

DIPLOMATIC NEGOTIATIONS FOR SOLVING OF TRANSNISTRIAN CONFLICT - CASE STUDY - 2nd 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.

Recent developments on the Transnistrian conflict

We consider it necessary to emphasize that, in the last five years, in the format "5 +2" there were only informal consultations, which could not make binding decisions. However, even if there is a negotiation blockage in the

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format "5 +2", there are still change positions of key stakeholders in the conflict and, especially, increased efforts and involvement of the European Union to solve the dispute.

June 2010 - Berlin occurs in the conflict equation

Thus, in June 2010, the German Federal Chancellor, Angela Merkel, surprised the Russian President, Dmitry Medvedev, with an unusual proposal, that Moscow should help solving the conflict in Transnistria, especially in security issues, if they are interested in cooperation with Europe. "Europe has forgotten this frozen conflict, even if it is almost at its door until Merkel has not raised this issue", commented at the time the newspaper "New York Times"¹. Brussels was in charge of the Organization for Security and Cooperation in Europe (OSCE) and attempted to mediate, but without any benefit.

At the interpellation of the German Chancellor, the Russian President Dmitry Medvedev announced that negotiations on Transnistrian settlement could be resumed after completion of the ballots in Moldavia. Besides more than 1,100 Russian troops stationed in Transnistria, the separatist movement had its own soldiers, who speak Russian and whose uniforms have signs in Cyrillic, unlike the rest of Moldavia, which uses the Latin alphabet and whose people speak Romanian. The Moldavian Government does not control the Ukrainian border to effectively monitor who enters and who leaves the country. In Transnistria, any opposition movement is suppressed and censored, according to the human rights organizations. The Romanian language is prohibited in Transnistria, and teachers are arrested if they are caught that they teach it.

Merkel's proposal aimed that Russia, together with Ukraine, Moldavia, Transnistria, OSCE, European Union and the United States resume negotiations to the so-called "5 +2" format. These negotiations were halted four years ago by the Russian Federation and Transnistria, as Moscow preferred bilateral negotiations, through which he could exert greater influence. Germany wants the Russian Federation to withdraw, eventually, the troops from Transnistria, so Moldavia can regain the control of the entire country. At the same time, as proposed Berlin, Transnistria could provide a degree of autonomy. Instead, Merkel offers something that Moscow wants long: Establishing a EU-Russian Federation political and security Committee, where Europe and Russia should work more closely on the operations of civil and military crisis management.

After launching the offer by the German Chancellor, the Kremlin did not yet give the approval to resume negotiations in the "5 +2" format and, especially, they did not consider the withdrawal its troops from Transnistria.

¹ <http://www.ziare.com/international/stiri-internationale/nyt-comenteaza-conflictul-din-transnistria-1051771>, accessed on August 13, 2011.

It should be noted however that despite the fact that Moscow has made no move, German Chancellor Merkel seeks to maintain a constant pressure, talking about forming a new EU-Russian Federation Political and Security Committee and about the conflict resolution. In this context, international political analysts consider that a failure in this process could harm both Merkel and foreign policy ambitions of the European Union.

December 2010 - Chisinau reiterates its readiness to resume the negotiations

At the OSCE summit in Astana, Chisinau is ready to resume negotiations in the "5 +2" format on the Transnistrian conflict, blocked in February 2006, also demanding the withdrawal of Russian troops from Transnistria.

March 2011 - Washington decides to become more involved in the conflict resolution. With or without Transnistria? Scenarios for better or worse for Moldavia

Washington made a surprise to the Moldavians, announcing, for March 11, 2011, the first historic visit of a U.S. Vice President Joseph Biden, in the Republic of Moldavia. Biden's visit comes after Republican Senator Richard Lugar has asked the Obama administration in early February 2011, to support European efforts to solve the conflict and to support the Euro-Atlantic aspirations of Moldavia.

