

DIPLOMATIC NEGOTIATIONS FOR SOLVING OF TRANSNISTRIAN CONFLICT - CASE STUDY - 1st Part -

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The territory between Prut and Nistru had a special importance in the geopolitical and geostrategical plans of Russian or Soviet Empire, russianization of Basarabia being fulfilled with the most brutal methods (wars, forced annexation, dictatorship, prisons, deportations, political police), both during the czarist occupation (1812-1918) and in the soviet period (1940-1941, 1944-1990).

Transnistrian conflict had developed typical of what has been defined as „frozen conflict”, following a series of stages: military escalation, foreign intervention, the cessation of fire and create a security zone that would act forces peacekeeping troops composed of the parties to the conflict and Russian troops.

During the period that followed cessation of armed conflict occurred more plans of federalization of Moldavia as a single solution out of conflict, none of those not accepted by the authorities from Kishinev. Thus, the sensitive Transnistrian mater raises the same issues: federalization or secession.

It may be said that although initially the Transnistrian conflict has been a influence lever for Republic of Moldova, it subsequently became an instrument of Moscow for management of strategic balance in this area, the stakes of conflict beyond the local importance of a region secession to a state.

Keywords: conflict; strategic balance; military escalation; federalization; independence; separatist movement; secession.

At 19 years after the end of hostilities between the Government of Moldavia and the separatist authorities of Transnistria, the prospects for a political solution that respects Moldavia's territorial integrity and independence remain unclear.

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The authorities of Chisinau and Tiraspol are involved in a negotiation process which aims at defining the status of Transnistria within a unified Moldavia. The negotiations are mediated by Russia, Ukraine and the Organization for Security and Cooperation in Europe (OSCE), with U.S. and EU participation as observers. Complex domestic and international developments could favor reunification efforts of the country. The exploitation of these opportunities depends on the ability to coordinate efforts to solve the internal conflict with international developments. Republic of Moldavia has concerns that internal actions of the conflict's to be part of a broader context of developments related to EU and NATO enlargement and to the relations of these organizations with Russia and Ukraine.

EU and NATO enlargement is an enabling environment for the reappraisal of Western attitudes towards Transnistria. Considering that the Republic of Moldavia is on the border of NATO from 2004 and on the border of EU from 2007, Transnistria faces a transfer from a "Eurasian" post-Soviet conflict, in which Russia had a special role, to a "European" conflict in which EU is an indispensable part of the resolution.

Short history concerning the conflict's evolution and the establishment of the prerequisites for starting negotiations.

After 1989, due to the end of "Cold War" and the collapse of the USSR, a number of former Soviet republics began to walk the first steps towards regaining independence. In response, the Soviet leadership used the tactic of separatism stimulation in the "rebellious" republics. Thus, on September 2, 1990, in Tiraspol, there takes place "The second extraordinary congress of deputies of different levels soviets" in some localities nearby Dniester, which is proclaimed a new "republic" in Moldavia, the Soviet Socialist Dniester Moldavian Republic, in the USSR.

Moldavia has emerged as an independent state on 27.08.1991, as the successor of the Moldavian Soviet Socialist Republic (MSSR), which was created in 1940, after the Soviet annexation of Bessarabia (the space between Prut and Dniester, the historical name Bessarabia). MSSR territory (37000 km²) was established from Bessarabia and a part of the former territory of the Moldavian Autonomous Soviet Socialist Republic (MASSR). To justify the territorial expansion and the setting up of "Moldavian Soviet Socialist Republic" statehood, the Soviet state promoted a hard policy of denationalization and setting up of a "new nation", the "Moldavian" one.

The turning point of the "Soviet Moldavianism" was the Romanian-phobia, a fact inoculated by all means of the totalitarian state (deportations,

physical destruction of the intelligentsia, the artificial famine of 1947, the "brainwashing" etc.). The distinct past history of these two parts of the Moldavian Soviet Socialist Republic (MSSR), and the varied ethnic composition of the population, led to the opposite side dominant political processes that followed after 1985.

