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# Transnistrian Conflict after 20 Years

A Report by an International Expert Group

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## ***Foreword***

The present report is the result of an initiative put forward in 2010 by the Soros Foundation Moldova (East East: Partnership Beyond Borders Program) with the aim of attracting new foreign expertise to provide a fresh look at the 'frozen conflict' in the Republic of Moldova. The initiative was informed by the conviction that the political shifts in and around Moldova that have occurred since 2009 are creating new opportunities to resolve the conflict. The idea was to convene a joint group of international and Moldovan experts who, after conducting a fact-finding field trip to Chisinau and Tiraspol and conducting extensive discussions, would draw up a report with their analysis of the situation and their political recommendations.

This report should serve three objectives:

First, to raise the international community's awareness about the increased potential for settling the conflict. Second, to persuade decision-makers and opinion-leaders that leaving the conflict in its current 'frozen' state will bring a significant cost with it, both for the affected Moldovan population of all ethnic backgrounds and for the international community. Third, to provide policy-makers in Chisinau and Brussels with a set of policy recommendations.

The project was realized in partnership with the Institute for Development and Social Initiatives "Viitorul" from Chisinau and the Centre for Eastern Studies in Warsaw.

In September 2010 the group of participating experts conducted meetings and discussions with policy-makers and experts in Chisinau and Tiraspol. In October 2010 the group met in Warsaw to formulate its conclusions and discuss the report's structure and content. Finally, a smaller group, which might be called a 'drafting caucus', held an additional meeting in Warsaw in November to write a preliminary draft of the report, and, in particular, to try to reconcile the different, sometimes even contradictory, opinions that had arisen during the October meeting.

The preliminary draft was then circulated among participants for comments and revisions. The task of incorporating the comments and suggestions as well as the composition of the final text of the report was carried out by Witold Rodkiewicz from the Centre for Eastern Studies. The report does not necessarily reflect the views of each of the individual participants, nor of the institutions with which they are affiliated. Neither does it reflect the views of the Centre for Eastern Studies or the Institute for Development and Social Initiatives "Viitorul".

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# Transnistrian Conflict after 20 Years

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## I. Introduction

For the last twenty years the international community has witnessed and tolerated the existence of a “frozen conflict” on the territory of the Republic of Moldova.

The main original cause of the confrontation has long disappeared, but in the meantime the conflict has produced vested interests that acquired a stake in the preservation of the “frozen” status-quo. Moreover, powerful external forces, while pretending to work towards the resolution of the conflict, in fact acted in a way that contributed to its protraction. The conflict in Moldova is unlikely to be solved as long as the main stakeholders continue to avoid facing some of the fundamental issues about its nature and causes.

The original causes of the conflict lie in the last years of the existence of the Soviet Union, when the political establishment of the Moldovan Soviet Socialist Republic split over two fundamental issues: the nature of relations between Chisinau and Moscow and the relative position of Russian and Romanian/Moldovan language in the public sphere. As the political forces which pursued a double aim of secession from the Soviet Union and the enhancement of the role and status of Romanian language gained power in Chisinau, parts of Soviet officialdom (especially the bosses of industrial enterprises) which wanted to preserve the Soviet Union set up, with the encouragement of influential political circles in Moscow, an alternative political power centre in Tiraspol. In September 1990 they proclaimed the “Transnistrian Soviet Socialist Republic within the USSR.” Fanning and exploiting the resistance of the Russophone population to the loss of the predominant position of the Russian language and fears of reintegration of Moldova with Romania, the authorities of the new Transnistrian republic, with the complicity of Soviet army units, extended its territory, resorting to violence when necessary, and by 1992 controlled almost the entire left bank of the Nistru river<sup>1</sup> and the major industrial town of Tighina/Bendery on the right bank.

Over the years, international players have occasionally attempted to promote a settlement, but their involvement was either half-hearted or tainted by narrow self-interest. Most of the time, however, the attitude of the outside world towards the conflict was that of complacency. This was encouraged and abetted by the absence of overt violence, the indifference of Western public opinion and lack of significant interests of Western powers in Moldova. The failure of various settlement proposals over the last two decades and the stalemate within the multilateral negotiating format created in 2002 under the auspices of the OSCE has bred deep scepticism concerning the prospects for a durable resolution of the conflict.

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<sup>1</sup> There are some exceptions: the separatist authorities control Bendery/Tighina, a major town located on the right bank, while eleven villages on the left bank are under the jurisdiction of the Republic of Moldova.

However, in view of political, social and economic changes that have taken place in Moldova and in Europe within the last couple of years it is necessary to revise upwards both the costs of tolerating the status quo and the chances for reaching a settlement. Such a reassessment should motivate the interested stakeholders inside and outside of Moldova to redouble their effort to tackle the Transnistrian issue. It must be emphasised that a solution cannot be imposed by powerful external players, but at the same time it is clear that local actors will not be able to solve the conflict on their own. A legitimate solution can be achieved only on the basis of the principles and standards that have been worked out in Europe starting with the Helsinki process in the 1970s and elaborated in the post-Cold War decades within the framework of the OSCE and the Council of Europe, with all state actors fulfilling their obligations as members of these organisations.

The external players (European state actors, the European Union and the European public) should realise that tolerating the status-quo carries significant risks and costs. Even as the conflict remains “frozen”<sup>2</sup> it continues to have significant negative consequences that are not always fully appreciated in the diplomatic chanceries of Europe.

Most importantly, the existence of an unrecognised separatist entity on the territory of Moldova constitutes a serious challenge to Moldovan state-building efforts and economic development. The inability of the Moldovan state to control a large section of its external border (452 km) or to exercise effective power over 12% of its internationally recognised territory cannot help but foster an impression of Moldovan statehood as “incomplete” and provisional in the eyes of both its own citizens and external observers. In addition, the lack of a real border between two territories with different legal, tax and customs regimes has created a paradise for smuggling and various economic scams. This not only leads to large revenue losses for the Moldovan treasury but constitutes one of the main structural causes of corruption within the state apparatus. Moreover, the permeability of the border makes it easy for Tiraspol’s security services to carry out special operations intended to influence the political situation in the Republic of Moldova<sup>3</sup>.

All these negative phenomena corrode the motivation of citizens of Moldova to develop an attachment to and loyalty towards their state and increase the attractiveness of acquiring the citizenship of other states. This, in turn, further weakens Moldovan statehood. The result is that after twenty years of independence the Republic of Moldova has weak and inefficient state institutions, unable to provide a framework for economic development or to satisfy the basic social needs of its citizens. This in turn stimulates mass emigration of Moldovans in search of work, directed, among others, towards the EU countries.

The continuing existence of the separatist regime in Tiraspol also means that the Moldovan state is not capable of providing for the legal protection of the rights and liberties of its citizens residing in Transnistria (approximately 65% of residents of Transnistria are citizens of the Republic of

<sup>2</sup> As Oazu Nantoi, one of the most knowledgeable experts on the conflict in Moldova, has quipped – it is not the conflict but the process of finding a solution that has been frozen.

<sup>3</sup> E.g., some Moldovan journalists and analysts point to indirect evidence of Transnistrian provocateurs being responsible for inciting riots during the post-election protests on April 7, 2009.