Previously, the Transnistrian conflict was on the agenda of Angela Merkel, Sarkozy and Dmitry Medvedev talks, in Deauville (October 2010), on which occasion the Russian president said: "I think we have good chances to resume the process and get results. Russia will contribute to this, but I would like to point out that the success depends not only on Russia. The success depends on the position of Moldavia, too, which is undoubtedly the most important thing, depends on the position of Transnistria, depends on the position of Romania, depends on the position of the European Union"².

Here, we consider it necessary to emphasize that the solution to maintain the territorial integrity of Moldavia and the withdrawal of the Fourteenth Army is promoted by all the stakeholders in negotiations (Russian Federation, Ukraine, Moldavia and the OSCE and the EU's negotiating position, U.S. observer status), excepting the separatist regime from Tiraspol.

We also think that if, for the first time since the 1992 conflict, the Russian Federation would like to solve this conflict, post-conflict situation in

² <http://www.hotnews.ro/stiri-opinii-8367283-sau-fara-transnistria-scenarii-mai-bine-sau-mai-rau-pentru-republica-moldova.htm>, accessed on August 13, 2011.

Moldavia and Europe demands answers to questions: "What will happen in the domestic and foreign Moldavian policy after the territorial integrity"; "How would the Republic of Moldavia look without Transnistria?", "Why it was preferred the maintaining of the integrity of the Republic of Moldavia and recreate a territorial configuration invented by Stalin?". The answer to these questions we consider it is conditioned by a third question, namely: "What is now Transnistria?".

In fact, the Dniester Moldavian Republic (Transnistria known as the Smirnov regime) functions as a state: it has an assigned territory, some 5,000 square kilometers, a population no larger than a county in Romania (approx. 500 000 inhabitants) and, most importantly, a whole bureaucratic and institutional classic structure built after the modern state in the 20 years since the breakup of the USSR. After, as the official history of the Tiraspol regime supports, Transnistria is a nation obviously different from the Moldavian created to justify claims of independence of the Smirnov regime.

To exist as a state, Transnistria lacks but two essential tasks: full economic sustainability (often the budget of Tiraspol received funds from the Russian Federation) and recognition from other states.

Transnistria is considered "the black hole of Europe". In Rabnita and Tiraspol there are unsecured deposits of arms and ammunition of the former USSR. Semiopac political regime means corruption, arms trafficking, the long-term seat of about 20 years of the president and the Soviet practices adapted to capitalism.

The importance of Transnistria for Moldavia is a symbolic one: the realization of a great national goal – reintegration of the Moldavian state - announced as such by every government since 1991. Economically, even during the Soviet period, Transnistria was the industrialized MSSR (Moldavian Soviet Socialist Republic) part, now it no longer worth anything because Tiraspol did not invest, preferring Soviet heritage conservation.

How would look Moldavia with Transnistria reintegrated "de facto" in its composition?

The resolution of the conflict through the territorial integrity of Moldavia would mean, first, strengthening the fragile political position of AEI – 2 (AIE2) (created after lengthy negotiations) compared with the opposition against the Party of Communists (PCRM). Communists were weak and could not fully justify the failure of the national target in the eight years that they were in power. According to the current government relationship with the Moldavian electorate, any success would bring decisively shift votes cast by PCRM, the poor population being more interested in economic

reforms and more wealth than the formalized relationship with a territory and poorer. For ordinary people, with emigrant relatives in the West or with an average salary of 150 euro, the national objectives of the political class does not matter.

Another 20 years for Transnistria?

Internally, the integration of Transnistria would restart the Moldavian state construction process, started 20 years ago and carried out only partially, even in the left bank. Even if it has all the institutional and bureaucratic ensemble functional, Chisinau lacks of society consensus (visible situation in the election results).

