks towards which authors need to strive in future project publications:

1. Openness to be published in the same publication as colleagues from the opposite side
2. Willingness and ability to use constructive mutually acceptable style in writing
3. Understanding the necessity and making the effort to analyse the situation on both banks of the Nistru/Dniester, not only on one’s ‘home’ side
4. Ability to go beyond analysis – making constructive policy proposals and recommendations
5. Skilled writing for a non-academic audience, a key stepping stone to engaging in active advocacy on issues of conflict policy
6. Cooperating across the conflict divide to make consensus-based policy proposals for both banks of Nistru/Dniester

Based on the relative achievement of these levels of capacity which is demonstrated in the essays, it is possible to categorise them as follows:

- Essays which deal with both banks of the Nistru/Dniester and provide innovative policy recommendations (some conceptual, and some presented in detail). This category of essays can be said to have reached the Capacity Building Levels 1–5 from above;
- Essays which offer a new and insightful analysis of key issues and some constructive policy recommendations, but deal with only one of the countries/regions covered by the Project. This category of essays can be said to have reached the Capacity Building Levels 1, 2, 4 and 5 from above;
- Essays which deal with both banks of the Nistru/Dniester, offer a new and insightful analysis of key issues but which offer few action-focused policy recommendations. This category of authors can be said to have reached the Capacity Building Levels 1–3 and 5 from above;
- Essays the value of which is that they provide new and insightful analysis of key socioeconomic issues of this conflict as they relate to one side of the conflict, which have not been available to the public discourse outside of the particular author’s region (in some cases because the author has previously been unwilling to be published on the other side of the conflict divide). This category of authors can be said to have reached the Capacity Building Levels 1, 2 and 5 from above.

## Language

Authors were provided with guidance notes on the use of terms which can and do carry political meaning. In order to avoid causing offence to one group of readers or another, some middle ground terms were devised and used in this publication. The guidance notes included the following recommendations:

- When listing the two key sides to the conflict, instead of “Moldova AND Transdnistria”, authors were asked to use “Moldova–Transdnistria”, or “right bank Moldova and Transdnistria”, or “right bank and left bank of the Nistru/Dniester”, or, if appropriate, “Chisinau and Tiraspol”;
- Exceptions to the first guidance above occurred when a legitimate reason existed to be listing the two subjects sides by side, and juxtaposing them – this includes when referring to the parties in the official negotiation process, and where two distinct systems have developed e.g. two economies
- When referring to the conflict region, we have chosen “Transdnistria” in English (as used in the official negotiations), “Transnistria” in Romanian/Moldovan (Latin) and “Pridnestrovie” in Russian (Cyrillic);
- Avoid the use of terms in relation to the conflict zone which may cause offence e.g. “left bank districts”, “Transnistrian region”, “TMR”, “unrecognised republic” unless this was necessary for an analysis of the phenomena, perceptions and concepts which those terms describe; and
- The term “Moldova” or “all Moldova” was used by some authors to signify the internationally recognised territory of the Republic of Moldova, including Transdnistria and Gagauzia, unless stated otherwise e.g. where statistics are only available for a part of the Republic of Moldova, or where reference was being made to Moldova as a party to the negotiating process

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The team of Project IMPACT hopes that these volumes, and the expert community cooperation of which they are a product, will make their contribution to the building of a lasting and equitable peace in Moldova–Transdnistria, deeply rooted in the needs of the people living on both banks of the beautiful river with many names.

Igor Botan

## THE NEGOTIATION PROCESS AS A WAY TO POSTPONE THE SOLUTION

*There are conflicts, which might be resolved by the involved parties; and there are conflicts that would be resolved by the time*

The beginning of the negotiation process was the necessary condition for a controlled transition of the Transdnistrian conflict into a “frozen” state. Consequently, after the parties of the conflict together with the mediators and guarantors signed a number of binding documents, the negotiation process became a tool for participants to postpone adopting a solution that is beneficial for them until better days. Changing of the format, rotation of negotiations and their freezing led to a “deep freezing” of the conflict. From the tactical point of view, “freezing” of the conflict was in the interests of Transdnistrian and Russian authorities. Thus, after a significant period of time passed, the Transdnistrian authorities appeal to the argument that the statehood of Transdnistria has been accomplished, and that a new generation of citizens have grown up, who do not remember the past and in the future do not need to coexist together in a common state – the Republic of Moldova. In turn, Russia has used the frozen state of the conflict for its own objectives, for example, threatening the West that in case Kosovo’s independence is recognized, it would do the same for Transdnistria, among others. From the strategic point of view keeping the conflict in a frozen state is not beneficial to anyone. Because of emigration, Transdnistria has lost almost one third of its population. Russia has realised that the tactic of freezing conflicts is dangerous, as some of them de-freeze spontaneously, leading to the collapse of the CIS, in which Russia has clearly conscious strategic interests. Moldova has had to internationalize the negotiation process to the maximal extent and to control, at least somehow, the Transdnistrian export, which led in turn to an embargo of Moldovan products on the Russian market. It is not beneficial for the European Union to have on its border an unresolved conflict, which is an irritant in relations with Russia. Therefore, sooner or later it would be necessary to resolve the Transdnistrian conflict exactly by means of the negotiation process.

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### I. Introduction

The length of the negotiation process on the resolution of the Transdnistrian conflict attests that the parties involved in it are permanently waiting for some “new” circumstances that could tip the balance here or there. The main reason for uncertainty of the conflict is a different understanding by participants to the negotiation process of the definition of “final resolution of the conflict”. It is apparent from official documents and statements of top officials that for the Republic of Moldova it means elimination of factors that induced the conflict and, as a consequence, unification of the country in its borders as of January 1, 1990, which is fixed in the Constitution adopted in 1994. In this sense one can say that until now the Republic of Moldova to this day makes efforts in order to eliminate all possible reasons inducing fears among the population on the left bank of the Nistru / Dniester River.

In its turn Transdnistria understands resolution of the conflict as a process of recognition of its independence, the right for which is rationalized by historical facts and by the “Romanian threat”, which the Transdnistrians managed to eliminate having fought back at the “aggression

of Romanian nationalists”. The significant external influence on the evolution of the conflict and on the process of negotiations, first of all from the side of Russia, is permanently being converted into a rather successful propaganda campaign aimed at supporting the hopes of citizens from the left bank that Transdnistria would succeed in complete separation from Moldova, and would either become part of Russia, or would pursue associated membership with it.

First of all, let us try to clarify the reasons that contributed to the formation of the existing *status quo*, including also, what in Transdnistria is considered to be the “*raison d’être*” (the need of existence of Transdnistria), what historical evidence and arguments they give, and how serious the so-called “Romanian threat” is. Only after that it makes sense to come back to the negotiation process, the role of which was to frame the existing “*status quo*”.

There are no doubts that the Transdnistrian region has its specifics. But prior to giving historical arguments concerning the right of Transdnistria for independence, one has to answer a number of simple questions:

- If we recognize, as it is seen from the name, that in forming the MASSR from the composition of Ukraine, the self-determination of the Moldovan people occurred, then how and when did the “Transdnistrian people” appear? In order to give a correct answer, it is necessary to take into consideration also data of the last census conducted in the USSR (1989): 40 % of the population of the left bank of the Nistru / Dniester River considered themselves Moldovans, 30 % – Ukrainans and 25 % – Russians, but by no means Transdnistrians.
- How did it happen that during just one year – from 1989 to 1990 – in the framework of the USSR the “Transdnistrian people” appeared and immediately got the right for self-determination?
- How did it happen, that “genesis of the Transdnistrian people” occurred only in a piece of land between the Nistru / Dniester River and the administrative border between Moldova and Ukraine, and not in the whole territory of the former MASSR, half of which became part of Ukraine?
- How did it happen, that the “Transdnistrian people” with such a well developed feeling of self-actualization self-determined also in one of the main cities of right bank Moldova – Bendery (Tighina), which never was part of the MASSR or any other provinces of the Russian empire, except for Bessarabia?
- Why didn’t the „Transdnistrian people” form in seven villages on the left bank, quite the opposite, people rose up in arms in order to protect their right to remain under the jurisdiction of the Republic of Moldova?
- It is a very sensitive question, why did the „Transdnistrian people” who perceive themselves and their right for self-determination set up their “own” authority while being led almost *one-hundred-per-cent* by “outsiders”, who somehow suddenly absorbed and understood the specifics of the region and so on and so forth?

And, finally, about the “Romanian threat”. The unification of right bank Moldova with Romania is impossible for a number of reasons. This is a purely speculative problem. First, nobody has ever developed and presented to the public more or less justified, and therefore realistic, plan of unification. It is just that such a plan never existed – there were slogans and emotions of certain political forces and citizens, but because of democratic freedoms they had and have the right to that.

At the beginning of 1990’s, when the idea of unification with Romania was at the peak of its popularity, not more than 20% of voters supported Moldovan parties that openly or covertly supported the idea of unification with Romania, and a “symbol of unification” of sorts – Mircea

Druc – got about 3% at presidential elections in Romania in 1992. With the course of time the statistics got only worse, which is evidenced by the absolute victory of the Communist party at elections in 2001. Romania's accession to the European Union in 2007 raised a new wave of requests for Romanian citizenship from Moldovans, however, it by no means improved the situation for hypothetical unification, moreover, and it significantly limited mobility of Moldovan citizens who have the need to go to Romania.

In contemporary history there is only one successful example of unification of one country with a related country – Germany. The example of Germany is remarkable also by the fact that the performed unification is not challenged by anyone. That is why the sensible Moldovan Romanophiles and political forces of Romania can dream about unification only provided that would be an **indefeasible act** – unification once and forever. Otherwise it would have been sabotage to wish for a unification, which would be contested by neighbours, super powers, and which could have triggered subsequent breakdown and loss of existing territories, and on top of that dangerous regional destabilization. Coming back to the example of the unification of Germany, we have to remind how **indefeasible unification** is carried out – through a referendum and diplomatic persuasion, in order to avoid corresponding internal and external tension. Is Bucharest able to achieve international support, including understanding from direct neighbors – Ukraine, Hungary, Bulgaria and Serbia? It is very doubtful! Therefore, 15–20% of dreamers would keep appealing to history and this right has to be honestly guaranteed to them, the others, of course, would do everything in order to prove that the truth is on their side.

We believe that in principle a compromise solution for the Transdnistrian problem is possible; however, it depends on interests of political and economic elites on both banks of the Nistru / Dniester River, and also on interests of Russian elites.

Resolution of the conflict is possible only in the framework of the negotiation process. Today it is rather a “smoke screen”, behind which the strongest player “creates” new reality – legitimization of military presence, assimilation of property, issuance of citizenship, etc., and imposes on the feeble partner the principle “it is necessary to proceed from the existing situation”.

## II. The negotiation process

The Transdnistrian conflict has a lot of specific aspects, the main of which is that the regional super power Russia acts *de facto* in three guises: an interested participant, mediator and future guarantor of resolution. These specific aspects are reflected in the negotiation process, which can conventionally be divided into 4 periods: post-war period; period of equality of the parties of the negotiation process; confrontation period and period of internationalization of the negotiation process. Interestingly, it so happened that the periods rather clearly coincide with electoral cycles in the Republic of Moldova.

1) The Post-war Period (1992–1996) began with the signing (on July 27, 1992) by Presidents Yeltsin and Snegur (without participation of representatives of Transdnistria) of the Agreement on Principles of the Peaceful Settlement of the Armed Conflict in the Transdnistrian Zone of the Republic of Moldova. The main decisions were related to the termination of armed hostilities and disengagement of warring sides within seven days; determination of the political status of Transdnistria; and withdrawal of units of the 14<sup>th</sup> army in accordance with bilateral agreements. Russia confirmed that the Republic of Moldova has to be unified, and Transdnistria has to be a part of the unified state and to have its own political status.

During this period security issues came to the forefront. The Republic of Moldova tried to internationalize the conflict. The most serious public attempt in this respect was the speech of the Minister of Foreign Affairs of the Republic of Moldova Nicolae Tiu at the 47<sup>th</sup> session of the

General Assembly of the United Nations Organization (October 1, 1992) with the telltale title “The 14<sup>th</sup> Army as a permanent source of tension”.

In January 1993, draft documents were published in Transdnistria: “On delineation of powers” and “On establishment of the Moldovan confederation”. In the framework of the meeting of commissions of the Republic of Moldova and of Transdnistria these documents were declined by the Moldovan side. Later the parties agreed to start immediately and unconditionally the negotiation process, to eliminate barriers that hinder all types of vital activities of the republics, to establish mutually beneficial contacts. The parties recognized that it is necessary to grant to Transdnistria some state-legal status, to gradually delegate and to delineate powers, to create a system of mutual guarantees, including international ones.

In June 1994, in Bendery, an agreement was signed on the principles of cooperation between the JCC and OSCE in the Security Zone, and on October 21, the Republic of Moldova and Russia signed three exceptionally important documents: on the legal status, method and terms of withdrawal of Russian military units that were temporarily stationed in the territory of the Republic of Moldova; on flight activities of the Russian aviation temporarily located in the territory of the Republic of Moldova, and on use of the Tiraspol airfield by transport aviation of the Russian army; on social guarantees and provision of pensions to former military and members of their families. And what is especially important – the Moldovan side agreed to synchronize withdrawal of Russian troops with political settlement of the conflict. Less than four months later the Transdnistrian authorities confirmed that the Republic of Moldova voluntarily locked itself into the trap of a “vicious circle” – the troops are not withdrawn because there is no political settlement, and there is no political settlement because Transdnistrians do not want that.

Thus, in March 1995, in Transdnistria, a referendum took place on withdrawal of the 14<sup>th</sup> army (68 % of voters participated, out of which 93 % voted for retention of the Russian army).

The response of Moldova was quite predictable – termination of participation in the negotiation process. However, anticipating discussion in the Duma<sup>\*\*</sup> of ratification of the agreement on withdrawal of the 14<sup>th</sup> army, in April, Moldova decided to return to negotiations with the old idea – granting the status of autonomy to Transdnistria. However, at hearings in the State Duma, in the presence of a delegation from Transdnistria (May 24, 1995) ratification of the agreement was “postponed” until final settlement of issues between Moldova and Transdnistria.

At the same time, Ukraine was addressed with the proposal to join the peacekeeping process, in addition, agreements were signed on non-use of force with respect to each other; on speeding up settlements between enterprises of right bank Moldova and Transdnistria. The President of the RM promised not to apply any sanctions to the TMR. This meeting was considered to be a breakthrough in ensuring the mutual security of the parties.

In November 1995, at the meeting of the State Duma, Russia referred to Transdnistria as to a zone of special strategic interests of Russia and recommended to the President of Russia to examine an issue of recognizing Transdnistria as a sovereign state. One month later, on December 24, 1995, a referendum took place in Transdnistria on joining the CIS and on the draft Constitution that stipulated the sovereignty and independence of Transdnistria. 58.2 % of voters took part in the referendum, 90 % voted for joining the CIS, and 81.8 % of those who voted were “for” the adoption of the new constitution.

Response of the leadership of Moldova was predictably ordinary – a suspension of negotiations. However, in spite of that, in a remarkable manner, on February 7, 1996, Moldovan and

\* Editor's note: The document names here and ones appearing below in this paper were translated to English from the author's paper, which was originally written in Russian.

\*\* Editor's note: Duma is the Russian name for the Lower House of Parliament of the Russian Federation

Transdnistrian authorities, in the presence of representatives of Russia, Ukraine and the OSCE, signed a **protocol decision on resolution of problems that appeared in the field of functioning of customs services of the Republic of Moldova and of Transdnistria**, according to which Transdnistria agreed to remove customs posts at the entrance to the region from the side of Moldova, reserving the right of non-customs control of export of cargos from Transdnistria; to create joint customs posts at the border with Ukraine, etc. In return, starting with March 10, 1996, Transdnistria got the right of customs processing of cargos with a stamp issued by the Republic of Moldova. Having received customs stamps Transdnistria refused to fulfill the provisions of that protocol decision, though until now it insists that “negotiations can be conducted only provided all previous agreements are fulfilled”.

In June 1996, elaboration of a Memorandum on determination of the political status of Transdnistria began. The draft document was published on September 7, 1996, and contained the following provisions: non-use of force or threat of force in relations, resolution of disagreements by peaceful methods with mediation of Russia, Ukraine, and the OSCE; regulation of state-legal relations; admitting Transdnistria to participate in the foreign policy of Moldova on issues that touch upon its interests; continuation of operations of the peacekeeping forces and continuation of mediation activities by countries-guarantors; elaboration of a mechanism of guarantees, etc.

Therefore, without giving up anything, Transdnistria managed to maintain the military presence of Russia on the basis of the principle of “synchronization”, to complete its building of power structures, to become a party in the negotiation process and to get Moldovan customs stamps.

**2) The Period of Equality of the parties of the negotiation process (1997-2000).** After assumption of office, President Lucinschi tried to find cause to revise a number of the provisions of the Memorandum. However, not without “assistance” from the opposition, on May 8, 1997, in Moscow, Lucinschi and Smirnov, in the presence of the Presidents of the guarantor countries and a representative of the OSCE, signed the Memorandum “On the Bases for Normalization of Relations between the Republic of Moldova and Transdnistria”, where it was fixed that Moldova and Transdnistria were **equal parties** in the process of **building up a common state**. The Presidents of the guarantor countries also signed a **joint statement**, where they welcomed the signing of the Memorandum as an important step towards fair, comprehensive settlement of the Transdnistrian problem; it was said that provisions of the Memorandum could not contradict generally accepted norms of international law, should not be interpreted and applied in contradiction to existing international treaties, and so forth.

In two weeks, on May 24, 1997, leaders of the Republic of Moldova and Transdnistria decided to establish commissions on coordination and support for the negotiation process. In the next three months six meetings of experts of the parties took place, but already in September negotiations came to a deadlock, as the draft of the agreement “On Final Settlement of the Conflict and Delineation of Powers between the Republic of Moldova and Transdnistria” elaborated by the OSCE was rejected by Transdnistria on the grounds that it failed to take into consideration proposals of the Transdnistrian side. One month later Transdnistria rejected the draft agreement “On the Main Directions and Specific Measures in the Field of Separation and Delegation of Powers between Governing Bodies of the Republic of Moldova and of Transdnistria”. And one more month later Transdnistria rejected the proposal of Moldova “On Mutual Guarantees”. Therefore, in practice, Transdnistria was asserting its status of an **equal party of the negotiation process**. Meanwhile, the State Duma of Russia held parliamentary hearings “Russia-Moldova-Transdnistria”, showing approval of the behaviour of Transdnistrian authorities.

Changing approaches, on January 15, 1998, Moldova submitted for consideration the agreement “On certain principles and specific measures on restoration of a united economic, social

and legal space in the framework of a common state”. The document once again turned out to be unacceptable for Transdnistria, which in response submitted a package proposal “On the statehood of the TMR” aimed at the formation of state-legal relations with the Republic of Moldova.

Only on February 17, 1998, relations were to a certain extent unblocked. However, agreement to restart activities of working commissions was achieved only in half a year. It happened after the March meeting in Odessa of Kuchma, Lucinschi, Chernomyrdin and Smirnov, where they signed the agreement “On Confidence Measures and Development of Contacts between the Republic of Moldova and Transdnistria”, which envisaged that Ukrainian peacekeepers would be deployed in the security zone as military observers. Consequently, on July 21, 1998, Lucinschi and Smirnov signed an agreement “on guarantees of security in the field of operation of reconstructed bridges across the Nistru / Dniester River”; and a protocol decision on the issue of operation of the rail road in the territory of Transdnistria. Nine Ukrainian military observers began their activities in the Security Zone on August 25, 1998.

A period of relative calm and of a slowly moving negotiation process began. In July 1999, Moldova and Transdnistria signed a package of documents on cooperation in the socioeconomic sphere and, in the presence of mediators of the negotiation process, a joint statement was adopted on the building of relations between the parties on the principles of common borders, and a common economic, legal, defense and social space. However, the most important event of year 1999 was adoption by Russia at the OSCE Summit in Istanbul of commitments to complete the withdrawal of Russian troops from the territory of the Eastern districts the Republic of Moldova by the end of 2002.

Approximately one year later, in March 2000, in Kiev, under the aegis of the Ministry of foreign Affairs of Ukraine a meeting was held with participation of representatives of Russia and the OSCE, in the course of which principles of building up a **common state** were discussed.

The Constitutional crisis in the Republic of Moldova (2000), that resulted in early parliamentary elections, in which the Communist Party gained absolute victory, hindered implementation of the “common state” project.

By the end of the second period, Transdnistria had managed to become a party of the negotiation process equal with Moldova.

**3) The Confrontation Period (2000-2005).** At first, everything developed encouragingly and rapidly:

- On April 9 – a meeting Voronin-Smirnov, where the state and the course of the negotiation process were discussed, as well as resumption of work of expert groups; relevance of documents that were signed earlier; joining the Union of Belarus and Russia; granting to the Russian language the status of the state language; recognition as valid in the territory of Moldova and Transdnistria of documents issued by competent authorities of the parties; unimpeded activities in the territory of Transdnistria and of the Republic of Moldova of mass media, dissemination of printed publications and TV programs of the sides, etc;
- On May 5, Ilie Ilascu was released unexpectedly.

However, “early in the morning on May 13, the cortege of the President of the RM Vladimir Voronin arrived from Chisinau to the Bendery checkpoint located on the border of Moldova and Transdnistria. The President was accompanied by about 40 persons, among whom was the Moldovan Metropolitan Vladimir, the president’s guards, Moldovan policemen and numerous representatives of mass media”<sup>1</sup>. Transdnistrian border guards did not let the cortege pass, and that was the beginning of the confrontation period. Though three days later, on May 16, 2001, Voronin met with Smirnov in order to sign the following:

- Protocol on harmonization of tax and customs legislation;
- Protocol on attraction and mutual guarantees of foreign investments;
- Protocol on mutual recognition in the territory of the Republic of Moldova and Transdnistria of documents issued by relevant bodies of both parties;
- Protocol on promotion of unobstructed activities of mass media in the territory of the Republic of Moldova and Transdnistria, dissemination of printed publications and TV programs.

The State Duma of Russia (on July 4, 2001) adopted a decree “On addressing presidents of the Russian Federation, Republic of Belarus, the Republic of Moldova and the Transdnistrian Moldovan Republic concerning provision of necessary conditions for further progress in the issue of joining of the Republic of Moldova and Transdnistria to the Union State”. However, from September 1, 2001, customs stamps issued by Moldova in March 1996 were cancelled. The so-called “customs blockade” of Transdnistria began.

Relations deteriorated to such extent that on January 18, 2002, the authorities of Transdnistria officially addressed “presidents, parliaments of guarantor states of the negotiation process with a request to send their representatives for the purpose of studying the situation and elaboration of joint approaches to the settlement of relations between Transdnistria and the Republic of Moldova”.

In July 2002, in Kiev, a draft of the legal status of Transdnistria elaborated by the OSCE was presented. The OSCE Plan reproduced articles of the Constitution of Russia concerning authorities of constituents of the federation and was beneficial for Moldova. Transdnistrian authorities “did not notice” the OSCE proposal and the opposition in Moldova criticized the OSCE proposal on federalization of the country.

Nevertheless, at the beginning of 2003, the principles of “asymmetrical federalization” of Moldova were published, on the basis of which experts of OSCE, Moldova and Transdnistria had to elaborate a model of asymmetrical federation. At the same time, Russian experts under the leadership of Dmitry Kozak began working on the alternative document “On the basic principles of the state structure of a united state”, which was presented to the parties on November 17, 2003. Voronin and Smirnov gave public promises to sign the document which was named the “Kozak Memorandum”. However, President Voronin, at the very last moment refused to sign the document. The reason was pressure from the side of the opposition that organized mass protests, and international partners and organizations (USA, OSCE and EU).

In addition, very strange facts were detected. The text of the Kozak Memorandum<sup>2</sup> did not envision a placement of new contingents of Russian peacekeepers – the thing confirmed also by one of the authors of the text, Dmitry Kozak, who on November 17, 2003 stated that “at present, Russia does not raise the issue about military guarantees for a peaceful settlement in Transdnistria”<sup>3</sup>. However, only four days later, on November 21, 2003, the Russian Minister of Defense Sergey Ivanov, quoted by the ITAR-TASS agency, stated absolutely the opposite. Sergey Ivanov instructed the General Staff of the RF to elaborate proposals on formation of stabilization peacekeeping forces of the RF, which would be deployed in Moldova with the consent of Chisinau, ITAR-TASS informs. The Minister of Defense of the RF reported that strength of the peacekeeping contingent should not go beyond flank limits adopted in the framework of the Treaty on Conventional Armed Forces in Europe, meaning that the number would not exceed 2 thousand persons. They would be deployed in the territory of the future Moldovan Federation for the transitional period until complete demilitarization of the state, but not beyond 2020. Sergey Ivanov noted: “Peacekeeping forces would be deployed without heavy military equipment and munitions. Now our service personnel do only one thing – they guard warehouses. In the future their task would change –

they would control the process of demilitarization. They will have in service light weapons and helicopters”<sup>4</sup>. But the most dangerous thing in the Kozak Memorandum was that it proposed to transform the Republic of Moldova into a federation, in which Transdnistria retained all its state structures and at the same time received a veto right – for all reforms of the state structure of Moldova – unheard of in terms of its power. Quite unexpectedly, Smirnov began to admit this; he emphasized that “he did not intend to reunite with Moldova”, and in the framework of the Kozak Memorandum he just intended “to build common state – confederation, and Transdnistria had the right of veto there”<sup>5</sup>.

After the embarrassment with the Kozak Memorandum, the negotiation process was suspended for a long time; Moldova’s relations with Russia cooled noticeably, and the search for a solution for the Transdnistrian conflict shifted outside of the negotiation process.

Thus, on June 1, 2004, the President of Moldova put forward the idea to sign the Stability and Security Pact for the Republic of Moldova (SSPRM). According to the conception of the Moldovan side, implementation of this initiative would have been equal to achievement of “multilateral compromise” between Russia, USA, Romania, Ukraine and European Union (EU) on a “whole set of matters of principle concerning the Moldovan state”, which could become a “pledge of long-term stabilization of the situation in the region”. *Inter alia*, five issues were mentioned that required a consensus position and guaranteed support from the named parties:

1. accomplishment of the territorial integrity by Moldova,
2. creation of conditions for guaranteed participation of the whole society in a free democratic process on the whole territory of the RM,
3. cultural, ethnic and language diversity as a fundamental value of the multiethnic state of the RM,
4. formation of the common defense space of the Republic of Moldova on the basis of development and strengthening of permanent neutrality of the RM, guaranteeing strategic neutrality of the RM,
5. the complete and final settlement of the Transdnistrian issue on the basis of federal principles of state structure.

And if the parties failed to achieve mutual understanding on issues outlined by the head of the Moldovan state, this “would determine obvious consequences for stability and security in the region”.

However, this proposal did not get any tangible international support, and with that topped up “the piggy bank of unrealized opportunities”.

**4) The Period of Internationalization of the Negotiation Process (2005-...).** The special nature of the Transdnistrian conflict is in the fact that the external factors that influence its state and development are significantly more important than the internal factors.

On March 23, 2005, the Council of the European Union appointed an EU Special Representative for the Republic of Moldova. It was planned to focus his mandate on coordination of the contribution of the EU to the resolution of the Transdnistrian conflict. In the framework of his visit to Chisinau on April 11-12, 2005, the EU Special Representative for the Republic of Moldova Adriaan Jacobovits de Szeged stated that though the European Union does not have any specific plan of Transdnistrian settlement, it is ready to make proposals that might turn out to be useful; and that the EU would support any plan of Transdnistrian settlement, which would propose efficient and functional separation of powers between the center and the periphery, whatever the principle of settlement would be – federation, autonomy, etc.

In the absence of any settlement plan for the Transdnistrian conflict, at the summit of heads of GUUAM countries that took place in Chisinau on April 22, 2005, the President of Ukraine



Victor Yushchenko presented seven principles brought together under the common title “Toward a Settlement through Democratization”, meant according to the intention of authors, to serve as the core of the future Transdniestrian settlement:

1. readiness of Tiraspol to take responsibility for democratization of the region, development of civil society and a multi-party system;
2. to hold within the shortest possible time free and fair elections to the Supreme Council of Transdniestria, as the representative body of the region, on legal conditions envisioned by the status of Transdniestria;
3. to ensure monitoring of these elections by the EU, OSCE, Council of Europe, Russia and the USA alongside with Ukraine;
4. more active involvement of the EU and USA in the settlement process;
5. transformation of the current peacekeeping format into an international mission of military and civil observers under the aegis of the OSCE with participation of a larger contingent of Ukrainian and Transdniestrian military personnel;
6. arrangement of an international inspection at enterprises of the military-industrial complex of the region;
7. organization of a short-term monitoring mission of the OSCE at the Transdniestrian section of the Moldovan-Ukrainian border.

#### A. *The Ukrainian plan*

On May 16-17, 2005, in Vinnytsia, another round of consultations between the parties of the conflict and mediators in Transdniestrian settlement took place. The main topic of the meeting was the plan of Transdniestrian settlement proposed by Ukraine. The OSCE Mission in Moldova positively responded to the proposals made by Ukraine. Representatives of the Republic of Moldova, Transdniestria, OSCE and Ukraine decided to invite the EU and USA to join the negotiation process as observers.

The Ukrainian “Plan for Settling the Transdniestrian Problem” was published on May 20, 2005. The Moldovan side, though with certain reservations, accepted the “Ukrainian Plan”. Implementation of this project was to drastically change the role of Russia – from an actively offensive one to a defensive one, i.e. in defense of own interests and the interests of the separatist region. In that sense the interests of Russia and Transdniestria fully coincided.

The USA and EU were so satisfied that the Plan envisioned ensuring political stability in the region without a strengthening of Russian military presence that the actual model of settlement (federation, unitary state, etc.) was of no particular importance.

In general, the “Ukrainian Plan” is similar to provisions concerning the status of the Crimean Autonomous Republic as part of Ukraine:

- the Republic of Moldova is a sovereign, independent and territorially integral state, the only subject of the international law;
- Transdniestria is an “administrative-territorial unit in the form of a republic” as part of the RM, which has its symbols (flag, coat of arms, anthem) used together with symbols of the RM, three official languages, etc. (all that, evidently, was borrowed from the Crimean model);
- Reintegration of the RM envisions the “creation of common legal, economic, defense, social, customs, humanitarian and other spaces of vital activities of the state”.

The “Ukrainian Plan” also contained provisions and clauses borrowed from earlier agreed documents, starting with the Moscow Memorandum (1997) and finishing with the initiative of President Vladimir Voronin on the Stability and Security Pact for the Republic of Moldova (2005).

For example, the provision concerning the right of Transdniestria to take part in the implementation of foreign policy of the Republic of Moldova on issues that touch upon its interests, to establish and maintain external contacts in economic and other areas was taken from the Moscow Memorandum of 1997, but in the new version: rights are exercised according “to the procedure determined by the legislation of the Republic of Moldova”, and not by coordination of the parties. The pentilateral format of the negotiation process was retained, though it was extended (the RM and Transdniestria as the parties, the Russian Federation, Ukraine, OSCE as mediators), with the presence of observers (representatives of the United States and the European Union). The Minister of Reintegration, Vasili Sova, referred to this new, at first glance, formula as a “floating format”. The document envisioned the possibility of the participation of the USA and EU in certain events related to implementation of the “Ukrainian Plan”: a) control over the procedure of conducting elections to the Supreme Council of Transdniestria; b) assistance in preparation of the Law of the Republic of Moldova on the special legal status of the Transdniestrian region of the RM; c) participation in the work of the Conciliation Committee meant to contribute to overcoming possible disagreements in issues of execution or interpretation of provisions of the Law of the Republic of Moldova on the special legal status of the Transdniestrian region of the RM by the parties. The only exceptions are “relevant international-legal measures based on generally accepted norms and principles of international law”, in case one of the parties fails to comply with provisions of the plan – this right is reserved for the Russian Federation, Ukraine and the OSCE. Of course, not a word is said about the nature of the measures.

The term, stages and sequence of events represented the most interesting part of the “Ukrainian Plan”. Thus, it was suggested to settle the conflict in three stages (not more than 6 months each):

*The first stage* – legal fixation of the “main provisions of the status of Transdniestria in the framework of the Republic of Moldova”:

- Adoption by the Parliament of the RM of the **Law of the Republic of Moldova on Basic Provisions of the Status of the Transdniestrian Region of the RM**, which legally fixed the aforementioned principles (by July 25, 2005).
- Elections to the Supreme Council of Transdniestria “under control of international observers, EU, OSCE, Council of Europe, USA, Russia, Ukraine and other democratic states”. Elections “under international monitoring” were meant to legalize the Supreme Council of Transdniestria, which, it was supposed, would accept all basic principles of the status of the Transdniestrian region and would agree to act in accordance with them (not later than October – November 2005).

Clearly, implementation of these actions was possible only if the authorities of Transdniestria and Russia signed the “Ukrainian Plan”.

*The second stage* – **allocation of powers** between central governing bodies of the Republic of Moldova and governing bodies of Transdniestria:

- The Parliament of the RM adopts the Law on the Special Legal Status of the Transdniestrian Region of the RM.
- The Supreme Council of Transdniestria adopts a normative-legal act, by which it accepts the Law on the Special Legal Status of the Transdniestrian Region of the RM.

It was expected, and this is important, that the draft Law – the document on sharing of powers – would be elaborated by a joint (Moldova-Transdniestria) parliamentary commission of the RM on preparation of the draft law on the special legal status of the Transdniestrian region.

*The third stage* – “full settlement of the Transdniestrian issue” by means of “legal guarantee of the special status of Transdniestria in the composition of the RM”. The parties – the Republic

of Moldova and Transnistria, together with the guarantor countries – the Russian Federation, Ukraine, OSCE, with support of the USA and EU had to develop an **Agreement between the Republic of Moldova, Russian Federation, Ukraine and OSCE on guarantees of the Republic of Moldova’s compliance with the Law on the Special Legal Status of the Transnistrian Region of the RM**. After the agreement was approved by the Parliament of the Republic of Moldova, the Law on the Special Legal Status of Transnistria would come into effect and the new Constitution of the region was to be adopted (by the Supreme Council of Transnistria).

In spite of the fact that initially Transnistrian authorities positively responded to the proposals of the President Yushchenko, later Tiraspol rejected the plan of democratization, which had to result in the beginning of the campaign for elections to the Supreme Council for candidates and parties of the Republic of Moldova. Russia showed solidarity with Transnistria.

In Chisinau they started actively implementing the “Moldovan part” of the Plan:

- On June 10, 2005, at a special meeting, the Parliament of the Republic of Moldova unanimously adopted the Decree on the initiative of Ukraine on settlement of the Transnistrian conflict and on measures for the democratization and demilitarization of the Transnistrian region, which had as integral parts three documents: (i) the Declaration on the initiative of Ukraine on settlement of the Transnistrian conflict, (ii) the Address concerning the criteria of democratization of the Transnistrian region of the Republic of Moldova and (iii) the Address concerning principles and conditions of demilitarization of the Transnistrian region.<sup>6</sup>

We have to note that the Decree not only reflected the Parliament’s position concerning the Yushchenko Plan, but also proposed a number of measures to supplement it. In particular, it urged the authorities of Ukraine to take the necessary measures to strengthen the Transnistrian section of the Moldovan-Ukrainian border.