Moldova). This means that several hundred thousand Moldovans of various ethnic backgrounds cannot take advantage of OSCE commitments and Council of Europe Conventions to defend their human and civil rights, despite being citizens of a state which subscribes to them.

Two individuals arbitrarily arrested in Transnistria – journalist Ernest Vardanian and tax official Ilia Kazak – and sentenced last year by kangaroo courts on trumped-up charges of “espionage” for the Republic of Moldova are only the tip of the iceberg. In fact, residents of Transnistria suffer on a daily basis from arbitrary arrests, detention and cash extortion from the security agencies of the separatist regime.

The presence of an unresolved conflict in Moldova also weakens the confidence of the neighbouring countries in the permanence of existing borders and feeds speculation about potential territorial revisionism, thus contributing to latent tension in the region. This in turn undermines several essential elements of the European security architecture enshrined in the Helsinki Final Act: sovereignty of states, territorial integrity, and inadmissibility of border changes.

Moreover, the persistent presence of an unsolved conflict in the midst of wider Europe has been a visible indication of the incomplete nature of the post-Cold War order and a glaring demonstration of the ineffectiveness of European institutions created to uphold the legal norms and political principles on which this order is based in Europe.

The presence of Russian troops in Transnistria and their ambiguous role and status is one of the key elements contributing to preservation of this state of “incompleteness” of post-Cold War transition. On the one hand, the so-called Operational Group of Russian Troops (Operativnaia Gruppya Rossiskikh Voisk) is a successor to the Soviet 14<sup>th</sup> Army. In that sense, together with the munitions dump in Colbasna, it is a remnant of the Cold War military infrastructure, and its presence there violates the principle that no foreign military forces can be stationed on a territory of a sovereign state without the consent of that state<sup>4</sup>.

On the other hand, the presence of a Russian military contingent within the joint Russian-Moldovan-Transnistrian peacekeeping force is based on the bilateral Moldovan-Russian agreement of July 21, 1992 signed by Presidents Mircea Snegur and Boris Yeltsin. However, the joint peacekeeping force was established and has been operated in a way that violates internationally accepted norms and principles of peacekeeping by using military forces of direct participants in the conflict, and therefore cannot be seen as neutral and impartial.

The issue of a Russian troop presence in Moldova was one of the major stumbling blocks (perhaps the major one) which led to the suspension of the CFE Treaty by Russia in December of 2007. Therefore, a resolution of the conflict – which must include the evacuation of Russian troops from Transnistria – would automatically remove one of the major obstacles to the revival of the CFE Treaty.

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<sup>4</sup> One can raise various legalistic objections against the application of this principle to Russian military forces in Moldova, e.g. – that the Russian Federation “suspended” its participation in the CFE Treaty in December 2007 and that the principle applies only to the so-called Treaty Limited Equipment. Nevertheless, the principle of “host-nation” consent appears to be so fundamental that member states of the OSCE should not be allowed to hide behind legal casuistry to justify its violation.

This protracted conflict also leads to negative consequences in the area of “soft security”. The existence of an unrecognised and relatively lawless political-territorial entity (the “Transnistrian Moldovan Republic”), especially in a geographical region where important trade routes intersect, provides a perfect platform for the thriving organised crime and smuggling networks, exploiting porous borders, corruption in state agencies and opportunities to launder money through the banks functioning on its territory. This creates a favourable environment for penetration by transnational terrorist groups and drug traffickers and has economic consequences for legitimate businesses in the surrounding states. For example, large scale cigarette-smuggling causes huge revenue losses to at least one EU member state – Romania (with annual losses estimated at 1 billion Euros). The capture of a large heroin shipment (200 kg) in Moldova in March of 2008 suggests that many more such shipments may transit Moldovan territory without being intercepted. Moldova has also become a route for the smuggling of radioactive material: both in 2010 and in 2011 Moldovan authorities seized significant shipments of uranium-238, an ingredient which could be either converted into a fissile material for nuclear bomb or be used in a so-called ‘dirty bomb’. At the same time, the conflict exacerbates and impedes coordinated solutions to ecological problems, especially river pollution, which threatens important European wildlife sanctuaries in the Danube delta.

Last but not least, the existence of this “frozen” conflict has indirectly stimulated a massive labour emigration from Moldova, directed towards Western Europe as well as Russia. Because not all of these labour migrants are documented, the real scope of the migration can only be estimated; these estimates range from 300,000 to 500,000 (out of a population of approximately 3.5 million). A substantial portion of Transnistria’s working-age population has also been forced to relocate, most often to Russia, in order to find employment opportunities.

In view of the diversity and severity of the problems generated by the continuation of this “frozen” conflict, policies designed merely to preserve the status quo and prevent a repetition of armed hostilities (which in any event are unlikely) are not enough. Such policies will not suffice to shield external actors from the negative consequences of the existing situation.

It is therefore in their own interest, as well as in the interest of international community as a whole, that the outside powers must change fundamentally their approach to the conflict, abandoning their acceptance of the status quo and moving beyond mere “window dressing” activities. This new approach, if it is to be effective, must be based on three main assumptions: first, the resolution of the conflict cannot be left to the parties which are directly involved (the Republic of Moldova and the Tiraspol regime); second, the solution can be found only in the context of “rehabilitating” the Moldovan state on the basis of rule of law, democracy and European norms as formulated in OSCE and Council of Europe documents and conventions; third, the solution can be found only if all external actors with a stake in the conflict abide by internationally recognised principles of conflict resolution (non-intervention, peacekeeping operations by neutral parties, arbitration by neutral international bodies) and pursue their interest within the legal rules of the UN and OSCE (host nation



principle for the stationing of foreign troops, inviolability of territorial integrity, ban on support of separatism). In particular, the support of ethnic communities residing in Transnistria should be done in a way that does not make them into an instrument in wider geopolitical games and does not hamper their reintegration with the Moldovan state.

At the same time, a solution to the conflict cannot be simply formulated and imposed by foreign actors alone. It requires the active involvement and participation of Moldovan state institutions and Moldovan society. It also requires some fundamental changes in the way that the Moldovan political establishment approaches the issue of Transnistria and far-reaching internal reforms of Moldovan state institutions. First, the entire Moldovan political establishment must come to terms with the fact that the reunification of the country cannot be achieved through a cosy bilateral arrangement with Moscow, in which Moscow would dismantle the Tiraspol regime in exchange for assurances of a “friendly”, even neutral, Moldova. In spite of the undeniable fact that this approach, which has already been tried by three presidents of Moldova, has not produced any positive results, is still popular in some political circles in Chisinau. Second, Moldovan society and the political class in particular have to face openly the fact that there are important vested interests in Chisinau which profit from the preservation of the status quo. Third, the reintegration of the country requires that right-bank Moldova become an attractive state for the population controlled by the separatist regime. Fourth, considering the informational blockade imposed by the Tiraspol regime, it cannot be assumed that objective facts will speak for themselves in Transnistria. Chisinau must engage in serious efforts to break through the informational iron curtain and create technological and institutional channels for informing and influencing the population of Transnistria about developments in Moldova and in the world. Such an information strategy should explicitly target two concerns shared by many of the region’s residents that make them vulnerable to manipulation by the separatist regime: the alleged danger of Moldova’s reunification with Romania and the fear of linguistic discrimination against Russian-speakers. This should be accompanied by the preparation of a linguistic integration programme (with transitional periods during which an obligation to speak the state language for public employees would be waived for Russian-speakers on the Left Bank) and the replacement of language regulations which date from the Soviet period with regulations based on Council of Europe rules.