To the identity level, Moldavia is, at the same time, Romanian, Moldavian and Russian, as it is Transnistria, too. If we were to judge by its evolution since 1991, Chisinau would be in need of 20 years just to build the bureaucratic-institutional network in Transnistria. The Gagauz autonomy example, more floated by the political class in Chisinau to be implemented in Transnistria, it is hardly applicable to the territory controlled by Tiraspol today and its success depends on the influence of Russians, which, as they frequently done in the former Soviet republics, it will be tempted by encouraging separatist tendencies and demands of any kind, to weaken the power in Chisinau. The Gagauz, the Turkish minority received economic support from Istanbul, in exchange for remaining in the composition of the territory of Moldavia. Therefore, even if the Russian Federation will "take the hand" from Tiraspol, through the frozen conflict, this does not mean that Moscow will not "comfort" future claims made by the 30% Transnistrian Russians to Chisinau. In this context arises the question: "But what Transnistrians (31% Moldavians, 30% Russians, 28% Ukrainians) want to?"

We also think that the question "Who wants the union with Moldavia?" forwarded to the population beyond Dniester, they would not find any answer among Transnistrians, as one opposition electoral programs of Tiraspol and civil society statements.

The integration of Transnistria would worsen the economic situation in Moldavia (which is the poorest country in Europe) and it will have to pay, at least theoretically, the huge debt to "Gazprom", gained by the Smirnov regime in 20 years (about 2 billion dollars). Chisinau will have the difficult task of implementing a functional economic system (failed experiment on the right bank of Dniester). The integration of Transnistria, deeply affected by the economic crisis, requires the application of tough economic reforms, which the leaders from Chisinau will be reluctant to take in order to not antagonize the population, that does not support returning to Moldavia's territorial structure.

Transnistria – an obstacle to the European integration of Moldavia

In the foreign policy, the conflict resolution would be an important asset on the path to the European integration of Moldavia, Brussels being enduring so far to give a clear course for integration of Chisinau, primarily because it can not admit a candidate who can not control its territory and its weapons, humans, uranium trafficking (and other goods and illegal substances).

How would the Republic of Moldavia look without Transnistria?

Creating a territorial state after the configuration invented by Stalin in 1924, it is not a moral solution for the West. But because policy ignores the rules of morality, as the famous international relations theorist Hans J. Morgenthau stated, for the Transnistrian conflict it was chosen the most advantageous solution in practice.

The Transnistria exit from the Republic of Moldavia would mean, first a blow to any configuration of power in Chisinau and, secondly, would provide the much awaited asset for the Communists, which would shatter or disintegrate IEA.

For the European ally of the Republic of Moldavia, Transnistria would become a bigger problem than it is today: a small state sustainability is questionable without the support of Russia, interested in the survival of the Smirnov regime, only if it can weaken with its help Chisinau.

The return of Transnistria in the territorial compound of Ukraine, which belonged until Stalin, it will not be without problems, because Kiev has not claimed it, officially, never since 1991 and it would create difficulties in the process of assimilation for a state forever faced with economic problems such as Ukraine. On the other hand, maintaining Transnistria within the Republic of Moldavia can provide political stability and a cordial negotiating partner for the EU in Chisinau. Smirnov regime and the ousting political and economic practices removal it would strengthen the EU borders.

A reintegration plan – the conflict resolution, as the most favorable scenario for Chisinau and the EU does not ensure the existence of an internally consolidated state, but rather a long and difficult reconstruction way. Once ended the conflict in Transnistria, Chisinau should develop, with the support of the external partners, a clear course of reintegration of the region across Dniester.

4 to 5 April 2011 - Meeting in the "5 +2" format focused on the resumption of formal negotiations regarding the Transnistrian settlement³

The resumption of formal negotiations in the Transnistrian settlement process has been the basic subject of the informal meeting of 4 to 5 April 2011 between the format "5 +2" participants about Transnistrian settlement

³ <http://www.osce.org/ro/cio/76463>, accessed on August 13, 2011.

process, chaired by Special Representative of OSCE Acting Chairman in Lithuanian Protracted Conflicts, the Ambassador Giedrius Čekuolis.

The meeting was addressed topics related to free movement between the two sides of the river, the guarantees in the negotiation process and the project status on working parties in confidence-building measures.

Format "5 +2" participants came close to the decision on the need to resume work on "Meeting permanent political problems in the process of Transnistrian settlement negotiations" with the support of international community aimed at a peaceful settlement.