- On July 22, the Parliament of the Republic of Moldova adopted the Law on Basic Provisions of the Special Legal Status of Localities from the Left Bank of the Nistru / Dniester (Transnistria).<sup>7</sup> According to the Law, the Transnistrian region is proclaimed to be a territorial-administrative formation in the composition of the Republic of Moldova, which would be exercising its powers in accordance with provisions of the Constitution of Moldova. Localities would become part of the Transnistrian region on a purely voluntary basis based on the results of a referendum. The Transnistrian autonomy would be represented by the Supreme Council. The first elections to that body would happen under the aegis of the OSCE but only after withdrawal of Russian troops, and the demilitarization and democratization of the region. The law envisions adoption of the new law on the special legal status of Transnistria, which would delineate powers between central public authorities and the Transnistrian administration and would determine the system of internal guarantees developed in the framework of the negotiation process. Importantly: the introduction of changes (additions) to the Law, and also its cancellation are possible only if they are supported by at least 3/5 of the votes of Parliament members.

Other participants of the pentilateral format of negotiations noted (Ukraine) and condemned (Russia and Transnistria) the unilateral adoption of the Law by the Parliament of the RM without consultations with the Transnistrian side.

- In pursuance of the Law on basic principles of the special legal status of Transnistria, on July 30, the Government of the Republic of Moldova urgently adopted two decrees: i) on confirmation of new guarantees for the population of Transnistria<sup>8</sup> and ii) on arrangement of cargo traffic that are the subject of foreign trading activities of Transnistria.<sup>9</sup>

- On October 7, 2005, in Palanca, the European Commissioner for External Relations and European Neighborhood Policy Benita Ferrero-Waldner, the Minister of Foreign Affairs and European Integration of the Republic of Moldova Andrei Stratan and the Minister of Foreign Affairs of Ukraine Boris Tarasiuk signed a Memorandum-agreement between the European Union, the Republic of Moldova and Ukraine regarding a border assistance mission.
- On November 30, in Odessa, the EU High Representative for the Common Foreign and Security Policy Xavier Solana and the European Commissioner for External Relations and European Neighborhood Policy Benita Ferrero-Waldner opened the EU assistance mission at the Moldovan-Ukrainian border. Ministers of Foreign Affairs of Moldova and Ukraine took part in the ceremony. The mission had to provide support in prevention of smuggling, trafficking and customs violations at the Moldovan-Ukrainian border, including on its Transnistrian section, and was planned for two years with a possibility of extension.
- On September 27-28, 2005, in Odessa, in the course of consultations of representatives of the parties of the conflict and mediators from the OSCE, Russian Federation and Ukraine, a decision was made to involve the EU and USA into the negotiation process as observers. The status of observers of the EU and USA is set in accordance with the OSCE protocol on rights and duties of observers in the negotiation process.

Observers have the right to participate in official meetings, to speak and ask questions, but cannot sign documents adopted in the course of negotiations and do not take part in the decision-making process. At the same meeting the parties agreed to resume the negotiation process on October 27-28 in Chisinau and Tiraspol in the “5+2” format.

The first round in the new format gave no specific results. On December 15-16 in Chisinau and Tiraspol the second round of negotiations on Transnistrian settlement in the “5+2” format took place. Participants of the round of negotiations adopted the final protocol, according to which, by the next meeting of negotiators, OSCE experts had to prepare a draft mandate of the international mission on assessment of the situation in Transnistria in view of pending democratic elections in the region. The protocol envisioned that the Transnistrian side would provide full information on troops and armaments in its possession, in accordance with the package of documents on confidence and security building measures elaborated by the OSCE and issued to the parties in July 2005. The participants addressed the Chairman of the OSCE with a request to send to the region a mission on monitoring of the military-industrial complex of the region and discussed the situation in the security zone, on which the OSCE gave a number of recommendations to the parties.

On December 15-16, 2005, the Presidents of Russia and Ukraine made a joint statement on the process of Transnistrian settlement. According to the statement, the Russian Federation welcomed Kiev’s initiatives on the Transnistrian problems, and Ukraine considered “relevant” the latest proposals made by Russia – without clarification, which proposals are meant. Russia and Ukraine confirmed their commitment to reached agreements on the Transnistrian issue and believed that effective resolution of the conflict could be ensured only by a comprehensive system of guarantees. The Presidents of the two countries noted the stabilizing role of the current peacekeeping mission in the region and considered it reasonable to transform it into a peace support operation under the aegis of the OSCE after settlement of the Transnistrian conflict.

On December 30, 2005, a joint statement of heads of governments of Moldova and Ukraine was made, according to which from January 25, 2006 transit of Moldovan goods via the border with Ukraine was to be done only on the basis of Moldovan customs documents. Due to certain

reasons dictated by internal political considerations (pending Parliamentary elections) Ukraine postponed putting into effect the provisions of the joint statement of December 30, 2005.

The third round of negotiations in the “5+2” format was held on January 26-27, 2006, in Tiraspol and in Chisinau; and similarly to the two previous rounds gave no results. Consultations on the issue of transit of Transdnistrian cargos via the border with Ukraine continued in Odessa on February 1. On February 27, the next round of negotiations in the “5+2” format began, but the next day, on February 28, 2006, the Moldovan delegation left the negotiations. One day later, on March 1, Yuriy Yekhanurov, Prime Minister of Ukraine, signed Decree No. 112-r, which envisioned that only those Transdnistrian cargos could cross the border with Ukraine, which had customs clearance of Moldova. From March 3, 2008, the new customs regime at the Transdnistrian segment of the Moldova-Ukraine border was put into operation; Transdnistria referred to this as to the “beginning of a full-scale economic blockade of Transdnistria by Moldova and Ukraine”. It served as a reason to also “freeze” the negotiation process, which is still the case.

Transdnistria, supported by Russia, began preparing to conduct on September 17, 2006, a referendum, in the course of which the population had to choose between the possibility to reunite with Moldova and independence with subsequent accession to the Russian Federation. It is noteworthy, that both Transdnistria and Moldova tried to ensure support of their positions, correspondingly, the right to be independent from Moldova and vice versa with the help of international research centers.

On July 19, 2006, a conference took place in Chisinau, where the results of a study carried out by the Association of the Bar of the City of New York (ABCNY) were presented, titled “Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova”,<sup>10</sup>. A summary of the conclusions is given below:

- a) Transdnistria does not have any right for self-determination. Separation without consent of the Constitutional authorities of the Republic of Moldova is prohibited by international law;
- b) The Transdnistrian regime can be viewed as a regime *de facto*, which has certain rights and duties. Management of state property by this regime in Transdnistria, in accordance with the same provisions of the international law, should be viewed as actions of an *occupation regime*, which can only use this property for the benefit of the population, but cannot dispose of it and, of course, cannot alienate it. In other words, privatization under the auspices of the Transdnistrian authorities is unlawful, and foreign companies that took part in privatization in Transdnistria have to be prepared that their right would be appealed against;
- c) Russia as a third party involved in the conflict went beyond its authorities as a mediator and openly provided support – military, economic and diplomatic – to the separatist regime in the territory of the Republic of Moldova.

At the end of June 2006, in Transdnistria, a report was presented “State sovereignty of the Pridnestrovskaja Moldavskaia Respublica (Pridnestrovia) under international law”<sup>11</sup> prepared by the International Council for Democratic Institutions and State Sovereignty (ICDISS). The main conclusion of the report was that “Transdnistria has an effectively functioning government, its own borders, constitution, currency, taxation, legislation and a population exceeding the populations of many countries that are U.N. members”.

It is noteworthy that the researchers (ABCNY and ICDISS) analyzed only one issue, used practically the same sources, but came to polar opposite conclusions. Such obvious disparity motivated the British journal *The Economist*<sup>12</sup> to carry out its own investigation. As there are no names of authors of the document placed on the ICDISS website, *The Economist* addressed the

International Council asking for explanations. According to the information published in the magazine, ICDISS refused to officially confirm the names of authors of the report.

The growth of tension related to the blockade of Transdnistria, the retaliatory embargo by Russia, the “research war” bode no good. That is why, from August 2006, the efforts of Chisinau were significantly concentrated in the framework of proactive Moldovan-Russian dialogue. During that period multiple meetings of the Russian and Moldovan Presidents took place, and the deputy Secretary of the Security Council of Russia Yuri Zubakov engaged in active shuttle diplomacy. The main topic of these meetings became the Transdnistrian issue through the prism of the “package proposals” of Moldova. Moldovan-Russian consultations were conducted outside of the negotiation format “5+2” without the participation and without informing of the other mediators and observers about the contents of the dialogue between Moldova and Russia, causing the concern of Western partners of the Republic of Moldova and of the local and international community.

After several months of silence, at a meeting with ambassadors (June 29, 2007), the President of Moldova explained the concept of the “package”, which according to the key points of the speech, “distilled” for the press included determination of the status of Transdnistria, guarantees for the population, confidence measures, mechanisms of demilitarization and keeping the status of neutrality by Moldova, issues related to recognition of Transdnistrian property. In spite of the fact that many European diplomats, including the EU Special Representative for Moldova Kalman Mizsei, stated that the package of Moldovan measures is “a good basis for negotiations” and expressed understanding in connection with the attempts of Moldova to raise the Transdnistrian issue in the framework of the bilateral dialogue with Russia, the lack of transparency of these negotiations and directing them to a route parallel with the “5+2” format undermined trust in Chisinau and placed in question the constructive nature of the Moldovan position. Such assessments urged Moldovan authorities to elaborate in more details their approach to resolving the Transdnistrian conflict.

### **B. October initiatives of the President Voronin (2007)**

A new approach to the issues of Transdnistrian settlement was voiced by President Vladimir Voronin in interviews to such newspapers as “Komsomolskaya Pravda” (October 4, 2007) and “Izvestia in Moldova” (October 10, 2007). The essence was the following:

- It was proposed to mediators and observers of the “5+2” format to start looking for a solution concerning the status of Transdnistria;
- It was proposed to Chisinau and Tiraspol:
  - To implement measures on restoration of confidence between citizens of both banks of the Nistru / Dniester River by means of joint resolution of humanitarian, economic and infrastructure problems;
  - To carry out demilitarization of the whole territory of the Republic of Moldova, including Transdnistria, by means of decommissioning of heavy equipment;
  - To unite the army and to make it a purely peacekeeping force that responds to requests of international organizations;
- Demilitarization and army reforms have to be supported (including financial support) by mediators and observers of the negotiation process.

The head of state also identified a number of principled issues for Moldova, related to the internal and external political context of settling the conflict:

- The Republic of Moldova would not refute its constitutional neutrality under any circumstances – this is one of the political postulates for the governing party, one of the cornerstones of the idea of national security, and that is unconditional;

- The Republic of Moldova would not give up the idea of a withdrawal of the Russian military contingent involved in the peacekeeping mission. The military has fulfilled its functions, at that stage of the conflict only civil observers are necessary;
- The Republic of Moldova would not give up the EU mission on monitoring of the Transnistrian section of the Moldovan-Ukrainian border. Transnistrian business positively evaluates the new export mechanism.

While explaining these principles, President Voronin expressed confidence that the existing situation is irreversible. “We will not come back to the restless situation of the 1990’s. Neither Moldova, nor Ukraine, nor the EU or Russia would ever allow that. Nobody needs that headache any longer. In addition, in the current situation Transnistrians are interested not in criminal economic schemes, but in legalization of property – from hairdressers to large enterprises – in the generally recognized legal field”, Voronin stated.

There is no clear answer so far to only one principal question – the attitude of the President to the Law on Basic Provisions of the Special Legal Status of Localities from the Left Bank of the Nistru / Dniester (Transnistria), which is especially important in conditions, when the search for a solution of the Transnistrian issue is trusted to mediators and observers of the negotiation process. To be fair, we have to note that at the meeting with the diplomatic corps at the end of June 2007 the head of the state stressed that the “package of proposals” addressed to the Russian Federation does not envision repudiation of the said law.

The President of Moldova noted that there are questions related to the status of Transnistria, where “one cannot do without common efforts of the fully functioning negotiation format”. And irrespective of how difficult it is for superpowers to focus again their attention on the Transnistrian issue, they would come back to it, though one should not “miss the opportunity of one’s own influence on the situation”. In that sense, it is necessary to concentrate on problems “that can be resolved without resorting to the services of mediators” – as a result many people on both banks of the Nistru / Dniester River would win out.

#### ***Proposals in the field of infrastructure and the humanitarian sphere:***

- Liquidation of border, pseudo-customs and police posts along the Nistru / Dniester River, which do not play any role or function, but create problems, especially for the movement of people and cargos. “All that army of officials in shoulder boards can quietly deal with other tasks”;
- Solving infrastructural problems can start with restoration of the international transport corridor Leuseni-Chisinau-Dubasari getting out into Ukraine;
- Opening of the bridge over the Nistru / Dniester River in Gura-Bicului, which was restored five years ago with € 2 million of support from the European Union;
- Restoration of unity of railroads and the rights of a single owner – the state – with proportional allocation of revenues from the operation of the railroad, which should be electrified;
- Organization of joint television, which would not be under control of authorities of Chisinau or Tiraspol, but rather be managed by civil society;
- Gradual accreditation of the Tiraspol University by the Ministry of Education of the Republic of Moldova so that diplomas of that university would be recognized outside Transnistria as well;
- Proportional distribution of humanitarian aid;
- Building confidence with each other until it becomes possible to remove all restrictions for movement of Transnistrian officials. Moldova could promote the relevant initiative to the EU countries and the USA.

#### ***Proposals on demilitarization and disarmament:***

- In the foreseeable future Chisinau and Tiraspol have to liquidate all heavy military equipment, all rocket systems. That equipment can be re-melted at the Moldovan Steel Works (in Ribnita);
- Chisinau proposes to Tiraspol to unite the armed forces under sole command. United armed forces have to act on the basis of territorial recruitment of military units; they cannot be used to ensure law and order and public security;
- That process should not affect the social status and material situation of those serving in the military. It is not easy to achieve this goal, as the army provides jobs to thousands of professional military on both banks of the Nistru / Dniester River; is a social institution, and is a school of life for the youth, especially rural youth, as they are able to master a trade in the army;
- In the united army instead of military units military-training centers would be established, where instructor-officers would work under contract;
- There should not be any regular soldiers at all. Instead of them there is mandatory recruitment of students for half a year to teach them the “military trade”. Upon completion of that period of service, those who wish would be able to enter into a contract and to continue service in one of such centers. This is a formula for the reduction of the army and for more economical spending of budgetary funds;
- It is necessary to persuade Transnistria, the citizens who live there, that this way – demilitarization – is the optimal one.

Meanwhile, taking into consideration the existing lack of trust, the lack of proper experience and limited own funds, the President of Moldova addressed the international community with the request:

- to fund programs of social rehabilitation of those serving in the military;
- to create conditions for retraining of those serving in the military by means of mastering civilian professions;
- to turn military facilities into military-training centers.

Moreover, the President expressed confidence that Moldova’s external partners – the USA, NATO countries, Ukraine and Russia – are interested in such a transformation of the Moldovan army. Only in case of their consolidated support, the head of state emphasized, it will be possible to resolve all these issues.

#### ***Resonance in Transnistria on President Voronin’s October 2007 Proposals***

The response of Transnistrian officials to President Voronin’s initiatives was predictable: some ironic and even sarcastic, and some more favourable opinions and positions were expressed.

The Transnistrian leader Igor Smirnov referred to President Voronin’s October 2007 initiatives as pure propaganda. According to him, practically on all proposals in the humanitarian and economic spheres there were documents signed by authorities of Moldova-Transnistria.

Proposals on demilitarization and disarmament were received more categorically in Transnistria, saying that after the “case” with the “Kozak Memorandum”, which envisioned, among other things, also the demilitarization of the Republic of Moldova and of Transnistria, it is now impossible to believe President Voronin.

The shortest comment on the initiatives of the President Voronin was given by the Minister of Foreign Affairs of Transnistria Valeriy Litskay, who referred to them as uninteresting, unfeasible and untimely.

### III. The model of associated membership of Transdnistria with Russia

There are all the signs that the Russian elites have decided for themselves to apply the so-called Puerto Rican model of associated membership with Russia with respect to frozen conflicts on the territory of the CIS.<sup>\*</sup> This approach was publicized back in 2000 by the director of the Institute of CIS Countries, Konstantin Zatulín.

The wording of the question of the Transdnistrian referendum – “*Do you support the Transdnistrian Moldovan Republic’s course to independence and subsequent free unification with the Russian Federation?*” only confirms that intentions to use the model of associated membership of Transdnistria with Russia exist in reality.

The “Special Case of Kosovo” only complicated the situation. On March 13, 2008, the Duma held hearings “On the situation with settlement of conflicts in the territory of the CIS and appeals to the Russian Federation with requests to recognize the independence of the republics of Abkhazia, South Ossetia and of the Transdnistrian Moldovan Republic». In the course of debates Russian members of Parliament emphasized that these three separatist enclaves appeared due to expression of will by majority of their inhabitants. In spite of the absence of international recognition, international relations are applicable to them, as in the course of 16 years the jurisdiction of Georgia and Moldova did not cover these territories. On March 21, the State Duma sent an Address to the Russian Government with specific recommendations: opening of a representative office of the Russian Federation in the territory of Transdnistria, Abkhazia and South Ossetia, strengthening of economic and trading cooperation with separatist enclaves; establishing a simplified mode of crossing the border with the Russian Federation by citizens of these three enclaves; opening of branch offices of the Russian bank “Sberbank” in their territories. How much more remained until a recognition of associated membership in the framework of “international law”?

In relations with Moldova, Russia confirms its commitment to respecting sovereignty and territorial integrity, and the settlement of the Transdnistrian conflict at the negotiations table on the basis of equality of the parties and mutually acceptable solutions, without pressure. And if Chisinau decides to exercise pressure, then Russia would take “*adequate*” and “*asymmetric*” measures aimed at ensuring “*equality of the parties*”.

Experience shows that any uncoordinated action of Moldovan authorities with respect to Transdnistria is immediately countered by “asymmetric and adequate measures”, mostly, from the side of the main guarantor and mediator of the negotiation process. In that sense, Russia makes efforts to ensure the equality of the parties involved in the conflict. The method, by which Russia, due to its power, ensures this very “equality”, is very interesting. In that sense Russia has several arguments that it can use at its discretion:

- a) The Primakov Memorandum of 1997 signed by President Lucinschi unambiguously envisions the “equal nature of the subjects”. In the international law “Memorandum” is nothing more than a mere statement of intentions and its only relevance is the one given to it by mutual consent of agreeing parties. Thus, the present authorities of the Republic of Moldova do not tend to recall the Primakov Memorandum, while the Russian side considers it to be the major milestone in the settlement of the conflict between Chisinau and Tiraspol;
- b) Refusal in 2003 to sign the “Kozak Memorandum” – the document developed at the request of the Moldovan side – is mentioned by the Russian side in order to emphasize “dependence of Moldovan policy on the negative influence of the West”, which “torpedoed the practically ready resolution” of the Transdnistrian conflict;

<sup>\*</sup> A model of a voluntary association, under which, on the one hand, the associated country remains in a way independent, and on the other, delegates some powers to the country with which it is associated.

- c) The energy dependence of the Republic of Moldova, as well as its dependence on the Russian market for sales of Moldovan goods, are the main pressure levers in ensuring the “equal nature of the subjects” involved in the conflict.

### IV. Conclusions

1. After 18 years, **the Transdnistrian conflict changed its essence** during the time of conducting the negotiation process from 1995 when it was launched. At the present stage:

- On the **local level** the conflict turned into a field of confrontation of political and economic interests of elites of the different banks of the Nistru / Dniester River. Historical, ethnic, linguistic and other factors can be overcome provided there is a will and interest to resolve the conflict;
- On the **international level** the conflict has transformed into a rivalry of influence between internationally significant players. That is what is referred to as the so-called “**internationalization of the conflict**”.

2. The evolution of the conflict hinted at its relevance and “value” for the major actors. This affected the negotiation process and the adopted decisions. Previous stages of the negotiation process are interesting from the point of view of the story of how **the conflict was frozen**. The architects of freezing the conflict strived to postpone a decision until its **defreezing** in conditions favorable for them and with beneficial consequences.

3. The **level of internationalization** of the conflict and the interest of major actors is reflected in the “**5+2**” format of the negotiation process. The blocking of the negotiation process in the “5+2” format reflects the disagreement of one of the parties of the conflict with that format and the possible influence from the part of “observers”. In fact, not only the conflict itself is frozen, but so is the negotiation process in the course of the last two years.

4. Resolution of the conflict is impossible without resumption of the negotiation process. **Return to the situation of status quo antes March 3, 2006, is very unlikely**. The negotiation process can be more or less successful in the framework of the “package agreement” that envisions resolution of economic, trading and social problems, **synchronization** of promotion of said decisions with issues of the status of Transdnistria and **guarantees** from the part of international actors. **The policy of confidence building measures** has to precede resolution of the conflict. It also has to accompany the negotiation process.

5. Most probably, the Transdnistrian conflict would remain in a “frozen” state for a long time. The governing party of the Republic of Moldova would use a resumption of the negotiation process as a smokescreen in order to persuade citizens that finally normal relations with Russia are established and to make a claim for the parliamentary majority after elections of 2009 on the basis that now for sure Russia took in the situation and realized its benefit from assisting in the resolution of the conflict. From its side, Russia would make use of the situation that appeared after the recognition of Kosovo in order to assert itself as all but the only proponent of international law. In that sense Russia would not recognize the independence of Transdnistria, but would strengthen economic and political assistance to the region in the framework of the Puerto Rico model of associated membership.

6. An alternative to maintaining the “frozen” state of the conflict is rapid resolution beneficial for Russia (union of two equal entities with the right of *veto* for Transdnistria and military presence of Russia in the region). At the present stage, no power elites of Moldova, despite their party affiliation, would dare to recognize Transdnistria’s equal status with right bank Moldova in an updated constitutional model. Such an option would trigger mass protests in Chisinau and dangerous destabilization of the internal political situation on the right bank of the Nistru / Dniester River. The story with the Kozak Memorandum is illustrative in this respect, and the October 2007

initiatives of President Voronin only confirm that if the most powerful party of the Republic of Moldova, the one having the parliamentary majority, did not dare to recognize Transdnistria as an equal entity, then it is very unlikely weaker parties would be able to do that. Secondly, Moldova cannot even give up Transdnistria and recognize its independence. Such an option would require a resolution of the Bendery problem and the problem of the left bank villages under the jurisdiction of Chisinau. It is impossible to resolve these problems individually, only perhaps by giving up everything, which is pregnant with serious troubles for those who dare to do it.

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## **TRANSDNIESTRIAN SETTLEMENT: “WESTERN” AND “EASTERN” VECTORS OF A COMPROMISE**

The article considers promising opportunities and necessary prerequisites needed to form a favourable political context in the sphere of Transdnistrian settlement.

The author concludes that along with the political, socio-economic, legal and cultural components of this process, the foreign policy factor is fundamental to overcoming the negative consequences of the problem. Its multidirectional vectors have often led to stagnation and, in some cases, indirectly facilitated the formation of regressive tendencies in the dialogue between Chisinau and Tiraspol.

In the current conditions the negotiation domain of the Transdnistrian settlement is overloaded by unbalanced political stances of both the immediate participants and the leading global actors. In this context, the task of searching for and establishment of optimal dialogue models and new forms of interaction between them becomes relevant.

Reaching an all-encompassing political compromise between the “West” and the “East” is a necessary condition of progress in the sphere of Transdnistrian settlement. It could result in a consolidated position of the European Union and the Russian Federation expressed, with the involvement of all stakeholders, through common political and socio-economic initiatives. In the framework of this approach, the article brings forward a number of directions for compromise and proposals, the implementation of which could facilitate the solution of major problems of the negotiation process in the sphere of the Transdnistrian settlement.

The points put forward in the article are based on a diverse base of sources including results of a sociological survey conducted in June 2008 on the territory of Transdnistria under the supervision of V. Korobov. The key points of this article were tested as part of the international conferences and expert meetings of Project “IMPACT”.

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Modern discussion platforms of the Transdnistrian settlement are filled with various – in terms of form and contents – often quite asymmetric peace proposals. Experts of Chisinau and Tiraspol are in active creative search for possible models and mechanisms of resolving the Transdnistrian dilemma. Quite often this tense sociopolitical dialogue places “out of range” the idea of achieving some comprehensive political compromise.

Difficult political, ideological and expert battles of the parties, as a rule, boil down to attempts to avoid any possible concessions, not to give up even a fraction of one’s own position. Today this rather destructive communication model gained a firm footing in the minds of elites. It weighs upon public consciousness and is rather common among the expert community. On the basis of that model a self-sufficient ideological stereotype has formed, which today to a large extent subjectively determines insufficient aspiration for progress in the negotiation process.

This situation is also fostered by the fact that the Transdnistrian Moldovan Republic – until now a state not recognized by the world community – today lives in difficult political and economic conditions. Tragic legacy of the armed conflict, radicalism in politicians’ approaches, weak agreeability of the parties, endless manipulations with the normative legal basis persistently keep opposing parties in a state of on-going economic, informational and humanitarian confrontation. This struggle often goes on in defiance of the interests of the population living on both banks of the Dniester / Nistru River, who are dreaming today about a possibility to reach some real compromise in the short-term political outlook as a counterbalance to the imposed “ideology of struggle”.

Deprived of a strong sociopolitical foundation, quite often carelessly assembled constructions of “confrontation” and “rejection” are unreliable conductors of positive political will. Today they are hopelessly obsolete and have to be dismantled and removed from the negotiation area of the Transnistrian settlement.

Activation of political discussions, consistent information-focused efforts in the context of the problem of “Moldovan-Transnistrian compromise” could become a constructive link on the way of building vectors of consensus in the relations between Chisinau and Tiraspol. In this context today one can strongly feel a lack of analytics, theoretical exploration of the problem, a deficit of objective expert materials.

Elaboration, proposal and discussion of possible options for achievement of a compromise which takes into account the geopolitical interests of all involved participants of the process, can become a relevant and important path for expert work in the field of the Transnistrian settlement. “Western” and “Eastern” vectors of compromise have to join their efforts for the creation of a comfortable political environment for the resolution of this issue.

### “Not ... All is Quiet on the Western Front”

In 2007, after accession to the EU of Romania and Bulgaria, the borders of the European Union came in actual contact with the greater Black Sea region and Transnistria as one of its sub-regions.

The year 2008 was marked by the military-political confrontation in South Ossetia, which sent into turmoil the already unstable peace of the larger Black Sea Region and sublimated the energy of conflicts to create a new geopolitical reality in the Caucasus. The old lines of Soviet borders have changed again.

Modern Europe came into a new phase of drastic geopolitical transformations. NATO’s progressive advance to the East and the expansion of the European political and civilizational orbit brought the issues of developing, rethinking and implementation of new EU policy in that region to the new qualitative level.

The realization of these trends has gradually turned the Black Sea into one of the most important epicenters of the modern European policy. The Black Sea military political challenge to Europe reflected by the tragic legacy of the conflict in South Ossetia and the unresolved status of the Transnistrian issue, conditions the need of a new conceptualization of approaches taking into consideration regional interests in the sphere of security. These problems have to take one of the leading places in the system of European determinants of Black Sea policy.

At one point some researchers referred to the region as the “Fulda Gap”, through which global terrorism directly threatened the Euro-Atlantic civilization. Whether this threat turned out to be imaginary or not time will tell, but the conflict in South Ossetia vividly demonstrated that countries of the Greater Black Sea Region do not have reliable and well-tested mechanisms for confronting modern challenges, those challenges which bring disruptive and sometimes destructive force against international and European stability.

In this context, the rather complex and contradictory process of normalization of relations between Chisinau and Tiraspol known in political circles as the “Transnistrian settlement” deserves the most careful attention from the EU.

Today the situation in the region still has quite high conflict potential. Prospects of conservation of these tendencies for an indefinite period of time create favorable conditions for the formation and subsequent development of a group of socioeconomic and political risks that represent a serious problem for the security architecture of the whole region.

The current level of European presence in the Transnistrian settlement poses a number of serious tasks for the EU. At present, Europe does not openly declare its intentions to convert

from the role of an “observer” to the status of a “mediator”. However, it is obvious that the EU can become a driving force and carrier of a special historical mission aimed at turning the region into political space of stability, security, economic prosperity and sustainable democracy.

The way to resolving this problem is through a political compromise, which might occur in the nearest future, if the “West” and the “East” act in the framework of the common consolidated position.

Meanwhile, today the parties keep jealously watching the activities of each other, and in Brussels the Minister of Foreign Affairs of the Republic of Moldova, Andrei Stratan, has to make additional soothing statements about his country’s commitment to the “5+2” format. Any separate activation of Russian-Moldovan contacts in the sphere of the Transnistrian settlement in the 1+1 format (Moscow – Chisinau) triggers a wary response from the West. Here the “5+2” negotiation format is often perceived only as the visible tip of the iceberg, as the official façade of the negotiation process. The thesis that the political stage of Transnistrian settlement is not open for all and that its main actors prefer to act in the “1+1” format, leaving only supporting roles to the others, significantly undermines the effectiveness of negotiations. That serves as a basis for conclusions that Russia wants to become the “only broker of the Transnistrian settlement transaction” – recently stated by the US-based Wall Street Journal. Unilateral Russian foreign policy action so far does not fit into the Western vision of prospects for Transnistrian settlement. The “Western” and “Eastern” vectors are still pointing in different directions; they stimulate increasing trends of confrontation, which fact makes the work of peace institutions more difficult.

A significant political factor that could contribute to the strengthening of confidence measures and to the harmonisation of the positions of the parties could be the elaboration of joint political projects by the mediators. Almost all unilaterally proposed initiatives for resolving existing problems failed to pass the test of politics.

In the field of the Transnistrian settlement shadow “Kozak plans” have to be replaced with the “political recommendations of (say) Sarkozy – Medvedev – Yushchenko” – which would be open to discussion and refinement.

Taking into consideration all the complexity of the situation, in which the Greater Black Sea Region has ended up after the events in South Ossetia, an activation of EU policy in this area could reduce significantly the political risks associated with implementing political projects on normalizing relations between Chisinau and Tiraspol.

At the same time the form and contents of these projects have to show unambiguously that the final goal of settlement is not “to transform rebellious Transnistrians by means of a revolution into faithful Moldovans”, but rather to contribute to socioeconomic and political recognition of the region, to an improvement in living standards, to an efficient functioning of the region in the modern system of international relations. With the European community this topic can get a new constructive tone in a multilateral dialogue on Transnistrian settlement.

Therefore, an important aspect of the formation of a new political and socioeconomic space in the region is the need to overcome negative consequences of the “frozen conflict” and to elaborate constructive sociopolitical measures supported by the authority and guarantees of the mediating parties in the Transnistrian settlement.

The European Community has to focus its stabilization efforts on the achievement of socio-political consensus and interethnic understanding in this region with an unclear international legal status. More active involvement of the European Union into international mediation efforts for Transnistrian settlement could contribute to finding optimal decisions that are able to extinguish local hotbeds of tension in the region.

A European solution of the problem of an unclear international status of the region will allow it to overcome sociopolitical and economic marginality, to become a relevant bridge in the

dialogue between Roman and Slavic cultures, to demonstrate a striving towards leadership in the field of sub-regional transport communications and other spheres.

For the purpose of forming necessary socioeconomic prerequisites for an improvement of the political climate, perhaps it is necessary to concentrate additional financial resources to enhance the quality of customs and border infrastructure, for the creation of optimal conditions for faster and more comfortable passing of goods through borders taking into consideration European experience.

From December 2005 an EU mission functions at the Transdnistrian section of the Ukrainian-Moldovan border. In March 2006, the Republic of Moldova with the support of Ukraine introduced a new procedure for customs documentation of foreign-trade economic activities of Transdnistria. Today, many people in Ukraine, Moldova, Moldova, and Transdnistria speak about the positive results of these measures. In particular, it was mentioned that a significant part of local businesses “came out of the shadow”. It is also noted that the strengthening of control on the border with the help of European institutions has for all intents and purposes “buried” the myth about the Transdnistrian region as a “black hole” of sorts in the heart of Europe, through which presumably flowed rivers of contraband, caravans with weapons and drugs.

All destructive political storylines that negatively affected the nature of relations between the parties have been removed from the agenda. The true value of that weighty contribution of the EU to the resolution of one of the most tense political issues in the relations between the parties has not been recognised until now. A lot of analytical and information efforts are still ahead, which need to be aimed at overcoming the “political spasms” of the negotiation process that infuse mutual mistrust.

Taking into account everything said above, today one can state that in the customs aspect of Transdnistrian settlement, a new situation was formed due to the active position of the EU. Such an active position is a serious foundation for the successful resolution of the whole system of problematic issues.

An active role of European institutions can become a primary factor that can positively affect further development of bilateral political dialogue; it can be done in the framework of the following directions:

1. *Refining of joint efforts towards gradual legalization of the process of movement of goods and services, reduction of the shadow component of trade and economic relations in the Transdnistrian border territory.*

In this respect, for the purpose of minimizing political risks of possible stagnation of the negotiation process on the Transdnistrian settlement, it seems sensible to involve in negotiations and consultations on the whole spectrum of problems also the Transdnistrian side, in order to contribute to the elaboration of possible compromise options.

2. *Refining and introduction of measures for strengthening of customs regime in the Transdnistrian border territory by means of implementing innovations for a more efficient control over flows of goods (including upgrading of existing systems of electronic control over transit cargoes).*

3. Activation of work of the expert community towards supporting an efficient expert dialogue.

At the same time, when carrying out such types of events one has to take into consideration extreme politicization of this problem. Resolution of issues has to be of a comprehensive nature, it has to take into consideration opinions and positions of participants of the negotiation process. Such an approach would allow significant minimization of possible negative political risks.

The final and main goal of such cooperation has to be the transformation of the Transdnistrian border territories into a zone of stability that operates according to European standards.

Today the situation that exists in the European political, socioeconomic, cultural, and information space is really unique. The third millennium granted to Europe continental peace, where there is neither direct confrontation, nor military-political blocks that are hostile to each other. European countries are united by common democratic values and are driven by common political goals. The European Union became a strong independent “pole” and the main driving force in the formation of the new multipolar system of international relations. Existing historical-political prerequisites show that the role of Europe in resolving issues of the Black Sea regional security will keep increasing.

Europe is qualified to become a generator of an all-encompassing strategic stability, initiator of new unorthodox political decisions and political initiatives in the sphere of the Transdnistrian settlement. Perhaps Europe has to be the first to take the crucial political step towards the “East”, the step towards achievement of a comprehensive political compromise.