Even more important for Moldova is to find an ideological and political formula that would foster the formation of a civic identity that would cut across ethnic lines and create a sense of inclusion for all ethnic groups. This would make Moldova more attractive for the Transnistrian population and would make it more difficult for Tiraspol to discredit the Moldovan state by describing it as being ruled by Romanian nationalists.

Political and diplomatic developments on the global and European scene during the last couple of years – in particular the tentative rapprochement between Russia and major Western actors and institutions (the “reset” in US-Russian relations, the Meseberg and Deauville meetings between the Russian, German and French leaders, the Kaliningrad meeting

between German, Russian and Polish foreign ministers) – open a window of opportunity for a concerted effort by international and local actors to find a resolution to the conflict. The creation of a new security order in Europe which would involve Russia should, if it is to have real meaning and is not another case of “creative imitation”, have tangible practical consequences for all states in the Euro-Atlantic area, big and small. In other words, the viability and legitimacy of this new order is predicated on its ability to provide solutions to the frozen conflicts still extant in Europe.

A solution to the frozen conflict in Moldova could be a model case for the new security order to prove its capability to provide real solutions. It seems that this is precisely why the conflict in Moldova was explicitly mentioned in the final document signed by the German Chancellor Angela Merkel and the Russian president Dmitry Medvedev in Meseberg on June 6, 2010. What is required now is to find ways of implementing this idea in practice. Unless this is done there is a danger that the new order will be perceived as a retrograde movement towards a classical “Great Powers” directorate, will provoke the re-emergence and exacerbation of divisions between “old” and “new” Europe and will not lead to a long-term stability on the continent.

## **II. An Analysis of Solutions that Have been Tried so Far and Why they Failed**

During the twenty years since the signing of the July 1992 ceasefire agreement, the leadership of the Republic of Moldova has tried a number of approaches in order to reach a settlement. The first approach combined direct negotiations with the Tiraspol regime and cultivation of good relations with Moscow in order to induce the latter to pressure the former into accepting reunification<sup>5</sup>. The second approach, based on an assumption that direct negotiations with Tiraspol were futile, concentrated exclusively on trying to reach an agreement with Moscow, over the head of the Tiraspol regime. The third approach combined pressure on the Tiraspol regime with attempts to counter Russian influence by attracting support from other foreign powers.

The first approach was adopted by President Mircea Snegur from 1993 and was followed by his successors Petru Luchinski and, until 2002-2003, by Vladimir Voronin. The results were counterproductive from the point of view of Chisinau’s objective of reunification. Hoping that by demonstrating a conciliatory attitude it would persuade Tiraspol and its Moscow patrons that they had nothing to fear from reintegration, Chisinau signed a number of documents that strengthened the political and legal position of the Transnistrian side. The Tiraspol administration gained in this way a legal claim to an equal status with the government of the Republic of Moldova and a sort of de-facto international recognition by becoming ensconced within a multilateral, international negotiating format. Chisinau even agreed to recognise and honour documents issued by the separatist regime, thus implicitly recognising its legitimacy. By providing Transnistria with internationally recognised customs

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<sup>5</sup> Admittedly Chisinau tried to “balance” the influence of the Russian factor by involving OSCE and Ukraine, but this “balancing” was more formal than real.

stamps Chisinau indirectly contributed to its economic survival, enabling it to enter into legitimate foreign trade operations.

Moreover, the Moldovan authorities inadvertently agreed to the erosion of their own sovereignty over Transnistria by acquiescing to the notion that their agreements with Tiraspol must be guaranteed by third parties, including Russia, which, after all, is not only a de facto party to the conflict, but also instrumentalizes the conflict for its broader strategic aims in the region.

As a part of the same approach of trying to woo Moscow, on October 21, 1994 Moldova signed a document regulating the presence of the Russian armed forces on its territory, which made the withdrawal of Russian troops from Moldova dependent on reaching a political settlement of the Transnistrian conflict. Although this document was subsequently not ratified by the Russian parliament, the principle of tying the presence of Russian troops to the progress of political settlement of the conflict became one of the fundamental elements of the official Russian position. At the same time Moldova also signed a document authorising the Russian military to use the Tiraspol military airport.

It was while following this first approach that Chisinau signed documents (none of which have been formally repudiated) which are now cited by Tiraspol to justify its claim for parity status in the negotiations and its “right” to engage in international trade, and are invoked by the Russian Federation to legitimise its military presence.

The second approach was adopted by President Voronin after his attempt to reach an agreement with Tiraspol by means of joint constitution drafting was frustrated by Smirnov’s strategy of stalling the drafting process. In 2003, Voronin concentrated his effort on negotiating directly with the Russians, leaving to them the task of bringing Smirnov on board. This approach appeared to produce results: after just a few months, Russian negotiator Dmitry Kozak managed to get Smirnov to accept reunification with Moldova on terms that seemed, at first, acceptable to Voronin. At the last moment before an agreement was to be signed, however, the Russian side changed the terms, introducing into the document a provision stating that Russian troops would remain in Transnistria for a twenty-year period. Voronin, faced with mass public demonstrations in Chisinau against the agreement and criticism of its terms by the United States and the EU, at the last moment refused to sign it.

After his rejection of the Kozak plan in November of 2003, Voronin tried a third approach, combining pressure on Transnistria with the solicitation of support for his reintegration agenda from foreign actors other than Russia. He encouraged not only Ukraine, but also the European Union, the United States and Romania to assist him in settling the conflict. In 2005, Ukrainian President Victor Yushchenko unveiled a settlement plan which contained a new important element: it provided for democratisation of Transnistria under international supervision as an integral part of the process of reaching the final settlement. The tacit assumption of the plan seemed to be that an agreement would be impossible to reach with Smirnov and that regime change in Transnistria would be a necessary precondition for reintegration of Moldova. Voronin also seemed successful in increasing Western involvement:

in 2005 the United States and the European Union formally joined (as observers) the existing OSCE consultation mechanism on the Transnistrian conflict, which until then had included, apart from Chisinau and Tiraspol, the OSCE, Russia and Ukraine. The ongoing consultations came to be known as the “5+2” process. In the same year, the European Union established a Special Representative for the conflict in Moldova, and agreed to launch the European Union Border Assistance Mission (EUBAM) with the task of helping Moldovan and Ukrainian border and customs services to stop, or at least limit, the massive contraband activities taking place along the Transnistrian section of the Moldovan-Ukrainian border. Finally, in the spring of 2006 Voronin managed to obtain partial cooperation from the Ukrainian government of Yulia Timoshenko in enforcing Moldovan custom rules on the section of Moldovan-Ukrainian border controlled by Transnistria and blocked the railway connections between Transnistria and the external world. This led to a crisis in relations with Russia, which supported the Tiraspol regime and retaliated against Chisinau by introducing a ban on the import of Moldovan wine and other agricultural products and by doubling the price paid by Moldova for Russian natural gas (while supplying Transnistria with gas practically for free). This was a crippling blow to the Moldovan economy, for which Russia was the largest export market, with wine being the single largest export product. Moreover, in the summer of 2006, as a result of internal political shifts that led to the replacement of prime-minister Yulia Timoshenko by Viktor Yanukovych, Ukraine reverted to its previous policy of “neutrality” between Chisinau and Tiraspol.