Under the policy of "perestroika" initiated and promoted by former Soviet President Mikhail Gorbachev in 1985, in all former Soviet republics became possible the approaching of the local population national emancipation problem. These two moments, the national emancipation of the local population and the conversion of the Moldavian Soviet Socialist Republic (MSSR) in an independent state, have provoked hostility in the industrial centers of eastern Moldavia. The dominant mood in the region and the young Moldavian democracy mistakes have been skillfully exploited by the Soviet leadership, and after 1991 by the Russian Federation. The troops of the former 14th Army (its units have been deployed since 1945 in the eastern Moldavia) contributed to the worsening situation, too. Thus, we see a factor overlap between the constitutional power and the separatist regime, after which the latter had established full control of 12% of Moldavia's territory and population of 700,000¹. Throughout the war in Transnistria (March-July 1992), the separatist movement was financially, logistically and militarily supported by Moscow. During the progress of armed hostilities between the Moldavian forces and the separatist forces, the Kremlin decided to shift the 14th Army under its jurisdiction, as a Russian army, and later they involved it in a conflict².

The peace was not negotiated between the belligerents, but by the special envoys of the Russian Federation (the President Boris Yeltsin), Moscow conferring upon itself its position as mediator in the conflict, position embodied by requesting to the Republic of Moldavia to accept the

¹ This bloody conflict was triggered in response to pro-Romanian trend of Chisinau in early 1990's and left behind about 1,000 dead and 4,100 wounded. 14th Army played a decisive role in the confrontation, tipping the balance decisively to the Transnistrian separatists.

² Iulian Chifu, *A bloody conflict orchestrated by Moscow, War of Transnistria in history files*, no. 2 (30) / 1999, pp. 54-58. The decree signed on 01.04.1992, the 14th Army, representing former troops of Army Group South-West of the USSR, went directly subordinate to the Russian Defense Ministry, noted that, after the collapse of the USSR, an important issue that independent states - newly created faced was the former armed military presence on its territory of the USSR. Russia, Belarus and Ukraine have taken military heritage of the former USSR, but without a treaty to that effect. The 14th Army to regroup in parts of Transnistria (Ribnita, Tiraspol and Bender) after Moldova declared independence, without the authorities in Chisinau to be announced, the previous creation of paramilitary troops in 1989, as part of a dismantling Republic of Moldova. The 14th Army also coordinated and Cossack formations, KGB special forces deployed by the self-proclaimed Republic of Transnistria Russian Federation, under the pretext of defending the rights of the Russian population in other CIS states.

special status of the breakaway region as a prerequisite for withdrawal of the 14th Army. The behavior of the Russian diplomacy during the post-conflict period revealed the Russian involvement in maintaining control of Tiraspol. It is about the undeclared control of a Member State by the international community, without even being incurred or assumed the responsibilities arising from occupation, management and administrative management of a territory. Moreover, on 11.17.1995, the State Duma of the Russian Federation declared Transnistria a special interest area of Kremlin, Moscow's intervention in the region being justified by the Russians and Russophones rights protection.

The war, although it was never said, carry on without direct confrontation, the war being outdated classic stages and becoming one of the frozen conflicts, recognized in the area, together with the conflicts from the separatist regions of Georgia (Abkhazia and South Ossetia) and Azerbaijan (Nagorno -Karabakh), conflicts which came almost simultaneously, in effervescence, encouraged by the success of the Kosovo example³.

The first phase of resolution attempts

Republic of Moldavia, independent state, internationally recognized and UN member, it doesn't control a whole region of its territory, declared himself independent: the east of the country, Self-proclaimed Transnistrian Republic (ART), unrecognized by any country in the world⁴.

ART status was established as "de facto state". Such regimes are treated as partial subjects of international law: "Their unique status creates certain rights and responsibilities, primarily related to actions required for the support and welfare. They can enter into agreements, which are given a lower status to treaties. Besides the right to act for its population support, a "de facto regime" can be held liable for breach of international law"⁵.

On the other hand, the legal aspect of conflict analysis shows that all basic documents signed during the years 1992-2008, are contrary to the Constitution of the Republic of Moldavia and put the foundation of the Moldavian state federalization. Premises that have been considered when Self-proclaimed Transnistrian Republic became negotiation part and took into account the less than legal expertise, which first was that, generally accepted,

³ In fact, Transnistrian leaders have repeatedly said that they encouraged the Kosovo model.