### “The East. Things are... moving and standing still”

One of the leading factors that to a great extent determines the prospects of Transdnistrian settlement is the position of Moscow. A typical aspect of the modern foreign political activity of the Russian Federation is the next “wave” of revitalization of the Moldovan-Russian dialogue. Russia is interested in resolving the Transdnistrian issue in the framework of keeping the territorial integrity of the RM. Modern trends of development of Russian-Moldovan foreign economic relations demonstrate that the parties create special conditions for a regime of maximal promotion of activation of economic links. One of the key aspects of the Russian policy in this direction is the creation of conditions for Transdnistrian enterprises to enter the economic and legal field of Moldova. This factor is viewed as a necessary condition for a convergence of positions of Chisinau and Tiraspol with the goal of achieving a political compromise by the parties to the conflict.

In effect, Russia supports the Moldovan policy of economic integration of Transdnistrian enterprises into the economy of the RM. The Government of the Russian Federation has removed almost all prohibitions and restrictions on import of Moldovan products. In effect, it has offered to Transdnistrian enterprises to export products to the Russian Federation observing the requirements of Moldovan legislation concerning customs clearance of cargoes.

At the current stage Moscow hopes to accelerate the process of signing a new Plan in the field of the Transdnistrian settlement by the parties, which should provide for Russian geopolitical interests in the region. In this context Russia tries to demonstrate to the international community a constructive role of the “Transdnistrian point-person” neutralizing negative consequences of the military-political conflict in the Caucasus.

Much like five years ago during the autumn burst of activity by Dmitry Kozak, Russian diplomacy is trying to accelerate the negotiation process or, at least, to demonstrate its existence by trying to sit the parties down at the negotiating table. Like in year 2003, it is planned to hold joint trilateral meetings, various proposals are being discussed in the lead up, positions are being harmonised, mass media actively broadcast different political scenarios charging the public atmosphere with pending prospects of resolving the problem.

The lengthy overall stagnation of the negotiation process in the field of Transdnistrian settlement, against the background of events in South Ossetia, negatively affects the peacekeeping image of the Russian Federation, which to a major extent explains such activity.

At the same time, the realization of the efforts of the Russian Federation, the planning of the new Transdnistrian mediation blitzkrieg is associated with a lot of difficulties. Tiraspol, which earlier was repeatedly burdened by measures of political and economic pressure, refuses to believe in the possibility of achieving any holistic political compromise.



The leadership of Transnistria can agree with a real federative arrangement of the future state, but categorically rejects autonomy proposed to it in accordance with the law adopted by Moldova in 2005. The formal steps of the parties towards each other, the rare meetings of the leaders of the elites accompanied by counter-productive rhetoric and unacceptable documents – all vividly demonstrate the nature of this dialogue as forced and imposed from the outside. This approach of forcing the parties towards consent and peace in the sphere of Transnistrian settlement has for a long time struggled unsuccessfully in attempts to find the needed compromise.

The settlement option proposed by Russia involves the implementation of the longstanding scenario that in political circles has received the tendentious name of “Kozak Plan #2”. In this connection Chisinau seriously counts on support from the Russian Federation. Moldova may lay claim to a showcase peacemaking process conducted in the civilized spirit of “democratic norms” – a process that may become a bright alternative to the Caucasus events, one removing all the questions raised in Europe concerning the specifics of Russian methods of conflict resolution. Another additional factor in favor of such developments is the fact that Russia does not have sufficient geopolitical resources to recognize Transnistria and to keep it in the orbit of its influence. The Russian Federation does not have any common border with Transnistria and that is why the political option of resolving the problem similarly to the cases of South Ossetia and Abkhazia is out of the question. The contents of the Russian political initiatives propose that the issue of Transnistria would be resolved through asymmetric federalization of the Republic of Moldova. The Russian Federation is actively working at present on the public information aspects of the process of forming positive developments in relations between the parties. The minimal program planned for a demonstration of an effective political dialogue between Chisinau and Tiraspol, which had to take place before the December summit of NATO.

The second political pseudo-accelerator of the process of Transnistrian settlement is yet another Moldovan election campaign, the format of which would inevitably demand topical political storylines related to the negotiation process. It is certain that the leadership of Moldova would use the Transnistrian topic to improve its own election indicators, which does not on the whole rule out attempts to hold a “Transnistrian settlement blitzkrieg” in the nearest future. This political background will foster interactions between Chisinau and Moscow in the foreseeable future.

On the other hand, it is possible that the topic of “Kozak #2” could be restricted to a purely public relations scenario needed only for external visibility of the negotiation format and for the demonstration of the good will of the parties to establishing dialogue and cooperation. This approach shows the principle of a “postponed decision”, which the parties have in fact used at the negotiation table since 2003.

A symmetric answer to the demonstration of Russian foreign policy activity was the negative response from some participants and mediators of the negotiation process who have tried to the extent possible to resist Russian peacemaking plans. The European Union, USA and Transnistria have become paradoxical political allies in this ambiguous diplomatic duel.

The West, first of all the USA, because of political considerations was absolutely not interested in having Russia appear in the European community “in the toga of Transnistrian peacemaker” by the time of the NATO December 2008 summit. That has stimulated the political activity of the USA in the diplomatic field towards containment of Russian peacemaking initiatives. The latter would be interpreted as “secret diplomacy” unacceptable for democratic countries, a disregard for international norms. In an extreme case, one could expect “deja vu – Kozak 1 (2003)”: political pressure on the RM and a “storm of popular indignation” in the central square of Chisinau.

The “compulsorily-voluntary” measures of Moscow to activate the parties to a dialogue cause passive resistance from Tiraspol, which at present, in the said political context, carries out

a real “Italian strike”. In particular, the Transnistrian side takes comprehensive efforts in order to disorganize the high level negotiations between Chisinau and Tiraspol. One must admit that they succeed in that. As a result of their efforts they have managed to provoke several counter-productive public relations storylines, which have put in question the further effectiveness of the dialogue.

The issue of preserving military presence of the Russian Federation in Transnistria is an “apple of discord” of sorts, in relations between Russia and the West. A characteristic aspect of the said situation was Moldova’s permanent drawing of the international community’s attention to the responsibility of the Russian Federation for failing to fulfill the conditions of the Istanbul agreements on the withdrawal of Russian troops from the territory of the region.

On the other hand, the Russian side is worried by the permanent striving of Moldova to internationalize the peacekeeping process, to replace military observers with civil ones. In recent times, the RM is feeling more and more burdened by the Russian military presence in the region. Today this issue is still a kind of “pressure point” of Transnistrian settlement. It absolutely must be resolved by means of a compromise.

At the same time, it has to be noted that the nature of Moscow’s diplomatic efforts in the sphere of Transnistrian settlement, perhaps, may still attest to the fact that Russia has not made a stable decision on its conflict resolution formula. The Russian Federation’s policy will be determined depending on the results of efforts on the issue of international recognition of the independence of South Ossetia and Abkhazia. The activation of the policy of the Russian Federation in the sphere of Transnistrian settlement perhaps only attests to the current political task – to play a dominating role in the 5+2 format. In addition, it has to be acknowledged that the strategic goal of Moscow is probably not the settlement of the Transnistrian conflict, but rather the ensuring of the military-political neutrality of the RM. In this connection, the future united Moldova is viewed as a security issue, taking into consideration Russia’s geopolitical interests.

Therefore, it becomes obvious that format 1+1 can no longer be an effective mechanism for resolving the problem. Today it encounters opposition from forces that are at polar opposite political positions. Unlike the situation in the Caucasus, the political risks of an escalation of the sociopolitical situation in Transnistria are very improbable. Taking into account the current situation, Russia would not open a “second front of recognition” on the Dniester / Nistru. In this context opportunities appear for an expanded political dialogue with the participation of all interested parties for the elaboration of a mutually acceptable formula of Transnistrian settlement.

### **Chisinau-Tiraspol, the thorny path of political dialogue: Current status of the problem**

The negotiation process on normalizing relations between Chisinau and Tiraspol was launched long before the escalation of the military phase of the conflict and is not its direct consequence. The parties went through a long path of political dialogue, but their positions are still very far from mutual understanding. The largest number of gaps and pauses in the negotiation process has appeared during the last seven years. During the same period, unlike in the “quiet” 1990’s, the most ambitious political projects for resolution of the Transnistrian issue have been discussed. In 2002, the OSCE Plan was presented for the consideration of the parties, in 2003 – the “Kozak Plan”, in 2005 – the “Yushchenko Plan” and the Moldovan initiative in the form of the Law on the status of the settlements on the Left bank of the Nistru / Dniester. Almost since 2006 and until this day people in the region are anxiously awaiting the appearance of a “Kozak #2”.

Waves of political initiatives for Transnistrian settlement are rolling over Transnistria; however, it is necessary to acknowledge that as a whole they are failing to bring about the desired

results. Prospects for resolving the conflict look rather uncertain, and the “cart of Transnistrian settlement” aggravated by the conflict’s legacy is almost in the same place, where it was left many years ago.

Today, counter-productive aspects of bilateral relations, which are actively disseminated in the sociopolitical space, are hindering the achievement of a political compromise.

It has to be acknowledged that as a rule society is most effectively consolidated around negative ideas (in particular, such as “anti-contraband”, “anti-terrorism”, “anti-corruption”). In this connection, political elites, including those related to the Transnistrian settlement, direct the development of PR methods primarily towards the so-called “black, or negative PR”. The priorities of informational vectors are aimed at negative ideas, the formation of a negative image of this or that personality, group of persons or a certain problem, etc. with a subsequent extension of this to the state as a whole. This practice is a serious obstacle for the development of normal relations, leads to discord in the bilateral dialogue and to making poor political decisions. Today the Transnistrian settlement process badly needs to politically throw overboard the negative political and public relations ballast accumulated during all the past years.

One of the leading places in amongst such unflattering subjects belongs to the “non-recognition” syndrome. The term “non-recognized state”, which we come upon in press, in respected expert publications, is a kind of business card, or to be more specific, a preamble to naming the Transnistrian Moldovan Republic. This term contains in itself a rather strong destructive ideological charge. It has to be admitted that its operation negatively affects the image of the republic both in domestic and in the foreign political sphere. The term “non-recognized state” is very actively used by opponents of Transnistria in order to strengthen various destructive ideological messages. The factor of “non-recognition”, which opponents of Transnistria skillfully manipulate with, has long turned into a so-called “psychological beating stick”, which painfully hurts the public consciousness, serves as an excuse for the creation of unequal conditions for dialogue, including in the negotiations process. On the other hand, active use of this notion leads to the permanent backsliding of Tiraspol towards the ideology of a “besieged fortress”, to the formation of entrenched enemy images.

Active discussions aimed at overcoming negative political connotations and terms should become an urgent task of the expert community. In particular, such notions as: “de facto” state, or a state formation with *alternate sovereignty* can serve as an alternative to the term “non-recognized state”.

At the same time, it has to be noted that the issue of “recognition” is a common problem both for Moldova, and for Transnistria. As of today, neither Moldova nor Transnistria enjoy comprehensive “recognition” in the broad sense of this notion. Moldova “de jure” recognized by the international community, “de facto” is a state with limited internal sovereignty. This internal sovereignty “is not recognized”, is not applicable to a significant part of its territory. In Transnistria we observe a converse picture. The region enjoys completeness of recognized internal sovereignty; however, it does not have sufficient possibilities to realize external sovereignty. The “syndrome of non-recognition” affects also the state of the external borders of the republic. Until now the Western border of the Republic of Moldova has not been supported by any appropriate legal basis, and a significant part of the Eastern section has not been fully taken care of either.

In this connection, overcoming the “syndrome of non-recognition”, introducing the aforementioned terms into the political vocabulary of political dialogue and the negotiation process, with support from the Western community, could significantly reduce the conflictual space of bilateral political relations.

It also has to be noted that as of today, the perception of the Transnistrian topic is burdened with a large number of mythological subjects. The “Transnistrian issue” holds one of the leading

places in the range of trendy conflict-related subjects; however, its often distorted presentation creates a negative informational and political background inconsistent with the real state of affairs.

Non-governmental organizations of stakeholders to the conflict actively participate in the Transnistrian settlement. Today, the role of civil society institutions is a real factor that is able to contribute effectively to the resolution of the conflict. So far, non-governmental organizations of Moldova-Transnistria, of the European Union, Russia, Ukraine and Romania have accumulated a significant stock of projects, initiatives and promising proposals. Some of them, such as the well known strategy of 3 “D”s proposed by a non-governmental organization, the Moldovan Institute of Public Policy, was for a long time one of the flagships of the policy of the Moldovan government in the framework of Transnistrian settlement. The “Trilateral plan for Transnistria conflict settlement” deserves attention; it was developed in 2006 by the Moldovan-Ukrainian-Romanian expert group, which included the Euro Atlantic Cooperation Institute (Ukraine); Institute of Public Policy, Association for Participatory Democracy (RM); Conflict Prevention and Early Warning Center (Romania). The Dzharylgach initiative adopted in 2006 in the course of joint work of representatives of civil society of Ukraine (Centre for South-Ukrainian Border Studies; Research Center for Civil Society Issues) and of Moldova (CAPTES Research Center), as well as some other projects also significantly influenced the course of development of events.

At the same time, a number of serious drawbacks are noted in activities of the third sector of Moldova and Ukraine, among which in the first place is political and ideological bias of authors to one or another worldview orientation.

It is also important to note the excessive enthusiasm of the third sector toward building up large scale abstract constructions, various settlement plans, and its aspiration to duplicate the activity of state governing bodies, when it would be much more preferable to focus attention on more specific issues related to daily problems of the inhabitants of the region.

As a whole, the following were typical aspects of the situation which have negatively affected the development of the negotiation process in the sphere of Transnistrian settlement:

- Disagreements in positions of Chisinau and Tiraspol concerning the status of Transnistria, attempts by the parties to influence mediators and guarantors of the Transnistrian settlement thus by-passing the negotiation process in order to obtain certain political dividends, against the logic of political compromise;
- Chisinau’s on-going appeal to centers of geopolitical power and to international official bodies in order to get support in the process of establishing relations with Tiraspol while exercising various pressure tactics, diplomatic demarches, public relations actions in the context of ideological stereotypes of “non-recognition”, “black hole”, etc;
- Tiraspol’s emphasis on the issue of guarantees of foreign-economic activities, and parity in dialogue as one of the main conditions and necessary political prerequisites for the unblocking and renewal of negotiations;
- Counter-productive rhetoric of the elites of the conflict parties that exposes their weak ability to reach consensus;
- Lack of inter-parliamentary exchanges, real mechanisms of interaction between supreme legislative, municipal bodies of the conflict parties;
- Repeated attempts by some participants of the Transnistrian settlement process to convert to the closed scheme of interaction in the sphere of settlement (1+1+0; or the dialogue of the Moscow-Chisinau-Tiraspol “troika”);
- Ideological and sociopolitical differences between public associations of Chisinau and Tiraspol;

- Lack of effective dialogue and interaction between the armed structures\* of Chisinau and Tiraspol.

\* \* \*

Taking into consideration all that has been set forth above, today's situation in the sphere of Transnistrian settlement dictates the need to conduct a more pro-active step-by-step policy in ensuring the satisfaction of the main sociopolitical interests of the population in the region. Measures aimed at reviving the bilateral dialogue and at overcoming the current negative phenomena should include the creation of a holistic program of actions taking into consideration the aforementioned specifics of the positions of all stakeholders.

The vector of the Transnistrian settlement process needs to be aimed towards the achievement of a comprehensive political compromise between the main subjects of the negotiation process, supported by the consolidated position of the “West” and “East”.

The primary task in that context is the neutralization of the aforementioned negative consequences of uncompromising political campaigns, which have for a long time dominated in relations between the parties.

A consistent policy of “small” and “large” steps could help to resolve the main problems of the negotiation process focused on the normalization of relations between Chisinau and Tiraspol. The following compromise positions could become their components expressed in the framework of a consolidated approach:

- the final formula of the Transnistrian settlement has to be in harmony with previous political initiatives developed by the participants of the negotiation process in the 5+2 format; the idea of federalization, autonomization of Transnistria remains the most optimal solution for the Transnistrian issue; the need for a partial revision of the starting positions of Chisinau and Tiraspol on the issue of determining the status of Transnistria is obvious, a rejection of radicalism in mutual actions, which lead only to the strengthening of confrontation in various spheres;
- it seems reasonable to activate efforts in terms of improvement of the normative-legal basis, which regulates and determines military and political aspects of relations between Chisinau and Tiraspol and requires certain modernization – in this context, the parties have to conclude a new Agreement on guarantees of peace, security and stability in the region;
- the issue of demilitarization of Transnistria has to be synchronized with completion of the process of the Transnistrian settlement, with the determination of the optimal formula of state structuring of the region;
- with participation and guarantees of the mediating parties the subjects of the negotiation process need to sign an agreement – a memorandum on confidence measures – provisions of which could prevent radicalization of relations;
- it appears reasonable to carry out a revision of the existing normative-legal basis of Transnistrian settlement for the purpose of optimizing the basis of development of negotiations between Chisinau and Tiraspol;
- it is necessary to activate efforts to create an effective dialogue and interaction between the armed structures of Chisinau and Tiraspol;
- it is necessary to activate efforts to improve the transport infrastructure of the region in terms of creation of “preferential” corridors of movement of cargoes, optimizing railroad

\* Editor's note: this is a translation of the Russian term “silovye struktury”, which is commonly used to refer to all armed arms of government, including the military, all forms of police, security services, border guards and special forces of all kinds.

cargo and passenger transport; restoration of rail communications: “Simferopol – Chisinau”; “Odessa – Chisinau”; “Chisinau – Adler” etc.

- international support is necessary to involve Transnistria in the programs of large-scale economic cooperation, in the framework of joint projects using the industrial and agricultural potential of the region, by means of shareholding and participation in the continuing process of privatization of Transnistrian assets; another productive step could be recognition by the Moldovan side of ownership rights for enterprises on the territory of Transnistria.

Implementation of the measures described above would enable a significant reduction in the level of negativism in the conflict parties' situation assessment, and would also contribute to the formation of a tolerant sociopolitical, economic and information space, thus strengthening the positive trends in the sphere of Transnistrian settlement.

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*Vitaliy Ignatiev*

## ADDRESSING THE COSTS OF THE CONFLICT THROUGH THE CREATION OF A “SOCIO-HUMANITARIAN “5+2” FORMAT”

The present work expresses the idea that there is a need for brand new approaches aimed at reducing the long-term negative impact of the conflict on the population of both banks of the Dniester / Nistru and at restoring the whole region's viability.

The author argues for the idea that in conditions, where, for many years, the political core of the conflict has been a stumbling stone, the socio-humanitarian aspect of settlement should not take a secondary role – on the contrary, it should become an equal subject of efforts exerted by international guarantors and mediators in the Moldovan-Transdnistrian settlement.

The main aim of the work is to bring forward the concept of the necessity of establishing a mechanism of socio-humanitarian support that is parallel to the political one and is represented in the form of a new Socio-humanitarian “5+2” or “Five For Two” format as an instrument to provide dignified humanitarian, socio-economic and civil foundations for the livelihood of the population of right bank Moldova and Transdnistria. In the framework of such a format, it is proposed to implement a special “Program of Socio-Economic Humanitarian Rehabilitation of the Region” providing for the realisation of a package of socio-economic transformations and involvement of the parties in investment projects with social, legal, economic, infrastructural and informational aims.

The article reviews the policy base developed by the parties and comes to the conclusion that the pre-existing treaty framework for the settlement of the Moldovan-Transdnistrian relations has a good potential to form the basis for the resolution of a set of vital problematic issues if there is political will from the main actors. At the same time, the level of political polarity that exists in the relations between the official Chisinau and Tiraspol is demonstrated on the example of the implementation of a range of bilateral treaties and agreements.

The work also presents a set of recommendations on specific directions of implementation of the Program of Socio-Economic Humanitarian Rehabilitation of the Region.

The author emphasises the negative socio-economic implications of the lack of settlement for Transdnistria, postulating that this problem is more palpable for the population of the left bank.

The work is based on documents of the negotiation process provided by the Ministry of Foreign Affairs of Transdnistria, data of the Chamber of Commerce and Industry of Transdnistria and of the Ministry of Economy and Ministry of Industry of Transdnistria, opinions of experts working in the field of conflict settlement and on mass media publications.

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At the present time the subject of Transdnistrian settlement is characterized by a high level of tension and a serious block of conflictogenic factors. These factors manifest themselves through the creation of a destructive background to people's real lives. This makes the task of a speedy full-scale settlement of Moldovan-Transdnistrian relations a very relevant one indeed.

Both sides have gone through all stages of confrontation, from informational and political pressure to the armed conflict that brought numerous victims. Both sides have created their own mechanisms of state administration, and gained enough of the kind of experience which demonstrates the pointlessness of continued confrontation.

Each year it becomes tougher and more obvious that the longstanding unresolved situation is negatively affecting the living standards of the population from both banks of the Dniester / Nistru, generating a wave of negative factors in the socioeconomic, demographic, migrational and other spheres throughout the entire region. Such a situation directly affects the level of internal

legitimacy of the authorities and the hardness of the government machine, both in right bank Moldova and Transdnistria. It represents a destabilizing factor and a challenge for the security of the Black Sea region as a whole.

Meanwhile, the present level of political polarity of the parties and the prolonged systemic crisis of the settlement process induced by this polarity, demands on the one hand the enhancement and optimization of the existing mechanisms for interaction, and on the other hand requires finding fundamentally new ways and approaches to facilitate the urgent reduction of the impact of the conflict on the population of the right and left banks of the Dniester / Nistru.

As such, direct concern for the people should become a central priority, a basis for development of programs promoting a peaceful political dialogue and projects of socio-humanitarian support for this region of Europe.

In this context, in order to solve the relevant conflict-generated socio-humanitarian problems of the residents of right bank Moldova and Transdnistria, it seems to be more efficient not to associate this task with progress in the negotiation process (which is experiencing serious and permanent difficulties) and with possible results within its framework. There is a pressing need to create an additional mechanism of socio-humanitarian support, parallel to the political one, with the leading involvement of guarantors, mediators and observers. Solving the problem of political settlement should be considered as directly linked with a large-scale process of strengthening the level of viability of the entire region, and ensuring the protection of the human rights and freedoms of the right- and left-bank population.

In this respect, we will try, to the extent possible, to outline an objective picture of the existing situation and to analyze the current progress of the parties in the field of settlement which allows, with the existence of political will, to carry out joint work aimed at the elimination of depressive factors and at an overall stabilization.

### **Legal progress of the parties: internationally negotiated bases for the settlement of Moldovan-Transdnistrian relations**

It should be noted that over the longstanding period of the settlement process, the parties themselves, together with the active involvement of guarantors and mediators, have developed a base of negotiated legal documents (about 80 altogether) carrying considerable potential. These have not formally become inoperative until today – neither of the parties announced the recalling of their signatures from those documents.

However, today this set of agreements is virtually inoperative mainly for the reason of unilateral refusal by the Moldovan side to fulfil the obligations which it has taken upon itself. This situation is conditioned by political motives. In the framework of the settlement process, Moldova has once again tried to return to its initial strategy of building a unitary state (which during all these years has failed to find even minimal grounds for viability). Thereby, the official Chisinau suddenly started viewing any bilateral agreements concluded with Transdnistria as legally void out of concern that such a negotiation method is a form of legitimization of Transdnistria as an equal party.

Obviously, this is a dead-end path as any negotiation process supposes not only the conclusion of agreements, but also their proper fulfilment, and this cannot be avoided in the foreseeable future in the settlement of Moldovan-Transdnistrian relations by peaceful political means.

But what is most important is that the previously developed treaty base could form a stable regulatory framework for efficient resolution of existing problems in the relations between right bank Moldova and Transdnistria in the social, trade and economic, law enforcement and other spheres, provided conditions are created for its implementation. Clearly, these agreements will

require certain development and amendment in accordance with the dynamic reality and the existing needs of the parties, yet the fundamental basis of this work has already been laid.

The “Agreement on the Principles of the Peaceful Settlement...”<sup>1</sup> signed in Moscow, on 21 July 1992 became a starting point for the peaceful period of Moldovan-Transnistrian relations. In this document Transnistria was confirmed as a fully-fledged “party to the conflict”. It was also noted that the conflict itself is subject to be settled in accordance with the principles of the UN Charter and the Conference on Security and Co-operation in Europe.

The signing of a Joint Statement by the leaders of Moldova and Transnistria<sup>2</sup> on 28 April 1994 laid the foundation for the negotiation process on a final and fair settlement of Moldovan-Transnistrian relations.

In this document the Universal Declaration of Human Rights, and Pacts on Economic, Social, Cultural, Civil and Political Rights were mentioned. It also established the position stating that both parties to the Statement shall strive to “take a decent place in the community of democratic states ruled by law”. The parties also agreed on the following:

- the need for a phased program for the establishment and implementation of state-legal relations;
- the need to create a system of mutual guarantees, including international ones on full and unconditional fulfilment of agreements reached;
- to promptly and without any preliminary conditions to start a negotiation process on the whole set of issues of mutual interest;
- to establish mutually beneficial relations in the economic, commercial, credit and financial and other spheres of activities for the benefit of the population.

Over the period of 1994-2001, the leadership of Moldova and Transnistria, with the involvement of representatives of the OSCE, the Russian Federation and Ukraine, signed a number of documents that are vitally important for settlement, including:

- “Agreement on Guarantees of Peace and Maintenance of Security” of 1995, according to which the parties committed themselves to not apply force or threat of force in their relations. This document was deposited with the OSCE;
- “Protocol Decision on Settlement of Emerging Problems in the Field of Activity of Customs Services of the Republic of Moldova and Transnistria” of 1996, according to which Transnistria obtained internationally-recognized customs support for export-import transactions;
- “Protocol on Issues Agreed” of 1996, that secured the right of Transnistria to adopt its Constitution and laws, as well as own state symbols;
- “Memorandum on the Basis for Normalization of Relations between the Republic of Moldova and Transnistria” of 1997, stipulating the right of Transnistria for independent external economic activity, for establishment of direct cultural, scientific and other relations with other states etc. This document was also deposited with the OSCE.

A negotiation mechanism was established and was functioning; it ensured interaction and possibility to overcome disagreements on all levels:

- at the highest level – meetings of the Presidents of Moldova and Transnistria;
- at the level of political experts in the framework of Moldovan and Transnistrian Committees on Coordination of Political Interaction;
- at the level of experts in the framework of thematic cross-departmental committees on economic, humanitarian, law enforcement and other issues.

\* Editor’s note: The document name here and ones appearing below in this paper were translated to English from the author’s paper, which was originally written in Russian.

After the Communist Party came to power in Moldova in 2001, certain progress was reached in bilateral interaction on a number of vital issues. For instance, in the framework of a summit held on 16 May 2001, a set of bilateral documents was signed, the titles of the documents speaking for themselves:

- Protocol of the meeting of the leaders of the Republic of Moldova and Transnistria;
- Protocol on mutual recognition of documents issued by competent authorities of the Parties in the territory of Transnistria and the Republic of Moldova;
- Protocol Decision on harmonization of tax and customs legislations;
- Protocol Decision on guarantees of attraction and protection of foreign investments and cooperation in the field of investment;
- Protocol Decision on facilitation of unimpeded activity of mass media, dissemination of periodicals and television and radio programs in the territory of the Republic of Moldova and Transnistria.

Thus, already by 2001 the parties had a set of international and bilateral agreements serving as a basis for political settlement and creating conditions for effective solution of topical problems in the commercial and economic, social, law enforcement, information and other spheres. Besides that, there existed a multi-tier mechanism of bilateral political-expert interaction that provided a practical opportunity for finding areas of common interest and realization of mutually acceptable solutions through negotiations.

In this respect, it should be admitted that this negotiated legal basis for the settlement of Moldovan-Transnistrian relations has good potential to form grounds for the resolution of a range of problematic issues in practice.

#### **A usual “step back” from the Moldovan side: the method of roll-backs and refusals**

Since September 2001, the negotiation process between Moldova and Transnistria that started gaining positive dynamics was suspended. The Moldovan leadership thought it more expedient to use a unilateral strategy for settlement of the Transnistrian issue and set about using methods of economic, diplomatic, informational and customs blockade against Transnistria.

It is noteworthy that throughout the whole process of settlement the mediators repeatedly made attempts to bring together the parties’ positions and find an optimal form for peaceful coexistence.

In particular, back in 1993, the OSCE Mission in Moldova prepared Report Nr. 13<sup>3</sup> noting the impossibility of solving the Moldovan-Transnistrian problem in the framework of unitary approaches and pointing out the expediency of using federative principles.

The 1997 Memorandum envisioned the idea of building a common state in the borders of the former MSSR by Moldova and Transnistria as a new formula for building good neighbourly relations. The idea was further elaborated in the Joint Statement of participants of the 1999 Kyiv Meeting who determined that the essential content of the notion of a “common state” should be implemented through “common spaces” in specific fields: economic, legal, social, defence, frontier.

Then in July 2002, at a meeting in Kyiv, the mediators came forward with a federal concept as a possible settlement model. In the process of detailed expert development, the parties came right up to the determination of fundamental principles and the structure of the future federal state.

The federal idea was given a new momentum from the moment of establishment of a Joint Constitutional Commission at the beginning of 2003, which strived to develop basic parameters of the constitutional structure of a possible Moldovan-Transnistrian federation.

The so called “Kozak Memorandum” was developed in the framework of the federal concept, inspired by and based on proposals of the Moldovan side. The document represented a thoroughly elaborated project of the creation of a federation with a multilevel system of checks, balances and guarantees. As it is known, this project was rejected by the Moldovan leadership in an emergency manner.

From autumn 2004, the Moldovan top leadership declared its rejection of the federal idea and once again returned to unitary positions exemplifying the option of the national-cultural autonomy of Gagauzia.

In the conditions of a non-operating negotiation mechanism and with the aim of sustaining a minimum level of political contacts between the parties, in February 2002, through the efforts of mediators with the involvement of Transnistria a “Permanent Consultation on Political Issues in the Framework of the Transnistrian Settlement Negotiation Process” was established in a pentilateral “3+2” format (the so-called Bratislava format).

In 2005, on Ukraine’s initiative supported by other participants of the consultations the format of the “Permanent Consultation” was expanded on account of the USA and EU becoming involved as observers, and was thus transformed into a “5+2” format.

On February 28, 2006, the Moldovan side disrupted another round of the “Permanent Consultation”, the work of which has not been resumed ever since.

Apart from that, from March 2006, Moldova changed the regime of customs clearance of Transnistrian export and import. Ukraine and Moldova introduced a new regime of transfer of cargo through the Ukrainian-Transnistrian border segment requiring Transnistrian enterprises to be registered and pay applicable fees to the Moldovan budget in order to be able to perform export-import transactions.

The particulars, or rather the financial specifics, of the functioning of such a “regime” imposed under pressure and existing until today were rather substantially rendered by the Vice-President of the Chamber of Commerce and Industry of Transnistria, Yuri Ganin, in his report presented at the 949<sup>th</sup> “Wilton Park” Conference (Great Britain), held on 16-19 October 2008.

Particularly, he mentions that the economic losses of Transnistria are comprised of the following components:

- movement of railway cargo through the North of Moldova (about \$20 million);
- ban on the use of Transnistrian motor carriers (more than 70% of motor transportation is done by Moldovan companies) (about \$5 million);
- export of goods through the territory of Moldova bypassing Transnistria (about \$2.5 million);
- payment for customs procedures, brokerage services, certificates in Moldova (about \$3 million);
- absence of delivery and shipment of goods at Tiraspol and Bendery railway stations (about \$5 million)<sup>4</sup>.

Thus, the total losses of Transnistria amount to \$35 million, out of which about \$30 million goes to Moldova. An estimate of the amount of preferences granted by the European Union to the Republic of Moldova (GSP-Plus, Autonomous Trade Preferences), to which Transnistrian enterprises got access, shows that in 2007 it amounted to about \$19 million, which is almost half of the amount of expenses on the right of their use.<sup>5</sup>

Yu. Ganin concludes that the current situation allows the viewing of the Republic of Moldova as an intermediary between Transnistria and the EU, a curious banker-state selling European preferences to Transnistria and earning nicely on that.

As we see, this mechanism leads to multi-million losses in the Transnistrian economy, to difficulties in transport communication and other problems that still negatively affect the situation in general and have serious socio-political implications, with the main logically justified task of Transnistria being to leave from such an “intermediary”.

### **The hopelessness of a unilateral settlement of Moldovan-Transnistrian relations based on the internal Law of the RM of 2005**

Moldova’s attempt to formalize the idea of autonomy as the basis for negotiations was implemented by adopting on 22 July 2005 of Law Nr. 173-XVI “On Basic Provisions of the Special Legal Status of Localities from the Left Bank of the Nistru / Dniester (Transnistria)”.

According to this law Moldovan authorities are not authorized to conduct a dialogue with Transnistrian leadership on any issues except for “democratization” and “demilitarization” of Transnistria.

In essence, actions of the Moldovan side led to the idea of a common state being reduced to the offering of autonomy to Transnistria at the level of an ordinary administrative-territorial unit (region) of the RM, something that cannot serve as a basis for any long-term and sustainable settlement.

At the same time, it should be mentioned that as of today Moldova does not have even a minimal “attractiveness” for Transnistria and besides, it lacks real possibilities for the implementation of a unilateral program of “fitting-in” Transnistria into its state space:

- after the dissolution of the Soviet Union, Moldova did not manage to become a viable and democratic state in the framework of the former MSSR borders. The modern Moldova is underdeveloped in socio-economic terms and is not a fully independent unit of international politics<sup>6</sup>;
- Moldova has failed to gain an integral ideology and clear domestic policy for the development of the country in the mid- and long-term perspective, its foreign policy vector is quite misbalanced too (various options are put forward – from full merger with Romania or integration with the EU through Romania to implementation of a Russia-oriented policy);
- contemporary Moldovan political forces do not have any common strategy of unilateral “drawing-in” of Transnistria into Moldova. There are several mutually excluding options: either a rejection of the pro-Russian “ballast” in the form of Transnistria for a free “departure” of Moldova to Romania-Europe, or federalisation of Moldova and its pegging itself in the area of Russia’s influence etc.;
- Moldovan political elite expresses serious fears of the spread of the phenomenon of “Transnistrianisation” over right bank Moldova in case of its federalization or joining of Transnistria on the basis of a so-called “broad autonomy”;
- Moldova does not have the necessary socio-economic, humanitarian and infrastructural mechanisms for integration with Transnistria, likewise it lacks the necessary financial resources estimated at approx. USD 3-5 billion<sup>7</sup>;
- there is a serious factor of cultural-ideological differences between the residents of the right and left banks of the Dniester / Nistru that only got deeper during the 18-year conflict period and transformed into a significant bottleneck for an unexplored “mechanical” unification, apart from the thing that they have a high conflictogenic potential;
- today there is no comprehensive program or settlement plan on the negotiation table that has been coordinated with both parties and approved by international actors. The option of a unilateral forcible plan is non-realizable due to the unambiguous position of the main guarantor – the Russian Federation (especially after the events around South

Ossetia in August 2008). Apart from that, the possible consequences of application of a power scenario can challenge the level of completeness and further viability of Moldova as a sovereign state.