The attempt to solve the conflict with the backing of Western powers and Ukraine, using economic pressure to raise the price of non-cooperation for the Transnistrian regime, had to be abandoned. Russia’s stranglehold on the Moldovan economy, Western unwillingness to shield Moldova from the consequences of Russian economic sanctions and the fickleness of Ukraine’s political course contributed to the failure of this third approach. Its successes turned out to be illusory. The inclusion of Western powers in the negotiation format had no practical consequences as long as they were not willing to spend political capital to redress the imbalance in leverage between Chisinau on the one hand and Tiraspol and Moscow on the other and as long as Moscow could use Tiraspol to block any progress without having to bear a political price for such obstructionism. The appointment of a Special Representative did not mean that the EU acquired the political will or the necessary tools to contribute to the solution. Even the presence of EUBAM was a mixed blessing. With its role limited to observation and advising, its effectiveness depended in practice on the cooperation of its Ukrainian hosts. The Transnistrian authorities, taking advantage of the natural tendency of bureaucratic institutions to present their activity in the most favourable light possible, began using the positive tenor of EUBAM’s public statements to counter allegations about Transnistrian involvement in smuggling (in particular of arms).

By the summer of 2006 Voronin fell back on the strategy of bilateral bargaining with Moscow, even though the experience with the Kozak plan should have demonstrated to him that Moscow intended to exact a high price for its help in reintegrating Moldova. However,

Voronin's persistent efforts to persuade his Russian interlocutors that it would be in their best interest to strike a deal on reunification did not produce any positive results. By 2008 the Russians basically told him to reach an agreement with Tiraspol on his own. Taking advantage of Voronin's need for Russian backing in the run-up to the 2009 Moldovan general elections, Moscow elicited from him a re-confirmation of Moldovan consent to the existing peacekeeping format and to the linkage between the final settlement of the conflict and the departure of Russian troops from Transnistria.

In summary, none of the three approaches adopted by Chisinau towards solving the conflict turned out to be effective. The following lessons can be drawn from past experience: 1) negotiations aimed at "an overall solution" to the conflict with the Smirnov regime are bound to be completely fruitless; 2) the Russian Federation will only support a solution that would ensure a disproportionate level of Transnistrian influence on decision-making in Chisinau; 3) Moscow seems to regard the preservation of its military presence in Moldova as a top priority; 4) direct confrontation with Russia must be avoided; 5) Western powers are not sufficiently interested in reaching a final solution to the conflict to expend significant political capital on pressing Moscow to adopt a more constructive attitude towards the conflict.

### **III. An Analysis of the Transnistrian Problem at This Moment: What's Different Today?**

During the last two years a number of important factors defining the situation around the conflict have changed, perhaps opening a possibility – for the first time in two decades – that a well designed and deftly implemented strategy for solving the conflict can be successful, provided that it is backed by substantial political determination on the part of a number of important actors.

First, there has been dramatic political change in the Republic of Moldova. With the take-over of government by the Alliance for European Integration (AIE), Moldova has departed from the non-democratic path it followed during the eight years of the presidency of Vladimir Voronin. The AIE, a coalition of centre-right parties, seems to be sincerely committed to the programme of democratisation and European integration. The AIE government, led by prime minister Vladimir Filat, from its first days in office launched intensive efforts to develop close relations with the European Union, declaring unambiguously that its long-term aim is to bring Moldova into the European Union, while in the short and medium-term it wants to bring Moldova as close to the EU as its possible without formal membership. If the current Moldovan government is even partially successful in realising its vision of a "Europeanised" Moldova, this will definitely be a game-changer in relations between Chisinau and Tiraspol. Successful realisation of that vision assumes a qualitative change in standards of governance and public administration that would improve the average Moldovan's quality of life. And that would mean that for the first time Moldova might seem attractive to the population on the left bank of the Nistru. If the AIE government succeeds in realising its top priority in relations with the EU – the abolition of visas for travel to the EU by Moldovan

citizens, this will clearly increase the attraction of a Moldovan passport for the Transnistrians. Furthermore, the idea of European integration can serve as an ideological bridge for accepting integration with the Moldovan state for at least some elements of Transnistrian society, which generally rejects the ideology of a national state.

As part of its diplomatic strategy, the AIE government abandoned the approach to Transnistria pursued by President Voronin of trying to negotiate a deal directly with Moscow. Instead, the current Moldovan government has emphasised that negotiations should be conducted only within the full 5+2 format and tried to spur the Western powers – in particular the European Union - to intensify their involvement in the Transnistrian conflict resolution process.

The AIE government, in contrast to Voronin, clearly attaches great importance to the development of so-called “confidence-building measures”, i.e. attempts to intensify pragmatic technical cooperation with Transnistrian officials in the framework of sectoral expert groups, in the name of ameliorating living conditions for the population. It has declared its intention to restore direct rail and telephone links between the two banks and in October 2010 it actually succeeded in reopening a direct passenger connection between Chisinau and Odessa, through Transnistrian territory. In September 2010, the AIE government also passed a regulation that would allow Transnistrian firms to export their goods by rail directly to Ukraine, without having to send them in a roundabout and inefficient way through Moldova, as had been the practice since 2006. Finally, the government has pledged that it will spend 15% of the foreign aid it receives for projects in the Transnistrian region.

Political changes, potentially with far-reaching consequences for the settlement of the conflict, have also been taking place in Tiraspol. In 2009 there was an open conflict between the Transnistrian leader Smirnov and Yevgeny Shevchuk, the parliamentary speaker and the head of the *Obnovlenie* party, which held a majority in parliament. The ostensible reason for the conflict was the attempt by the parliamentary majority to revise the Transnistrian constitution to curtail the powers of the president and strengthen the role of the parliament. The real reason was that with its constitutional initiative *Obnovlenie* seems to have been positioning itself to challenge the incumbent president in the 2011 presidential elections. Smirnov, threatening to disband the parliament and to call a referendum on his own set of constitutional amendments, pressured *Obnovlenie* (and the Sheriff business conglomerate whose interests it represented) to drop Shevchuk (he resigned his speaker post) and to refrain from amending the constitution. Instead, a compromise draft of constitutional amendments was to be drawn up jointly by a commission representing both the parliament and the president.

After parliamentary elections in December of 2010 in which *Obnovlenie* defeated the pro-presidential parties and consolidated its parliamentary majority, the parliament immediately initiated the procedure of passing the constitutional amendments, using the draft which had been prepared by the joint commission in the fall of 2010. However, bargaining between the parliament and the president over the ultimate content of the package of amendments con-

tinued during the legislative process. A new conflict broke out over an amendment that would make the limit on the number of consecutive presidential terms that was being introduced at least partially applicable to Smirnov himself. Parliament again avoided direct confrontation with the president and withdrew the amendment. This incident indicated that Smirnov was thinking of running for the presidency not only in 2011 but perhaps also in 2016<sup>6</sup>.