⁴ Self-proclaimed Transnistrian Republic (ART) is organized as a presidential republic and has its own government, parliament, military and police forces, postal system and currency, has drafted a constitution and state-designated insignia. flag and emblem. The only recognition enjoyed was the separatist regions in the area.

⁵ On 18.07.2006, in Chisinau, has been an international conference that American lawyers C. Borgen and M. Meyer presented their report *Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldavia*.

that is better to sit at the negotiating table to discuss, rather than not to exist at all contacts and negotiations, their absence leading to new conflicts.

Since 1992, the negotiation process between the warring parties is focused on two areas: determining the status of the Self-proclaimed Republic of Transnistria and decision making on the Russian military contingent located on its territory⁶.

The Transnistrian conflict is particularly complex, having its own features:

- the economic one - within the Self-proclaimed Transnistrian Republic there are the main industrial enterprises of the Republic of Moldavia. In this region, it runs a strong economic and commercial activity, without Republic of Moldavia to have any control over it. It is stated that Self-proclaimed Transnistrian Republic was is the paradise of illicit arms, ammunition, drugs, money laundering business;

- the politic one - isolating this region of the Republic of Moldavia affects the territorial integrity and independence of that state, internationally recognized; Self-proclaimed Republic of Transnistria is not recognized by the International Community as an independent, sovereign, autonomous entity; the Self-proclaimed Transnistrian Republic separation acceptance of the Republic of Moldavia would be a negative and disastrous example for the region and even for the international community;

- the military one – it has on its territory foreign military forces, weapons and ammunition. The Russian Federation owns here important deposits of weapons, combat equipment and ammunition, which, under "the Istanbul Agreement" in 1999, they had to withdraw a long time ago. Also, the Tiraspol administration, with the tacit support of the Kremlin, has its own armed and police forces;

- the politico-military one - there are foreign military forces aimed to maintain the current situation of "frozen conflict", affecting the independent, sovereign and unitary status of the Moldavian state, status recognized by the international community.

⁶ Over time there was an integration of Army troops to the troops of the 14th breakaway (attracted special material conditions than the rest of the Russian Federation, they have passed the separatist forces), so it seems reasonable to claim separatist leader Igor Smirnov, that "the 14th Army to withdraw from Tiraspol only the commander and the battleflag". Although statutes and withdrawal of Russian troops from Tiraspol, Russian Federation State Duma has not ratified, by allegedly violate the autonomous republic. Since 1993 began to show international pressure to withdraw Russian troops remaining to no avail, such requests are recorded in the current period. Some analysts and officials think that if not withdraw Russian troops and weapons stationed in the region, there will be no change in Article addresses the issue of U.S. troops in Moldavia Russian Federations a separate issue from Transnistria, arguing that Moscow should respect the commitments made in Istanbul since 1999 (withdrawal of troops from Moldavia and Georgia).

In the conflict resolution were involved both several different states with different interests in the region (Russia, Ukraine, Romania) and some regional (Organization for Security and Cooperation in Europe - OSCE) and international (EU and UN the High Commissioner) organizations. The most involved was OSCE, because of its purpose and nature, as security and regional cooperation organization (European).

Overall, OSCE efforts to find viable solutions to the Transnistria conflict did not produce significant effects. The main reason for its failure is the rule of consensus, that is unanimity without which you can not take any decision. But the Russian Federation is a member of this organization and it use of this provision whenever it deems that its interests are damaged in any way in the area. Originally established for three years, the OSCE mission term was extended in December 2002 at the OSCE summit from Porto (Portugal), at the express request of the Russian Federation.

The performance of the OSCE in Moldavia, with the aid of the representatives and diplomats of the organization in Chisinau or Vienna, has been criticized by politicians and analysts from Chisinau and Washington. For example, in Porto (2002), the OSCE has suffered several political and diplomatic defeats from Moscow. The organization gave Russia another year, until December 2003, to withdraw all troops and arsenals from the Moldavian territory. Moscow had been already committed in 1999 (Istanbul) to do so until 2002, but they never intended to honor the promise. However, the final document of Porto, by its content, is even weaker than the Istanbul commitment, which it replaces.