From the political negotiation perspective, the narrow unitary approach of Moldova based on the 2005 Law does not have any viability potential either, for a number of reasons:

- relying on the 2005 Law for the process of settlement is not legally acceptable, as ex-post it is an internal law of one subject of the negotiation process (Moldova) on the arrangement of another (Transdnistria), adopted without any coordination and participation of not only the Transdnistrian side, but also without mediators, guarantors and observers, id est outside of the existing international settlement format;
- this document does not create any common space for joint filling in with mutually acceptable substance by all the “5+2” format participants, as the law provisions are clearly fixed and subject to obligatory execution. Legally, this law is not a draft document that could be jointly elaborated and modified in a strive to find a viable compromise solution;
- the Law strikes out the possibility of using a range of compromise approaches and proposals explored by the guarantors and mediators over many years and contained in such projects as the “Primakov Plan”, “Kozak Memorandum”, the so-called “Yushchenko Plan” and others;
- this Law provisions are obsolete and inconsistent with new international-legal tendencies in the field of settlement in Europe (Serbia and Montenegro, Kosovo) as well as in the post-Soviet space (recognition by the Russian Federation of the Abkhazia and South Ossetia statehoods);
- principles of autonomy stipulated in the Law are not acceptable for Transdnistria as being out of the scope of an equitable dialogue, with no regard to the existing international realities and contradicting the Constitution of Transdnistria and the will of Transdnistrian people, expressed in the referendum of 17 September 2006;
- the stance of the official Tiraspol on the issue of unilateral solution of the problem based on Moldovan proposals is categorically negative and is generally understood among mediators and guarantors.

Generally speaking, by adopting this law, the official Chisinau placed itself into a stalemate having created an artificial barrier for its own presence at the negotiation table, refusing to discuss any framework settlement draft proposed by any of the “5+2” actors.

At the same time, it becomes obvious that modern Moldova is unable to implement its own draft solution of the Moldovan-Transdnistrian issue based on the internal 2005 Law. Further continuation of this unilateral line will only expand the gap between the parties, extending and deepening the factor of regional instability, setting aside the perspectives of final and fair settlement of the relations in the interests of the population of both banks.

Realizing the existing situation, the Moldovan side for a long time keeps diligently demonstrating its activity outside the negotiation process ex post being not ready for rapprochement of positions. The present Moldovan authorities do not want to abolish or significantly modify this Law. Apart from that, according to the existing Constitution Moldova is a unitary state. This provision can be changed only based on a referendum; however there are no signals of readiness of the Moldovan side to conduct such a referendum either.

### **Specifics of the current situation in the field of settlement: a position of “raised drawbridges” and principles of rapprochement**

At present, the problems that led to the breach between Transdnistria and right bank Moldova are not only unsolved, on the contrary, they have deepened. Moreover, compared to the settlement process, the emergence of new difficulties is in full swing, turning into an avalanche and getting out of control. Today, in the relations between the parties, there exists the following block of problems of fundamental significance:

- economic (different methods of privatisation and, as a consequence, different economic models, different approaches to private ownership of land, independent banking, financial and credit and currency systems, a decrease in the mutual commodity turnover etc.);
- political, legal (establishment of own bodies of state authorities of Transdnistria and Moldova, different forms of state structure, different standards regulating development of the legal frameworks etc.);
- socio-cultural, educational, informational (three official languages in Transdnistria and one state language in Moldova, different educational and social standards, presence of independent and unrelated media and communication systems etc.);
- military (creation and strengthening of own armed forces having experience of combat against each other etc.);

As of today, in the political dimension, the parties are holding diametrically opposite positions.

The official Chisinau views the possibility of Transdnistrian settlement solely in the framework and on the basis of its own internal Law “On Basic Provision of the Special Legal Status of Localities from the Left Bank of the Nistru / Dniester (Transdnistria)”.

In its turn, the official Tiraspol proposes development of good neighbourly relations between Moldova and Transdnistria in their quality as two sovereign independent states. These provisions are included in the draft Agreement “On Friendship and Cooperation between the Republic of Moldova and the Transdnistrian Moldovan Republic”<sup>8</sup> passed to the President of Moldova V. Voronin at the high level summit in Bendery on 11 April 2008.

To overcome the prolonged systemic crisis in the field of settlement, there is a need for concrete actions supported by real political will of the parties, and not only declarations about readiness for a joint quest for a compromise.

In the dimension of political settlement there should be created conditions for an equitable dialogue between the parties aimed at a search for viable mutually acceptable solutions. A key role in this issue could be played by a principled position of guarantors, mediators and observers interested in reaching a fair and sustainable settlement for the good of the population of Moldova-Transdnistria.

In the current conditions, a strong system of stability and security in the region could be built on the following principles:

- a) equality of the main actors in the dialogue – the Moldovan and Transdnistrian sides, their mutual respect and non-interference in each other’s internal affairs;
- b) avoidance of any unilateral solutions that could endanger peace and stability in the region, and the harm realization of political, socio-economic and other rights of the residents of right bank Moldova and Transdnistria;
- c) inadmissibility of economic, politico-diplomatic, informational and other measures of pressure in relations between the sides;
- d) assurance of freedom of movement of people, goods and cargo in accordance with agreements between the parties, and norms of international law;

- e) sustainable and stable operation of trans-boundary transport corridors;
- f) preservation of the existing peacekeeping operation. The decision on the possibility of changing it should be made through a consensus of Moldova, Russia and Transnistria;
- g) presence of a comprehensive system of international guarantees in the political, economic and other fields.

The so-called Bratislava format, established in February 2002, “Permanent Consultation on Political Issues in the Framework of the Transnistrian Settlement Negotiation Process”, widely known today as “5+2” requires a certain modernization of the mechanism of execution of agreements and treaties concluded by the parties in accordance with the universal “pacta sunt servanda” principle.

To provide a more fruitful ground for negotiations it is worth starting from unblocking of all the baggage of joint positive developments, removing the “political locks” restraining opportunities for gradual progressive movement towards improvement of the situation in specific fields of bilateral relations.

An important practical mechanism for the settlement of problematic issues could become co-operative expert work of the parties. However, this cooperation should first of all be depoliticized, proceed from an absolute priority of the interests of residents of right bank Moldova and Transnistria and be based on principles of mutual respect, pragmatism and inadmissibility of forcing of unilateral solutions.

#### **Transition to a tactic of solving concrete issues: special features of the work of expert groups of Moldova and Transnistria**

Keeping in mind that the parties’ political positions are still polar and that as of today there are no conditions for resumption of a normal functioning of “5+2”, the actors in the settlement process came to understand the significance and necessity of actions beyond the framework of the “Permanent Consultation”. This is about focusing the parties’ efforts, as well as those of the guarantors and mediators on organising the work of expert groups from both sides to resolve specific problematic issues in a practical dimension. In the current situation, successful co-operative settlement of existing difficulties in the Moldovan-Transnistrian relations could be a foundation for progress, and could provide a positive impulse to the political process itself.

Therefore, for the purpose of further developing the agreements of the presidents of Moldova and Transnistria reached in the meeting of 11 April 2008, joint work was begun in this direction.

At the first stage, the parties agreed to create expert groups to solve problems in the following areas:

1. in the area of development of transport communication (railway, automobile and in the field of road facilities);
2. in the area of provision of humanitarian aid and its distribution;
3. in the field of environmental protection / ecology.

In April 2008, a number of events were held dedicated to issues of functioning of joint working groups and confidence building measures between the sides. In particular: on 14-15 April 2008 in Odessa under the auspices of the OSCE a workshop was conducted on strengthening confidence and security measures in the sphere of the economy and the environment involving representatives from Moldova, Transnistria, and in the presence of representatives of the RF, Ukraine, EU and USA; on 18 April 2008, in the Bendery office of the OSCE Mission, a working meeting of expert group leaders was held on issues of transport, environmental protection and humanitarian aid;

on 23 April 2008, on the initiative of the EU a working meeting on the issue of railways was held in Odessa, and a number of other meetings were conducted.

However, already the first steps in this direction identified a number of significant difficulties preventing further progress and build-up of cooperation dynamics in this field.

As one might expect, the barriers are almost “traditionally” of a political nature. The parties still have not reached any common opinion concerning the legal basis for the activity of the sectoral expert groups, as well as on the format of their work, protocol, empowerment, level of decisions to be taken etc.

Moldova proceeds from RM Government Regulation Nr. 1178 of 31 October 2007 “On Realization of Initiatives of the President of the Republic of Moldova on Building Confidence and Security in the Context of the Transnistrian Conflict Settlement”.

This Regulation is based on the Law of RM of 22 July 2005 “On Basic Provisions of the Special Legal Status of Localities from the Left Bank of the Nistru / Dniester (Transnistria)” and RM Government Regulation Nr. 814 of 15 August 2005 addressing social guarantees for the population of Transnistria. According to these documents “representatives of the Transnistrian region” are supposed to be involved only at the stage of implementation of concrete projects “on realization of initiatives of the President of the Republic of Moldova” (p. 3 of Regulation Nr. 1178).

Thus, factually and legally Transnistria is offered participation in implementation of projects that will be developed and approved without its representation and respectively without taking into account the opinion of the Transnistrian side, without an opportunity for any equal partnership work.

In its turn, Transnistria offers to use a fundamentally different mechanism of socioeconomic interaction based on a platform of negotiation and compromise.

We are talking about the mechanism, developed in 1997 based on bilateral agreements between Moldova and Transnistria. Thus, on 10 November 1997 the parties signed an Agreement “On the Organisational Basis of Socio-Economic Cooperation between the Republic of Moldova and Transnistria” at the level of the Prime Minister (from the Moldovan side) and Vice-Chairman of the Government (from the Transnistrian side). This Agreement established a clear mechanism for joint expert work.

In particular, in the framework of the Agreement, the Parties established Committees for Socioeconomic Cooperation between Moldova and Transnistria which, in turn, comprised the Joint Commission of the Parties. In the framework of this Joint Commission about 20 working groups were established with an approximate list also fixed in the Agreement. This Agreement stipulated procedural issues of the activity of the Commission of the Parties, Joint Committees, as well as sectoral work groups, their tasks and powers.

According to an agreed rule, decisions of the Parties’ Joint Commission were advisory in their nature and were documented in a bilateral Protocol, however, with a possibility of becoming obligatory, allowing for the creation of a “third legal framework”. Thus, a unique opportunity emerged to avoid unilateral legal settlement in the framework of the existing legislation of one of the Parties and a suitable framework created for reaching compromise by adopting consolidated decisions.

It should be noted that the 1997 Agreement is still valid – or at least none of the parties has claimed withdrawal of its signature on this document. Moreover, Moldova made a reference to this Agreement as to a binding one at the moment of joining the WTO and this reference became a necessary prerequisite for the RM’s membership in this organisation. Notably, later the set of

\* Editor’s note: The document name here and ones appearing below in this paper were translated to English from the author’s paper, which was originally written in Russian.



documents necessary for the RM's membership in the WTO was ratified by the Parliament of the RM and acquired statutory force.

In view of that stated above, and with a real readiness of the Moldovan side for a concrete dialogue, this agreement could become the framework for the activity of the joint expert groups of Moldova and Transdnistria which would then have equal rights, competencies and would make decisions through negotiations.

As we can see, even for such an essentially non-political and mutually beneficial format of bilateral interaction as the work of sectoral experts, one fundamental problem became a stumbling block, namely: the unwillingness of one of the sides to recognize the other side's status as an equal participant of the settlement process.

However, without relations of mutual trust, without establishment of socioeconomic interaction and confirmation of the parties' readiness for a concrete dialogue, any attempts to restart the political format of the "Permanent Consultation" will come to another dead end. With such an approach, "5+2" might yet turn into just a multilateral forum for mutual criticism and demarches, which in its turn might move prospects of final settlement even further away.

**Paradigm shift: opening of a "second front line" of practical work in the settlement process to overcome the negative consequences of the long-standing crisis in the interests of the population of the entire region**

Today, problematic issues in the commercial-economic, social, transport and communication, law enforcement, information and other spheres remain unresolved, keep growing deeper and create additional tension in the relations between the parties.

A long period of unresolved conflict negatively affects the living standards of the population on both banks of the Dniester / Nistru generating a negative socioeconomic, demographic and migration dynamic in the entire region. For instance, over the years of confrontation, as a result of demographic changes and forced migration, the size of the population of right bank Moldova and Transdnistria reduced nearly by one third.

The situation in Transdnistria is particularly difficult, as measures introduced by Moldova starting from 2006 to control Transdnistrian export-import transactions, industrial production, to redirect transport flows, to block railway transport led to multi-million losses in the revenues of entire sectors of economy, to the permanent deficit of one third of the socially-oriented budget.

The realisation of political interests by manifestation of force, through discrimination of Transdnistrian economic agents is one of the main conflict-forming factors today. This mechanism was imposed artificially and stimulated the broadening of poverty on the left bank of the Dniester / Nistru.

In this situation there is an urgent need to normalize the situation as soon as possible through the creation of conditions that would make it impossible for one of the parties to use "social weapons" – instruments aimed at suppressing social systems and potentials.

Certainly, efforts could be made to reach progress in settlement by political-diplomatic means, and work in this area has already been continuing for a long time. However, one should not disregard the possibility of creating additional incentives for settlement in the form of a comprehensive international "Program of Socioeconomic, Legal and Humanitarian Rehabilitation of the Region".

Today, the protection of citizens' rights and freedoms along with the provision of acceptable socioeconomic conditions should not be viewed as merely a kind of "bonus" for the population of the sides in the case of a successful settlement. This is the humanitarian foundation and the necessary civilisational minimum that had to be ensured "already yesterday" or, at least, today.

The current situation is characterized by the following – the work at the level of expert groups cannot gain positive dynamics and is close to another dead end; the process of Moldovan-Transdnistrian relations also experiences systemic difficulties and is far from its final resolution. In these conditions there is a need for a more active, systemic involvement of international mediators and observers in the development and implementation of a special program of confidence building, rehabilitation of the socioeconomic sphere, raising the effectiveness of the key legal institutions, and of the level of civic culture etc.

The guarantors, mediators and observers should revise their commitments from the point of view of socio-humanitarian risks and threats to regional security generated by the "frozen" conflict in relations between right bank Moldova and Transdnistria. Resolving the problem of political settlement should be viewed in direct connection with a large-scale recovery process and strengthening of the viability of the entire region.

A qualitative breakthrough is needed for that – the cooperation of the guarantors, mediators and observers should go beyond the framework of the "5+2" format, it is necessary to convert to a more responsible level of regional partnership in order to develop common approaches to render systemic support to the development of the entire conflict space.

With this aim in mind, mediators, guarantors and observers (Russia, Ukraine, OSCE, EU and USA) should form a new "5+2" SOCIO-HUMANITARIAN FORMAT or a "Five For Two" in the settlement process as a special temporary mechanism to ensure dignified humanitarian, socioeconomic and civic-legal bases for the livelihood of the right bank Moldovan and Transdnistrian population.

The specifics of this mechanism should be clearly fixed in the form of an additional and importantly non-political instrument in the framework of the Moldovan-Transdnistrian settlement process. This is necessary, so that the organizational-technical aspects of its functioning do not assume a scale of an unsurpassable political problem in view of possible claims by the Moldovan side that this mechanism may become a form of "recognition" or so-called "legitimization" of Transdnistria.

In the framework of this format, a special program can be developed, and then implemented on its basis, a "Program of Socioeconomic Humanitarian Rehabilitation of the Region" implying implementation of a package of socioeconomic transformations, involvement of the parties in investment projects with a social, legal, economic, infrastructural and informational purpose.

The key issue here is whether this region could become a zone of consolidated efforts, mutual understanding and cooperation of regional leaders and international power centres. To achieve this, it is primarily necessary to have the understanding and will of the "humanitarian guarantors" who will express a desire to participate in this process and who are ready for a systemic monitoring of socioeconomic problems and an allocation of resources for the practical implementation of the Program.

In this context, it is important to avoid the lure of a simple outward-focused approach – attracting new external actors to the settlement process (for example, Romania, Bulgaria, Turkey etc.). Such an approach, in the conditions of escalated heterogeneity of the regional international relations system might aggravate contradictions between countries and create an additional hotspot of confrontation, this time at the level of mediators, guarantors and observers. The intensification of cooperation and of its meaningful content in the format of quite a stable system of interrelations of the existing "five" international actors could be more useful.

The Transdnistrian direction of interstate cooperation appears attractive as it gives a good opportunity to develop a positive humanitarian and legal mechanism – model of support for a peaceful political process aimed at the progressive elimination of destructive factors generated by the conflict.

For optimization and acceleration of the work in this direction, the Program could be based on the results reached by the parties in the settlement process and listed in the previous sections of this article that were accepted by way of direct agreement and have an appropriate legal format.

Expected general directions of Program implementation:

- ensuring use of instruments of functional democracy and creation of a legal basis needed to provide humanitarian, socioeconomic and legal assistance to the population of right bank Moldova and Transdnistria;
- development of a comprehensive system of protection of fundamental human rights, ensuring direct access to international means of legal protection (possibly creation of a system of ombudspersons of the “Socio-Humanitarian “5+2””);
- free and full application of international agreements and conventions in the social sphere;
- creation of a special “stabilization fund” aimed at rehabilitation of the social sphere in right bank Moldova and Transdnistria, resolution of the most acute humanitarian issues;
- ensuring freedom of movement of people, goods and cargo in accordance with the rules of international law, initiation of elimination of any limitations, so called “black-lists” of persons who are prohibited to move both between the Moldova and Transdnistria, and to go beyond their borders to countries of the near and far abroad;
- ensuring elimination of internal bureaucratic barriers between the parties, including the requirement of temporary registration, obtaining residence permits etc. for all citizens having internal Moldovan and Transdnistrian passports;
- implementation of a system of trade preferences for enterprises (in the framework of agreements on free trade with the CIS countries, CEFTA, European Union preferences etc.);
- implementation of a mechanism for collection and targeted distribution of humanitarian aid, including that received from other states and international organizations;
- additional support and financial assistance to socially vulnerable groups of the population and persons affected by natural disasters;
- guaranteeing the free activity of all kinds of mass-media on both banks;
- carrying out monitoring aimed at ensuring the elimination of incitement of national, racial, ethnic or religious intolerance and other forms of hatred and xenophobia propaganda in the mass-media of both sides;

Support to the region in the socioeconomic sphere and especially support to Transdnistria which has experienced pressure on this “sore point” over many years, as well as a common movement of the society towards functional democracy will provide an effective assurance of protection for all citizens living on both banks, who will, already now, gain an opportunity to fully realize their inalienable rights in accordance with international standards and without direct and inflexible dependence on progress in the political sphere.

Implementation of this project will provide a serious prospect for development and improvement of the social welfare of all citizens and will allow the reaching of a certain practical “defrosting” of the conflict, as well as facilitating the start of internal social processes at the level of civil society.

The “Socio-Humanitarian “5+2” format” can become one of effective foundations for a new architecture of stability by creating normal conditions for the people’s livelihood during the period of transition from the current “status-quo” to the final conflict settlement – one which will

conform to the broadly recognized socio-humanitarian norms of international law and which will take into consideration the real factors and modern tendencies.

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Oazu Nantoi\*

## SOURCES AND SETTLEMENT PROSPECTS OF THE TRANSNIESTRIAN CONFLICT

*“Two things turn a great mass of people into a nation –  
a common greatness of the past and common plans for the future “:  
(Winston Churchill”)*

From the outside observer’s point of view, the problem referred to as the “Transdnestrian conflict” looks quite contradictory. On one hand, all the attributes of a conflict are there – the memory of the bloodshed, the presence of the peacekeepers, the mediators engaged in the negotiation process, the mutually exclusive positions of the “sides” and the absence of any clear prospect of conflict settlement. On the other hand, the very name “Transdnestrian conflict” tells only about its geographical location, and nothing of its essence, especially in the situation when both banks of the Nistru / Dniester are inhabited by representatives of the same nationalities and for the most part of the same religious confession. Also, the obvious absence of hostility between the two banks of the Nistru / Dniester should be added here, as shown by the fact that several thousand young people from Transdnestria study in Chisinau’s higher educational institutions.

From the author’s point of view, wrongful and stereotypical perceptions of the Transdnestrian conflict have been artificially imposed when approaching it as an issue. As a result, the very formula of the negotiation process, as well as the approaches to conflict settlement contradict its essence and are therefore knowingly doomed to failure.

The article offers an approach to analysing the essence of the conflict based on the analysis of the consequences of the historic processes that led both to the emergence of the Republic of Moldova and to the issue of the Transdnestrian conflict. It is the author’s opinion that for at least two centuries, the population of both banks of the Nistru / Dniester has lived in conditions which have created fertile ground for its manipulation by certain political circles of the USSR (and later Russian) leadership, and at the same time, predetermined the population’s ability to manage its freedom obtained after the disintegration of the USSR.

In the author’s opinion, the “Transdnestrian conflict” is an integral part of the issue of implementing a project named “the Republic of Moldova”. The essence of the conflict is reduced to Russia’s ambition to control the whole of the Republic of Moldova from the geopolitical perspective, while the internal potential of the Moldovan society is not enough to create a viable, democratic state.

The EU enlargement, the inclusion of the Republic of Moldova in the Neighbourhood Policy, as well as the Ukraine’s ambition to join NATO and the EU have generated a fundamentally new situation which in the long term could create possibilities for the settlement of the Transdnestrian conflict and for the consolidation of the state of the Republic of Moldova.

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### 1. Background of the Transdnestrian problem, or – could the emergence of the conflict have been avoided?

The relation of the Transdnestrian conflict to the political processes following the declaration of the “perestroika” policy in the USSR and accompanying its disintegration is obvious. At the same time, situations similar to those that led to the emergence of the Moldova-Transdnestria

\* This material reflects solely the author’s opinion concerning the problem known as the “Transdnestrian conflict”. At the same time, the author in no way claims his point of view as being exclusively right.

\*\* Translation from author’s quotation in Russian

conflict didn’t occur only in the former Moldovan SSR. However the number of factors here that predetermined the emergence of the conflict and resulted in a split of the country had a certain local specific character. Without understanding the key elements of these particularities it would be possible neither to correctly understand the causes of the emergence of the Transdnestrian conflict, nor to search for ways of its settlement. This became especially relevant in the situation when, after the unilateral declaration of independence by Kosovo on February 17, 2008, the international community was found split and speculations regarding the universality of the Kosovo precedent for other “frozen” conflicts were revived.

#### 1.1. Historical background\*, or the role of the past in the emergence and evolution of the Transdnestrian conflict

The Republic of Moldova was recognized by the international community as having the full status of an independent state being a successor of the former Moldovan Soviet Socialist Republic (MSSR), one of the constituent entities of the Soviet federation. The right of the subjects of the Soviet federation for self-determination, up to a withdrawal from the USSR, was affixed effectively throughout the Union’s existence – as far back as the Treaty on the Creation of the USSR (art. 26) of December 30, 1922 and likewise in all three Constitutions (1924, 1936 and 1977) of the USSR. Over a period of more than half a century this sovereignty was an obvious fiction with the declarative right for withdrawal from the USSR not being supported by any adequate legal mechanism. Borders between the Union’s Republics were purely administrative and, typically, not corresponding to the ethnical distribution of peoples within the USSR. At the same time, the policy conducted by the Union Center regarding the creation of a “new historic community – the Soviet people” prevented, in a sense, the emergence of any problems or conflicts.

Attempts to democratize the Soviet system instigated a “parade of sovereignties” that caught the international community unawares. The consequence: formal recognition of independent statehood for all the former fifteen Union Republics, including the Republic of Moldova.

This transformation of the former Union Republic into an independent state was preceded by a rather complicated historical background. Furthermore, the twists and turns of the last two centuries were bound to reflect upon the mentality of the entire population, and were also bound to build up a certain contrast between the dominating mentalities on the right and the left banks of the Nistru / Dniester.

##### 1.1.1. The right bank

The land area between the Prut and the Nistru / Dniester rivers, also called Bessarabia, was a constituent part of the feudal Moldova\*\* that for several centuries along with Walachia and Transylvania were at the crossroads of the interests of the Ottoman, Russian and Austro-Hungarian Empires.

In 1513, several years after the death of *the Moldovan Prince\*\*\* Stefan cel Mare (Stephen the Great)*, Moldova had to accept the regime of the Ottoman suzerainty and, along with Walachia, was included in the so-called “House of Peace” – an intermediate status between the “House of Islam” (territories, directly integrated in the Ottoman Empire) and the “House of War” (territories, over which Ottoman Empire intended to gain control by way of force). The Moldovan and Walachian princes repeatedly tried to break free from the Ottoman suzerainty and regain their

\* This section does not claim academic completeness and considers only those facts that according to the author have significantly affected the Transdnestrian problem.

\*\* First references of the Moldovan Principality date back to 1359

\*\*\* Editor’s Note: the title was *gospodar* or/and *voievod(a)* in the Slavic languages while *domn*, from the Latin *dominus* was used in Romanian.

independence both through wars and diplomacy. However, these attempts failed and usually did not end well for their initiators.

In May 1812, after the Ottoman Empire was defeated in the Russian-Turkish war, a peace agreement was reached in Bucharest, according to which the land between the Prut and Nistru / Dniester Rivers was integrated into the Russian Empire. There is historical evidence that the Russian Empire laid claims to Moldova and the entire Walachia, territories which by then were already occupied by the Russian army, and only the inevitability of the war with Napoleon limited its imperial ambitions.

A certain autonomy initially given to Bessarabia was eliminated on 28 February 1838 by a Decision of Nicholas I. Later on, the situation in Bessarabia was determined by the influence of competing processes. On one side, on the other side of the River Prut from Moldova the formation of a national Romanian state was underway. This coincided chronologically with the period of the bourgeois revolutions in Europe that could not fail to provoke pro-Romanian attitudes in Bessarabia. On the other side, the Russian Empire, in order to strengthen its position in Bessarabia, applied a policy that was standard for its outskirts, involving resettlement to Bessarabia of various groups of colonists with the purpose of alteration of the population's ethnic composition, its forced Russification and isolation from the processes going on in the neighboring Moldova and Walachia.

#### *Union of Bessarabia with Romania*

The chaos brought about by the Bolshevik coup and by the downfall of tsarism in Russia also affected the political processes in Bessarabia. On 20 October 1917 a “Military-Moldovan Congress” was called in Chisinau to plan the creation of a regional parliament – *Sfatul Tarii*. Turbulent political processes did not allow for its formation to be based on direct democratic elections. Representatives of various parties and ethnic communities were delegated, based on quotas announced earlier. The first meeting of *Sfatul Tarii* was held on November 21.

First, on December 2, 1917, *Sfatul Tarii* declared Bessarabia a Moldavian Democratic Republic intending to be integrated as a full member in the single Federative Russian Democratic Republic.

However, in the neighbouring Ukraine which was having a traditional influence over the situation in Bessarabia the events unfolded according to a more radical scenario. On 20 November 1917 the Ukrainian People's Republic was declared, and on 22 January 1918 Ukraine claimed its independent statehood. Bessarabia followed this example on the 24<sup>th</sup> of January (old style). The situation was complicated by the fairly active claims of the “new-born” Ukraine for the territory of Bessarabia.

Amid the chaos instigated by the collapse of the Romanian front line and spontaneous demobilization of the Tsar's army, 11 days before independence had to be declared, Romanian troops entered Bessarabia, “invited” to defend the population from marauding bands and to counteract the attempts to establish “Soviet power” in Bessarabia. All this provoked a sharp response from the Council of People's Commissars of the RSFSR. As a result, on 26 January 1918, the RSFSR officially broke its relations with Romania.

Against this background, being far from the canons of a rule-of-law state and representative democracy, *Sfatul Tarii* declared, on March 27 (April 9) 1918, the union of Bessarabia with Romania:

*“Voted by Sfatul Tarii on 27 March Art. Art. 1918. In the name of the people of Bessarabia, Sfatul Tarii proclaims: the Moldovan Democratic Republic (Bessarabia) in its borders between the Prut, Nistru, Danube, Black Sea and the old border with Austria, broken by Russia more than a hundred years ago from the body of ancient Moldova. By virtue of historic right and right of ancestry, based*

*on the principle that nations should independently decide own destiny, from here to eternity, unites with its mother Romania.*

*Long live the union of Bessarabia with Romania ever after!*

*Chairman of Sfatul Tarii, Ion Inculet; Vice-Chairman, Panteleimon Halipa; Secretary of Sfatul Tarii I. Buzdugan”*

The union of Bessarabia with Romania triggered a most conflicting response from the international community. Such countries as Great Britain, France, Italy and Japan recognized the act of Bessarabia and Romania union by signing on 28 October 1920 the Treaty of Paris, while RSFSR rejected its legitimacy categorically.

However, the fact that Bessarabia remained a part of Romania for 22 years is the key thing that distinguishes it from the left bank. At least one generation of inhabitants of Bessarabia lived for 22 years as citizens of the state of Romania with all the complexity and contradictions of that period. In the period of affiliation to Romania, there was no rejection of the right of property, including to land. There was a multi-party system and a concept of independent judiciary. There was a pluralism of opinion and independent press in the society. And of course, nobody ever thought of massive repressions and physical extermination of entire social groups of population. So this precedent of Bessarabia being a part of the Romanian state played its quite significant role in the development of the Transdnistrian conflict.

#### *1.1.2. The left bank*

The limits of influence of the Russian Empire reached the River Nistru / Dniester after the signing on 29 December 1791, in Iasi, of the Russian-Turkish Treaty as the conclusion of the 1787-1791 war.

The confrontation between Romania and the USSR on the issue of Bessarabia predetermined the future destiny of the left bank of the Nistru / Dniester bordering Bessarabia: on October 12, 1924, immediately after the failure of the Paris Conference that made unfortunate attempts to solve the problem of Bessarabia, the creation of Moldovan ASSR was declared as part of Ukraine.

Today it is difficult to judge to what extent this step was dictated by a “bottom-up” initiative from the population of that region, and to what extent the short-term, expansionist attitudes of the Union center prevailed. However, the latter never concealed that the formation of MASSR in 1924 was intended to justify the USSR's claims for Bessarabia, as a minimum.

The official ideology of those times had it that in the MASSR “a part of Moldovan socialist nation is in bloom”. While the other part – in Bessarabia, “whimpers under the yoke of Romanian-boyar occupants”. Or, as the Great Soviet Encyclopedia (BSE)<sup>1</sup> read: “The Soviet Moldavia, separated from the struggling Bessarabia only by the Dniester represents for the latter an exemplary of national, cultural, political and economic construction”. Official USSR maps of those times showed the border of the USSR along the river Prut, while the territory of Bessarabia was marked as “being under temporary Romanian occupation”.

Thus, the MASSR became a training area for testing of the ideology of anti-Romanian Moldovenism, a humping springboard for the expansion of communist ideology into Romania and an instrument to justify the USSR's claims for the territory of Bessarabia.

#### *1.2. The Formation of the Moldovan SSR as the legal predecessor of the Republic of Moldova*

The temporary improvement in relations between Romania and the USSR reached during the first half of the 1930s and likewise the establishment of diplomatic relations on 9 June 1934

\* Author's translation to Russian, in which the original of this paper is written, in turn translated to English here.

between the two countries did not result in solving the problem of Bessarabia. This was reflected in subsequent events.

Now, nobody rejects the factual reality of the signing of secret protocols to the Molotov-Ribbentrop Pact in August 1939. However, the interpretation given to the implications of these agreements are, typically, mutually exclusive. In the author's opinion, it is obvious that two totalitarian regimes, the Communist and the Nazi one, arranged spheres of influence in Europe, or rather, agreed on its dividing line, in this way predetermining the destinies of different states and people.

Later, the troops of the German Wehrmacht attacked and occupied eight countries over a period of 22 months, pursuant to the agreements on delimitation of spheres of influence in Europe. The USSR, in turn, on 30 November 1939, started a war against Finland and annexed three Baltic States. In June 1940 was the turn of Bessarabia. Romanian troops were evacuated over the River Prut without a single shot fired. On June 28, Bessarabia passed under the control of the USSR.

From the USSR perspective, what happened on June 28 1940 was nothing but a *restoration of territorial integrity of Ukraine and its constituent part the MASSR*. So after June 28, 1940 the USSR could just limit itself to declaring the “restoration of territorial integrity of Ukraine and MASSR”, leaving it as a part of Ukraine without needing to further transform it into a “Union Republic”.

If Moscow had settled on that option then, after the disintegration of the USSR in 1991, the present territory of the Republic of Moldova would still be a constituent part of Ukraine with no chance for international recognition as an independent state. At least that is what happened to Abkhazia that used to be (in 1921-1931) a “Union Republic” and later became autonomous in the composition of the Union Georgia. Yet, on 2 August 1940, the Supreme Council of the USSR forms the Moldovan SSR with a capital in Chisinau.

There is no sense looking for any particular rationale in the determination of the borders of the new Union Republic. The Union leadership did not take the option of mechanical unification of the former MASSR territory with the newly-annexed territories. There is a popular belief that 8 out of 14 regions of the former MASSR likewise the South and the North of Bessarabia, the North of Bucovina and the Hertz region remained part of Ukraine, on the insistence of a rather influential Ukrainian lobby. It should also be added here, that the border voluntarily marked between the MSSR and the USSR separated the area of Gagauz settlement (the town of Bolgrad in the Odessa region was in the center of the area, where Orthodox Bulgarians and Gagauz, under the collective name “Bulgarians”, moved in the beginning of the 19<sup>th</sup> century).

*So the appearance of the Republic of Moldova in 1991 as a state and subject of international law was predestined since 1939 by an Agreement between Hitler and Stalin. The legal grounds of the Republic of Moldova, as well as its present borders, were a consequence of the voluntarism of external factors acting through a century and a half and having nothing in common with the “will of Moldovan people” and suchlike.*

*It should also be added that the historic Moldova, of which Bessarabia was part in times past, did not disappear anywhere and is an integral part of the present Romania. That is why the name of “Moldovan SSR” approved in 1940, based on the practice of rehashing of territories of those times, reflected claims for the rest of the historic Moldova. A continuation of that policy is the ridiculous claim for the over-the-Prut Moldova<sup>\*</sup> expressed after 2001 by the CPRM ideologues through stating that the present Romania houses an ethnic minority of 10 mln. Moldovans.*

\* Editor's note: The author is referring to the region presently called Moldova located on the Western bank of the River Prut, which is part of today's Romania.

### 1.3. From the Moldovan SSR to the declaration of independence

The USSR's concern for legitimizing its claims for the MSSR territory, given the vicinity of Romania, predetermined the policy conducted by the Union's center in the Moldovan SSR. These events, starting from 28 June 1940, were quite convincingly presented by Efrosinia Kersnovskaya<sup>2</sup> in her memoirs. Of all the fifteen Union Republics, *it was only in the Moldovan SSR where the Union's leadership set a goal to create an ethnic identity of a titular nation separate from the neighboring state (Romania).*

The process of the MSSR's industrialization that started in the 1960's was accompanied by a massive arrival of both specialists and unskilled staff from other Union republics. Nevertheless, ‘the right bank’ still remained predominantly agrarian. According to Soviet statistics, more than 80% of representatives of the *titular nation* lived in villages being under control of “kolkhoz” and “sovkhoz” (collective farming) ghettos. Deprived of the right of owning land, with a worldview on the level of a village community, Moldovans by no means strived to “destroy the Empire” etc. Conformism and a drive to survive on the individual level became an unwritten law of behaviour.