The amendments, which the Transnistrian parliament finally adopted in June 2011, transformed the existing presidential system into a formally semi-presidential one, by creating a cabinet headed by a prime minister, who is to be proposed by the president but needs to be confirmed by a parliamentary majority. However, as in the Russian constitution, the president has the right to dissolve the parliament if it turns down his candidate for the position of prime minister three consecutive times. This implies a system of power in which “high” politics is reserved for the president, while the job of managing the economy and day-to-day government administration is vested in a compromise figure, acceptable both to the president and to the parliamentary majority. The amendments also eliminated the position of vice-president, thereby depriving the Smirnov camp of an instrument for promoting a possible successor to Smirnov if he were to decide not to run again in this year’s presidential election.

This conflict over the Constitution is significant as it demonstrates that the Transnistrian establishment is deeply split. The creation of the new position of prime-minister would institutionalise that split. Moreover, it now looks increasingly likely that the parliamentary majority will designate the current speaker of the parliament and the leader of Obnovlenie Anatoly Kaminsky as a presidential candidate who would challenge Smirnov in the presidential elections in December of this year. Although so far there is no discernible difference between the competing camps on the question of reintegration with Moldova, which they both reject, the conflict offers an opportunity for Chisinau to promote its reintegration agenda<sup>7</sup>.

Chisinau’s opportunities for subtle intervention in internal Transnistrian conflicts are enhanced by the deep economic and financial crisis which is affecting the separatist entity. For the first time in twenty years, the economy of Transnistria appears to be in a worse shape than that of the Republic of Moldova. While the latter is recovering quickly after the 2009 recession, with economic growth of 5% forecast for the current year, growing exports and a diminishing budget deficit, the former is stuck in a deep recession for the third year in a row, with stagnant exports and a 60% budget deficit. This alarming economic situation

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<sup>6</sup> It was proposed that the current presidential term should be regarded as the first of the two terms to which any president would be limited. This would not exclude Smirnov from running in this year’s elections but would bar him from running in 2016. The parliament and Smirnov could not agree on a number of important issues, and they were dropped from the draft constitutional amendment law, to be regulated later by parliamentary legislation. These included the detailed definition of the prerogatives of the government (i.e. the delimitation of powers between the president and the government), the procedures for forming local government and for electing the parliament.

<sup>7</sup> The former speaker of the parliament and the former leader of Obnovlenie Yevgeny Shevchuk has already declared that he will run for president. In what might be a beginning of an emerging split within the Transnistrian establishment, he indicated that he would be ready to come to an agreement with Chisinau on the basis of a Taiwan-like solution, with the issue of status being suspended for a prolonged period. But since his resignation from the post of speaker Shevchuk has been regarded by many observers as a spent force in Transnistrian politics.



is bound to lead to political divergences between the political-military and business elites within the Transnistrian establishment, and in fact such tensions are already coming to the surface, with the Ministry of State Security openly accusing the Ministry of Foreign Affairs of excessive concern with Western opinions.

Significant shifts have also occurred during the last two years in the international context. The most important shift occurred in Russian-American relations as a result of the Obama Administration's "reset" policy. The tension that had defined this relationship since the U.S. diplomacy opposed the Kozak plan and supported "Orange Revolutions" abated, and Washington has been actively seeking to redefine the relationship in positive terms, attempting to develop cooperation in areas of common interests and avoiding the appearance of strategic rivalry or competition with Moscow. This approach has been applied to the post-Soviet region in particular, where the current U.S. administration has sought to show the Russians the virtues of a "positive sum" game and convince Moscow that it will only gain if its policies towards smaller post-Soviet states are based on enlightened long-term self-interest (with an emphasis on "enlightened").

At the same time, the Obama Administration is at pains to demonstrate that its "reset" policy with Moscow does not imply acceptance of a Russian sphere of interest in the post-Soviet space. Because Washington's Orange partners in Ukraine have faded from the scene and Bush favorite Mikheil Saakashvili has become more challenging to deal with in Georgia, the U.S. is eager to maintain – or even to intensify – its involvement in Moldova. Vice President Joe Biden's visit to Chisinau was the best demonstration of this attitude. From the perspective of wider American interests and the way they are defined by the current administration, the solving of the Transnistrian conflict would serve greater strategic objectives, by serving as an example of the benefits of "positive sum" interaction with Russia in the post-Soviet space. Another sign of increased U.S. interest in Moldova was a June visit by senior Republican Senator and 2008 presidential candidate John McCain, and the publication of a Senate minority staff report on Transnistria sponsored by Senator Richard Lugar, a Republican member of the Senate Foreign Relations Committee<sup>8</sup>.

Another significant shift can be observed in the policy of Germany, the largest and most influential member country of the European Union. Angela Merkel, in contrast to her Social Democratic predecessors, seems to have come to conclusion that the German vision of "transformative binding" of Russia with the EU cannot be achieved without explicitly addressing of the fate of the East European countries located between the EU and the Russian Federation. This led to Germany's quiet support for the Polish-Swedish Eastern Partnership initiative. In Moldova, Germany's increased involvement has been evidenced by the fact that German diplomats took over two top EU jobs there – that of the head of the EU Delegation and the head of the EU Border Assistance Mission. Moreover, there has been mounting frustration in Germany with the lack of substance in the "strategic" cooperation proclaimed

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<sup>8</sup> *Will Russia End Eastern Europe's Last Frozen Conflict? A Report to the Members of the Committee on Foreign Relations, United States Senate* (U.S. Government Printing Office, Washington, D.C., 2011).



between the EU and Russia and growing concern that carefully nurtured German ties with Russia failed to provide any leverage over Russian behaviour during the war with Georgia in August 2008. This was most likely the motivation for the “Meseberg formula” put forward by Chancellor Merkel to President Medvedev at their summit in July of 2010. This formula tied European receptivity to Russia’s aspiration for institutionalised sharing of decision making in the security sphere to a Russian positive contribution to the resolution of a specific regional problem – the frozen conflict in Transnistria. In other words, Russia should demonstrate both its willingness and its ability to contribute positively to the solution of existing security problems. This explicit linkage between the Transnistrian conflict and the wider strategic interests and objectives of a major European power – Germany – creates a unique opportunity that should be exploited by Chisinau.

This opportunity is not without risk, however. The government of Moldova has to be on guard against the possibility that Berlin, which may care less about the details of the eventual Transnistrian deal than Moscow and may lack a detailed command of the facts on the ground, may accept a settlement that would lead to the ‘Transnistrianization’ of Moldova, rather than to the Europeanization of Transnistria.

Another important shift which may help advance the resolution of the Transnistrian region’s status is an evolution in the position of the European Union toward Chisinau. Significantly, the enthusiastic declaration of Moldova’s European aspirations by the AIE government evoked an almost equally enthusiastic response on the part of European institutions and many EU member states.