Also the format "5 +2" participants exchanged their views on ways and forms of negotiations, set in the document of February 20, 2002, related to the organization of negotiations on Transnistrian settlement process.

It should be noted that participants in the discussions have not agreed on a specific date on which negotiations would be resumed, but only "... they were close to decision on the need to resume permanent meeting to political activity in the Transnistrian settlement negotiation process, with the support of the international community"⁴.

On the other hand, the Tiraspol Department of Foreign said that there were no formal prerequisites for the resumption of talks with Chisinau. Meanwhile, the Transnistrian leader Igor Smirnov, invited the Prime Minister Vlad Filat in an "official visit" in Transnistria. In response, Filat said he would meet with Igor Smirnov only when there would be a clear agenda of discussions and the agenda would aim to relaunch formal negotiations. Also, Filat said that there is no question of any official visit to Transnistria, stressing that "I go to my house Transnistria. I do not officially go to my house"⁵.

However, it is determined that the next round of negotiations on the Moldavian-Transnistrian settlement will take place in Moscow.

According to the Press Service of the Ministry of Foreign Affairs of Transnistria, a special attention to the political representatives of the conflicting parties and mediators in the Vienna talks was given to the general rules for groups of experts agreed with the previous official representative of the Republic of Moldavia. In accordance with the Transnistrian part the rules should not be "political" or "technical", but it must be "... only a binding document to create a reliable basis for legal and organizational expert working groups"⁶.

⁴ <http://www.rfi.ro/articol/stiri/politica/consultarile-privind-transnistria-un-esec>, accessed on August 13, 2011.

⁵ *Ibidem*.

⁶ <http://newlandoftransnistria.blogspot.com/2011/04/urmatoarea-runda-de-negocieri-privind.html>, accessed on August 13, 2011.

During the meeting, the participants discussed issues of economic cooperation, withdrawal of artificial administrative barriers for asserting of the human rights and for the trade development. The consultations have allowed the evaluation of the resumption of formal negotiations in the format "5 +2" prospects, respectively Moldavia and Transnistria, OSCE (mediator), Russia and Ukraine (the guarantor countries), EU and U.S. (observers).

The Russian side initiated the next round of consultations to be held in Moscow, an initiative supported by all participants.

April 28, 2011 – the Transnistrian leader Igor Smirnov announced that Tiraspol is ready for the negotiations on the Transnistrian conflict

On the same occasion, Igor Smirnov commented on the information published in the media that the Russian Federation drops the Tiraspol leadership support and sustains Moldavia's reintegration with the center at Chisinau. In this regard, Smirnov stated that "... I had talks at Moscow with Naryshkin and Patrushev, that I wondered if the Russian Federation will continue to support us. The response was positive. With regard to Merkel's initiative, it is quite active. It is understood the unification of Germany, who was involved in a war. But on us, there will be no integration with Moldavia. We have not left the USSR. I can not talk about the resumption of the whole process of negotiations, although I have not abandoned it in 2004"⁷.

Also, Smirnov commented on the canceled meeting with the Moldavian Prime Minister Vlad Filat, stating: "On April 28, as you know from the press, it was expected a meeting with Mr. Filat. There was no official response and I think this meeting will not take place. We had to discuss issues that would improve the lives of Moldavians, Ukrainians, Russians, Gagauz, Jews, all those living in the Transnistrian region"⁸. According to Smirnov, the main obstacles in the way of the negotiations are "... permanent elections on the right bank of Dniester and the failure to elect the president"⁹.

May 26, 2011

Tiraspol authorities believe that Moscow should increase the number of urge for "peace" in the region, up to 3,200 people, a statement to that regard being made by the Transnistrian delegation leader of the Joint Control Commission, Oleg Beleakov.

June 10, 2011 - diplomatic incident at the Russian Embassy in Chisinau

The Moldavian diplomats left the reception organized by the Russian Embassy in Chisinau, after the Russian ambassador, Valeri Kuzmin, officially presented Vladimir Iastrebeac as head of the Transnistrian diplomacy.