Moldovans, together with the Gagauz, compared to other ethnic groups, shared the last place in the percentage of specialists having tertiary education. In the Soviet times in the MSSR the Russian language was a language of success in one's career, a prestigious language, while the “Moldovan” language trudged a “backyard” life. The ideological machine of the totalitarian state, having destroyed the historic memory, replaced it by a primitive ideological cliché. It follows that it may be argued that *in the MSSR the experiment of creation of a “Moldovan socialist nation” was concluded successfully*: most of the MSSR population did not consider themselves occupied by the USSR, accepted it as their native land and did not reject the communist ideology.

The “perestroika” policy declared by Mikhail Gorbachev in March 1985 opened a “Pandora's box” uncovering a broad range of contradictions that had accumulated in the society and, at the same time, challenged the society's problem solving capacity in the condition of “out-of-the-blue” freedom. The perspective of a disappearing USSR did not consolidate the MSSR's population around the idea of Moldovan statehood, but split them into antagonistic groupings with a dominating totalitarian mentality.

Here, it would be relevant to mention the situation with the All-Union referendum of 17 March 1991 when citizens of the USSR were meant to express their opinion regarding USSR preservation. Moldovan leadership, not being sure that the population going to vote against the USSR's preservation, took the path of prohibition of the referendum, while in Transnistria it did take place.

Nevertheless, the disintegration of the USSR gave the MSSR population the freedom to manage their own lives. However, the point was not so much about individual freedoms, but rather about the capability of the former MSSR society for self-governance using the instruments of a rule-of-law state and a political democracy. After the “perestroika” policy was declared in March 1985, the ability of the society to manage its freedom was affected by the exodus to Romania in 1940 and 1944, and by the physical extermination of the local elite (representatives of local administration, various political parties, teachers, priests, well-off proprietors etc.). In one way or another, this social layer was the carrier of a certain culture, historic memory, values and all those things, the absence of which make the concept of “nation” incomplete.

Lacking traditions of statehood, the population of the former MSSR had to deal with a triple task: creating functional mechanisms of a rule-of-law state; transforming a splinter of the USSR economy into a national market economy of a new state, and, importantly, converting the population of the former MSSR, many of which considered themselves citizens of the USSR, into a community of citizens of the Republic of Moldova, a new citizens' nation built on European principles.

Proceeding from the premise that for MSSR the restoration of the Status Quo that existed before 1940 would mean self-liquidation: return of Transdnistria to Ukraine and of Bessarabia to Romania, the Moldovan Parliament, adopted on 5 June 1991 a “zero” option of the Law on citizenship. This law enabled anyone, who as of the day of adoption of the Declaration on Sovereignty of the Republic of Moldova (23 June 1990) “had permanent residence and a permanent workplace or another legal source of subsistence”, to get Moldovan citizenship.

Accordingly, the current Moldovan Parliament, elected in March 2005 is a continuation of Soviet supreme councils being a 15<sup>th</sup> convocation Parliament. That is why, looking ahead, we can state, that in 2008 it is relevant to only talk about the creation of more or less real structures of a ‘rule-of-law state’ on a part of the territory of the Republic of Moldova. The other, much more important components of the triple task are still uncompleted.

## 2. The language problem as a litmus test

In the second half of the 1980’s a wave of adoption of laws ran through the Union republics, according to which the *titular nations’* languages became “state” languages. This moment is interesting as being the first precedent for implementation of changes in the society based not on some resolution of a Communist Party Congress, but on the adoption of a law whose draft was discussed by the entire society. In other words, the adoption of those laws was an original democracy test for the society. In the Moldovan SSR, the year 1989 reached a culmination of political confrontation.

The official Soviet ideology marked two paths of “breaking spiritual bonds with one’s people”: either Russification or “identification with Romanian bourgeois intelligentsia”.<sup>3</sup> In essence this was a continuation of the Russian Empire’s policy of propagating “*moldovanness*” among the population of Bessarabia, though this time under the cover of “socialist internationalism”. In the MSSR environment, this meant that behind a false façade of social equality in reality existed an unspoken, but ruthless social hierarchy, resting on ethno-linguistic criteria among others.

In the MSSR, representatives of the *titular nation* were found on the lowest rung of society, being a silent product and a “folk supplement” to the policy of “socialist internationalism”. The Russian language dominated all spheres of social life, while the “Moldovan” language had the purely decorative role of carrier of “national socialist culture” preserved at the household level, mainly in the countryside. As a consequence of this policy, in 1989, not a single person in the MSSR had a sufficient enough mastery of the Romanian language to freely use it in the cultural, scientific-technical and social spheres.

Discussions around the adoption of “language” legislation demonstrated the deep rupture and mutual misunderstanding within the population of the MSSR at large. The society broke in two on the grounds of language: some insisted that only the Romanian language received the status of state language, while others, equally emphatically, demanded that the Russian language got the same status.

An important thing should be noted here – there is a substitution of notions when it comes to the “second state language” in the conditions of Moldova. Normally, the second state language is called to protect some ethnic minority from assimilation in a situation when the whole society possesses the language of the majority. In the MSSR, supporters of granting a second state language status to the Russian language struggled not for their self-preservation, but for a right to not know

\* In the MSSR, local KGB staff members who knew the “Moldovan” language got a 15% raise in their salary for “knowledge of a foreign (Romanian) language”.

\*\* The author is using the term “Romanian language” consciously, based on his own views and the fact that, regardless of political speculations and art. 13 of the Constitution of the Republic of Moldova, right bank society has more or less adapted to this obvious fact.

the language of the majority (Romanian), something that can be observed until today, when in 2008, in the Parliament of Moldova, there are members, who do not speak Romanian and especially for them, at the expense of taxpayers, simultaneous translation into Russian is provided.

Today Transdnistria’s “three state languages” represents an even more obvious proof of the essence of a similar approach. Virtually, Russian is absolutely dominating in Transdnistria, while “Moldovan” together with the Moldovans and the Union of Moldovans of Transdnistria still play the role of a silent ornamental illustration of no longer “socialist”, but “Transdnistrian internationalism”. According to the Ministry of Education of Transdnistria, around 180 comprehensive schools function in the region today. Of them, 126 teach in Russian, 33 in Moldovan and 3 in Ukrainian. Nevertheless, there is no possibility for Moldovans to continue their education in Transdnistria in their native language, and the attempts to build the education system for Moldovan schools based on an opposition to the Republic of Moldova only accelerates the linguistic, cultural and social degradation of Moldovans.

Coming around to the reality of 1989, it should be mentioned that the perspective of introducing mandatory knowledge of Romanian required for career development (in its Soviet understanding) meant a collapse of the pyramid of social hierarchy which was quite comfortable for the Russian-speaking population which was placed at its top. Having previously had a feeling of being representatives of the *majority* on the USSR scale, they suddenly faced an unpleasant perspective of becoming a *minority* on a scale of “some” MSSR! Furthermore, many of them were shocked to learn that the language, for instance, happened to be Romanian!

Having not read the draft laws, most of the “Russian-speakers” were absolutely sure of their discriminatory nature. As for Moldovans, some of them suddenly felt that a rather average knowledge of Romanian, even at a primitive everyday level, could serve as a source of feeling superior over those they have been beholding with subservience and tacit envy.

Nonetheless/, the idea of introducing the Romanian language (while remaining “Moldovan” for the majority) in the social life was genuinely and widely supported, even momentarily, among Moldovans. That sincere enthusiasm that brought tens of thousands of people to the central square of Chisinau on 27 August 1989 for a meeting\* to support the adoption of the language legislation reflected the condition of the society at that, even if shortlived, moment of time.

If we view the language problem as a “litmus test” for the population of the MSSR with respect to its spirit of democracy then the political confrontation related to language issues has demonstrated that the population of the MSSR is not prepared to solve various problems based on principles of democracy and mechanisms of a rule-of-law state. Any attempt to initiate a dialogue and reach a compromise was discarded and perceived as a symptom of weakness and as betrayal, while democracy itself was perceived, above all, as an unconditional right of suppression of the minority by the majority.

\* Nobody can challenge the right of every individual for ethnic self-identification. That is why the author does not share the stance of those who rush into declaring *everyone* “Romanians”, and not “Moldovans”. Likewise, the right to consider oneself a Romanian for someone who considers oneself such, cannot be challenged.

\*\* The Popular Front of Moldova declared this meeting a “Grand National Assembly” as a parallel to the one held on 1 December 1918 in Alba Iulia. However, it is obvious that there is a fundamental difference between a meeting, be it even a mass meeting, and an assembly of delegates vested with certain authority according to previously established procedure.

### 3. Factors that predetermined the emergence of the conflict

#### 3.1. Fear at the prospect of joining Romania

In the MSSR, with its population staggered by *Romanian-phobia* and a lack of precedents and traditions of statehood related to the territory of the MSSR, a part of the population, even if an insignificant one, saw the unification with Romania as a way to solving all problems.

A weakening of the Union leadership and the “sovereignisation” of the Union republics led a discussion of different future scenarios in society. In the MSSR, there were two mutually exclusive stances that were most notably vocalized – keeping at any cost the Republic of Moldova integrated in the USSR or unification with Romania. Consequently, people held onto the precedents that history created for them.

The further evolution of the political process in the Republic of Moldova very vividly demonstrated that the number of supporters of unification with Romania did not even allow to get over the election threshold of 4%-6%. Even the Popular Front associated once with the idea of unification with Romania never participated in the elections with such slogans. Moreover, to ensure self-preservation in Moldovan politics the Popular Front had to evolve from a “national-liberation movement of Romanians in occupied territories” (1990) towards a Christian-Democratic Popular Party (2000), with a banal program saying nothing regarding the unification with Romania.

However, in a society staggered by *Romanian-phobia* with a dominating totalitarian mentality and incapable of critical thinking, the response to the existence of supporters of this idea, few as they were, was absolutely out of proportion. With no dialogue between representatives of different political positions, the very existence of the supporters of unification with Romania instigated a panic response. Fear of the unification of Moldova with Romania on the model of year 1918 took the shape of massive collective psychosis, especially after the fall of the Ceausescu’s dictatorship. What some had as an escape from a complex of national oppressedness others treated as an omen for the “Judgment Day”. In the days when the Ceausescu’s regime was being overthrown Chisinau saw demonstrations running through it with slogans of unification with Romania, while the Russian speaking population of the MSSR was shivering with horror.

In the industrial centers of Transdnistria the reaction of the population to similar ideas was even more painfully sensitive. The term “Romanian” was a synonym for “fascist”. Driven by fear, the population, including Moldovans, was ready to go to meaningless referendums every day. People were seized by a complex of a “besieged fortress” that found expression in the slogan “My Republic will protect me!” People were ready to take up arms, anything rather than “wake up in Romania”. The part of the Nistru / Dniester left-bank population that was involved in the armed conflict with Chisinau were at war not so much against being part of Moldova, as “against unification with Romania!”

#### 3.2. Mistakes of the Chisinau authorities

Being part of the USSR, the MSSR had at its disposal non-functional, purely ornamental attributes of statehood and power structures. The elections of the MSSR Supreme Council (February 25 – March 10, 1990) were the beginning of their real formation. To hold the election, the whole territory of the MSSR was divided into 380 single-seat constituencies. It is important to note that those elections were held on the whole territory of the MSSR, with an active involvement from the part of the left bank of the Nistru / Dniester, the Transdnistrian region was hence proportionally represented at the Supreme Council. So, as opposed to *Sfatul Tarii*, the legitimacy of that Supreme Council could not be challenged.

Initially, members from both banks of the Nistru / Dniester River worked and made decisions together, but the growing uncertainty in the relations of Chisinau with the Union leadership

resulted in a fragmentation of the Supreme Council and to an accumulation of contradictions inside it. The following mistakes made by Chisinau were predetermined by a strikingly low level of political culture that dominated the society juxtaposed to a totalitarian mentality.

Firstly, this is a failure to understand the importance of a dialogue both with dissentient leaders and with the population on the whole territory of Moldova. The Moldovan leadership appeared to be unable to provide access for the population of Transdnistria to alternative sources of information.

In February 1990, the author of the article, as vice-chairman of the Council of the Popular Front, at his own initiative, met the team of the S. M. Kirov “Tochlitmash” industrial plant. The meeting demonstrated that the absolute majority of people present in the hall were not hostile to Chisinau. At the same time, it was obvious that people were consuming panic-generating rumors about events happening in Chisinau, on which nobody (in Chisinau) was delivering Russian-language information.

Besides that, a part of leadership of the Republic of Moldova, coming from the Popular Front, viewed Transdnistria as an alien territory, as “never having been part of Romania”, as an obstacle to the expected unification of the Republic of Moldova with Romania. Namely, this part of the “democratic” leadership of the Republic of Moldova did not even try to maintain Transdnistria integrated.

Secondly, in the society as a whole and in the Moldovan leadership of that time there was a dominating temptation for the act of force, failing to understand the possible consequences. The author believes that the tragic events of 19 June 1992 in Bendery, were the result of a provocation planned and organized by Russian intelligence agencies, and the Moldovan leadership fell for it taking it as a suitable moment to apply force.

One of the first-rate blunders of the Moldovan leadership was the “march of volunteers” to the South (Gagauzia) organized in 1990 at the initiative of the Popular Front by the Government, and led by Mircea Druc. When thousands of volunteers moved forward to the South to disrupt elections to the local “supreme council”, the separatist leaders in Tiraspol received their strongest argument in favor of breaking relations with Chisinau. Similar actions implemented on the right bank of the Nistru / Dniester River did nothing but strengthened panic-generating attitudes in Transdnistria and fed the “My Republic will protect me!” point of view.

#### 3.3. Tiraspol’s behaviour

Tiraspol, according to many criteria, stood out among the cities of the Republic of Moldova. At the same time, comparing it with, let us say, Balti, it is obvious that a domination of the Russian-speaking population did not necessarily mean an automatic confrontation with Chisinau. Apart from the fact that Moldovans represented only 17.7% of the population\*, Tiraspol housed the headquarters of the 14<sup>th</sup> Army and there was a high percentage of officers who preferred to stay in the place of their former service. In August 1989, in Tiraspol, the Combined Council of Workers’ Collectives (OSTK) was established and recaptured initiative from the local party organization.

However, there are enough reasons to believe that the confrontation with Chisinau developed under such a hard scenario exactly because Moscow was knowingly using the population of Transdnistria to reach its goals. First of all, back in August 1989, it was quite notable that the enterprises encompassed in the Union’s military-industrial complex participated in “language” strikes. Keeping in mind the strict regime at those enterprises, as well as their direct subordination to Moscow, many people as far back as in 1989 came to the conclusion that participation in those strikes was ordered by Moscow. Secondly, the involvement of the 14<sup>th</sup> Army in the process

\* According to the 1989 population census

of establishing illegal armed units and later on in an armed opposition to the constitutional authority could not happen without a direct order from Moscow.

On 8 December 1991 the first direct presidential elections were held in the Republic of Moldova. In spite of the fact that there was only one candidate, Mircea Snegur, these elections brought about very high expectations. Everyone, especially the Russian-speaking population of the right bank, considered them as an alternative to unionism and a step forward to consolidation of Moldovan statehood. However, in Tiraspol, everything possible was done to undermine these elections on the left bank of the Nistru / Dniester, irrespective of their anti-unionist subtext.

The military conflict of 1991-1992 led to the appearance of the problem of internally displaced persons in the Republic of Moldova. A part of the Transnistrian population left places of their permanent residence and moved to the right bank of the Nistru / Dniester. Another part, during the battles in Bendery, moved to the territory of Ukraine, to the Odessa region. Later, all those who moved to Ukraine, after the end of military action were able to return home without any obstacles. But by far not everyone of those who left to the right bank of the Nistru / Dniester could return (quantitative data vary, because the Republic of Moldova ignores this problem).

It may be said that the population of Transnistrian industrial centers, especially Tiraspol, became a useful material for political manipulations aimed against the Republic of Moldova. Local leaders purposefully took the path of forcible destruction of the weak structures of the Republic of Moldova that barely started being established pushing the situation to a confrontation of forces with Chisinau.

#### 4.4. Military factor

The state of chaos and suspense in the period of downfall of the USSR could not but find its reflection on the armed forces deployed in the MSSR. The military officers, for many of which the Oath was not an empty word, faced the perspective of either going to Russia or staying in Moldova as officers of the national army. The officers in Transnistria found themselves in a particularly difficult situation. Disappearance of a clear vertical power structure characteristic for the army, resulted in its being, one way or another, involved in the political confrontation. While on the right bank of the Nistru / Dniester, withdrawal of the Union's subordinate troops was more or less calm and controlled, in Transnistria the situation was much more tense with the army starting to be involved in the opposition between Tiraspol and Chisinau. Subunits of the 14<sup>th</sup> Army became a source of arming illegal armed formations, with the only possible intended purpose being to hold out in opposition to Chisinau, with the use of force.

Starting from the 1<sup>st</sup> of April 1992, according to a Decree signed by the Russian President Boris Yeltsin, all subunits of the former 14<sup>th</sup> Army situated on the territory of the Republic of Moldova and which had not passed under Moldovan control, were declared to be Russian troops. In the author's opinion, it was exactly the direct subordination of the troops to Kremlin that predetermined their involvement in the armed conflict against the constitutional power of the Republic of Moldova.

Thus, the participation in the conflict, be it in a latent or open form, of the military units under the subordination of the Russian Federation became an act of military aggression against the Republic of Moldova and became one of the decisive factors that predetermined the development of the conflict towards the use of force. At the same time the preservation of the illegal military presence of Russia in Transnistria represented a real hindrance for its peaceful solution.

#### External factor (“the third force”)

The situation in which the Republic of Moldova was taking its first steps to get established as a state made it particularly vulnerable to external influences. June 23, 1990 became a turning point in the Chisinau-Moscow confrontation when the Parliament of Moldova adopted a Declaration

of Sovereignty. Moscow came to the conclusion that the Republic of Moldova intends to withdraw from the USSR with an immediate purpose of unification with Romania. To avoid that, on 19 August, in Comrat was declared the creation of the “Gagauz Soviet Socialist Republic as part of the USSR” and on 2 September, in Tiraspol was declared the creation of the “Transnistrian Moldovan Soviet Socialist Republic as part of the USSR”. In other words, the Union's leadership managed to create two “anchors” to keep the Republic of Moldova part of the “renewed Union”. Later on, the Kremlin which was transformed from a Union into a Russian power center, has been (and is) consistently pursuing a policy of keeping the Republic of Moldova inside its sphere of influence.

In 1992 the leadership of the Republic of Moldova made repeated attempts to stabilize the situation and to avoid sliding down the path of having an armed confrontation. For instance, the Parliament of the Republic of Moldova adopted a number of Resolutions (27<sup>th</sup> of May, 11<sup>th</sup> of June, 16<sup>th</sup> of June and 18<sup>th</sup> of June, 1992) aimed at the peaceful settlement of the conflict. Some countries also tried to facilitate conflict resolution. In Spring 1992, meetings were held with the Foreign Ministers of Moldova, Russia, Romania and Ukraine. In the framework of these meetings the documents that were developed were intended to lead to a resolution of the conflict.

If we coming back to the Resolutions of the Parliament of the Republic of Moldova of the 16<sup>th</sup> and 18<sup>th</sup> of June 1992, we see that they were adopted with the participation of the majority of the Parliament members elected on the left bank, and contained all necessary provisions required to cease the conflict. However, immediately after they were adopted, on the 19<sup>th</sup> of June, a provocation was organized in Bendery, to which the Moldovan leadership responded, and which ignited an armed conflict of significant scale.

*The juxtaposition of all the above-mentioned factors allows one to assert that the Transnistrian conflict, in its violent form, was inevitable. Each of the centers of influence on the situation, namely Chisinau, Tiraspol, and Moscow, bears its own share of responsibility, while attempts to demonize only one of any of the sides mask either a misunderstanding of the essence of the conflict or its biased interpretation.*

### 5. The negotiation process, main stages and reasons for lack of progress

The concept of “negotiation process” supposes that two or more “sides” hold negotiations between them, and that all the “sides” recognize certain limits to not be compromised by any of them, as well as a need to reach a compromise solution. If we consider the “sides” of both the conflict and the negotiation process to be the administrations in Chisinau and in Tiraspol, it should be acknowledged that from the very start and until now (2008) there is no such, mutually suitable, solution. The leadership of right bank Moldova tells of its wish to restore the territorial integrity of the country, while that of the left bank – of Transnistria as an independent state that can perhaps go as far as to normalize its relations with the Republic of Moldova.

Apart from that, both the events of the 1990's and today's reality, demonstrate that Transnistria has never been and is not a political monolith, with its current administration actually reflecting its own interests and position at the negotiating table. On the contrary, in the author's opinion, this administration represents a small group of residents of Transnistria that do not want the conflict to be solved. That is why there is no point expecting any real progress from such “negotiations”.

However, several stages can be marked out in what we call the “negotiation process.”

In the context of the disappearance of the Union's central leadership and the downfall in the neighboring Romania, in December 1989, of the Ceausescu dictatorship, the process of internationalization of the Transnistrian issue began. So, on April 6<sup>th</sup> and 17<sup>th</sup>, 1992, quadrilateral negotiations were held in Chisinau between the Foreign Ministers of the Republic of Moldova, Russia,



Romania and Ukraine. These two meetings resulted in the establishment of a 4-party mechanism of military observers and creation of prerequisites for peaceful resolution of the conflict.

The armed conflict of 1992 changed the negotiation process drastically. The quadrilateral mechanism, involving Romania and Ukraine, was derailed. At the same time, on Russia's insistence and as a result of Chisinau's concessions, Transnistria started to appear as a "side" both in the conflict and in the negotiation process.

In spring 1993, an OSCE Mission was established in Moldova having the mandate to negotiate between the two "sides" – the Republic of Moldova and Transnistria. In other words, the very fact of appearance of an OSCE Mission in the Republic of Moldova meant establishing of an erroneous model of conflict perception, implying Transnistria was a "side" to the conflict.

The signing, on the 8<sup>th</sup> of May 1997 in Moscow, of the *Memorandum on Normalization of Relations between the Republic of Moldova and Transnistria*, resulted in the formalization of the pentilateral format of the negotiation process. The 1997 Memorandum provided that the Republic of Moldova and Transnistria were "sides" of the conflict and a conflict resolution had to be reached based on "mutually-agreed decisions". The OSCE Mission, Russia and Ukraine were given the status of mediators in the negotiation process. And Russia and Ukraine received an additional status of "guarantor countries" for the agreements stated in the Memorandum. As a conflict resolution formula, the 1997 Memorandum fixed a concept of "common" state.

At the same time, an *analysis of concrete provisions of this document allows for only one possible conclusion: the very content of the Memorandum along with the formula of "common" state envisages confederative relations between the Republic of Moldova and Transnistria.*

It should be noted that over the more than ten years after the 1997 Memorandum was signed, no agreement has been reached under the pentilateral format of the negotiation process, that could be considered as progress towards the unification of the country.

This implies two unambiguous conclusions. The first – Petru Lucinschi, who signed the Memorandum on behalf of Moldova, committed a knowingly anti-constitutional act incompatible with his status of President of Moldova. The second – the *pentilateral format was devised by its authors as a trap for Moldova intended to prevent progress of conflict resolution, a situation that we can observe until now.*

For clarity, the *pentilateral* negotiation format can be characterized in a somewhat unusual way: the total population of mediator and observer countries (Russia, Ukraine, EU, USA), allegedly much concerned with the Transnistrian conflict exceeds 800 million people, not to mention the military, economic and political potential. At the same time Transnistria with a half-million people represented by Igor Smirnov does not want to give in! Hence, a simple conclusion appears that both for Ukraine, the EU, and the USA relations with Russia are significantly more important than Moldova together with its Transnistrian problem.

The 1999 OSCE Summit in Istanbul holds a special place in the problem of Transnistrian conflict. First of all, in the course of the Summit an Adapted Treaty was signed on Limitation of Conventional Armed Forces in Europe (the CFE Treaty). This Treaty provided for the limitation of five types of weapons – battle tanks, attack helicopters, combat aircrafts, armored combat vehicles and artillery pieces over 100 mm caliber. According to the CFE, Russia committed itself to remove or destroy Transnistrian-based armament falling under these five categories. Also the preamble to this Treaty contains an obligation for the member-states not to deploy their troops on territories of other countries without a specific sanction for that adopted by the respective countries. Secondly, in Istanbul, Russia committed itself to withdrawing its troops from Transnistria. And while Russia removed or destroyed until the end of 2003 all the weapons falling under CFE, then the problem of full withdrawal of Russian troops from Transnistria provokes a confrontation between Russia and most of the signatory countries of the CFE. After that point, the OSCE has

virtually exhausted its potential as an active participant of the negotiation process. Needless to say that the last Summits of Foreign Ministers of the OSCE countries invariably ended up with a failure once the conversation drifted towards a resolution on Moldova.

After the CPRM came to power in 2001, the resolution of the Transnistrian conflict and unification of the country was declared a national priority. After the failure of the idea of conflict resolution through creation of a federation (July, 2002) and an "asymmetric federation" (February, 2003), the so-called *Kozak Memorandum* planned to be signed on 25 November 2003 was one of the most notable events in this direction.

The *Kozak Memorandum* is interesting because of its fixing, in the author's opinion, the Russian vision of the resolution of the conflict. The *Kozak Memorandum* affirmed once again the obvious idea of Russian policy aimed at controlling the whole Moldova through Transnistria. This document envisaged the transformation of Moldova into a kind of pseudo-state controlled from outside with a knowingly paralyzed central power and guaranteed Russian military presence (until 2020).

The prospect of this document being signed caused strong opposition from a number of Western countries (USA) and international organizations. As a consequence of this pressure, the leadership of the Republic of Moldova refused to sign the Memorandum at the very last moment.

At a time of cool-down in relations between Chisinau and Moscow, soon after the "orange" revolution, the President of Ukraine Viktor Yushchenko stated his intention to take an active part in the resolution of the Transnistrian conflict. His main points on this issue were voiced on April 22 at the GUAM Summit in Chisinau. They were referred to as "Towards resolution – through democracy" and included the following seven steps:

1. Ukraine proposes that the Tiraspol administration takes measures to build democracy, develop civil society, and guarantee fundamental human rights and freedoms;
2. Ukraine proposes to hold elections to the local Parliament as a representative agency of the Transnistrian region in the Republic of Moldova;
3. Ukraine proposes the European Union, Russia, the USA and the Council of Europe as monitors to these elections;
4. Ukraine supports the participation of the European Union and the USA in the negotiation process concerning the resolution of the Transnistrian conflict;
5. Ukraine proposes to replace the peacekeeping force situated in Transnistria by an international force consisting of military and civil observers under the auspices of OSCE;
6. Ukraine makes a proposal to implement a monitoring system by international organizations of Transnistrian military industry;
7. Ukraine agrees to accept on its territory international observers under the auspices of OSCE to exercise control over the Transnistrian segment of the Moldovan-Ukrainian border, offering Transnistrian representatives to participate in this work.

The presentation of these "seven steps" generated a controversial reaction first from the Romanian president Traian Basescu, who in his original way made a statement that the Ukrainian proposals led to international recognition of Transnistria. Vladimir Voronin confined himself to promising to "carefully study" them. Independent experts in Chisinau were more categorical in their assessments. Some of them asserted that the "seven steps" pre-assumed the implementation of the Kosovo scenario – international recognition of Transnistrian administration authorizing it to negotiate (endlessly?) with Chisinau on the status and distribution of authority.

\* Editor's note: The document name and content presented here and ones appearing below in this paper were translated to English from the author's paper, which was originally written in Russian.

However, the officials in Chisinau recognized a chance in the Ukrainian activation and, according to some data, actively involved themselves in developing a detailed plan based on the “seven steps”.

It should be noted here that Tiraspol did not stay uninvolved. In this case 17 Transnistrian deputies responded, wanting to change the Transnistrian Constitution by transforming it into a Parliamentary Republic. However, this attempt of “constitutional take-over” was suppressed. These steps demonstrated that the notorious Transnistrian “unity” was a thing of the past and that the “orange” Ukrainian administration most likely has its unadvertised partners in Transnistria.

On May 16, 2005 the “Yushchenko Plan” was officially submitted in Vinnytsia. The Ukrainian document stipulated that the Republic of Moldova would be a sole entity of international law, while the Transnistrian region would have a right to establish “external contacts” in the field of economy, science and technology, and in the humanitarian field.

The document specified the right of the Transnistrian region to withdraw from the Republic of Moldova, in the case of unification of Moldova with another state or of its losing the status of international entity. The decision on the withdrawal of Transnistria from the Republic of Moldova had to be made through a regional referendum.

According to the Ukrainian plan, Transnistria needed to have a Constitution corresponding to the law of the Republic of Moldova. Transnistria was authorized to have its own symbols (such as flag, emblem and anthem), used along with the symbols of the Republic of Moldova. In the Transnistrian region Moldovan (in Latin script), Russian and Ukrainian were to be the three official languages.

The plan also provided for Chisinau and Tiraspol, together with Russia, Ukraine, OSCE and the EU to develop a Treaty between the Republic of Moldova, Russia, Ukraine and OSCE guaranteeing the observance of the Moldovan Law regarding the Special Status of the Transnistrian Region. Only upon the adoption of this Treaty should the Law of the Republic of Moldova regarding the Special Status of the Transnistrian region have come into effect.

Ukraine made a proposal to hold elections for the legislative body of Tiraspol under observance of representatives of the international community, after this law would have come into force, in October–November 2005.

Without going deeper into details of this Plan, after almost three years it can be acknowledged that the good intention of the “self-democratization” of Transnistria turned out to be its soft point, let alone the position of Russia. However, possibly in counterbalance to Russia, the other mediator (OSCE) and interested parties (EU and USA) stated their clear support to this Plan.

Chisinau zealously set about implementing the provisions of the Plan, which were under its responsibility and power. The Law<sup>4</sup> nr.173, on *Basic Provisions of the Special Legal Status of Localities on the Left Bank of the Nistru / Dniester* (Transnistria) was adopted by the Moldovan Parliament in strict accordance with the terms provided by the Yushchenko Plan. Apart from that, on 10 June 2005, the Moldovan Parliament adopted Resolution no. 117-XVI specifying the provision for democratization and demilitarization of Transnistria, provided which, according to Chisinau, democratic elections could be held for the Transnistrian Supreme Council.

Adoption of this Law could be interpreted in different ways, including “disregard towards Transnistria”. However, given the fact that it was adopted by the Moldovan Parliament and promulgated by the President, its existence cannot just be ignored. Thus, this Law still remains to be a real factor in the Transnistrian problem while the Yushchenko Plan, together with its “revolutionary” terms of implementation, was gradually buried in the past.

After a long break caused by the scandal around the unsigned *Kozak Memorandum*, Vladimir Voronin managed to reestablish a direct dialogue with Vladimir Putin. Consequently, in Chisinau

appeared the idea of reaching a solution to the Transnistrian problem in the framework of some “package” agreement.

The first option given in this document, initially called “The Pact”, appeared in September 2006. It rested on the idea of providing Russia with guarantees of right of ownership for commercial objects that were illegally privatized with Russian capital investments on the left bank, as well as guarantees that Moldova will not join NATO. Russia, in its turn, would terminate its military presence in Moldova, following which Parliamentary elections would take place on the whole territory of Moldova. This package agreement also had a place for guarantees for the population of Transnistria, a special legal status of Transnistria and a “road-map” for implementation of the package agreement along with the issue of demilitarization of both banks.

To hold elections on the whole territory of the country (in right bank Moldova and Transnistria), the Parliament of Moldova had to implement changes in the Election Code, by dividing the territory of Moldova into two election districts, Transnistria being one of them. Transnistria was to be provided with 18–19 seats in the common Parliament and a secured representation in the executive power. As for the resolution process itself, it had to start from the signing of a joint document (a *Declaration*), followed by a subsequent ratification by the Moldovan Parliament and the Supreme Council of Transnistria.

However, the Pact left the impression that its proposed solutions were far from covering all of the questions. Particularly this refers to the problem of Transnistria’s debt (about USD 1.7 billion), to “GAZPROM”. One could only presume that Chisinau intended to offer Russia some energy projects that would benefit Russia (transit of electricity to the Balkans, for instance) in exchange for an acceptable solution to the problem of this astronomical debt.

As to the issue of the negotiation process, a minimum of two crucial moments should be noted.

*Firstly*, none of the documents signed during more than 15 years related to the Transnistrian problem were fully implemented by Tiraspol. Tiraspol normally followed only provisions in the signed treaties that were beneficial for them, disregarding everything else that could lead to a normalization of the situation.

*Secondly*, a simple list of actions (not declarations) undertaken by Russia during the last sixteen years allows for a simple conclusion: the interests of Russia (the way Russia views them) are incompatible with the sovereignty and territorial integrity of the Republic of Moldova.

Therefore, there is no sense in looking for an acceptable solution of the Transnistrian problem for Moldova through a dialogue with Russia, or in the framework of a negotiation process where Russia has an “innocent” status of a mediator and a guarantor.

At the same time, there is the prevailing opinion that the Transnistrian problem might become a bargaining chip between Russia and the West. Perhaps based on these considerations, some Moldovan politicians are sure that as early as in the spring of 2009 there will be elections for the united Moldovan Parliament. However, it is much simpler to explain this optimism by the outrageous incompetence of the Moldovan leadership as a whole.

## 6 What should be considered a “solution for the Transnistrian conflict” and possible scenarios for the development of the situation.

From the emergence of the Transnistrian problem, both in the public discourse and as reflected in the documents of the negotiation process, an endless number of “special legal statuses” were proposed, federative and confederative models and so on. This only suggests a utopian character of the attempts to solve the conflict based on the search for some magic “special legal status.” The Transnistrian problem exists for almost two decades now, but for some reason nobody has tried to raise a question of the rights that the population of Transnistria can qualify

for as part of a united Moldova and if such rights exist at all. Especially as, in the author's opinion, the Constitution of the Republic of Moldova has the capacity to fully observe the rights of any resident of Transnistria given that this resident does not consider him/herself in the right to ignore or destroy the Moldovan state.

At the same time, all diplomats and experts diligently keep escaping the answer to the question of ensuring and guaranteeing the dismantling of structures such as, for example, the "MGB". Likewise, nobody wonders about the post-conflict viability of the united country depending on the proposed model of unification.

Such an approach is especially timely in a situation when we observe an erosion of the very idea of statehood of the Republic of Moldova, in a situation when the Republic of Moldova can be successful in the long-term, if it is able to offer its citizens rights and opportunities comparable to those that are offered to, for example, citizens of EU member-countries.

Putting aside formulas like "federation", "autonomy", "confederation" etc. we can reach the conclusion that in the design of a solution for the Transnistrian conflict there should be such an internal organization of a united country such that will lead in the near future to the formation and consolidation of the Moldovan nation. Also the country's unification formula should not leave any opportunity for future recidivism of separatism.

The specific characteristics that can be observed today in Transnistria are essentially inherited from the Soviet and conflict past. It contradicts elementary norms of democracy and observance of human rights and can not serve as basis for any "special legal statuses". At the same time, its presence cannot be ignored and adequate mechanisms for its gradual, but conscious deconstruction should be proposed. At the same time, it is absolutely inadmissible to put this specific character at the cornerstone of a united country, in this way exposing all the society to the risk of "*transnistriization*".