This was to a large extent due to a fortuitous confluence of circumstances: the increasing difficulties of the European project, the relative failure of EU neighbourhood policies (creating demand for at least one “success story”) and the dynamic of interaction between proponents and opponents of further enlargement to the East. The euro-enthusiasm of Moldovan ruling coalition, contrasting with the deepening wave of euro-scepticism in the member states itself could not but evoke a positive response in Brussels. With a total deadlock in EU-Belarusian relations, and growing doubts about the seriousness of the “European destiny” of Ukraine under Yanukovych, Moldova became the last hope for advocates of the EU’s active involvement in Eastern Europe and those who wanted to keep the agenda of Eastern enlargement alive. Very quickly a consensus formed in Brussels that Moldova offers the last, best chance for the EU to demonstrate that it can offer an attractive and effective recipe for stabilising, democratising and developing economically weaker and poorer countries in its immediate neighbourhood without offering them an explicit membership perspective.

Responding to the aspirations of Moldova’s pro-European government, Brussels quickly provided political support, a macroeconomic aid package (as well as substantial assistance in mobilising a fast reaction on the part of the IMF), a high-level advisory mission, accelerated opening of negotiations over the new Association Agreement, steps to open negotiations for a Deep and Comprehensive Free Trade Agreement (DCFTA) and a visa dialogue with the aim of abolishing the visa requirement for Moldovans travelling to the EU.

The intensification of EU-Moldovan relations was not, however, accompanied by a corresponding rise in EU involvement on the Transnistrian question. There was some increase in the frequency of visits by EU and member states' officials to Tiraspol and participation of European experts in confidence-building activities. On the other hand, the EU – guided in this case by procedural bureaucratic considerations – eliminated the post of Special Representative for the Transnistrian conflict<sup>9</sup> which could not help but have negative consequences for the EU's level of engagement on the conflict<sup>9</sup>.

It appears that EU officials assume that as Moldova moves towards implementing European standards and regulations the Transnistrian issue will be solved almost automatically. They refuse to acknowledge that at some stage the implementation of two top-priority projects on the European agenda list of the AIE government – the Visa Action Plan and DCFTA – will run into the harsh reality of Moldova's lack of control over parts of its territory and a significant section of its international border. It is less of a problem for the first of these projects because from a strictly technical point of view the lack of control by the Moldovan state over the entire length of its international border and the porousness of the demarcation line between Moldova and Transnistria is apparently not an obstacle for the implementation of the Visa Action Plan. But taking into account the irrational atmosphere which surrounds any discussion of immigration issues in Western Europe it is only to be expected that the lack of control of the Moldovan state over its borders will create problems when the European Council considers whether to lift visa requirements for Moldovans (the fulfilment of the Visa Action Plan does not automatically lead to the lifting of visas).

However, the division of the country creates serious – perhaps insurmountable – obstacles to the implementation of the DCFTA. How can the Moldovan government ensure the application of the DCFTA rules without exercising effective control over parts of its territory and a section of its international border? The solution which is sometimes proposed – the inclusion of Transnistrian representatives in negotiations with the EU – is not feasible since it raises fundamental problems concerning the status of those representatives. Even if a "creative" solution could be found to the status issue, such involvement would give Tiraspol the ability to block negotiations for political reasons. Moreover, the problem of ultimate responsibility for the implementation of DCFTA rules on Transnistrian territory would remain, since Transnistria could not be a party to the agreement, and Chisinau – lacking effective access and authority – could not guarantee that those rules would be implemented. Thus, sooner or later, the EU will be faced with a dilemma – either to reconcile itself to the fact that its rules and regulations cannot be fully implemented in Moldova, or to become more active in pressing for a settlement of the conflict.

Ukraine has a key role to play in any eventual solution to the conflict. Its potential contribution has been greatly underestimated, except for a short period in 2005-2006. Ukraine's importance is simply a consequence of geography – it is only through Ukraine that people

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<sup>9</sup> The official title was the EU Special Representative for the Republic of Moldova, but the primary task of the office was to contribute to the solution of the Transnistrian conflict.

and goods can reach Transnistria without having to cross the borders controlled by the Republic of Moldova. Ukraine never joined in imposing the travel ban that the EU imposed on Transnistrian officials in 2003 and permits cars with Transnistrian registration to cross into Ukraine. It also allows goods to be exported from Ukraine through the section of Moldovan-Ukrainian border controlled by the separatists.

The coming to power in Kyiv of Victor Yanukovych and the Party of Regions paradoxically has ambiguous consequences for the resolution of the Transnistrian conflict. Yanukovych as a pragmatic leader might be interested in coordinated action with Moldova and EUBAM with the aim of putting an end to illegal trade flows between Ukraine, Transnistria and Moldova which result in the loss of revenue for the Ukrainian budget. Moreover, because of his strong political position he might be capable of overriding certain local interests which have benefitted from corrupt trade schemes with Transnistria. It is worth noting that it was only under Yanukovych that Ukraine unilaterally decided to demarcate the Transnistrian segment of its border with Moldova, ignoring the protests of the Transnistrian regime, which demanded its participation in the demarcation process.

On the other hand, Yanukovych's Ukraine is going to be overly sensitive and may overreact to rumours and insinuations about alleged Romanian designs for reincorporating Moldova. This is because many Ukrainians harbour suspicions that Bucharest has a broader agenda of Romanian territorial revisionism directed also against Ukraine. Therefore, Ukraine is likely to support the Russian position of insisting that, in the event of a settlement resulting in a reunited Moldova, Transnistria should retain the right to veto any attempts to reunite Moldova with Romania.

An additional factor that might induce the current Ukrainian government to mirror Russia's position on the Transnistrian conflict is its economic weakness. Faced with economic difficulties and engaged in hard bargaining with Russia over the price of gas – an issue that is vital to the economic interests which form the base of the current government in Kyiv – Ukraine chooses to support Russia on Transnistria hoping for reciprocal concessions on economic issues<sup>10</sup>.

It seems that of all the international players with a stake in Transnistria it is the position of Russia that has changed the least within the last two years. This is understandable – Russia seemed to hold, if not all, then at least most of the cards and seemed to have total control of the situation. Through its military presence, political control and economic hold on Transnistria it could block or counter any initiative that could threaten the status quo and wait patiently for concessions from Chisinau. Most likely, Moscow was surprised by the coming to power of the AIE coalition in September 2009. What seems of fundamental importance is that Russian reactions to the political crisis in Moldova suggest that it continues to define the situation in and around Moldova in 19<sup>th</sup> century terms of a struggle between Moscow and Bucharest.

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<sup>10</sup> The near identity of the official Ukrainian position on Transnistria with the position of the Russian Federation is apparent from a recent report published by the Kyiv-based Institute of World Politics – Alona Hetmanchuk, Evhen Yenin, Katerina Zarembo, Serhiy Solodkyi "Scenarios for the Development of the Transnistrian Conflict" (Kyiv, 2011). This was confirmed by Ukrainian experts during a seminar in Warsaw on June 17, 2011.

In the eyes of Moscow, an independent Moldova is always going to remain in the Russian sphere of influence, and Russian domination of Moldova can only be seriously threatened by Romanian national aspirations, either in the form of Bucharest's territorial revisionism, or in the form of adoption of Romanian identity by Moldovans (resulting in "two Romanian states")<sup>11</sup>.

Therefore, Transnistria is of value to Moscow because it is one of the main tools for hampering the "Romanianization" – and perhaps even the Europeanization – of Moldova. Incidentally, this is also why Moscow will not accept the pleas of the Transnistrian leadership for recognition of the territory's independence.