The OSCE credibility seriously suffered when the representatives of this organization blamed the Tiraspol leaders, who "don't allow" the Moscow authorities to withdraw troops from Moldavia. The idea, or "the mistake", euphemistically speaking, is owned by David Schwartz, one of the OSCE representatives in Chisinau. Another blunder belongs to the OSCE representative in Moldavia, the American William Hill, who said that Moldavia should be transformed into a federation as the republic's population is multinational. Actually, Moldavia has a population of 4,300,000 inhabitants, grouped by nationality as follows: Romanians - officially called Moldavians - 64.5%, Ukrainians - 13.8%, Russians - 12%, Gagauz - 3.5%, Bulgarians - 2.5%, Jews - 1.5% and other nationalities - 2.2%. The 1999 census recorded the existence within the Self-proclaimed Transnistrian Republic of 679,000 inhabitants, and according to the 2004 census, their number was of 555,347.

The conflict resolution process under OSCE auspices compiled several stages. Thus, the period between 1992 (end of armed hostilities) and 2001 is characterized by a proximity policy of the Republic of Moldavia to Moscow,

with which the Moldavians signed a Friendship and Cooperation Treaty, but without causing the Kremlin to withdraw their remaining troops and weapons from the Self-proclaimed Transnistrian Republic.

Negotiations started in the "4" format: Russian Federation, Ukraine, Romania and Moldavia. On 21.07.1992, was signed the Convention on the principles of peaceful settlement of armed conflict in the Transnistrian region of Moldavia (Convention Yeltsin - Snegur). After signing this document, in 1993, Romania was excluded from the negotiation process. For the implementation of this Agreement, the President of Moldavia requested to the President of the OSCE in Moldavia to be sent a mission. OSCE established a long-term mission in Moldavia, and in April 1993, also at the request of Chisinau, the OSCE has been included in the negotiation process⁷.

On 21.10.1994, Chisinau and Moscow signed an agreement on legal status and terms of withdrawal of Russian military units from Moldavia. Thus, the Russians, "taking into account technical feasibility and time required for the installation at the new site deployment troops", have engaged themselves to evacuate the military units from Moldavia in three years from the date of entry into force⁸.

After 1994, the conflict resolution negotiations took place in the format of "5": Republic of Moldavia, Russian Federation, Self-proclaimed Transnistrian Republic, Ukraine and OSCE. On 08.05.1997, the Memorandum on the principles of normalization of relations between Moldavia and the Self-proclaimed Republic of Transnistria was signed and which, in paragraph 11, stipulated: "Republic of Moldavia and Self-proclaimed Transnistrian Republic build their relationships within a common state borders of the Soviet Socialist Republic since January, 1990 ". Using the phrase "common state" it let place for ambiguity: Moldavia interpreted this notion as a Self-proclaimed Transnistrian Republic autonomy within the

⁷ Dynamics of the OSCE in the frozen conflict in Moldova, Speech by Neil Brennan, Deputy Head of OSCE Mission to Moldova, at the seminar titled EUROPE frozen conflicts - democratic security dimension: if ART OSCE contribution to conflict resolution materialized the preparation of numerous reports on the situation in the region by seeking implementation of the Agreement on withdrawal of Russian troops, but also its role in the Joint Control Commission established between the Republic of Moldova, Russian Federation and self-proclaimed Republic of Transnistria, responsible for security issues in a demilitarized zone on both sides of the Dniester. As the increasing influence of the EU, NATO and the U.S. in the region decreased role OSCE.

⁸ Constantin Solomon, *Transnistrian conflict and the negotiation format "5 +2" in Moldoscopye. Problems of political analysis*, no.3 (XLII), 2008. After 15 years of signing the agreement, Russian Federation failed to meet even internal procedures for entry into force of this Agreement.

Republic of Moldavia, as in Gagauzia, and Tiraspol as a confederation that would be a step in gaining independence from the Republic of Moldavia⁹.

We underline that, due to the manifestation of these diametrically opposed positions, negotiations in the "5" format have failed.

"The federalization" - the second phase of the Transnistria resolution

In this phase, developed during 1997 and 2003, it is spoken about "federalization," which is just an idea supplied by the Russian Federation to solve the Transnistria crisis and, unfortunately, initially accepted, easily by the West.