⁷ <http://www.ropress.eu/politic/1153.html>, accessed on August 13, 2011.

⁸ *Ibidem.*

⁹ *Ibidem.*

At the National Day event organized by the Russian Federation there have been invited several representatives of the Moldavian diplomacy, but also European Ambassadors accredited in Chisinau.

It should be noted that, after Moldavian officials have left the reception, as a protest to Moscow movement, they were followed by the European and American ambassadors that were withdrawn from the event themselves, too.

In this context, the Moldavian Prime Minister Vlad Filat, said that the Russian Ambassador committed a diplomatic mistake and he announced they will demand explanations through diplomatic ways. Also Filat urged all those who witnessed the incident to keep their temper, especially given that June 21 is close, the day when the negotiations on the Transnistrian conflict settlement would start.

Political analysts have a concern position about Kuzmin Russian Ambassador gesture, considering that this is an unprecedented incident in Moldavia and it can be interpreted as a provocation by Moscow, which leads to straining relations between the two countries. Also, the analysts consider that this action is a direct expression of sympathy and support offered to Transnistria by Kremlin. We believe that it should be noted that this incident comes just a few days after Moscow sent a statement to the Moldavian diplomacy, expressing dissatisfaction with the general local elections in Chisinau. Also, Chisinau's MAE asked the Russian side to refrain from remarks and comments that can be interpreted as interference in the internal affairs of another state.

June 12, 2011 - U.S. Senator John McCain said that the fact that Russian troops are still in Transnistria shows a violation of international norms

During his visit to Chisinau, Senator John McCain said that the presence of Russian troops in Transnistria shows a violation of international norms, voicing his hope that the negotiations on Transnistria, which will take place shortly in Moscow, will help the progression to withdraw troops from the Transnistrian region. In turn, the Moldavian Prime Minister Vlad Filat said that Washington role is very important in finding a solution to the Transnistrian issue. Also, Senator McCain stated that he regretted the Moldavian Communist opposition's refusal to share visions on the future of Moldavia.

We consider it necessary that it should be recalled that Senator John McCain was to meet the Communist leader Vladimir Voronin, but he refused, arguing that "...Mr. McCain's visit to our country during the election campaign is certainly a serious interference in the internal affairs of Moldavia, in the democratic expression of political options"¹⁰.

¹⁰ <http://unimedia.md/?mod=news&id=35024>, accessed on August 13, 2011.

June 21, 2011 - Moscow negotiations on Transnistria failed

The negotiations in the "5 +2" format regarding the Transnistrian conflict, which took place in Moscow, failed, the inflexible position of the Tiraspol delegation not allowing adoption of a decision by the end of this round of negotiations.

The participants agreed to suspend the round from Moscow for consultations and they will return to additional discussion in the Russian capital in a close period.

The Moldavian delegation reiterated that the main objective of the negotiation process in the official format is "...the development of the special status for Transnistria, while respecting the sovereignty and territorial integrity of Moldavia within internationally recognized borders"¹¹.

June 27, 2011 - Moscow changes its position against Transnistria

It seems that the separatist leader's time has expired. In Transnistria began a real operation to remove his leading from the "administration" of the left bank of Dniester. "Graffiti war" is one of the latest methods used by the separatist opposition.

However, the Russian media points out that Moscow would change separatist leader, too, who had promised protection if waived to participate in presidential elections which are to be held in the region. It is circulated the idea that in order to resume the negotiation on the "5 +2" format, the leader of the Tiraspol administration should be changed. Moscow believes that the new leadership could be more easily convinced of the need for conflict regulation.

Presidential elections in Transnistria will be held in December 2011 and Smirnov refused yet to announce whether or not he runs for fifth term. Now there stand two candidates in elections in the breakaway region, one of whom was the President of the Supreme Soviet in Tiraspol, Anatol Kaminsky, the other the politician Yevgeny Shevchuk.