The second fundamental point is that Moscow looks at Transnistria as an element of a larger geopolitical game with the West (US and the EU) in which the stake is Russia's position as a European great power with a special role to play, especially in the Balkans. The third point is that Transnistria, as a territory viewed in Moscow as being inhabited by a Russian or Rus-sified population, can become a factor in domestic Russian politics to a much larger degree than, for example, Abkhazia and South Ossetia<sup>12</sup>. A Russian leader making a decision on Transnistria must consider whether it is possible to avoid the risk of political fallout from accusations of failing to protect the interests of his Russian compatriots.

Although the fundamental assumptions defining Russian policies on Transnistria remain, the situation has changed in several important ways during the last two years.

First, the rise to power in Chisinau of the AIE, which is perceived in Moscow as being pro-Romanian, and its declared policy of European integration represent long-term threats to Russian influence. If the AIE consolidates its hold on political power and proves able to start real integration of Moldova with Europe, the reunification of Moldova with Transnistria might seem to Moscow like an effective way of slowing down that process and of diluting the progressing "Romanianization" of Moldova. The recent increase in attention towards Moldova in Romanian policy circles is also likely to influence Russian policy in this direction.

The most important changes in the larger geopolitical context, from the Russian point of view, are the "reset" of relations with the United States and the intensification of interaction with the European Union and the major European states. The "reset" with the United States, especially combined with the end of Ukraine's NATO aspirations, should mean a reduction in Moscow's concerns about the risk of expansion of American strategic influence in the CIS. Also, because of the "reset" the entire issue of the CFE Treaty may cease to be of fundamental importance to Moscow. Consequently, the value to Russia of a continued military presence in Transnistria should be significantly reduced.

In relations with Europe, Russia has intensified its efforts to develop an institutional "interface" with the European Union and other European institutions in order to maximise

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<sup>11</sup> This is why Vladimir Voronin (who knows very well the mentality of his Russian partners), whenever he wanted to improve his ratings in Moscow, adopted strident anti-Romanian rhetoric. It is also striking how harshly Moscow reacted to Mihai Ghimpu's attempt to align the mass historical memory of Moldovans with that of Romanians.

<sup>12</sup> This already happened in 1992, when the issue of Transnistria became instrumentalized by the "red-brown" opposition in its attack on Boris Yeltsin in the Congress of People's Deputies.

its standing and influence, without at the same time losing the freedom of strategic manoeuvre and allowing the Europeans to influence internal Russian developments. Russia's goal has been a partnership based on interests and not values. In order to promote that goal, Russian diplomacy made some efforts to eliminate certain old, unresolved problems that hampered the rapprochement. Here one can list the border deal with Norway, the "reset" in relations with Poland, the ongoing efforts to join the WTO (a crucial precondition for closer economic integration with Europe) and even the initiative for a new treaty on European security. The Russian summits with its most important European partners in Meseberg and Deauville should be viewed in light of these other developments.

Taking into account the context, one can argue that in this particular situation there is a realistic chance that Russian leaders can be persuaded to give up their Transnistrian "asset" in exchange for influence and standing within Europe. Russian reactions to Chancellor Merkel's Meseberg proposal on Transnistria (which essentially amounted to such a swap) suggest that Moscow is willing to explore this. However, somewhat predictably, Russian diplomacy is trying to turn the conditions of the deal on its head – Russian concessions ("cooperation") on reaching a Transnistrian settlement should be a consequence of setting-up of a Russian-EU security council and not its precondition. Russian diplomats may be calculating that the European/German side will get frustrated with the lack of progress and will drop its precondition just to be able to announce a new diplomatic "success." Alternatively, Moscow can try to exploit the relative lack of interest on the part of Europe/Germany in the details of the final settlement deal (and Moscow's superior command of relevant information) to impose a new version of the Kozak plan on Moldova.

The diplomatic games preceding the informal 5+2 consultations in Moscow that were held on June 21, 2011, demonstrated this vividly. There were expectations that at this meeting the participants would agree to begin formal negotiations about the final status of Transnistria, an approach pursued with particular vigour by the Moldovan side as part of the AIE's new approach towards the conflict. However, in the months preceding the meeting Russian officials made it clear that before the formal talks could be launched Moldova would have to accept a federalisation arrangement as a part of any final settlement and that Chisinau should accept the principle of "equal rights" (*ravnopravie*) between the conflicting sides<sup>13</sup>. What was striking was that German diplomatic influence was ultimately used in persuading the Moldovan side to concede to this Russian demand. In practical terms, this would involve the revocation of July 22, 2005 act of parliament which, in defining the parameters of a settlement acceptable to the Republic of Moldova, provides for a wide autonomy for Transnistria but implicitly excludes the possibility of federalisation of Moldova. To persuade the Moldovans to change their position, Chisinau was visited by Patricia Flor, special represent-

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<sup>13</sup> On this see an excellent analysis of Russian aims and strategy by the Victor Chirila "'Ravnopravie Storon' est actul de deces clinic al. Republica Moldova" published by Info-Prim news agency on June 16, 2011 and located on the site of the Moldovan Association for Foreign Policy <http://www.ape.md/libview.php?l=ro&idc=152&id=1477>; also comments by Victor Chirila and Oazu Nantoi given to Radio Free Europe on June, 12, 2011. See the transcript at <http://www.ape.md/libview.php?l=ro&idc=183&id=1476>

ative of the German Ministry of Foreign Affairs for Eastern Europe (who also visited Tiraspol), who also addressed this issue in meetings with the Moldovan ambassador in Berlin<sup>14</sup>.

Moreover, the German MFA circulated a non-paper which, while calling for a functional and fully operational state and excluding a confederal solution, tacitly accepts a federal solution and explicitly repudiates the Moldovan law of July 22, 2005, putting it on par (in an echo of the Russian position) with the Transnistrian unilateral declaration of independence. At the same time, Berlin reportedly opposed the EU writing its own non-paper on Transnistria, thus reducing the EU position to a formal and essentially empty formula of support for territorial integrity of Moldova and a reiteration of the proposition that the 5+2 format is the only legitimate forum for reaching a settlement of the conflict<sup>15</sup>.

In conclusion, recent internal developments in the Republic of Moldova and in Transnistria, as well as the current international situation, have created uniquely favourable conditions for a renewed effort to solve the Transnistrian conflict. To take advantage of this opportunity the stake-holders should not merely do more, but must make sure that in their actions they take into account the lessons that can be drawn from the failure of past efforts to reach a solution. What follows is an attempt to formulate – on the basis of the preceding analysis of both the history of the conflict and of the current conditions – general principles that should guide their efforts and to provide a list of specific measures that would contribute to the solution of the conflict.

## IV. Recommendations

### A. FOR MOLDOVAN POLICYMAKERS

#### *Fundamental assumptions to follow when devising specific policy measures*

- 1) Negotiations with the Transnistrian regime aimed at achieving a “big-bang” comprehensive settlement of the conflict in the 5+2 context will not yield any positive results for Moldova. They can be pursued only for the sake of appearances, to win tactical points against Transnistria, and to assuage and humour Moldova’s international partners.
- 2) Russia is not likely to make any concessions or do any favours to the Moldovan side. Handling Moscow requires a subtle mixture of flexibility and toughness. Moldovan policy should look for ways of raising the cost of the status quo to Moscow. In particular this should include raising the “reputational” costs by drawing attention to the Russian role in the maintenance of the status-quo.