On 08.05.1997, in Moscow, it is launched the basis of normalization of relations between Moldavia and the Self-proclaimed Republic of Transnistria Memorandum, also known as the Primakov plan¹⁰. Supporters of the project were not only Moscow and Tiraspol. Gagauz representatives stated that time that "the Moscow Memorandum signed on 1997 is the only real and functional document that allows full resolution of all issues related to the internal structure of the Republic of Moldavia within a common state with Moldavia's participation, Self-proclaimed Transnistrian Republic and autonomous Gagauz"¹¹. The Russian Federation has the project status of "guarantor".

The project provides, among other: common state consisting of two components with equal status¹², the Republic of Moldavia and the Self-proclaimed Republic of Transnistria, the distribution of powers by peer agreements between Chisinau and Tiraspol, negotiations with five participants (five-sided format): Russian Federation, Ukraine, OSCE, Self-proclaimed Republic of Transnistria, Moldavia, from which "mediators" and "guarantees" the Russian Federation, Ukraine, OSCE, thus excluding the direct participation of the West (or Romania) to negotiations and guarantees. Basically, under this project, the Self-proclaimed Transnistrian Republic would become "part" of the Republic of Moldavia, being able to control the internal politics and foreign policy of Chisinau. When OSCE put on the table a federalization draft as a solution to a crisis, the European or U.S. world looked to the problem with hope and goodwill. This is because in a democratic society "federalization" is a concept with positive connotations, associated with democracy, with human rights.

⁹ *Ibidem.*

¹⁰ Artisan of this agreement is Yevgeny Primakov, known political scientist, former Prime Minister of Russia, between 1998-1999.

¹¹ Dan Dungaciu, *Transdnister, analysis and perspectives*, site of Moldavians in Italy, http://moldinit.com/publ/dan_dungaciu_dosarul_transnistrean_analize_si_perspective/4-1-0-1432 - accessed June 13, 2011.

¹² Moldavia is a sovereign and independent, internationally recognized.

On 13.08.2000, the political analyst Yevgeny Primakov presented two documents, namely a draft of the Agreement on the basis of relations between Moldavia and the Self-proclaimed Transnistrian Republic and another entitled Basic Principles OSCE mandate, the forces for peace and statehood in the Transnistrian region of Moldavia. Philosophy and consequences of these documents differ from the text of 1997, including, on one hand, legislating and legalizing illegal presence of Russian army and weaponry in Moldavia, and on the other hand, transforming Moldavia into an dependent entity internally and externally by the Self-proclaimed Republic of Transnistria, which is fully controlled by Moscow.

In 2002, Primakov Memorandum becomes most concrete expression and, hopefully, the most convincing. The agreement between Moldavia and the Self-proclaimed Transnistrian Republic was prepared by the OSCE, Russian Federation and Ukraine. Text of this agreement is a logical continuation of the 1997 Memorandum and the philosophy underlying it is the same. The main idea of that document (the two "sides" are equal in rights) is preserved, as well as penta-side formula of the negotiation process. This resolution project of Transnistrian settlement was strongly criticized by the Chisinau media, from Washington or Bucharest. The reason was that the so-called "federalization" – in the formula supported by OSCE - is, in fact, a mechanism by which Moldavia will be dominated and controlled by the Tiraspol authorities.

And hence, it concludes that by the powers granted by the draft constitution, coupled with the presence of Russian troops in the region, Igor Smirnov's regime will say "no" whenever it is necessary, and will block any Chisinau initiative which will not be convenient for Tiraspol and Moldavia's independence will remain only on paper. Civil society and opposition parties have responded, rejecting the federal project.

After Primakov Plan failure, the Russian Federation proposes a new solution to the conflict, known as the Kozak Plan. Thus, on 17.11.2003, by means of Dmitry Kozak, deputy head of Presidential Administration of Russia, Moscow proposes to Chisinau a Memorandum for the Transnistrian conflict resolution. The text is in fact a Federal Constitution draft, which made the whole Republic of Moldavia dependent on Tiraspol, on Moscow therefore, it is the continuation string of initiatives in the same direction.

Initialling the document was required unexpectedly to Moscow, who wanted to put on the table, at the OSCE meeting in Maastricht (01-02.12.2003), at least one "achievement" in foreign policy, that a viable resolution to the Transnistrian conflict. The quick gesture of Russians left presumptives partners, U.S. and OSCE, perplexed. The Russian Federation

arrogated exclusive control of a space that had agreed in theory to discuss with one another. Kozak Agreement was not signed, but that does not mean that the Transnistrian file was closed.