This implies that an optimal formula for the solution of the Transnistrian conflict should not at all provide for preserving such a separate unit (constituent entity of a federation, autonomy, county) as "Transnistria". A real scenario for the unification of the country should provide for a transition period and mechanisms for deconstruction of the presently existing authoritarian regime and for a phased adaptation of the people of Transnistria to the reality of a united democratic Republic of Moldova. Following this, free citizens of a united Moldova, without any mediators and guarantors, will be able to make their own reasonable decisions about the internal organization of the country.

The ATF Gagauzia can serve as an illustrative example of an erroneous approach to solving such problems. The Law on the Special Legal Status of this Autonomous Territorial Formation was adopted on the 23<sup>rd</sup> of December 1994. However, the peculiarity of this Law was such that it transformed the ATF Gagauzia into a self-isolated enclave, with no cooperation or trust between the local and central administration. The ATF Gagauzia has by no means become an instrument for national revival of the Gagauz people. All official paper work is still kept in Russian, not in the Gagauz language. This results in the young Gagauz generation experiencing problems of career development outside the autonomy.

According to geographical and economic criteria a united Moldova should be divided into 5-7 counties (preserving the Gagauz autonomy) and it should necessarily incorporate separate segments of the present Transnistria. During the transition period each separate populated locality could be granted complete control over their language policy. Such model might sound inappropriate or radical, yet it does not have the slightest contradiction to the principle of observance of the rights of every individual in a decentralized democratic state with a developed local self-administration.

The perspectives of solving the Transnistrian conflict depend on the interaction of a number of different external and internal factors. Because this problem stands at the periphery of the *Big Players'* attention, it would be pointless and dangerous to wait for the *Big Guys* to finally come down to solving it. We should recognize the fact that the main hindrance to the solution of the Transnistrian conflict is the weakness of the Moldovan democracy, and in general, of the idea of the Moldovan statehood as a whole.

The Moldovan society turned out to be incapable of creating a precedent for the formation, through democratic elections, of a competent and uncorrupted government, which would be able to develop and implement a Program of unification for the country. As the author of the article remarked at one of the meetings in Tiraspol: "The residents of Transnistria do not have any reason to either be afraid of us, or respect us or envy us – from where will the unification of the country come?"

At the same time, a number of social surveys conducted on the right bank of the Nistru / Dniester clearly demonstrate a negative attitude of most of the population (about 75%) to the idea of federalization of Moldova, or even to the idea of granting Transnistria a "special legal status". This is why, in a situation where the population of Moldova had not seen the notorious *Pact'* and it is not informed about the essence of those plans which are probably discussed behind the scenes of the *big politics*, the question about the response of the public and the opposition to various scenarios of the country's unification remains unanswered.

Coming around to the epilogue of this publication, one could state that the population on both banks of the Nistru / Dniester does not have a shared "great past", and this is something that nobody can change now. At the same time, for the time being there are no common plans for the future that could consolidate the population of the Republic of Moldova on both banks of the Nistru / Dniester into a Moldovan civic nation. "The magnetic field" of the European Union has so far been influencing only the right bank of the Nistru / Dniester. However, this influence has so far manifested itself mainly in the form of individual illegal emigration to the EU or in the search for a Romanian or a Bulgarian passport as a pass to Europe. However, the Moldovan society categorically does not wish (is unable(?)) to sit down and do the "homework" of implementing European values at home.

In turn, the population of Transnistria, also prefers to solve their problems by leaving the region. So, there is nowhere from where we could expect an avalanche of unification, of the kind that broke down the Berlin wall.

## 7 Conclusions

- The reasons that have led to the emergence of the Transnistrian conflict have long and irreversibly vanished. Today (2008), we cannot talk about any interethnic or inter-religious hostility between the population of both banks of the Nistru / Dniester, except for minor marginal groups. At the same time, the population of both banks has got used to the thought of a split country and this problem remains at the periphery of public attention.
- The format of the negotiation process (5+2) contradicts the essence of the Transnistrian conflict and, thus any resolution of the conflict in this framework is rendered impossible. For many years erroneous stereotypes on how the Transnistrian problem is perceived have been brought about with the purpose of not solving the problem.

\* The issue is of the "Package agreement" based on which the official Chisinau since Autumn 2006 has been trying to solve the Transnistrian conflict by establishing a direct dialogue with the Kremlin.

- The “Transdnistrian conflict” is a complex phenomenon. A number of factors prevent it from being solved: starting from the authoritarianism of the political regime in Transdnistria to the geopolitical interests of other countries.
- While there is no interest from outside towards a resolution of the conflict, the main hindrance to its solution remains the weakness of the Moldovan democracy together with the corruption and incompetence of the Moldovan political elite. The leadership of Moldova is unable to understand that the main focus of the efforts to unite the country should become the population of Transdnistria, rather than begging at the Kremlin gates.
- The formula for solving the conflict does not consist of signing some document, but it requires the completion of the process of transformation of the united Republic of Moldova into a viable rule-of-law democratic state that should have no reason to question the prospects of its future existence. However, such an approach to the problem is not even considered in the Moldovan society.
- Since the original causes of the conflict remained in the past, the artificial delaying of its solution only builds up lost opportunities for the population of both banks of the Nistru / Dniester. The sensing of the dead end nature of the situation and the uncertainty of the future leads to a massive exodus of the population from Moldova-Transdnistria.
- As of today, there is neither a sufficient internal capacity to solve the conflict nor a sufficiently advantageous foreign policy environment. At the same time, a certain positive effect can be observed since the EU’s involvement in the Transdnistrian problem. The opening, in March 2006 of the EU Mission on the Moldovan-Ukrainian border, including the Transdnistrian segment, significantly changed the situation. As a consequence, economic agents from Transdnistria have registered in Chisinau, and even made use of EU trade preferences for exporting their goods to the European market. The second latent factor affecting the Transdnistrian problem is the declared intention of Ukraine to join NATO. If these efforts on the part of Ukraine will indeed lead to a movement closer to NATO, then Ukraine will inevitably need to review its attitude towards the Transdnistrian issue.
- The latest statements by the new Russian President Dmitry Medvedev do not give ground for optimism regarding the possibility of reaching an agreement on CFE between NATO and Russia, as a result of which Russia would withdraw its troops from Transdnistria and would facilitate a solution of the Transdnistrian issue based on the so called “Package agreement”.
- The quality of the political processes on both banks of the Nistru / Dniester does not allow expectations of reaching a viable solution for the Transdnistrian problem, with a guaranteed prospect of transforming the united Moldova into a democratic rule-of-law state, in the near future.

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*Andrey Safonov*

## **TRANSDNIESTRIA’S PATH**

This is a publicistic work written in understandable language, and will undoubtedly be of interest to a broad range of readers. The author reflects on key issues and possible ways for development of Moldova-Transdnistria relations. The essay is based in large part on the author’s deep professional experience, personal research and historical journaling as a leading media personality, politician and former holder of executive authority in Tiraspol, Chisinau and Bendery over the last 20 years.

The article contains an interesting conclusion that from the ethnic point of view Transdnistria is a unique alloy, probably, a prototype of the Soviet people that could have appeared in the course of time, had the Soviet Union chosen a progressive territorial-administrative path of state-building.

The author puts forward a number of detailed hypotheses, focusing on the geopolitical situation, and the role of Russia and Ukraine in settlement of the conflict. When looking at the role of the RF, he notes: there were and there are disagreements between Russia and Transdnistria concerning various issues, but in most cases, both at negotiations, and in the framework of the Joint Control Commission, as well as in other structures, Moscow mostly supports Tiraspol. The researcher stresses that Ukraine is in no way less important for Transdnistria.

Having analyzed political realities the author comes to the conclusion that it is high time for Tiraspol and Chisinau to move towards an agreement, concluding that Moldova does not have what it takes to achieve accession to the EU, which is experiencing an expansion crisis, while Transdnistria’s requests for recognition from Russia and other CIS countries are also in vain.

The author draws attention to the geopolitical location of Moldova and Transdnistria, emphasizing the stabilizing role which the members of the “5+2” format could have played. At the same time, the author notes growing contradictions between the parties of the format after the Caucasus war. The author expresses concerns related to difficulties in looking for ways to Moldovan-Transdnistrian settlement, at least, until the new Moldovan Parliament is elected.

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### **Introduction, or what is Transdnistria**

*A person should not be too honest. Straight trees are cut down  
while twisted ones continue to grow.  
Kautilya*

On September 2, 1990, a narrow and extremely fertile strip of land containing many industrial plants and factories on a very small area on the left bank of the river Dniester / Nistru together with the right bank town of Bendery and several villages also located on the right bank of the ancient river pronounced its statehood – the Transdnistrian Moldovan Soviet Socialist Republic (TMSSR) in the composition of the Soviet Union. On August 25, 1991, formally 2 days earlier than Moldova, members of the Supreme Council of Transdnistria proclaimed full independence, in the conditions of the breakdown of the USSR proceeding with rather large steps, and after the failure of the attempted Moscow Coup of 1991 (known as the GKChP), Similarly to Moldova they got rid of such epithets as “Soviet” and “Socialist” as ones not consistent with the new course towards building a “bourgeois world”.

But 16 years later, to continue waiting passively for a wise decision of the next kind master – is not our path. We are architects of our own happiness, and that is why we have to understand what Transdnistria is, what its specificity is, what place it takes in the post-Soviet space and, therefore, what the settlement of the Moldovan-Transdnistrian conflict could be like. That is,

of course, if the politicians are able to reach a compromise with each other and to achieve this very settlement.

**From the ethnic point of view, Transdnistria is a unique alloy, possibly, a prototype of the Soviet people that could have appeared in the course of time,** had the Soviet Union chosen the progressive path of territorial-administrative state building. The USA took that path with their states and the Federal Republic of Germany with its federal lands. But alas, because of Vladimir Lenin who hated the tsarist empire we took the regressive path, having created a country on the basis of national republics, restoring an epoch of feudal fragmentation under new conditions. Thereby, from the very beginning a bomb was planted under the building of the USSR. The breakdown of the Soviet Union was an issue of time and technique.

Transdnistria turned out to be one of the few regions where many things happened differently. Here the Moldovans, Russians, Ukrainians, Bulgarians, Jews, and other nationalities lived and continue to live, having intermingled with each other and not separated by clearly defined national-state frameworks. **In its mentality Transdnistria is noticeably different from Russia, Ukraine and right bank Moldova.**

The vast majority of the Transdnistrians naturally reject any kind of nationalism. **In 1989-1992, the region, where like in America, various nations and peoples intermingled together, was the very place that most persistently opposed nationalism.** This fact is to a certain degree inconsistent with the thesis of some researchers who generalize and believe that on the level of broad strata of society nobody resisted the breakdown of the USSR. As it seems, it would make sense to use a more differentiated approach to the situation that existed at that time in each individual region.

In addition, the Transdnistrians' intuition lately hints that in the tangled skein of geopolitical contradictions and the newly begun recarving of the world, full orientation towards only one country or international organization can only make matters more difficult, or even destroy the republic. That does not at all mean deviation from friendship with proven allies, but in the conditions of increasing pressure on the region from various countries, inter-state unions and international organizations one foreign political target vector and confrontation with remaining entities involved in our matters would equate to a bomb being planted under multiethnic Transdnistria.

And vice versa, the presence of multiple vectors free of any hostilities towards anyone, free of bias, and of any ambitions that go beyond our real capabilities – all of this in Transdnistrian policy means **flexibility** and skilfulness to avoid the millstones of confrontation of Russia with Ukraine, of Russia with the USA, and the contradictions between Ukraine and Romania. The appetite should not exceed the size of one's stomach.

This is what Transdnistria is like! And now it is high time to ask the question: what path should such a distinctive and to a large extent simply a unique region choose?

### 1. To Europe together with Russia and Ukraine!

*Do Not Build Fortresses to Protect Yourself – Isolation is Dangerous.*  
Robert Greene "The 48 Laws of Power"

**The fact that Transdnistria is small is good in this case. It is easier to change it from inside through modernizing minds of people, than in a large state, where people care too much about traditions, including obsolete ones.** This year the TMR as a republic, even though a non-recognized one, will celebrate its 18th anniversary. Once Mao Zedong said something like that the Chinese people are like a blank sheet of paper where one can write any, even the most beautiful hieroglyphics. At a first glance, this phrase belittles the ability of the people to think

independently. But in reality, the Chairman understood that it would be easier to inculcate a sense of newness and forward drive in a young country without any dogmas. That is what Transdnistria badly needs!

**Here, as everywhere, young people should play the first fiddle in affirming newness.** The secret is simple; it benefits from newness both in terms of career and in terms of money. It understands that sticking to old dogmas means to live worse than the neighbours, means to dress worse, to earn less, to see less of the world, often not to have opportunities to get modern professions and education. The calamity of it is that a lot of young and middle-aged people have left Transdnistria and gone abroad – either for permanent residence, or to earn money. According to some unofficial data, **out of 750 thousand persons who lived in the region at the time of proclamation of the TMR (at that time TMSSR) on September 2, 1990, now 400-420 thousand persons live here<sup>1</sup>.** The most ambitious, socially active, economically enterprising are leaving. According to mass media, in Transdnistria **there are up to 150 thousand pensioners, and this is the very electorate, on which those rely who want neither settlement for the longstanding conflict, nor reforms inside Transdnistria itself<sup>2</sup>.** Pensioners are targeted through TV and radio around the clock. They are frightened that "the Romanians would come", that those opposing the current course would "surrender the republic", that ...

But even that is not so bad. Unfortunately, a lack of initiative and the disposition for freebies, have put down deep roots here. For many years, the republic in effect does not pay for the Russian gas supplied to us. From time to time, a lazy quarrel will flare between the branches of power about where those taxpayers' moneys are circulating, which are meticulously collected, allegedly to pay for the "blue fuel", but these debates generate zero results. We still haven't learned the main market truth: money has to be paid for a commodity; otherwise sooner or later a collapse is inevitable. In essence, we are bankrupt already, as our foreign debt exceeds \$ 1.7 billion. **Only changes in collective consciousness could change such a "free-rider" approach. New, modern hieroglyphics need to be written in people's consciousness.** At some point, it would be necessary to break, as the authorities do, using propaganda, somebody's overly stubborn conservative thinking, because there is no other way out, if the state and the society want to survive.

And if Transdnistria really wants to survive and to multiply its prosperity, it has to bring back to the motherland those proponents of newness, the people who have left in search of better lives – by means of attractive steps taken inside the republic. These people would bring back with them not propagandistic fibs, but the skills of real capitalism. They know how to earn money in market conditions, and do not forever grumble and suffer from nostalgia about 70 or 120 Soviet roubles. Today these people are working in Russia, Greece, Italy, Portugal ... Tomorrow or the day after we must create conditions for them to come back home. They will help to build not some textbook Soviet-style capitalism, but a **real capitalism with a high modern level of social protection.** The one that is being built not only by the Western or Central Europe, but also by the former socialist Eastern Europe, which also includes Ukraine and Russia – in other words our guarantor-countries and mediators in the negotiation process that was frozen back in 2006.

So, we see that **in the general line aimed constructively at the complete and final victory of modern capitalism there are no cardinal differences between Europe, Russia and Ukraine.** The same society is being built, at least in words, by Transdnistria. So what can the surrounding states give to an 18-year old "country with postponed status"?

**Russia is rightfully considered to be the main military-political ally of Transdnistria.** Russian troops are deployed in Transdnistria – peacekeeping forces (PF) and the Operational Group of Russian Troops (OGRV)<sup>3</sup>. To put it simpler, it is the former 14<sup>th</sup> Army that is present in Transdnistria since Soviet times. Russia does not have so many allies in modern Europe, so despite its non-recognition Transdnistria is valuable for Moscow. There were and there still are

disagreements between Russia and Transdnistria on various issues, but in most cases both at negotiations, and in the framework of the Joined Control Commission, as well as in other structures, Moscow mostly supports Tiraspol. Talking about pro-Russian policies of Transdnistria has quite a logical and not only a mentality-based explanation: Russian fighters protect the region, and the gas that was supplied all 18 years without any interruptions is the basis for the functioning of our industry, the foundation of our economic pyramid.

**Ukraine is no less important for Transdnistria.** This is a country that has common borders with us and that is our home front. Besides, we are open for Ukrainian goods. Just enter any food store and you will see there primarily not Moldovan, and quite often even not Transdnistrian, but Ukrainian goods. You will see here wines, dairy deserts and products, candies and other tasty items. During the war of 1992, in the course of several days at the turn of June – July Ukraine received up to 100 thousand refugees from Transdnistria, provided food for them and accommodated them. In recent years Ukraine proclaimed its course towards European integration, and also towards convergence with NATO. That was received without any delight in Russia, but we, small ones, have to remember that the great Slavic sisters will clarify their relations themselves, without our involvement.

But what is most important is that to a major extent **after the breakdown of the USSR both Russia and Ukraine have adopted rules of the game which are closer to European ones.** Closer because we all, inhabitants of the post-soviet territory still have a long way to go to get to the main thing – European thinking. But there should be something attractive in the European way of living and thinking, if the most progressive people and various countries want “to live like they do”. What does that mean? **What is the attractiveness of Europe?**

**First,** it demonstrates different attitude to business. European business is business without the racket with which we are familiar from the end of 1980’s, without the lawlessness of officials and without on-going changes in the rules of the game, or the complete absence of those rules – it gives people a chance: to start one’s own business legally and to generate stable earnings. It is invaluable for Transdnistria that plunged into poverty during the last 15 years. People who have travelled in European countries have realized the value of a truly stable society.

**Second,** in the course of many decades or even centuries in Europe, a very different attitude to human rights has formed. In our case such an attitude looks attractive, as for many centuries in a row the state power has grown used to ignoring ordinary people. Quite often under the slogans of collectivism in this former Soviet Union the absolute lawlessness of the state machine is hiding.

**Third,** it is much easier in small Transdnistria than, for example, in large CIS republics, to foster a respectful attitude to the human personality. And here the experience of Europe fits in well. Not everything is smooth there; they have their own problems; but after many decades and even centuries of reforms these problems are of a somewhat different nature. In this sense Europeans managed to write in their minds new hieroglyphics.

In order to avoid omissions and belated questions, let us ask directly with non-proletarian openness: **what might the Transdnistrians not quite like in the modern Western Europe?**

**First,** the overblown European bureaucracy – it is more modernized than the Soviet one, but the essence does not change.

**Second,** a region with a traditionally Christian, though certainly not a fanatic mentality, would definitely not like the passiveness, if not to call it a retreat, of the Europeans with respect to radical Islamists.

## 2. The Clinch of the Light-weights

*The most dangerous moment comes with victory.  
Napoleon Bonaparte*

Today it has become obvious that **it is high time for Tiraspol and Chisinau to agree.** We together with Chisinau, as light-weight boxers in a clinch have hung on each other, having been beating each other prior. Since 1990 Chisinau and Tiraspol had several economic, a lot of diplomatic, informational, and one real, bloody war with each other. As a result, the former Moldovan SSR in terms of poverty has drifted to the very bottom of Europe, and its fragmented parts struggle for survival: **Moldova is not able to achieve accession to the European Union, which experiences a crisis of expansion, or to be more specific of swelling; Transdnistria asks in vain Russia and other CIS countries for recognition.**

We would like to focus attention once again on the geopolitical position of these two ‘strugglers towards a bright but unclear future.’ **The cherry of Transdnistria is in the existence of Bendery and several villages on the right bank, including Protyagailovca, Chitcani, Gisca, and Cremenciuc.** It is a rather vulnerable enclave; however, Bendery represents an extremely important item for the Transdnistrian statehood. Earlier up to 150 thousand people lived in Bendery, but now, God willing there might be 70-75 thousand. Some people speak even about 50 thousand, but, possibly, this is exaggerated. Meanwhile, several railway lines intersect in Bendery.

People always struggled and still struggle for Bendery. It depletes the strength of both sides. From the military point of view the city is very difficult to defend, which was demonstrated in 1992. The author observed with his own eyes the epic of that time. Now the struggle has shifted to the political-economic dimension. **As a result of the battle in summer 1992 Bendery remained with Transdnistria, but the loss of several villages in the Dubossari district (Cosnita, Cocieri, Pirita, etc.) can be easily viewed as a defeat.** From the point of view of strategic scenarios, events in the small village of **Vasilievca** of the same Dubossari district can be viewed as especially sensitive for Tiraspol. There, according to mass media, inhabitants conducted a referendum and hung out the Moldovan tricolour flag over the local administration. Moldova tried to provide a telephone connection to the village, but Transdnistrian authorities prevented that with the help of police units. The issue is that, the land plots of Vasilievca practically cut into two the Camenca – Tiraspol road which is so vital for the TMR. If Vasilievca firmly enters into the composition of Moldova, there will be problems with traffic on the motor road in the case of heightening of the overall tensions.

Thus, we see that both Chisinau and Tiraspol each have a hook to hold each other and prevent parts of the former MSSR from moving apart. At the same time the hooks are not equal in terms of their potential. In Bendery, in addition to the railroads there is a strong industrial potential part of which has been privatized by Russians. *Inter alia*, we are talking about the defence sector.

It is obvious that **since 1990 and until now Moldova sees neither Bendery nor, presumably, right-bank villages which according to the results of referenda form part of Transdnistria, as part of the future Transdnistrian formation.** Several points can be used to prove this thesis.

**The first one.** The largest scale military operation of armed forces of Moldova during the whole war of 1992 was undertaken exactly to get hold of Bendery. No offensive actions were taken against Ribnita and Camenca, and in the district of Dubossari and Grigoriopol there were either limited attacks or just positional battles on the Cosnita and Cocieri springboards. It is also interesting that a bomb strike of the Moldovan air force at the height of the Bendery battle was aimed at the bridge over the Dniester / Nistru; though with zero results. It suggests that among Moldovan leaders of that time an idea dominated about the need to get hold of the “right-bank outpost of the TMR” and to demarcate from the “separatist quasi-state”. As an active participant

of many political events of that time, I am absolutely certain that **soon after the breakdown of the USSR, in Chisinau, in the most unionist part of the leadership of Moldova, in particular, in the Presidium of the Parliament headed by Alexandru Mosanu, a course was taken towards, in effect, a return to the geopolitical situation of 1918-1940**, when Romanian and Soviet border guards were watching each other from the banks of the Dniester / Nistru. I allow the possibility that in the case of a successful result of the Bendery operation for Chisinau, Moldova would have begun active integration with Romania, where after the 1965-1989 years of Nicolae Ceausescu the ideas of restoring Greater Romania were revived among many people.

**The second one.** In 2005, already during the second term in office of the Communists who won the Parliamentary elections, on July 22, the Parliament of Moldova adopts the Law on the Basic Provisions of the Special Legal Status of Localities from the Left Bank of Nistru / Dniester. In Transdnistria this was immediately interpreted as the old desire of Chisinau to split Transdnistria in order to reduce its power and resistance. Suspicions were aggravated by the fact that earlier many Moldovan ideas concerning settlement in various options originated from the desire to make Dubossari a centre of the assumed autonomy and to turn Tiraspol into a separate administrative unit directly subordinated to Chisinau. In any case Bendery is viewed outside of the Transdnistrian game.

There is one more local “Kuril island”. It is the village of **Copanca**, which was a subject of severe struggle between Chisinau and Tiraspol in 1990-1992. It is located close to Chitcani. Several times the flag over the village council was changed; the now deceased Transdnistrian activist Vladimir Soloshenko who took down the Moldovan tricolour was even sent to prison. In 1992 in those places the guns thundered, but in the end the village remained with Moldova. The Transdnistrian leadership circles, as it seems, have not reconciled with the idea of losing Copanca and consider it to be a “lost territory”. But the very idea of a military expedition in this respect is mindless, and that is why it is clear to everyone that it will be necessary to reach an agreement.

But even this is not the end of it! Let us have a look at Bendery itself. Since the war of 1992, both Transdnistrian and Moldovan policemen are quartered there. Inside the city there is the village of **Varnita** controlled by Moldova. Further from Varnita towards Chisinau, in fact on the outskirts, there is the **residential district Severnyi**. It belongs to Transdnistria, but is cut off from the main Transdnistrian organism. Moldovan policemen appear there, which causes annoyance among the proponents of Transdnistria.

That is why one can assume that **negotiations between Transdnistria and Moldova represent the only way out both for them and for everyone having at least some interests in such a complex region: Russia, Ukraine, the U.S., and the European Union**. Tiraspol and Chisinau are equal in aggregate in terms of power, but taking into consideration support from large players everything becomes rather more complex.

One thing is for sure: the struggle around affiliation of “disputed territories” will not stop; **Russia will not withdraw its troops from Transdnistria**, as one of its few allied regions in modern Europe, in the foreseeable future. That is why the bets of right wing circles in Moldova on the possibility of toppling Tiraspol in an open confrontation are groundless.

**The conclusion** is simple: the clinch goes on, hot war is impossible. Either **a common language is found on the basis of distribution of powers, which means setting negotiated relations between Chisinau and Tiraspol**, or inhabitants of both banks of the Dniester / Nistru will, after a certain number of years, simply wander off in search of a piece of butter for their bread. And no patriotic slogans would be able to keep them, because to put it crudely but accurately, patriotism cannot live with a naked ass for a long time.

### 3. Not a step back, or steps towards each other?

*Nothing is so stupid as to vanquish; the real glory is to convince.*  
Victor Hugo

Now in the second half of 2008 interest in the long standing confrontation has increased. A visit of a representative delegation of Russian, Ukrainian, American, European, diplomats, as well as negotiators from the OSCE to Chisinau and Tiraspol on July 21-22 did not give any political results; however, as neither had other visits of our brothers from various capitals to the banks of the gray Dniester / Nistru (excuse the banality). It is obvious that **the parties do not have any common plan**, which one can put on a table and say: gentlemen, let us start discussing it item by item!

Meanwhile it is clear that Chisinau and Tiraspol refer to official documents adopted by parliaments of both sides in order to avoid making concessions to each other.

In 2006-2008 **Chisinau** repeatedly stated: we have the law of July 22, 2005, and a Package of proposals which entail a comprehensive approach to settlement. In addition, and this is the most important, in Moldova the Constitution presupposes the existence of a unitary state. There will be no return to federalism, on which the Kozak Memorandum, well-known due to the events of 2003, was based. In 2008 alone, the President of Moldova and other officials have talked about this several times.

From its part, **Tiraspol** provides its legal basis: on March 31, 2006, a congress of people's deputies of all levels of the TMR decided to hold a referendum on the future of the state. On September 17, 2006, the referendum took place, and it confirmed the course towards independence and integration with Russia. There also was a reminder of the Constitution: we are an independent, democratic state. And the President of Transdnistria emphasizes: the people selected the course and we have no right to deviate from it!

Nobody has plans to escape the trap of casuistry. It can be easily explained for a realist. **In our conditions any plan is a tool for Russia, the U.S., Ukraine and the EU to overtake each other and to set their own dominating influence either separately in right bank Moldova and in Transdnistria, or in the former MSSR as a whole**. Romania is also playing its own regional game. First of all it is interested in the possibility to strengthen positions on the right bank (including Bendery, of course). But if this course is successful, and in order to implement it, Bucharest definitely needs to change the power holders in Chisinau, then one cannot exclude the probability that the left bank would also get into the focus of attention of Romanian politicians. The fact that the President of Romania Traian Basescu, even if it were only for internal political purposes, offered Ukraine to “exchange” Transdnistria for South Bessarabia and Northern Bucovina is symptomatic in itself. It is even more symptomatic that meanwhile he practically kept silent about the state, to which from the point of view of the contemporary United Nations Organization Transdnistria belongs – about Moldova. Could it be because for the future in Bucharest they qualify it already as being in the sphere of undivided Romanian influence?

Meanwhile, during these last months of 2008 **Tiraspol and Chisinau also have purely practical, but still no less contradictory, political goals**.

It is very important for **Chisinau** that the Transdnistrians take part in voting at elections of the new Parliament of Moldova in 2009. Reluctance of the President of Transdnistria Igor Smirnov to meet with a delegation of foreign diplomats in the format “3+2”, that visited our region on July 21-22, pursued the precise objective of not giving any promises concerning participation in the said elections. Today it is hardly possible to forecast an opening in Transdnistria of ballot stations for Moldovan Parliamentary elections. I believe that Russia quietly supports the

Transdnistrians in their reluctance, while Ukraine, the EU and the U.S. together with the OSCE in effect hold a neutral position.

Out of all that we dare make a **preliminary conclusion: large players can arrange a game on changing the top leadership on both banks of the Dniester / Nistru**. It's just that elections first have to take place in Moldova. Objectively speaking, it is beneficial for Russian diplomacy if the situation in Moldova was to partially return to the 1990's, when it was the age of coalitions and contradictions between branches of power, when the president, the prime-minister and speaker were fighting each other. If such an order is restored, Chisinau would not have the energy to deal with Transdnistria, and it would be possible to keep the existing status quo through strengthening Russian influence on both banks. Otherwise, it is either necessary to recognize the TMR, for which Moscow is not ready despite the Kosovo precedent, or to support unitary Moldova, which is obviously far from what it wants.

If relations between Chisinau and Moscow get worse yet again, after it becomes finally clear that the Kremlin does not see Chisinau's Package approach as a legal basis for settlement, for Moldovan leadership it would be difficult to expect the firm support of **Ukraine**.

Kyiv, of course, will try in the nearest future to intercept from Moscow part of influence in Transdnistria itself, as the left bank of the Dniester / Nistru in 1918-1940 was part of Soviet Ukraine, but during the last months the Ukrainians have caught on to the Moldovan political gamble aimed at resolving the Transdnistrian problem on the basis of preferential contacts with Russia. This is unlikely to please the Ukrainians. Kyiv would have certainly noted the top level deactivation of contacts by the leadership of Moldova in the framework of GUAM. The triple (as of the end of July 2008) absence of the President V. Voronin at summits of the organization, a legal disappearance of which is probably in the interests of the Kremlin, may have suggested to the Ukrainians, Azeris and Georgians that in order to resolve the Transdnistrian issue in accordance with the Chisinau plans, the Moldovan leadership has decided to play into the hands of the Kremlin with respect to GUAM, which the Russians believe to be anti-Russian. After an apparent warming of Moldovan-Russian relations the spring of 2008, Chisinau sent not even the Prime-Minister as before, but the Minister of Interior of Moldova to the following GUAM summit, that summer. Kyiv and Tiraspol responded with a defiant improvement of their relations. Transdnistrian messengers were received in Kyiv, the President of Transdnistria Igor Smirnov met with the head of the Ukrainian Ministry of Foreign Affairs Volodymyr Ohryzko, and the repeatedly announced visit of the head of Ukraine Viktor Yushchenko to Moldova never took place.

It is interesting to observe the "battle for Ukraine" on the level of the top leadership of Chisinau and Tiraspol. Thus, soon after an interview with Igor Smirnov appeared in Ukrainian press, Vladimir Voronin used the same tribune to present his position. Both leaders insistently emphasized importance of relations with Kyiv for their states.

One way or another, but we can assume that in apprehension of the Moldovan-Russian convergence in 2008-2009 Kyiv would not be very interested in keeping the present leadership of Moldova in power. As for the Westerners represented by the U.S. and the EU, they are also concerned by the fact that in 2008 the bets were on Moscow, as the main moderator of the settlement, and that is why it would not be easy for Moldovan Communists to reckon on strong support from Washington and Brussels.

**The obvious bet placed on the reintegration of the country creates special difficulties for the current leadership of Moldova, since this very task, unlike revival of the economy or, for example, restraint of inflation, cannot be resolved by Moldova using only its own resources.** Rather interesting to say, that presidents of Azerbaijan Heydar Aliyev and Ilham Aliyev realizing what forces are involved in the conflict around Nagorno Karabakh and at the same time having enormous reserves of oil came to the conclusion that for the time being this problem can be set

aside, as one puts aside a piece of pie, in order to focus the main attention on the internal modernization of Azerbaijan.

All these and other factors led to the situation when **"big uncles" so far prefer "not to rock the boat" and not to force radical changes on the Dniester / Nistru prior to elections to the Parliament of Moldova in 2009**. One can hardly forecast any super-pressure on participants of the conflict before the distribution of powers is determined in the new Parliament. Chisinau and Tiraspol should have demonstrated their own will to achieve agreements, but they continue to hold political positions that are incompatible with compromises.

#### 4. Federalization as a lifering

*Between two evils 'tis not worth choosing*  
*English Proverb*

In 2007, in Transdnistria, a momentous event took place. National Transdnistrian passports were issued to 16-year old boys and girls born in 1991. That means they were born in the year when the Transdnistrian state already existed. One year earlier those who were born in 1990 became holders of the document with the emblem of the republic that is not shown on official political maps of the world, that year was the year when the TMR was proclaimed.

In years 2006 and 2007, in Moldova passports were issued as well. To those who were born in an independent state, which did not control the unrecognized republic.

**There is similarity between these and other young people: they did not remember the USSR. They did not remember the unified Moldavia either, and simply never saw it.** For all of them the USSR and the MSSR are history, the same way as is tsarist Russia or royal Romania for the author of this paper. And in 2009 passports will be issued to those who were born after the war of 1992. They will read about this war, like I, for example, read about the Second World War. But for the expert community not only this is interesting. During the years of separate existence not only separated generations grew. Bureaucrats and managers, businessmen and military people grew as well. According to statistical data, in 2007-2008, in Transdnistria there were about 35 thousand persons working in industrial production, and there was approximately the same number of bureaucrats. With brakes on, but even thus Transdnistria's own small and medium-sized business is developing. The army is comprised of 6 to 8 thousand persons, according to various sources. This does not include the most powerful structure in today's Transdnistria – the Ministry of the Interior. One should not forget about the MGB (Ministry of State Security) with border troops, and of the Cossack units. There is also the State Customs Committee (SCC). There is the Ministry of Justice as well. Each power structure has its own special forces – the Ministry of Interior has the "Dnestr" brigade, the Ministry of State Security has "Delta" squadron, the Ministry of Justice has "Skorpion". The army has its own special forces. Naturally, state officials relate their future, the future of their children with their own country, where they live and work. And it is quite understandable that they are cautious about changes to this order of things.

In Moldova there is approximately the same situation. Also there they have their own officials, entrepreneurs, soldiers, and most important of all – serving officers. And there they, for example, are afraid of those who insist that unification with Romania is a blessing; and that all will benefit from it. Talking about "all" is all well and good, but what about each specific individual? The conclusion comes **that any integration project can expect to be successful if it is accompanied by a mutually beneficial, compromise model of its implementation.**

Why cannot **unitarianism work** in our case? As we have already said, it does not create promising legal guarantees for the region, irrespective of who wins at the next elections in Moldova. Yes, right now those opposed to unionism are in power. But who can insure us in the conditions



of a democratic society against the situation that sometime right-wing nationalists would come to the steering wheel of the state ship? What would 13-18 members be able to do in case of a re-vote on the status of Transnistria since the winners would have the full constitutional right for such a revision?

In the United States for a long time now there exists quite a complex mechanism of checks and balances. Multimillion California and not very large Maine both have 2 senators each. There are other examples in the world. They did not find what they needed immediately, but it only means that we should keep looking for it as well.