July 5, 2011 - Negotiations between Chisinau and Transnistria on the "5 +2" format could be resumed

The head of the OSCE Mission in Moldavia, Philip Remler, said that Chisinau and Tiraspol have chance to resume negotiations on the "5 +2" format regarding the conflict resolution. Remler said he is convinced that all the problems can be solved by negotiation. Instead, the Transnistrian leader Igor Smirnov, accuses Chisinau for negotiations obstruction.

Moldavia intends to resume the pressure on Transnistria rather than discussing with Tiraspol, the Moldavian foreign minister Leanca, saying in

¹¹ <http://www.hotnews.ro/stiri-esential-8990257-negocierile-moscova-prinvind-transnistria-esuat.htm>, accessed on August 13, 2011.

Bucharest that "... Tiraspol must understand that outside of Transnistria there is another way of thinking, that there are other realities"¹² and that "there are opportunities to leverage and make it change its point of view"¹³. According to Leanca, "... principles such as Moldavia's sovereignty, the territorial integrity and its European perspectives are red lines that can not be ignored. And negotiations on Transnistrian conflict settlement must start without preconditions"¹⁴.

18 to 19 July 2011 - Berlin is involved again in the Transnistrian conflict. The Transnistrian variable of the Russian-German dialogue in Hanover¹⁵

Between 18 to 19 July 2011, the German city Hanover hosted the thirteenth round of bilateral Russian-German consultations, in which were debated a number of important topics on the agenda of political, economic and security of both countries, including the transnistrian conflict resolution.

Since June 2010, when the Meseberg Memorandum was signed by the German Federal Chancellor, Angela Merkel, and the Russian President Dmitry Medvedev, the Transnistrian conflict went among political agendas of many state and non-state actors involved in the negotiation. Although the parties included in the negotiations increasingly show their willingness to find a compromise and an optimal solution to solve the dispute, discussions are becoming more difficult and political pressure is growing larger. The temporal proximity of political events in Moscow (the State Duma elections on December 4, 2011 and presidential elections on March 4, 2012), early parliamentary elections in Moldavia (most likely this fall without yet officially fixed once the election), the Self-proclaimed Republic Transnistrian presidential elections (unrecognized Dniester Republic) throughout the fall of 2011, all of them require urgent positions more or less argued about how to solve that seems to emerge.

July 19, 2011 - Washington tends to the Moldavia federalization

There are signs that the Washington Administration considers such an option, stressing by the U.S. Ambassador to Chisinau, Asif Chaudhry, that "... the conflict resolution by creating and implementing a suitable project of

¹² <http://www.romanalibera.ro/index.php?section=articol&screen=print&id=230271&page=0&order=0&redactie=0>, accessed on August 13, 2011.

¹³ *Ibidem*.

¹⁴ <http://www.romanalibera.ro/actualitate/europa/seful-osce-in-r-moldova-negocierile-dintre-chisinau-si-transnistria-in-format-5-2-ar-putea-fi-reluate-230271.html>, accessed on August 13, 2011.

¹⁵ Angela Grămadă, *Variabila transnistreană a dialogului ruso-german de la Hanovra*, Centrul de Studii Est-Europene și Asiatice (CSEEA), <http://www.cseea.ro/publicatii/view/brief-analysis/variabila-transnistreana-a-dialogului-ruso-german-de-la-hanovra>, accessed on August 14, 2011.

federalization of the country can not affect the approximation of the Republic of Moldavia by the European Union"¹⁶. The U.S. diplomat said, however, it is very important to respect two essential principles to achieve a possible federal project, territorial integrity and national sovereignty, the rest depends on the will of the people to establish such relations within the state.

July 20, 2011 - Tiraspol believes that there have not yet been set conditions for the negotiations on the Transnistrian conflict in the "5 +2" format, while the EU is interested in resuming negotiations

During the meeting with EU delegation head in Moldova, Dirk Shuebel, Transnistrian leader Igor Smirnov said that were not yet created the necessary conditions for resuming negotiations on Transnistrian settlement in the format "5 +2". Tiraspol insists on guarantees of negotiation process and their conduct on principles of equality, accusing Chisinau that is against that.