OSCE and the federal project of 2004

At the OSCE summit in Maastricht (01-02.12.2003) it failed to adopt a final declaration, the Moldavian President, Vladimir Voronin, rejected at the last moment Moldavia's federalization plan¹³. This meant that the terms for the army and weapons retirement from ART remained in force. Opposition leaders from Chisinau have stressed both this and the idea that the federal project proved to be a failure.

It began to emerge more clearly a hesitant and confused diplomacy in solving the conflict, manifested in particular by the Russian Federation. On the other hand, in the year 2003, it became clear that the Self-proclaimed Transnistrian Republic was not interested in changing the existing status quo.

Likewise Romania reacted, which also stressed the need for a federal plan to be accepted by the citizens of Moldavia and also to ensure the functionality of this state and effective control of its entire national territory.

In late December 2003, in Chisinau it was spoken about three federalization projects: the Kozak Memorandum (Russian Federation), the "mediators" document (Russian Federation and the OSCE) and a project of President Vladimir Voronin.

In 2004, Bulgaria took over the OSCE presidency and the conference from Sofia, from 27.01.2004, the "mediators" Russian Federation, Ukraine and OSCE, decided on William Hill's proposal to combine the "mediators" document with the Kozak Memorandum in one document. OSCE proposal was accepted by the Russian Federation and Ukraine. Thus, on 13.02.2004, the OSCE Bulgarian Chairmanship spread the document entitled Mediators proposals and recommendations from the OSCE, Russia and Ukraine, for Transnistrian settlement. It proposes and recommends, again, the Russian solution, that federalization of Moldavia. At the same time, this document

¹³ Kozak Memorandum, if it were signed on 25.11.2003, would have led to the liquidation of "de facto" legalization of Moldavia and the presence of Russian troops on its territory by 2020. Basic arguments which Moldavia rejected the Kozak Memorandum were: the fact that Russian troops were negotiated in Moldavia for a period of 15 years, that according to the project, the Upper House of Parliament of the Republic was to include a component equal members of the breakaway Republic of Transnistria, Gagauzia and Moldavia: each 9 deputies and deputies of ART and Gagauzia could ever unite to block the functioning of Parliament in Chisinau, the project stipulated that if the upper house lawmakers will not meet the wishes of the authorities of Gagauzia ART or they can be withdrawn at any time and replace with other members.

leaves the military and political issue up to the pentagonal format, dominated by the Russian Federation, and it provides to the Self-proclaimed Transnistrian Republic voting right against the Western participation in peacekeeping operations / guarantee military situation in the area.

On 09.03.2004, Chisinau proposed the draft statement called on the Soviet elite basic principles of the Republic of Moldavia, project that essentially takes preceding set of documents theses. In addition, its contents will be approved by referendum (it is taken into account most of those present to vote). On 16/03/2004, the Moldavian Minister of Integration, Vasile Sova, called Transnistria mediators to set a date for the resumption in pentagonal format (Russian Federation, Ukraine, OSCE, Moldavia and the Self-proclaimed Transnistrian Republic). According to the Moldavian minister, the documents should form the basis for future negotiations as mediator recommendations, and proposals of the Kozak Memorandum in Chisinau. The call remained unanswered, but, on 05.04.2004, the Minister Vasile Sova called again the OSCE Permanent Council to make further efforts to help the earliest resumption of negotiations in pentagonal format, which had been suspended after Chisinau refuse to sign Kozak Memorandum.

Negotiations in the format "5 +2"

Since 2004, there was a policy shift of Moldavia to the West, in the prospect of future EU membership¹⁴. It was believed that a future membership would solve the Transnistrian problem, too. There have also increased the links with Romania and there have established a partnership with the new political leadership of Ukraine (since January 2005), too. The Moldavian President, Vladimir Voronin, proposed a Stability and Security Pact for Moldavia, which stipulated, among other things, the changing of the negotiations formula, adding to the list of EU mediators, U.S.A and Romania. But Moscow's reaction was clearly against the possible involvement of Romania in the negotiations to settle the Transnistrian conflict.