**Transnistria in turn has to realize that other members of “5+2” format would not allow its accession to Russia.** And to be honest, our leadership is not very willing to lose its freedom to act. The “rising of Ukrainian shares” in Tiraspol after contacts of Moldova with Russia in spring 2008 is vivid proof of that. “Kaliningrad – 2” won’t work. **And Ukraine does not need us with Bendery**, though as we remember, it is Bendery where the cherry of Transnistria is. To a large extent Bendery supports the negotiations between the parties of the conflict on the Dniester / Nistru. And we ourselves have to think whether we need to make the Islamic factor in the Russian Northern Caucasus or the struggle between “Westerners” and “Easterners” in Ukraine into our problems, or not? Together with Moldova we fought back in 1992 and other battles could go without our brilliant participation. Let us save the blood of our compatriots.

It is much better, without further delays and together to elaborate a formula for settlement of the conflict, provided Chisinau and Tiraspol really want to agree. **If after elections of 2009 the influence of nationalists increases, negotiations can be interrupted quite officially.** Russia, and partially Ukraine, concerned about the possibility of a new outburst of claims to South Bessarabia and Northern Bucovina would get more political grounds to support Tiraspol; but most likely no legal recognition of the TMR, as the West made it with Kosovo, would follow. **The status quo that is draining first of all for Moldova-Transnistria would be preserved.** Though, in the case that the Moldovan right wing comes to power, pressure from the U.S. and the European Union on Transnistria and Russia would not be too strong, as it would be much more difficult to explain to Transnistrians the need to find a compromise with right bank nationalists. Therefore, settlement is better achieved under relatively moderate authorities.

**It appears, that in our specific case settlement can be achieved only on the basis of federalization of the former Moldavian SSR with elements of confederation. Moldova should give up the unitary approach, and Transnistria should give up its claims for full independence on the level of a member-state of the United Nations Organization.**

## 5. Not separatism, but federalism

*Do, ut des!  
Latin proverb*

What could the new compromise formation be like? How do we see a federation with elements of confederation? Or is that a union, similar to the one that existed in the Middle Ages between Lithuania and Poland? Or is it an association like Serbia – Montenegro? The name of the examples is legion.

Let us see all the ins and outs together.

In the world there are many options of federalism proper: American, Russian German, Indian... Switzerland is known as a confederation, though in many aspects it is a federation. Apparently, we will not be able to copy somebody else’s experience automatically.

First of all, let us be reminded, that **relations between right bank Moldova and Transnistria should be of a negotiated nature.** Due to an approximate balance of power, it would not

work to build them using the principle of one side giving and the other receiving silently. Here, one can give something, and the other – return something. This procedure also has to be verified by international guarantees of members of the “5+2” format, to be completely independent from the alignment of internal political forces in Moldova-Transnistria. In other words, no matter who is at power: communists, nationalists, or liberals, nobody can and nobody has any right to put in question the status of Transnistria. And these guarantees, I emphasize, should be given together by all participants of the format, so that in the future, the parties would not have any desire to play on contradictions, for example, between the Russians and the Americans.

And now let us identify the proposed main items of the post-conflict state formation:

**The first.** There can be a federal president in the country elected by nation-wide voting. Voting through the parliament creates in post-Soviet conditions a danger that the head of state might turn into a “boyars’ tsar”, which can be controlled like a puppet by members of the parliament and their sponsors. The example of V. Voronin in Moldova looks like an exception, as currently he is the leader of the largest political party of the country. But dialectics teaches us that everything changes. Where is the guarantee that a weak person, a result of compromise, one not able to be a fully fledged guarantor of the post-conflict order of things would not become the president? We have to avoid such a turn of events. The federal president has to be a real counterbalance to the federal parliament.

**The second.** The Federal Parliament should consist of two chambers – a lower (similar to a house of representatives, which could be elected using party lists; or by territorial-administrative units) and an upper chamber (similar to a senate, where parties would have equal numbers of senators, or would have a procedural right to block each other’s non-constructive steps). And senators have to be actually elected and not to be delegated by authorities of Chisinau and Tiraspol, as the authorities may turn the Senate into some gathering of ordinary lobbyists who know how to “work out” some money issues, but are artless in real politics.

**The third.** A federal Constitution is necessary, which has to pass through three editorial revisions: Parliament of Moldova, the Supreme Council of Transnistria, and, finally, a two step verification revision by the federal parliament – first the chamber of representatives, and then – the Senate. For its approval some representative body – nation-wide for the whole former Moldavian SSR – can be involved – a forum of elected deputies of all levels, or a nation-wide referendum, the procedure of which can be elaborated separately, or some civil forum, where not only people with official badges of Members of Parliaments could act as representatives.

**The fourth.** There should be a common budget and there should also be budgets of the constituents of the federation (confederation). Determination of the size of payments to the federal budget has to be done also on a negotiated basis. In order to facilitate the task of starting practical work and not to cause delays related to inevitably lengthy procedure of formation of the federal budget, it seems reasonable to determine a list of programs and projects that could be funded immediately, without waiting for formation and approval of the federal budget according to all applicable rules. Moreover, such funding could begin even before the legal creation of the federation (confederation). First of all, such programs and projects could include science, public education, science-intensive technologies, communications, transport, etc. Here it could be possible to achieve another positive effect – to help bring closer the legislative bases of right bank Moldova and Transnistria. And not only to take the best existing things from national legislations of the parties, but in the course of joint work to create something new, something future oriented. It would also help to promote investments from inside and outside, and that is what both banks need today.

**The fifth.** In addition to the general (federal) Constitution relations of Chisinau and could be specified in a special document – an Agreement on the separation of powers. Probably, such an Agreement could be included as a special section in the federal Constitution.

**The sixth.** Based on international experience and common sense, competencies of the federal authorities might include: energy systems, communications, a number of general and directly federal programs – social, educational, combating crime, economic development, federal taxes, etc.

**The seventh.** Some mutually acceptable foreign policy concept has to be developed, which would combine in itself, as a compromise, a course towards European integration of Moldova and allied relations of Transdnistria with Russia, and would also take into consideration the vital importance of Ukraine for both sides. The status of the federation in such circumstances could be neutral.

**The eighth.** Without further waiting for the legal documentation of relations on the new basis, the parties could freeze expansion of armaments, both quantitative and qualitative. At the second stage a gradual parallel reduction of weapons is possible. One of the promising options could be the reduction of armed forces of the parties down to formations meant mostly for supporting internal order and equipped primarily with rifle-type firearms. As for the option of mutual demilitarization, which has its positive moments, given that the armies of right bank Moldova and of Transdnistria can fight only with each other, while military budgets are burdensome for both parties, it is necessary to also take into consideration the growth in recent years of regional conflicts and extremism, including militant Islamic fundamentalism. Whatever international guarantees could be, it is important not to end up helpless in the face of the threats and risks of our time. But reduction is necessary anyway, and that means a comprehensive program of social integration of those serving in the military. It is also possible to consider a model of co-existence of both a federal army and national guards in the subjects of the federation (confederation). There should be a trained reserve in the country. But irrespective of how this issue is resolved, what is indisputable is the fact that the army should be primarily professional. The experience of Transdnistria in particular shows that the system of universal conscription remaining from the Soviet Army has degraded into a caricature of the latter, inheriting and magnifying its worst flaws: hazing, soldier labour at “commanders” facilities, corruption of officers. The series of murders and beatings of soldiers in 2008, the investigation of the actions of commanding officers of detachments in Ribnita, alas, is the best proof of that. It is difficult to talk about the maintenance of a real defence capacity under such circumstances

**The ninth.** After the transition period, common currency could be introduced in the federation. However, in order to create guarantees against possible financial pressure, the example of the U.S. could be used, where in a number of states they have regional issuance centres that issue very limited quantities of currency units (naturally, U.S. dollars). A similar centre (a mint with an available material and technical base) could exist also in the TMR. As it is well known, currency units are successfully produced in Transdnistria at the Bendery factory “Polygrafist”, and coins are minted at the German technical complex, which was sent, according to mass media, to Transdnistria from Poland several years ago.

**The tenth.** Legislatures of both sides without waiting for the establishment of the new state could pass some coordinated acts:

A) On a mutual amnesty of persons that participated in the conflict of 1992

B) On a mutual recognition of ownership rights, including property privatized on both banks of the Dniester / Nistru according to the laws of right bank Moldova and of Transdnistria during the years of separate and independent existence of these formations.

C) On a mutual recognition of the status of officials, of pensions, military ranks, state awards.

And, of course, NGOs, independent press, political parties, people at large could play an important role in this process of settlement. The time is over when we were guided by the slogan “Stay and wait till the leaders come up with what to say!”. If during 18 years they failed to invent a formula, which could be implemented in practice means that they need help. And nobody else but us, representatives of various strata and social groups of the society can do that. Either we continue our mutual decay, gifting all Europe with its odours, or we manage to prevent our festering from turning into gangrene.

### Conclusion or let us be oracles

*A politician needs the ability to foretell what is going to happen tomorrow, next week, next month, and next year. And to have the ability afterwards to explain why it didn't happen.*

*Winston Churchill*

We are not the only ones that conduct negotiations. However, similarly to us no serious results can be observed elsewhere. It is interesting that in **Cyprus**, where by the way several years ago according to results of voting the non-recognized North turned out to be more inclined towards Eurointegration than the recognized South, inter-community negotiations have resumed. Perhaps our epic may to a certain extent turn out to be of some use to the Cypriots. But the main conclusion from the Cyprus story is as follows: the only possibility, similar to our case, is a compromise that is mutually beneficial for both parties. **Dictate from anyone's part is non-realistic and non-acceptable.**

During these times of perturbations the task of Transdnistria is very simple – to survive. And the system of European values cleared of left-radical ballast and multiplied by the best traditions of our own past is quite suitable for that.

What should we do in the nearest period?

**First**, to achieve together with the right bank of the Dniester / Nistru, a settlement of the conflict in order to facilitate attraction of investments from the East and West.

**Second**, to distance from any involvement in disagreements between Russia and Ukraine. We can become a political bridge between these Slavic countries.

**Third**, to stop anti-Western rhetoric, as taking into consideration the real power of Transdnistria it looks simply laughable, but it affects us and contributes to restricting of external contacts.

In order to try mantles of magicians and fortune-tellers we have once again to resort to the most ordinary boring logical analysis. First of all, in what capacity does Russia view us?

**First**, as it has been already said, for the RF de facto we are a military ally, on whose territory Russian troops are located. Moscow views even the Transdnistrian army as allied.

**Second**, Transdnistria is one of the few political allies of Russia in the CIS. Against the background of failures in the fight for influence on Ukraine in 2004 and later, it was Tiraspol that supported the idea of expansion of the Union of Russia and Belarus.

**Third**, Russian proponents of a hard line with respect to Kyiv believe that it is possible to influence Ukraine with the help of Transdnistria. Not without a reason in Russia from time to time the topic emerges concerning creation of Novorussia, which in addition to Transdnistria would include Odessa, Nikolayev and Kirovograd regions; to this they sometimes “annex” Kherison region.

**Fourth**, for about 20 years Transdnistria has helped Russia to influence Moldova, and notably recently very efficiently: in 2008 Chisinau in fact stopped working in the framework of the GUAM bloc. Though in July 2008 according to the “REGNUM” agency, the President of Moldova

Vladimir Voronin, probably having felt the parallel gambling of Russia both with Chisinau and with Tiraspol, stated that the Moldovan state despite its previous repeated proposals does not see any further need to confirm its neutrality at the international level. Earlier this proposal was one of the major ones addressed to the Kremlin, which, however, as of the end of July 2008 did not support openly the plan of reintegration of the former MSSR on a unitary basis<sup>4</sup>.

**Fifth**, Transdnistria as the place of dislocation of Russian troops in the form of peacekeepers and the OGRV is of interest for Russia from the point of view of the “Anti-NATO” scenario, as with NATO’s expansion towards the East, any base, even not the most significant from the military point of view, plays a very important role for Moscow. As long as American troops are quartered in Romania (Constanta, etc.), one may say that the Russians do not intend to leave the banks of the Dniester / Nistru. From the beginning of 2008 rumours circulate that Chisinau could be cease its objections to the presence of the Russian soldier in the non-recognized republic. But, by all appearances in Moscow they came to the conclusion that guarantees only of Chisinau are insufficient, as parliamentary elections have to take place there in 2009 and Russian analysts do not rule out that the leadership can change or be completely replaced. Probably they considered that the best guarantor of the presence of Russia would be Transdnistrians, which with their 1.7 billion dollars of gas debt simply have no other options

**Sixth**, since spring 2008, Moscow has launched the “Anti-Kosovo” scenario for Transdnistria. Let us assume that Moscow is afraid that the “hawks” of the West in response to a hypothetical recognition of one non-recognized republic would try to blow up the Russia itself, for example, to recognize Chechen insurgents. But the activation of the “Anti-Kosovo” scenario would definitely not make more than 40 countries cancel the recognition of Pristina. It has to be added here Chisinau put “the bank” at stake diplomatically, when expecting a resolution of the Transdnistrian issue on the basis of package proposals prior to elections of 2009, the president of Moldova Vladimir Voronin in his speeches spoke about the desirability of settlement on the basis of the “Anti-Kosovo” approach, though he could not but know that such statements would cause discontent of Washington, which is one of generators of the recognition of Kosovo’s independence. But now it is obvious that the response of Russia was not like Chisinau expected.

**Seventh**, Transdnistria is a gas transit region. Naturally, such a position serves as a basis for the business of high ranking Russian politicians, security and military officials and businessmen who provide support to the non-recognized republic. And from the point of view of post-Soviet politics this is a normal and quite a common scheme.

As proof of the importance of Transdnistria in its current status to Russia we mention just two facts.

**The first.** In spite of the existence of a gas debt and external debt that in total exceeds 1 billion 700 million dollars – immense for such a small republic – Russia has never tried to present Tiraspol with an ultimatum, or to disconnect the supply of natural gas. Meanwhile, in January 2004 Belarus, having accumulated \$120-140 million in debt, stayed without gas for several days. I do not even mention Russian-Ukrainian gas wars at the beginning of the 21<sup>st</sup> century ...

**The second.** The Internet site “Kompromat.ru” contains even relatively harmless data about politicians and entrepreneurs from Russia, from close and remote foreign countries. However there is no data there about any single Transdnistrian functionary, though just the fraudulent privatization of the Moldovan GRES (Moldovan district power plant) at the end of 2003 by a fake Russian-Belgian firm can provide material for the plot of “The Golden Calf – 2”<sup>5</sup>.

What place can Transdnistria have in Kyiv’s calculations? Let us continue our discussion.

**First.** This is a “firing range” for rivalry with Russia. After many years of waiting Ukraine is increasing its activity and is asserting itself more confidently. Ukraine has a trump card, which Russia does not have – a common border. In addition, Kyiv as well as Russia has economic levers:

Transdnistrian stores, as it has been already said, are piled with food products and consumer goods. The Transdnistrian mobile telephony company “Interdnestrkom” is actively working with Ukraine. In 2002, according to the Decree of the President of Transdnistria, most favoured nation status was granted to Ukraine in trade.

**Second.** Transdnistria provides leverage over Moldova in order to prevent revenge of the right-wingers, including obvious unionists that in the future might raise the issue of South Bessarabia and Northern Bucovina.

**Third.** The region is a transportation corridor and an object of business transactions (we have talked earlier about the expansion of Ukrainian trade in Transdnistria). We have to note that Ukraine made concessions to Chisinau on the issue of control over export from Transdnistria in March 2006, but it did not do the same with respect to import coming to Transdnistria from Ukraine. Ukraine is directly interested in restoring direct railway traffic through Transdnistria, and it is concerned more not with political aspects, but with specific advantages for freight carriers and restoration of passenger traffic.

One cannot categorically assert that in case of a new crisis in Moldovan- Transdnistrian relations Ukraine would not start working on the joining of Transdnistria to itself, but as it seems here only the left bank can be considered, as Bendery does not fit into the historical scheme of 1918-1940. But already now it is clear that if the positions of the right-wingers, primarily unionists, in Moldova in 2009 get stronger, then Ukraine would provide more support to Transdnistria.

In recent months the European Union strengthened its positions in Transdnistria, primarily its economic positions. This also affects diplomatic activities. The Special Representative of the European Union for the Transdnistrian settlement Kalman Mizsei works in Transdnistria almost as energetically as Russian representatives do. It is quite explicable: **from 30 to 40 % of Transdnistrian export (various figures are provided) is with the EU countries**<sup>6</sup>. To a large extent these are light industry goods, but one way or another this is industrial product with more or less modern technology and not, say, agricultural products, which are abundant in Europe without our help. The reorientation of a number of Transdnistrian factories and plants towards Europe has led to the situation where **Europeans are interested in the settlement of the conflict and in the reintegration of the former MSSR in principle, however, based on the events of recent months, they do not link possible settlement to any specific scheme or plan, or any politically significant date (elections, etc.)**.

It is necessary to say separately about the **position of the U.S.** While analyzing it I will try to rely on my own assessments. And they are as follows:

**The first.** The situation in the South-West of the former USSR is viewed by American diplomacy primarily not through the scheme of relations between Chisinau and Tiraspol (federation, autonomy, unitarianism and so on) but through global relations with Russia and partially with the European Union, due to the distance of the United States from our land. Americans do not agree with the Russian military presence in Transdnistria, and assess official Tiraspol mostly based on its foreign political orientation. If it were not for the Russian military factor, it’s unlikely that Washington would demonstrate involvement in the negotiation format even at the current level.

**The second.** During the last months the interest in the Transdnistrian issue has decreased in America compared to the interest towards Abkhazia and South Ossetia. Russia is behind Tskhinval and Sukhumi, and that is why now the bare nerve of Russian-American relations is precisely there! Trying to be flexible, the U.S. though the State Department (the mission of M. Bryza) in fact began a direct dialogue with Sukhumi, which cannot but be a concern for Russia. Not without consent of the European Union as a whole, in July 2008 Berlin proposed a plan for resolving the Abkhazian-Georgian conflict as a whole. Therefore, in the first place Americans see not support for reintegration of Georgia and Moldova, but stabilization of the situation, as the U.S. understand

it, and strengthening of their influence in the territories, which traditionally were considered to be in the Russian sphere of influence.

This is our general geopolitical canvas. And now **let us forecast possible events** that might occur in the nearest months.

**The first.** As we came closer and closer to the parliamentary elections of 2009 in Moldova, with candidates to places in the new legislative body getting more and more interested in external support, it was expected that Russia would propose as a basis for discussion a document under a conventional name “Kozak-2”, which would contain many provisions from the Kozak Memorandum rejected by Chisinau in 2003. We have to add, that not only has Russia failed to give any response to the Package of proposals of Chisinau, but according to the press did not respond to the really important proposal to export its goods to the EU via Moldova, so that the system of preferences granted by the EU to Moldova could be applicable to those goods.

**The second.** If Russia (before or after elections) would propose “Kozak-2” it would immediately collide at the diplomatic front with Ukraine, which has never removed from the agenda of the negotiation process the Yushchenko Plan.

**The third.** Russia will not withdraw its troops from Transdnistria in the foreseeable future. It will try to link the neutrality of Moldova with the presence of the OGRV and the peacekeeping forces in Transdnistria and will try to get from Chisinau official consent for that.

**The fourth.** Russia would try to seek from Chisinau official secession from GUAM. But it is not for sure, that even if the Moldovan leadership agrees to that, real support from Moscow with respect to Chisinau would take any specific forms.

**The fifth.** On their part, GUAM countries will be very cautious about Chisinau, being afraid of its “two timing” with Russia and its certain, in their opinion, unpredictability. In the situation with pending elections, the current leadership of Moldova could hardly expect any assistance from Kyiv.

**The sixth.** Russia can place its stakes on the expectation that as a result of the elections in Moldova a parliamentary coalition would be formed, where nobody would have the controlling block of shares. In such a situation Moldovan authorities would not have dealing with Transdnistria as a priority.

**The seventh.** Ukraine, while competing with Russia but based on its motivation (see item 5) may also wish for such a coalition.

**The eighth.** Transdnistrian leadership will try to convince Russia not to make any concessions to Chisinau, explaining their position, in particular, by the deviation of Chisinau from the proposal to confirm its neutrality at the international level and exercising influence on the Kremlin with the hypothetical possibility of Moldova’s future accession to NATO. At the same time, Transdnistria will keep expanding relations with Abkhazia and South Ossetia in the framework of the Commonwealth “For Democracy and Rights of Peoples”; to a lesser extent – with Nagorno Karabakh.

**The ninth.** If a war begins in the Caucasus between Georgia and Transdnistria’s allies – South Ossetia и Abkhazia – then the leadership of Transdnistria would try to explain the impossibility of negotiations with Moldova by saying that the partner of Chisinau in GUAM – Georgia – attacked allies of the TMR, and now the main task of Transdnistria is to provide comprehensive assistance to its friends. *(Note: after this essay was written the observable reaction of the Transdnistrian authorities to the August 2008 events in South Ossetia was expressed in the declaration of a temporary moratorium on contacts with Chisinau)*

**The tenth.** As a result of the war in the Caucasus, negotiations on the Transdnistrian settlement could be interrupted or frozen because of aggravation of antagonisms between Russia that

supports the Abkhazians and Ossetians; and the U.S., which at the political level is on the side of Georgia seeking to join NATO.

**The eleventh.** For the sake of keeping its independence Transdnistria will continue playing on contradictions between Russia and Ukraine, between Russia and the West. Pressure from the part of any participant of the negotiation format would be compensated by applications to other partners. But part of such steps would give no effect due to their obvious nature of being reactive to current short-term situations.

**The twelfth.** Russia would try to continue not to recognize at the official level the independence of the TMR. But if contradictions with the West go too far, one cannot exclude a possibility that in coordination with Moscow some of Russia’s allies will do it, to avoid having the Kremlin be blamed for destroying the remains of the world order. We dare assume that such countries can be Venezuela, whose delegation several months ago visited Transdnistria, or Belarus that has quite problematic relations with the West anyway. Besides, the Transdnistrian leadership orients, even if only declaratively, towards the Union of Russia and Belarus. Another option assumes that for a certain amount of money some tiny island state can become an initiator of the recognition of Transdnistria, even if it will hardly have an idea of where we are located. The main thing is that it has to be a member of the U.N. which is formally still alive.

**The thirteenth.** If the policies of Tiraspol become more motivated, well considered and multi-vectoral in the good sense of the word, Western countries and Ukraine would get into a more pro-active dialogue with it. But exactly such turn of events can worry Russia, and that is why we have to admit that the Transdnistrian leadership faces a difficult choice.

**The fourteenth.** Tiraspol might lose the diplomatic game aimed either at keeping the de facto independence of Transdnistria, or at an acceptance of settlement conditions beneficial for the republic, if it will choose the passive tactic of refusing any proposals from outside and a negative attitude to any Moldovan initiatives.

**The fifteenth.** A possibility for a new armed conflict on the Dniester / Nistru in the foreseeable future should be acknowledged to be quite ephemeral, since in the conditions of a hair-trigger situation in the Caucasus, war in Afghanistan and Iraq, and the threat of war between the U.S. and Iran, nobody is interested in having a new focus of armed confrontation in Europe, close to the borders of the European Union.

**The sixteenth.** It is rather difficult to expect any drastic changes in the situation with the negotiation format, as Russia decided not to exercise too much pressure on Transdnistria, despite the summer visit to Chisinau and Tiraspol of the Chairman of the Committee on CIS Affairs and Connections with Compatriots of the State Duma of Russia Alexey Ostrovsky. Only the U.S. with their strong military-political potential could have exercised pressure on both Tiraspol and Moscow. But on the one hand the U.S. has quite a few problematic spots in the world, including those mentioned above. Some of them are hot spots, some can soon become such. On the other hand, Moldova-Transdnistria do not have any gas, oil, gold, diamonds, platinum reserves, neither have they access to sea, as is the case with Abkhazia. Giurgiulesti does not count; it is rather an issue of bilateral Moldovan-Ukrainian relations.

**The seventeenth.** From the point of view of Russian-Ukrainian relations Transdnistria would also be viewed by Moscow as a military foothold, as Kyiv does not want to agree to extend the deployment of the Black Sea fleet of the RF in the Crimea.

**The eighteenth.** Because of the presence of the Romanian factor Ukraine would not firmly take anyone’s side in Moldovan-Transdnistrian relations.

**The nineteenth.** The parties of the conflict (Moldova and Transdnistria) do not have any consolidated document that could serve as a basis for the final settlement. Neither the Moldovan Package, nor the Transdnistrian draft of the Amity Treaty, are such documents. That is why one

can assume that in Tiraspol they would try to wait till the elections to the Parliament of Moldova hoping that the Communists would leave or would be in some amorphous coalition; in Chisinau they still hope there will be some external pressure that could force Tiraspol to make serious concessions.

**The twentieth.** As it is obvious that the task of participation of Transnistrian voters in elections of the new Parliament of the RM is not yet fulfilled, the leadership of Moldova still has one constitutional step left to make – to postpone elections for several months (maximum until June 2009, as we can realize from the legislation of Moldova). It could give one more chance for the participation of Transnistrians with the help of external influence on them, but that for sure would entail resistance from the side of the Moldovan opposition.

What do we have, as it is said, in “dry residue”? Only one thing: the capabilities of the civil society that is forming on both banks of the Dniester / Nistru. It cannot and should not take the bread (with butter, caviar and cheese) out of the mouths of politicians that are endowed with power and that conduct negotiations, or imitate negotiations. But it is able to make a peaceful situation on the Dniester / Nistru irreversible, to help set bridges between ordinary people in Moldova-Transnistria, to make the atmosphere between the banks of the ancient river much warmer. And then, who knows... Perhaps, from the civil society those will come for whom the current issues of debate seem crazy, those who will be able to find new, non-standard ideas of a compromise. Those who in the long run would manage to agree.

*Tiraspol, July 2008*

### Small epilogue or A THEORY OF WANDERING CIRCLES

In August, Caucasian mountains yet again shuddered from booms of explosions and crackles of rifle and machine gun fire. Within only a few days the world witnessed how first soldiers of the Georgian army took by assault the South Ossetian capital, and a little bit later the forward movement of Russian soldiers entering the territory of Georgia proper. The drama reached its culmination when the world got ready for the battle for Tbilisi. But the curtain came down, and on August 26 changes took place, and were Shakespeare alive these changes would be worth only his pen: Russia recognised the independence of South Ossetia and Abkhazia! Following the U.S. and EU that recognized Kosovo on February 17, Moscow also put its hands to rearranging the world. The atomization of Europe had begun! The grandeur of this political cataclysm is worthy of taking off one's hat and perhaps even eating it.

But we should not immediately wish each other bon appetit. It seems that we have become witnesses of the beginning of the formation of a new opposition based on blocs, when recognition or non-recognition of these or those countries by other states depend on their political sympathies and antipathies. If you are my ally, I recognize you. If you are with my opponent, you'll remain non-recognized till the second coming.

I assume that all that can be expressed by just one word: “IT BEGAN!”. The UN has obviously lost its role of coordinator of the world order and referee of legitimacy or non-legitimacy of state formations. In essence, the UN had a heart attack after Kosovo and a stroke after South Ossetia and Abkhazia. Instead of clear and binding resolutions as fruits of political compromise, it more and more often produces inarticulate sounds like an old and rich paterfamilias at whose bedside all cheerfully mourning relatives are gathered, in the depth of their hearts looking forward for the restless old man to draw his last breath so that they can inherit everything that he earned working beyond his strength. Maybe, sometime later the body of the UN would really be buried, like it happened once with remains of the League of Nations, and people would either create some new world structure or would do without any. Yes, this is how our epoch is, when grandeurs fall ...

Perhaps, what is happening now is what I would refer to as the “theory of wandering circles”. If the world becomes multipolar or lacks any poles whatsoever, then groups of states might occur in it consisting of several or several dozen entities that recognize each other inside each group. At the same time, they do not recognize countries from other group(s), or recognize only part of them. Or they recognize them partially (for example, having trade, but not diplomatic relations with them). In each circle there is one or several most powerful or authoritative leading states. From time to time some countries might shift from one circle to another, i.e. the composition of the circles is not permanent. Circles themselves can be divided into smaller ones or, vice versa merge into larger ones.

It is not impossible that international organizations would appear within such circles, and the subject of their work would be only the countries of a given circle. Whereas the appearance of the a UN organization is a problem. For example, how would the UN influence South Ossetia and Abkhazia, which are recognized by Russia, but not by the U.S., or Kosovo, where everything is vice versa? And how can we determine after Russia's recognition on August 26 of the two abovenamed republics how many countries are located in the territory of the CIS – 12 or 14? And if we consider Georgia as departed, would it be 11 or 13? The most important is that in the case of wandering circles common norms of international law are put in question. Would they be preserved?

However, let us move from the general to the specific. The recognition of three earlier non-recognized countries at once definitely made it more difficult for Chisinau and Tiraspol to find a compromise; as Transnistria, of course, raised the bar of its requirements, and Russia recalled the Kozak Memorandum as a possible basis for a compromise. It is very unlikely that Chisinau is ready to use such a basis, much as Tiraspol will not speak seriously about any unitary model after the August events.

In theory, other members of the “5+2” format could play a stabilizing role, but disagreements between them after the Caucasus war went too far, and we cannot expect them to find easily any common language on the issue of the Moldovan-Transnistrian settlement. Perhaps, in the conditions of the onsetting tremendous economic crisis both Russia, which feels on top of the world after the war, and the West which believes that the Russians have thus responded to the Kosovo precedent, have again moved from the desire to find some coordinated approach, to attempts to overtake each on the curves. For certain, it would make the search for settlement more difficult, at least, before the new Parliament of Moldova is elected.

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- 6 Объем экспорта приднестровских товаров превысил 700 млн. Долларов. [*Export of Transnistrian goods exceeded USD 700 mln.*] <http://newsft.ru/1799-obem-jeksporta-pridnestrovskikh-tovarov-prevysil.html>

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## EUROPEAN INTEGRATION POLICIES IN THE CONTEXT OF TRANSDNIESTRIAN CONFLICT SETTLEMENT

The aim of this work is to research and provide an initial analysis of the influence of European integration policies, primarily, of the European Neighbourhood Policy on the process of Transdniestrian settlement, of the roles and possibilities of the European Union in the context of its relations with Chisinau and Tiraspol.

Such special attention to the EU is conditioned by the fact that borders of the European Union have come closer to our region, that Brussels has become involved in the negotiation process as an observer, by the fact that Europe has its own experience and approaches to the settlement of conflicts. It requires studying the existing potential of European policies, determination of the role and influence of the European Union on transformation of the situation in the region and of potential possibilities for cooperation taking into consideration the existing different levels and speeds of interaction of the EU with right bank Moldova and Transdniestria.

Research materials of European experts, official statements and documents of the European Union, Republic of Moldova and Transdniestria were used in this work. At the same time, the completeness of assessment of relations of the EU and Transdniestria is constrained by the lack of specialised studies into this issue, both in the European Union and in Moldova-Transdniestria. The author has therefore made use of data from personal interviews with representatives of official structures and experts.

Based on the aims of this work, the essay offers a general overview of the situation in the region in the context of participation and possibilities of the European Union, and also initial recommendations concerning possibilities of stabilisation and development of the situation in the region for all interested parties, with a dominating emphasis on the process of relations between the European Union and Transdniestria, which requires additional research.

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### Introduction

The Moldova-Transdniestria region is, in its own way, a unique region of Europe possessing a unique set of multicultural, multiethnic, religious relations and rich cultural heritage.

It was exactly here that the Western and Eastern civilizations met, and great empires and world powers succeeded in finding possibilities for peaceful coexistence and interaction.

Moldova-Transdniestria is an integral part of the European space, and, at the same time, a part having its own distinguishing features. Essentially the region appears to be a “divided periphery”<sup>1</sup>, a territory viewed by the European Union and the Russian Federation as their own near abroad.

Meanwhile, Moldova has made its choice – integration in the Euro-Atlantic space, obtaining EU-membership. Transdniestria has also defined its development vector and orients towards the Eastern space, with an ideological centre situated in Moscow, based on its culture, mentality, and civilizational priorities.

In the meantime, the advantageous geographic location of the region and its historic peculiarities have led to the emergence and intersection of interests of different international actors and powers.

Globally, the region represents an area of particular interests of the European Union, the Russian Federation and the United States of America, while regionally interests and attention from the part of Ukraine, Romania and Turkey could be marked out.

At the same time, Moldova-Transdniestria is a zone of internal conflict, the origins and causes of which were created in the period of existence of the Soviet Union and related to a rigid centralized control system operating without regard to the needs and interests of smaller local communities and regional specificities.

Upon the dissolution of the union state and the following the Centre’s loss of management levers and control over the situation, the existing contradictions and smouldering conflicts not only escalated, but also – with the help or inactivity of the new political elites, who lacked personal experience in state administration – came up to the surface of public life and took on the most radical and aggressive forms.

Human lives lost and the degradation of economic, social and political systems were the costs of the rash actions of those politicians who had chosen the path of escalation and using force for conflict settlement.

Moldova-Transdniestria turned into a zone of “frozen conflict” with all the ensuing negative consequences – permanent political and economic crises, isolation from global economic processes, a fall in the level and quality of life, a dismal demographic situation, massive migration of productive population, transformation of Moldova-Transdniestria into the poorest region of Europe.

That is how Moldova-Transdniestria faced the end of the last century. Perhaps, the 21<sup>st</sup> century will open a new page of peace and wellbeing for the history of the region, since there are all prerequisites for that.

In 2000, at a summit in Nice, for the first time in the history of the European Union, the EU idea of a Greater Europe was brought up for discussion and supported by all EU member-states.

In 2004 and 2007, with the accession of Central and Eastern European countries to the European Union, a major expansion of Europe to the East took place, with its borders coming right up to Moldova-Transdniestria.

At the same time, the Russian Federation, having managed to overcome internal instability, started to build up its economic and political power by actively promoting its interests westward, primarily in the sphere of energy and communication.

After the September 11, 2001 events in the United States of America, a reconsideration of approaches and priorities in the process of international cooperation occurred. The leading actors refused to take part in the zero-sum game, thus gradually eliminating the hang-ups and societal values of the “cold war”.

The withdrawal of world powers from the stage of confrontation, their orientation towards more advantageous results of joint work and cooperation should positively affect both the situation in Moldova-Transdniestria and the process of settlement of Moldo-Transdniestrian relations.

This article will primarily focus on the European Union and its proposed integration policies, on this young, but reputable and powerful actor in the system of international relations that has relatively recently specified its interests and participation in Transdniestrian conflict settlement.

The EU borders drawing closer to our region, the involvement of Brussels in the negotiation process as an observer, the possession by Europe of its own experience and approaches to conflict resolution – all suggest an examination of the existing European policy potential, and a clear definition of the role and influence of the European Union in transforming the situation in the region and of potential cooperation opportunities, while also paying due regard to the existing different levels and speeds of interaction between the EU and right-bank Moldova and between the EU and Transdniestria.

## 1. European Union policy in relation to Moldova-Transdnistria

In the processes of institutionalization and strengthening of Western European unification processes and of the growth of its economic potential, the European Union became a special model of democratic and economic attraction, both for the countries of Central and Eastern Europe and for the EU's Eastern and Southern neighbours.