<sup>14</sup> A memo from the conversation was leaked and published by a Moldovan opposition newspaper *Flux* (27.05.2011) and is available at <http://www.flux.md/editii/201119/articole/11787/>

<sup>15</sup> Elements of the German non-paper were leaked by Vladimir Socor in „German Diplomacy Tilts Towards Russia on Transnistria Negotiations” Jamestown Foundation’s *Eurasia Daily Monitor* vol. 8, issue 108 (6 June 2011); on German opposition to the issuance of an EU non-paper see also Vladimir Socor, „Transnistria Conflict Negotiations On the Brink of A False Start” in *Eurasia Daily Monitor* vol. 8, issue 119 (21 June, 2011). One might add that in a vast scholarly constitutional-legal and political-science literature on federalism there is a wide agreement that federal entities composed of two subjects are unworkable, among other because every issue is seen in terms of a zero-sum game.

- 3) Even well-meaning Western partners sometimes cannot resist cutting deals (these days usually tacit and undeclared) at the cost of weaker partners. Therefore Moldova must clearly articulate the “red lines” of its position on Transnistria and be willing to defend them.
- 4) Moldovan policymakers should shift their policy emphasis from looking for a diplomatic solution to changing the real situation on the ground in Transnistria. As part of this effort, a detailed strategy should be drafted, including both sticks and carrots, to target and motivate particular groups within Transnistrian society.

#### Specific measures that could be recommended

##### **1. Political**

- a) Develop a detailed strategy for reintegration of Transnistria into the Republic of Moldova, which should include fairly detailed planning for different scenarios.
- b) Draft a detailed position paper on the constitutional and legal status of Transnistria within Moldova, bearing in mind that this might form a basis for future negotiations (the law on autonomy from 2005 is very vague – it does not say what degree of autonomy Chisinau is willing to offer Transnistria).
- c) Increase funding and build up the structure responsible for the reunification of the country. It should focus on “on the ground” activities and not on diplomacy. It should be headed not by a diplomat but by a major national figure committed to the cause of unification.
- d) Work on building a national consensus on the importance of the Transnistrian issue for Moldova in order to win grass-roots support for the necessity of devoting resources to resolve the issue. Be clear about the possible initial costs of reunification but also highlight the potential benefits.
- e) Address the issue of language rights– by adopting the European-type regulations for Russian as a minority language in right-bank Moldova and Romanian as a minority language in Transnistria.
- f) Find ways of directly addressing the Transnistrian population (e.g., radio broadcasts, TV programmes, leaflets and educational literature), concentrating on practical, “bread and butter”, issues of immediate concern for various social and occupational groups of residents of Transnistria. Begin building the technical and institutional means to create a national information and media space that would include Transnistria.
- g) Adopt a pro-active approach to defending individual rights of Transnistrian residents (addressing the practical, every-day problems they encounter when dealing with Transnistrian power structures/institutions, etc.). Work to increase the presence of European human rights monitoring bodies on the left bank (Council of Europe and OSCE).
- h) Establish a venue for political representation of those who fled Transnistria after 1991 and set aside seats in the parliament for the population from Transnistria (they could be occupied if a sufficient number of Transnistrian residents decide to vote in elections



on the Right Bank). This measure should serve to impair the legitimacy of the Smirnov regime and provide a symbolic assertion of Chisinau's claim to represent all citizens the Republic of Moldova, including those residing on the Left Bank.

- i) Initiate legal action against individual officials within the Transnistrian regime for violation of human rights of Moldovan citizens.

## **2. Diplomatic**

- a) Draw up a joint memorandum with the EU that would serve as a basis for cooperation on the Transnistrian issue.
- b) Increase the transparency of Chisinau's policies and actions towards Transnistria. Develop and implement a media strategy concerning reunification and intensify efforts to present the Moldovan position and argue the Moldovan case internationally. It is an anomaly that often Transnistrian sources seem more informative about the content and than Moldovan ones.
- c) Prioritise the resolution of all disputed issues with Ukraine, in order to secure the cooperation of the Ukrainian authorities on issues concerning Transnistria.
- d) Repudiate the 1994 agreement on the use of the Tiraspol military airport by Russian armed forces.
- e) Initiate discussions with the Russian government aimed at developing a rule-based framework for the Russian peacekeeping contingent on issues such as the procedure of entry into the country and the mechanism of rotation.
- f) Introduce a demand for the withdrawal of Russian troops (not the peacekeeping contingent) in the negotiations on prolongation of the 2001 Treaty of Friendship with the Russian Federation.

## **3. Economic**

- a) Develop "attraction points" that would serve as visible demonstrations of the advantages of living under the jurisdiction of the constitutional authorities (villages on the Left Bank, towns and settlements in the security zone under the Republic of Moldova's jurisdiction).
- b) Create an institutional framework and regulations for promoting economic cooperation between the population in the Republic of Moldova and Transnistria (e.g., subsidised credits for business projects developed jointly by Moldovan and Transnistrian companies).
- c) Launch common infrastructure projects joining two banks. The aim should be to facilitate contacts between the population from the two sides of the river and to intensify economic interaction.
- d) Set up healthcare service delivery points accessible to the Transnistrian population. This should foster a feeling that it is the institutions of the Moldovan state that take care of the real needs of Transnistrian residents.



- e) Take steps to lower the benefits of the status quo for both Transnistrian businesses and Transnistrian authorities. E.g., discontinue the practice of granting ATP export licenses to Transnistrian businesses, unless the Transnistrian authorities agree to a tax-sharing scheme; stop buying electricity from Transnistria, replacing it with imports from Ukraine, etc.
- f) Develop legal strategies to create problems for Transnistrian firms that were beneficiaries of illegal privatisation. The aim of this would not be to “punish” the owners of the firms but to send a signal to them that they cannot enjoy the benefits of the status quo indefinitely and to encourage them to lobby Tiraspol to take steps towards integration.
- g) Look for ways to establish contacts and engage in economic projects with regional authorities and business interests in the Odessa region.

## **B. FOR THE EUROPEAN UNION**

- a) Keep the Transnistrian issue close to the top of the agenda in negotiations with all relevant international parties, in particular Russia and Ukraine.
- b) Reconsider the decision to scrap the position of the Special Representative for the Republic of Moldova. The post should be given to a heavyweight political/diplomatic figure. It would enhance the EU’s capacity to engage in diplomatic activities designed to promote the solution to the conflict and would ensure the continuity of EU efforts in this sphere. It would also symbolically highlight the EU’s determination to work toward a resolution of the Transnistrian conflict.
- c) Persuade Russia to transform the present Russian-dominated peacekeeping operation into an international, non-military mission under an OSCE mandate. Initiate steps in the OSCE to draw up such a mandate.
- d) Create new tools to obtain influence on the situation on the Left Bank, stronger than the visa ban.
- e) Intensify the activity of EUBAM by increasing the number of personnel and saturating the border with a EUBAM office at every checkpoint.
- f) Cooperate with Ukrainian authorities to establish special mechanisms for prosecuting violators of custom regulations.