¹⁴ On 28.06.2001, Moldavia has signed with the EU The Stability Pact for South-East, the Russian request, the document was introduced two clauses: EU not to sign a Stabilisation and Association Agreement with the Republic of Moldavia and not involved in conflict resolution. In the period after signing this agreement, the EU foreign policy have been significant changes resulting from EU enlargement policy (in 2004 joined 10 states, and in 2007, two other countries including Romania, bringing the EU have a common border with the Republic of Moldavia). European Neighbourhood Policy (ENP), developed since 2003 to 2004, contributed to the partial revision of EU policy towards conflict. The proposed Action Plan Republic of Moldavia ENP, see EU in solving this conflict on its borders stability. Appointment of EU Special Representative in Moldavia was part of the same process of increasing EU involvement in settling the Transnistrian conflict.

In early 2005, after signing the EU-Moldavia Action Plan (February 2005 - January 2008), EU and U.S. have agreed to participate in the negotiation as observers. Since then, the negotiation takes place in the "5 +2" format: the two parties involved, the Self-proclaimed Republic of Transnistria and Moldavia, the mediators - OSCE, Russia and Ukraine – and the observers - U.S. and EU.

Since 2005, it runs a new stage, its features persisting in the current period: trying to identify negotiated solutions to conflicts and strengthen the position of the Republic of Moldavia, with the arrival of U.S. and EU in the negotiation process.

If in the previous period, the Russian Federation holds the first position in the manifestation of an oscillating diplomacy, delays or failure to comply with commitments, it the turn of the so-called Transnistrian diplomacy to behave according to its main goal: to maintain the existing status quo. One year after the establishment of this new system of negotiation, in 2006, David J. Kramer, Deputy Secretary of State responsible for European and Eurasian affairs in the U.S. State Department, specialized in Russian Federation, Ukraine, Republic of Moldavia and Belarus problems, he gives from the negotiation table not a very encouraging picture of progress: "I participated in three rounds of negotiations on the Transnistrian conflict and I must admit being frustrated. It is a bit like the movie "Groundhog Day" where a character wakes up every day to live the same forever [...] the progress remains limited, if any, because I think that, to some extent, some of the parts are not interested in getting some progress, but as usual [...]. Part of the problem is the lack of seriousness regarding the Transnistrian side. Transnistrians are not interested in changing the present status quo. One of the problems we face is that often Tiraspol representative maintains that it has the necessary authority for decision, and we've invited him to bring the discussion persons authorized to make such decisions, so that we can do something"¹⁵.

EU and U.S. presence in the negotiations has produced almost a rebalancing of the scales, which inclined since then for Tiraspol. Thus, Washington has insisted as Kiev to implement the customs agreement with Chisinau, which basically emphasizes the territorial integrity of Moldavia, there are both a means of pressure on one party, as long as delaying negotiations to bear fruit.

Since March of 2006 negotiations in the "5 +2" format were suspended, Transnistrian leader Igor Smirnov accusing Chisinau of installing "an economic blockade" by introducing a registration procedure of the

¹⁵ Interview by Victor Roncea for the "Ziua" newspaper, with the U.S. negotiator for Transnistria, David J.Kramer, published on the website of "9AM News" on April 5, 2006, accessed on June 13, 2011.

Transnistrian exporters, on the right bank of Dniester. In fact, this measure resulted in the Transnistrians to withdraw from negotiations. Since then, Igor Smirnov conditioned the returning to the negotiating table by the end of the "economic blockade" of Chisinau and the accepting of Republic of Transnistria status as "equal participant in the negotiations".

Resolution efforts from the Ukrainian diplomacy

On May of 2005, Ukraine's leadership formulates its own proposals to solve the Transnistrian conflict, which gave to the Self-proclaimed Transnistrian Republic widest possible forms of autonomy and also provides its democratization and demilitarization.

The Ukrainian proposal, known as Yushchenko Plan, provided the conflict resolution through a settlement negotiated and free elections, stipulating, in particular the following:

- Republic of Moldavia to be sovereign, independent, full of territorially and only one subject of international law;
- Providing administrative-territorial entity status in the Republic of Moldavia, in a republic form, for the Self-proclaimed Republic of Transnistria;
- own constitution and symbols (flag, emblem, anthem) for the Self-proclaimed Republic of Transnistria;
- Formalizing the three languages within the Self-proclaimed Transnistrian Republic, namely: Moldavian, Ukrainian and Russian (Crimean model).

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