With the expansion of the European Union to twenty seven member-states, Europe faced a new challenge, a peculiar “existential dilemma”<sup>2</sup> of the European Union.

The European Union is now facing the issue of needing to make a choice: to either continue the process of expansion until the organization becomes uncontrollable or to lose one of its fundamental principles of openness to all European democracies, in this way running the risk of creating a negative effect by excluding certain countries from the union<sup>3</sup>.

Until now this question remains one of the most important topics of internal European discussion at both political and expert levels.

Aiming to answer this challenge and to smooth over the negative consequences of the pause that occurred after the last expansion and the failure of the European Constitution, the EU adopted the European Neighbourhood Policy.

Therefore, today European integration processes manifest themselves in the following forms: integration into the European Union – obtaining membership, the Stability Pact for South Eastern Europe, the “Neighbourhood Policy” for the Eastern and Southern Europe and regional projects for the Black Sea basin, concentrated around the Black Sea Economic Cooperation organization which includes member-states, candidate-states and neighbour states of the European Union.

### 1.1 European Neighbourhood Policy

From the point of view of participation, planning and funding, the European Neighbourhood Policy is the largest scale European policy for our region.

The European Neighbourhood Policy (ENP) represents a new approach of the European Union to its neighbouring countries with to the aim of strengthening relationships between the EU and EU neighbouring countries and of cooperation to establish a zone of security and wellbeing, “a ring of friendly countries” at the borders of the European Union. ENP is also called to provide an opportunity to EU neighbouring countries of having closer cooperation with the EU in the sphere of politics, security, economics and culture<sup>4</sup>.

The main purpose of the European Neighbourhood Policy is to share the benefits of the 2004 and 2007 expansion with neighbouring countries in terms of strengthening stability, security and increasing the prosperity of all interested countries. Strengthening stability and appropriate governance were also mentioned in the European Security Strategy approved by the European Council in December 2003<sup>5</sup>.

The European Neighbourhood Policy does not provide the partner-countries with the expectation of accession to the European Union, but offers privileged relationships with the EU, as well as assistance in reaching objectives in different areas of cooperation.

In March 2003 the European Commission delivered its “Greater Europe – Neighbourhood: a New Framework for Relations with Eastern and Southern EU Neighbours” communiqué in which for the first time the principles of the new European Neighbourhood Policy were presented and the importance of the EU in strengthening relations with neighbouring countries was noted.

In May 2004 the European Commission delivered its “European Neighbourhood Policy. Strategy and Country Reports” communiqué, in which it specified clear steps for implementation of the European Neighbourhood Policy and methods of extending EU expansion benefits to neighbouring countries.

These priority objectives have been included in jointly coordinated Action Plans representing key policy papers for building relationships between the EU and its partner countries.

The Action Plans rest upon a mutual commitment to common values, primarily in the spheres of: rule of law, appropriate governance, respect for human rights, including the rights of minorities, development of good neighbourly relations, the principles of a market economy and sustainable economic development. It is also supposed that partner countries undertake obligations related to some major aspects of EU external activities, particularly, combating terrorism and proliferation of weapons of mass destruction, as well as compliance with the norms of international law and efforts in conflict resolution.

However, the Action Plans are differentiated to reflect the existing state of relations with each country, its needs and capabilities, as well as common interests. The scope and rate of development of EU relations with each of the partner-countries will depend on the extent of their commitment to common values and on the wish and ability to reach the agreed priority objectives.

Action Plans include a number of priority objectives, the fulfilment of which is a crucial element of EU relationships with its partners:

- *political dialogue* – deals with issues of foreign and security policy including regional and international issues of conflict prevention and crisis management, as well as general threats to security (e.g., terrorism and its deeper causes, proliferation of weapons of mass destruction and illegal arms export);
- *economic and social development policy* – includes advanced preferential trade relations and expansion of financial and technical assistance. It also opens new perspectives for neighbouring countries in terms of their access to the EU internal market based on the harmonisation of the legislative and regulatory frameworks, participation in a number of EU programs and improvement of communication and physical infrastructure linking them to the EU;
- *trade* – presumes a more substantial opening of the market in correspondence with WTO principles and EU standards;
- *justice and internal affairs* – focuses on cooperation in the field of migration, granting asylum, visa policy, anti-terrorism measures, combating organized crime, drugs and arms trafficking, money laundering, and financial and economic crimes. The Action Plans specified concrete steps aimed at strengthening of judicial systems and enhancing of cooperation between the police and judicial bodies, including in the field of family law, as well as cooperation between the European Union agencies like Europol and Eurojust.

The starting point for the Action Plans is a general set of issues that correspond to ENP objectives. However, development of the Action Plans and coordinated priorities for each of the countries depends on specific circumstances. These circumstances include:

- geographical location;
- political and economic situation;
- relations with the European Union and neighbouring countries;
- reform programs (as appropriate);
- needs and capabilities, as well as interests expressed in the context of the ENP.

Thus, an individual Action Plan was developed for each partner. The Action Plans defined steps for the following 3-5 years. The following step might be negotiations on entering into new privileged agreements - European Neighbourhood Agreements – that could replace the existing generation of bilateral agreements upon reaching priority objectives of the Action Plans.

The European Neighbourhood Policy addresses the current EU neighbours, and those who have become closer to the EU as a result of expansion.

- In Eastern Europe: Ukraine and Moldova

- In the Southern Caucasus: Armenia, Azerbaijan and Georgia
- In the Mediterranean: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, and Palestinian Autonomy.

### 1.2 European Neighbourhood Instrument

To support the European Neighbourhood Policy, the European Neighbourhood Instrument (ENI) was developed and included as one of the six financial instruments intended to function in the sphere of external relations after 2006.

The European Neighbourhood Instrument allows the complementing of assistance rendered in the framework of existing or future financial mechanisms and is oriented specifically at border cooperation and related directions of activity.

There are no corresponding legal precedents for such an instrument, considering the fact that it is called to cover both the foreign policy and the economic and internal EU social unity policy in order to be able to equally function on both sides of the EU external border<sup>6</sup>.

Importantly, the activities should be carried out in the territories qualified to participate in this program, regardless of their being located inside or outside the Union borders. The instrument rests on principles of existing border cooperation programs, including partnership, advance planning and joint financing.

ENI covers all borders between EU member-states, on one hand, and countries covered by the European Neighbourhood Policy, on the other. It also allows supporting international cooperation projects involving beneficiaries from at least one member-state and one partner-country and replaces existing internal and external programs for border cooperation in the regions of the member-states and partner-countries adjacent to the future external EU border.

Whereas ENI will represent an instrument especially developed with due account of peculiarities of cooperation across external EU borders, possibilities were explored, in the development of respective regulations, as to include candidate-countries and intended candidate-countries in the geographical sphere of its application.

Basic elements of the new Neighbourhood instrument are:

- Promoting sustainable development in regions on both sides of common borders;
- Carrying out of joint actions to find solutions to common problems in areas like environment, healthcare, prevention and combating organized crime;
- Through joint actions, ensuring effectively functioning, secure common borders;
- Facilitation of local programs for expansion of contacts between residents of border regions.

Given these objectives the European Neighbourhood Instrument allows the financing of joint projects proposed by partners from among EU member-states and partner-countries or meant for them. As such, it complements the internal and external financing instruments that can function only on one side of the Union borders.

### 1.3 Europeanization

In parallel with the European Neighbourhood Policy, Europe offers a new instrument able to positively influence conflict resolution – Europeanization.

European researchers view Europeanization as a normative process where European institutes act both as participants orienting the policy and as creators of framework structures for national and subnational participants.

The concept of Europeanization is defined by experts as a “process, reorienting the direction and form of a policy to the extent that political and economic dynamics of the EU become a part of the organizational logic of national policy and of the development of a tactical course”<sup>7</sup>.

\* Editor’s note: Translated to English from the author’s original citation in Russian.

Thus, a difference is drawn between becoming a member of the European Union and Europeanization – a broader process of political, economic and social transformations that can occur both inside and outside of the EU borders.

On the whole, according to expert opinion, Europeanization acts through three types of mechanisms:

- *Institutional consent*: of clear legal obligations actually resulting from preparation for EU accession and entering the Council of Europe (serving as an effective EU school of human rights and an agency for enforcement of their observance). These European political mechanisms transform internal political mechanisms.
- *Changing internal opportunities structures*: by changing internal rules of play in policy and business the European mechanisms change the strategic position of internal actors and enable them to counteract existing internal rules.
- *Changing internal opinions and expectations*: by changing internal opinions, expectations and identity of individuals (regional / ethnic, national, European), Europeanization occurs through a process of adoption of policy rules and dissemination of experience.

The greatest effect of Europeanization can be achieved by merging all mechanisms touching upon all levels – from individuals to political parties and interest groups.

Meanwhile, Europeanization, as an instrument in conflict resolution, is directly related to the perspective of integration into the European system, though the forms and extent of Europeanization may differ, possibly including the introduction of institutional mechanisms and processes in advance of integration, as well as involvement in European organizations.

## 2. The European Union and Moldova

Moldova’s commitment to Eurointegration in the foreign policy aspect was declared in 2000-2001. After the new communist leadership came to power in Moldova in 2001 the commitment to Eurointegration not only did not fade, but on the contrary was strengthened, with certain specific results being achieved in strengthening the European course of Moldovan external policy, though according to the assessment of European experts there could be higher and more systematic results.

The ruling Communist party platform represented in the 2005 elections and intended for the period to 2009, defines Moldovan Eurointegration in the following way:

- Transformation of Moldova into a country of European standards and effective investments in the national economy, open western markets for Moldovan products,
- Easy and visa-free travel for Moldovan citizens in European countries, reliable legal and social protection of our compatriots abroad,
- Development of a reliable advanced social security system, implementation of priority programs and principles of open European education, European culture,
- Strengthening of the best possible relationships with our neighbours – Ukraine and Romania – being the grounds for a new stage in the development of CIS potential and strengthening of strategic partnership with Russia<sup>8</sup>.

Relations between the Republic of Moldova and the European Union are institutionalized through three cooperation structures, responsible for intensification of political dialogue and monitoring of implementation of the Partnership and Cooperation Agreement, namely: RM-EU Cooperation Council, RM-EU Cooperation Committee, RM-EU Cooperation Sub-Committees and RM-EU Parliament Cooperation Committee. Apart from this, a National Commission for European Integration has been established at the internal level in Moldova.

The Partnership and Cooperation Agreement provides the legal basis for relations between the Republic of Moldova and the European Union. The Agreement was signed on November 28,



1994 and became effective on July 1, 1998 for an initial term of 10 years. This Agreement provides the basis for cooperation with the European Union in the political, commercial, economical, legal, cultural and scientific spheres and is aimed at supporting Moldova in the process of:

- Consolidation of a democratic state based on the rule of law, as well as observance of human rights and rights of minorities by providing an appropriate framework for political dialogue;
- Long-term economic development and finalization of the transition process to a market economy by promoting trade exchange, investment and balanced economic relations.

On February 22, 2005 in Brussels, Moldova signed the RM-EU Action Plan in the framework of the European Neighbourhood Policy (ENP). The RM-EU Action Plan is a document incorporating strategic objectives and specific actions to fulfil them.

Institutionally, a mechanism for the coordination and supervision of implementation of the RM-EU Action Plan was created by way of establishing four Interdepartmental Commissions coordinated by four Ministries. The Ministry of Foreign Affairs and European Integration is responsible for general monitoring and coordination of activities.

In the process of implementing the RM-EU Action Plan special attention is given to coordination of reforms in accordance with European Union member-states standards and practices<sup>9</sup>. The following priorities are identified:

- Deepening of the process of reforming of the national justice system by developing a comprehensive strategy for short-term, mid-term and long-term reforming, as well as a financing programme,
- Development of an information and communication strategy in the sphere of European integration,
- Strengthening of dialogue with civil society in the process of implementation of reforms,
- Ensuring freedom of expression and mass media,
- Strengthening bilateral relations with EU countries for the purpose of reforms in the sphere of domestic affairs,
- Improving border management assisted by the EU Border Assistance Mission on the Moldovan-Ukrainian border (EUBAM), including the Transnistrian sector,
- Signing agreements with the EU to simplify the visa regime and readmission,
- Obtaining Autonomous Trade Preferences by signing a corresponding agreement between the Republic of Moldova and the EU,
- Beginning of negotiations on a new agreement between the Republic of Moldova and the EU which would make provisions for future possibilities of accession to the European Union.

Moldovan European integration policy rests on two priority directions which often coincide and complement each other:

- implementation of the RM-EU Action Plan;
- using Moldova's opportunities of participation in regional South-East European initiatives, particularly in the framework of the South East Europe Cooperation Process (SEEC), and the future Agreement of the modified CEFTA.

A political consensus was reached in Moldova regarding the implementation of European integration – on 24 March 2005 the Parliament adopted a Declaration on Political Partnership for the Fulfilment of European Integration Objectives implying a general consensus of parliamentary political factions for permanent and irreversible promotion of the strategic course towards European integration.

On 4 May 2006 the Republic of Moldova was accepted as a full member of the South-East Europe Cooperation Process (SEEC), later reorganized into a Regional Cooperation Council.

In December 2007 the Government of Moldova approved the “Strategy for informing citizens on issues of European Integration of the Republic of Moldova”.

The actions and aspiration of the Moldovan leadership on the path to European integration were understood and supported. In the European Union, a position of EU Special Representative for the Republic of Moldova was established, and the European Commission Delegation and Joint Visa Centre were opened. Moldova obtained certain technical and financial assistance from the European Union, including the Agreement on Autonomous Trade Preferences.

### *2.1 The Republic of Moldova and other integration projects*

At the same time the political rhetoric of the current power holders leaves doubts about Moldova's adherence to the course of Moldova's integration into the European Union.

The initial question was Moldova's membership in the Commonwealth of Independent States organization, not so much as politically, as economically.

The European Union and the Commonwealth of Independent States cover spaces of different ideological, political and economic systems.

Possibly, in the future a mechanism will be found for interaction between economic systems, but perspectives of this process are quite foggy because the CIS space itself is fragmented into several organizations of autonomous economic and political nature:

- Organization for Democracy and Economic Development, more widely known as GUAM (until 2004 – GUUAM) – Georgia, Ukraine, Azerbaijan, Moldova. An association of countries around a project of alternative energy supplies from the Caspian region, a certain counterbalance to the strong influence of the Russian Federation in the CIS;
- Common Economic Space (CES) – unites Russia, Kazakhstan, Belarus and Ukraine, the organization's objectives, among others, being the creation of a common market and customs union with a high level of political integration;
- Eurasian Economic Community (EurAsEC) – international economic organization entrusted with the functions of forming common external customs borders of its member-countries (Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan, since 2002 the Republic of Moldova has a status of observer), development of a common foreign economic policy, tariffs, prices and other components of joint market functioning.

Besides that, back in 2006 the President of Moldova announced, and later in 2008 confirmed the wish of the Moldovan side to follow the path of Euro-modernization of the country as a preliminary stage of European integration, while a concept and policy of Moldova's Eurointegration and Europeanization is already in place.

Perhaps the present power holders do not see the difference between Euro-modernization and Eurointegration, while these two processes suppose different aims and timeframes. Here is how European researcher Ernest Haas defines the notion of integration: “a process where political entities in several separate national environments agree to reorient their loyalty, expectations and political activity towards a new centre, the power structures of which have jurisdiction over previously existing national states or demand it. In the end, the process of political integration leads to a superpositioning of a new political community on top of one existing earlier”<sup>10</sup>.

In this case the Moldovan leadership should give a clear and distinct signal to both the European Union and the Moldovan society about the real course of Chisinau – acquiring membership in the European Union or development of relations with Europe solely in the framework of the European Neighbourhood Policy.

\* Editor's note: Translated to English from the author's original citation in Russian.

### 3. European Union and Transnistria

Until the present time, relations between the European Union and Transnistria were viewed by the parties exclusively through the prism of Moldovan-Transnistrian conflict settlement and participation in the negotiation process.

Moreover, before the European Union Special Representative for Moldova was appointed, Transnistria did not have direct relations with the European Union, as all contacts between Brussels and Tiraspol were realized through diplomatic missions of EU member-states in Moldova with all information drawn from official Moldovan sources.

This one-sided approach to studying the situation in the region did a rather quick and peculiar disservice to the European Union. It should be recalled that the first action of the EU as a player and international actor in the region was the adoption by Brussels of sanctions on the movement of top officials of Transnistria on the territory of the EU.

With that, the wish of the European Union to push Transnistrian leaders to engage in the negotiation process became the argument for the adoption of the sanctions. This happened at a moment in time when the parties had already been in the process of active negotiation for several months with a Joint Constitutional Commission functioning for the development of a Common State Constitution.

That unsuccessful premiere of the EU at the forum of Transnistrian settlement may have had a certain influence on the standpoint of Brussels – in any case, until now EU representatives refuse to talk about developing their own European plan of Transnistrian conflict settlement.

Generally, relationships between the European Union and Transnistria are characterized by a certain wish to not notice each other.

Thus, the European Union – being essentially an apologist of regionalism, being a structure where the region is one of the official levels for passing Europe-wide decisions, and where participation of regions in sub-regional and supranational organizations, including associated foreign relations, is viewed as the most important element of resolving relations and of a system of guarantees – has been denying, for all these years, direct contacts with Transnistria, appealing to the unrecognized status of the region.

Maybe this standpoint was convenient for Brussels in its relations with Chisinau, but it clearly contributed neither to improving the perception of the EU in Transnistria, nor to increasing the effectiveness of the EU's actions in the region as a whole.

In effect, a self-isolation of the European Union occurred – until now at all levels within Transnistria there is little idea about the structure, aims, values and capabilities of the organization.

In the last five years, since the beginning of the presence of the European Union at the official institutional level in Moldova, it is only the EU Special Representative and his office, concerned, by virtue of mandate, with the process of Moldovan-Transnistrian settlement, that have begun increasing its work in Transnistria, extending its agenda and the circle of dialogue participants which now incorporates, beyond the political level, also the level of business and civil society.

As for the activity of other European institutions, it is either nearly invisible or does not appear to be a manifestation of systemic work. In this context, one can note the lack of decision, at the time of writing of this article, on the issue of distribution of financial resources allocated about two years ago for projects on Transnistria, rare contacts on the inter-parliamentary level, and certain difficulties in accessing the resources of EU institutions experienced by Transnistrian civil society.

The active policy of the European Union in Moldova realized both through information centres and programs, and through representative offices of EU institutions, has resulted in gradual

progress towards the functioning of political, economic and social systems of Moldova according to European standards and principles and in the taking root of democratic norms in society.

In the case of Transnistria, the imbalance in relations of the European Union with Moldova, leads to a certain imbalance in relations and in the development of political, administrative and other systems of Tiraspol and Chisinau, something that will ultimately incur much higher costs for their harmonization than for today's development, occurring in parallel to the negotiation process.

Meanwhile, Transnistrian policy does not appear to be very open and “welcoming” westward either.

Until the beginning of the 21<sup>st</sup> century, Brussels was not viewed as a serious centre of power and decision-making – for a long time on the platform of Transnistrian settlement these centres remained to be Moscow and Washington.

However, even with a direct connection to regional processes, the European Union was viewed as a sponsor of post-conflict rehabilitation whose political interests were expressed by the United States of America.

In the Foreign Policy Concept adopted in 2005 by the Supreme Council of Transnistria<sup>11</sup>, being a document that represents the official strategy of behaviour and positioning of Transnistria on the international arena, there was no place at all for relations with the European Union, as a weighty international player or organization. Relations with Europe are mentioned in passing in point three, section four of this document, and that is in the context of relations with European states and the Organization on Security and Co-operation in Europe.

This place of the EU was defined not only by Transnistria's attitude towards the western development vector, but also by the actual perception of the European Union, as one more international organization, the Transnistrian background of contacts with which often showed low interaction efficiency both in the matter of topical problems and in the process of settlement.

That was also the place of the EU in Transnistrian policy at the time of signing of the EU-Moldova Action Plan and the opening of the European Commission Delegation to Moldova.

Mutual perception is a road with open oncoming traffic and today we can note some positive changes in this process. However, even until now Transnistrian society does not have enough information about the principles and priorities of the European Union's operation including fundamental European values of tolerance, equality, human freedoms and rights and of the social market state.

Not every resident of Transnistria is aware of the difference between the EU and the North Atlantic alliance, perceiving the EU, interlinked with NATO as a threat to the security system existing in the region.

Meanwhile, Transnistria is also in no hurry to define an appropriate place for the EU in its foreign and domestic policy, in spite of whole segments of the Transnistrian economy actively reorienting towards European markets and experiencing significant needs of shifting to European standardization and quality standards, while the Prut border with the European Union causes problems for Transnistria similar to those experienced by Moldova, including issues of free movement of citizens.

The strengthening involvement of the European Union in regional processes, activation of Brussels in the negotiations track, the daily needs of Transnistria in the socioeconomic sphere – all of these represent good platforms for the beginning of an open dialogue between the EU and Transnistria, which should be aimed at defining mutually beneficial points of cooperation, support for normalization of the situation in the region, clear delineation of “red lines” in relations with each other, and the satisfaction of European Union's interest in the establishment of a belt of stable neighbouring states along its borders.

#### 4. The European Union and the process of resolving the Transdnistrian issue

The joining of the European Union in the process of resolving the Transdnistrian issue underwent several stages. Initially the European Union carried out monitoring of the settlement process through diplomatic missions of EU member-states in the Republic of Moldova.

At the same time, prior to the 2004 expansion, with the development of the European Neighbourhood Policy and the appearance of the Europeanization concept, Brussels started being increasingly focused on the region, which required more action on the part of all European institutions and in particular clarifying the official relations between the European Union and the Republic of Moldova, including the process of settlement of Moldovan-Transdnistrian relations.

However, prior to this, in 2003, the Dutch Chairmanship of the Organization for Security and Co-operation in Europe headed by the Dutch Minister of Foreign Affairs Jaap de Hoop Scheffer (currently the Secretary General of the North Atlantic Treaty Organization) and the Personal Representative of the Chairman-in-Office Adriaan Jacobovits de Szeged also took an active stand in the negotiation process and came forward with several initiatives in the field of confidence-building measures and transformation of the peacekeeping mission, known as “Arms Control – confidence and security building measures in Moldova” and the “Information for Reflection – the peacekeeping mission in Moldova”.

The subsequent nomination of Mr Jacobovits de Szeged as the first European Union Special Representative for Moldova marked a continuation of European policy in the region both within the OSCE and in the new format of EU-Moldova relations and became a good forum for activation of the European Union in the negotiation track.

Meanwhile, it took about two more years for the EU to become fully involved in the settlement process of the Transdnistrian issue, which was related to both the situation in the negotiation process and to internal European discussions and external debates with international partners about the role of the European Union in the region.

We should recall that since September 2001, the full-scale negotiation process between Transdnistria and Moldova, which involved the levels of interaction of sectoral experts, political representatives and top leaders of the sides, has been at a standstill.

On 2 November 2001 the Russian Federation, Ukraine and OSCE, as mediators of the negotiation process, came forward with an appeal known as the “Prague Initiative” calling on Chisinau and Tiraspol to return to the negotiating table, and came forward with an initiative to bring political expert meetings, as a working component of this process, outside of the framework of the existing situation to ensure a permanent political dialogue of the parties.

On February 19-20, 2002 in the course of a meeting of mediators and representatives of Transdnistria in Bratislava (Slovakia) an agreement was reached on bringing forward a new initiative “On the organization of the negotiation process regarding Transdnistrian conflict settlement”, later joined also by the Republic of Moldova.

In the framework of the new initiative the parties and the mediators decided, in a pentilateral negotiation format, to create a “Permanent consultation on political issues in the framework of the negotiation process on Transdnistrian conflict settlement”.

Later the “Permanent consultation” took the name of the “Bratislava format”.

The aim and objective of the new mechanism came out to be development, coordination and fixing of specific parameters of a final document concerning comprehensive settlement of the Transdnistrian issue in the form of written agreements for the purpose of reporting for approval to the political leadership of the parties.

\* Editor’s note: The two document names here and ones appearing below in this paper were translated to English from the author’s paper, which was originally written in Russian.

Thus, the new format of the political dialogue between Transdnistria and Moldova gained a consultative nature.

It was in the framework of the “Bratislava format” that discussion and development of mediators’ federal initiatives took place (particularly of the “Kiev document”), and a mechanism of work of a Joint Constitutional Committee started.

However, the subsequent failure to sign a political agreement in November 2003, known as the “Kozak Memorandum”, and a new conflict that emerged in July 2004 between Tiraspol and Chisinau concerning the functioning of schools teaching in a language based on the Latin alphabet – the “schools crisis” – broke up the work of this consultative mechanism too.

Such were the complicated conditions, in which the processes of engagement of the European Union in the settlement process took place.

On 16-17 May 2005 consultations were convened at the mediators’ instigation in Vinnytsia (Ukraine) involving all interested parties, including representatives of the EU and the USA. Following the results of the meeting an agreement was reached about the possibility of participation in negotiations of the European Union and the United States of America.

During the summer of 2005 working criteria and parameters for new participants were agreed through diplomatic channels. On September 26-27 September, 2005 at a meeting in Odessa, by consent of Moldova and Transdnistria, the EU and the USA joined in the negotiations as observers, and the new consultative format got the name of “5+2”.

However, this time the work of the new format was also short and not a marked one in what concerns its performance – on February 28, 2006 the Republic of Moldova unilaterally abandoned the negotiations, while the new round of confrontation in the economic sphere between Chisinau and Tiraspol has not, until now, let the negotiations resume.

From the moment of participation of the European Union both at the stage of monitoring of the process of settlement and at the stage of working in the “5+2” format as an observer, Brussels was very careful in approaching issues of development and initiation of new ideas for future models of relations between right bank Moldova and Transdnistria, placing a greater focus on investing mediator efforts towards a resumption of the negotiation process and confidence building measures between the parties.

Meanwhile, inside the European Union there has accumulated extensive experience of conflict resolution. Within the last decades there has been a number of conflicts settled in the European space, particularly in Northern Ireland, in Bosnia and Herzegovina, a decision found for the confrontation between Serbia and Montenegro, as well as certain developments being reached in collaboration with the UN on the issue of the Turkish Republic of Northern Cyprus.

The resolution of the issue of the status of the Åland Islands and the appearance of the “Belgian model” of federalism also offer a wide range of instruments for conflict settlement especially in the sphere of regionalization and foreign relations.

At the same time the “Kosovo case” gets one thinking about the future of the current system of international law and international relations, as well as about the consequences of unilateral actions in the kind of subtle and sensitive sphere that is conflict settlement.

The resumption of political dialogue between Tiraspol and Chisinau, the return of the parties to the negotiating table is a long-standing need that opens a way to a solution of the accumulated complex of problems which are of vital importance for the population of both banks.

In this context, the building and implementation of confidence measures between right bank Moldova and Transdnistria assisted by the mediators and the European Union opens good opportunities for a resumption of the negotiation process too.

Meanwhile, looking into the future of Moldova-Transnistria, a final settlement of the conflict is not possible without a full reinstatement of negotiation mechanisms and reaching agreement on the level of Chisinau-Tiraspol.

In this case the existing European experience in conflict settlement can become a serious basis for the development of an internationally recognized status of Transnistria requiring a more active and convincing participation of the European Union in the settlement process.

However, the answer to this original challenge for the EU, which will require from it an actualization of its political and economic influence in the region, and a defining of its future role in influence and control over the existing processes, rests exclusively with Brussels and its institutions.

### Conclusion

The presence of the European Union in the region, the existence of its own interests, the increasing role and influence of Brussels in processes in Moldova-Transnistria, and the possible further strengthening of participation of the European Union in the negotiation process concerning settlement of Moldovan-Transnistrian relations – all of these are an objective reality.

On this basis, the transformation of the EU into a key player in regional processes is not a factor so far removed into the future.

The appearance of the European Union in this new status somewhat transforms the existing balance of power among the key international players in the region and opens a new agenda in relations between the European Union and the Russian Federation.

Meanwhile, the shape of the new system of interrelationships cannot be built without due regard of the opinion the United States of America, having specific interests, primarily in the military-political sphere.

The coming together of this rather original “triad” of players and their interests can continue its development according to the confrontational scenario leaving Moldova-Transnistria to be a zone of “frozen conflict”, and can also grow into a stage of cooperation based on common benefits giving, in its turn, an impetus to the normal stable development of the region.

A clear and definite articulation of own interests and a setting of “red lines”, the violation of which would be treated as a breakdown of agreements in general, may serve as a ground for the appearance of a new strategy of relationships between the EU and Russia in the region.

Currently certain groups of interests of the European Union and the Russian Federation have been outlined for the region, based on their global political and economic strategies.

Thus, for Russia, consideration of its economic interests in Moldova-Transnistria appears to be particularly significant, those interests being oriented primarily at the South-East European space, as well as preserving the vital concept of permanent connection with compatriots.

In its turn the European Union has its own realistic approach based on the interest of the EU to establish near its borders:

- A regime of international security;
- A democratic space;
- A belt of stable neighbour-states.

Today Russia demonstrates an intention to ensure its interests through economic and humanitarian regional projects that are likely to grow.

The same approach can secure for the European Union the possibility of implementation of long-term plans regarding:

- Building stability and security,
- Sustainable democratic development of the region,
- Creation of a transparent and sustainable basis for regional cooperation.

At the same time, interaction between the European Union and the Russian Federation in Moldova-Transnistria should be supported by positions of other regional players having a certain influence on political and economic processes.

This concerns Romania, in the first instance, which should expressly decide on its strategy concerning the Republic of Moldova, and Ukraine and Turkey that have considerable diasporas and ethnically related people in Moldova-Transnistria, as well as their own economic interests.

However, even a consensus of all external players is not going to serve as credible assurance for the realization of the scenario of positive cooperation, without due regard of political realities and positions in Chisinau and Tiraspol.

First and foremost, this concerns the attempts to conduct a so called “multi-vector” policy, or rather to play on existing contradictions between the main players for the sake of gaining one’s own political and economic benefit.

The success of all interested parties both in stabilizing the social and economic situation in the region and on the platform of Transnistrian conflict settlement will depend precisely on an agreement between right bank Moldova and Transnistria, between their political elites, to conduct policy according to new rules with clear-cut priorities and positions.

Besides, if a certain understanding of role and interests can be seen in the relationships between the Russian Federation and Tiraspol and between the RF and Chisinau, then the same cannot be said with regards to the European Union’s clarity, especially along the Transnistria–EU line.

An analysis of the connections between EU - Republic of Moldova and EU – Transnistria shows how much difference there is in the speed and depth of interrelationships and in the mutual perception of the European Union and its policies by the society and political elites.

In right bank Moldova, European integration is an official foreign policy course and is a political and social consensus of sorts, regarding the future direction of development of the state.

Delegations of European institutions operate in a holistic manner and the idea of Europeanization of Moldova is viewed as a crucial element on the way towards accession of Moldova to the European Union.

Special political agreements are in place to support this process, projects and programs are implemented for political parties, business and the civil society.

In Transnistria, however, the Europe-ward picture is absolutely different. A social and political consensus exists only in what concerns relations with the Russian Federation, while relationships with the EU are politically defined only in the framework of the settlement process.

A big part of existing contacts between Transnistria and the EU is realized and defined in the framework of the segment of the Transnistrian economy oriented towards European markets. There is virtually no direct access to European projects and programs, including for the civil society of Transnistria.

Furthermore the notion of Europeanization is unknown to the Transnistrian society and, as a term, does not carry a positive charge.

The overcoming or minimalising of the existing imbalance in the EU – Moldova, EU – Transnistria relationships is important not so much from the point of view of an appearance in Transnistria of Eurointegration aspirations and of a course of reintegration into Moldova, as from the point of view of the Russia – European Union cooperation, of overcoming certain psychological barriers and stereotypes on the level of society and political elites and of efficient implementation of joint projects.

Already today, the development and practical implementation of joint Moldovan-Transnistrian projects supported by the European Union and Russia is an important element on the way to rebuilding confidence between parties to the conflict.

Currently Chisinau and Tiraspol are offered not only projects regarding their interaction on the bilateral level, but also transfrontier projects, including transport and environmental projects, requiring the engagement of neighbouring countries.

If desired by the interested participants and parties, the implementation of regional projects can become not just a part of confidence building measures, but can transform into a particular forum, a basis for mutually beneficial cooperation that could stimulate the political and negotiation processes, opening opportunities for realizing new models and schemas for Moldova-Transdnistria relations.

There are all the necessary prerequisites – the advantageous geographic location of the region allows for the creation of transit infrastructural projects covering areas from Bulgaria to Ukraine, the vicinity of Moldova-Transdnistria to European markets and transport communications, the still unwasted industrial and agricultural potential, including human resources, can all provide a good basis for attracting innovative and environmental projects to the region.

The approach of the European Union's borders to our region, the location of Moldova-Transdnistria in the Black Sea region opens opportunities to use the European experience of regionalism, including the creation of a special Euro-region, as well as the implementation of EU projects in the framework of integration policies for the Black Sea basin.

An accent on mutually beneficial regional projects will allow a smoothing out of existing political contradictions both between the parties and between external players, and a turning away from mutually blocking political positions and conceptions.

Meanwhile, even today the European Neighbourhood Policy offers a good platform for cooperation of the EU with Chisinau and Tiraspol and partial normalization of relations and the economic situation.

While the Republic of Moldova still faces the need to make a choice between Euromodernisation and Eurointegration – those being two different models of relations with Europe, with similar speeds of implementation – Transdnistria does not experience such fluctuations and already today can become a partner to the EU in the framework of the European Neighbourhood Policy.

Such approaches as support for democratic institutions, development of political culture, assistance in the application of European standards of quality, interaction of education systems, and development of the business-sector can provide the grounds for mutual dialogue.

In a broader context, cooperation with the EU and other interested participants can be considered and implemented in the framework of the cooperative regionalism concept<sup>12</sup>.

In this context, both right bank Moldova and Transdnistria can find benefit in Brussels' adaptation of the European Neighbourhood policy to the region's needs, considering that this region, unlike the majority of ENP's field of action, is a zone of so called "frozen conflict".

Similar ideas and proposals have long been vocalised in the European expert community – the evolution of the European Neighbourhood Policy into an ENP+<sup>13</sup>, in the framework of which a certain form of interaction can be found between Europe and unrecognised formations – an "ENP light" of sorts, a light neighbourhood policy aimed at mutual understanding through mutually beneficial cooperation free of political formalities.

At the same time we witness the emergence of new tendencies in EU external policy – the development of the "Eastern Partnership" policy. So far it is not known, to what extent the new policy is going to consider the pros and cons resulting from the realisation of the ENP and if the "ENP light" ideas are going to be reflected in it, however it is obvious that without new approaches to Moldova-Transdnistria which are based on the conflict zone realities, the effectiveness of new initiatives will go little beyond the level of what ENP has achieved in our region.

Under any conditions, Chisinau and Tiraspol are "doomed" to live side by side and build relations based on this reality. Furthermore, their joint and mutually beneficial work for the good

of every citizen, underpinned by the support of other interested parties, will certainly guarantee our successful cooperation and co-existence.

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