In turn, Dirk Shuebel said that "EU is interested in resuming negotiations in the "5 +2" format, expressing his hope that negotiations will also receive an official character after consultations in Moscow"¹⁷, expected in September 2011.

August 4, 2011 - Russia supports the resumption of formal Negotiations in the "5 +2" format¹⁸

During a meeting held in Chisinau, between Moldavian Deputy Prime Minister for Reintegration, Eugen Carpov and Russian representative in the Transnistrian settlement negotiations, Sergey Gubarev, were discussed issues concerning the current state of the negotiation process and prospects advancement in this respect. The parties exchanged views on the events of last period touch on Transnistrian settlement, as discussed, in particular, issues concerning actions to be taken in connection with the preparation of thesecond round of negotiations will be in Moscow in September 2011.

It is interesting to note that the Kremlin's representative stressed that Moscow, as part of the negotiations, support the resumption of formal negotiations "5 +2".

We consider that it is necessary to conclude by emphasizing, in a few ideas, the situation "de facto" at this time of negotiations to resolve conflict.

Why negotiations failed in June

We remind that on June 21, 2011, in Moscow held a new round of informal consultations on the Transnistrian problem, whose stake was the

¹⁶ <http://politicom.moldova.org/news/sua-tinde-spre-federalizarea-republicii-moldova-223051-rom.html>, accessed on August 13, 2011.

¹⁷ http://www.noi.md/md/news_id/4532/news_cat/60, accessed on August 13, 2011.

¹⁸ <http://ns1.moldova-suverana.md.moldova-suverana.md/politic/3258-rusia-susine-reluarea-negocierilor-oficiale-in-format-q52q-.html>, accessed on August 13, 2011.

resumption of the negotiation format "5 +2", ie Meeting permanent political issues in the negotiation process Transnistrian settlement. Differences of opinion between Chisinau and Tiraspol were fueled by the incident of 10 June 2011 from the Russian Embassy in Moldova, when, during a formal reception, Vladimir Yastrebnik, so-called foreign minister of the unrecognized republic, was presented by Ambassador Valery Kuzmin as "Transnistrian foreign minister" Subsequently, the separatist Transnistrian delegation expressed their confusion to the Moldovan authorities' position, trying to speculate that informal discussions during the approaching negotiations could result in failure. At least Vladimir Yastrebnik official statements confirm that Tiraspol had objections to the content of future meetings and try to find a suitable formula to evade them.

In this context, we want to mention that, on June 22, 2011, the Russian Foreign Ministry issued a statement, underlining the following: "The Moscow meeting was interrupted by the "stopped clock" principle for participants to work it should be able to consult in the capitals, then Moscow will be extended in default terms"¹⁹.

What happened? A delay followed discussions for an unlimited period and refusal to resume negotiations in a formal format. In addition, Tiraspol refused under these meetings, to sign any document issued by Moscow. In our opinion, the sabotage of the resumption of negotiations has an explanation, more or less plausible: lack of functional government in Chisinau and in his absence, the Transnistrian have no one to negotiate. Thus, the protracted crisis in Chisinau has served as a reason for postponing indefinitely the resumption of formal negotiations format "5 +2". Consequently, an unrecognized government refuses to engage with an interim president.

Why Moscow refrained from comments after this failure

We appreciate that the first option would be that Russian officials agree with the position expressed by the Transnistrian, respectively as long as it is a prolonged political crisis in Chisinau, it is impossible the negotiations to receive extra legitimacy and it is more useful as this to be verbalized by others, so being excluded the charge of interference in internal affairs. In our opinion, this is a subtle and indirect form of intimidation, by ricochet, the democratic government in Chisinau.

Also be observed that the focus on that aspect of the conflict, the more participants in the negotiation process argue their position on maintaining the same status quo, because of the inability of Moldavian authorities to manage the internal situation, and this, in our opinion, is not simply extend this

¹⁹ <http://ns1.moldova-suverana.md/moldova-suverana.md/politic/3258-rusia-susine-reluarea-negocierilor-oficiale-in-format-q52q-.html>, accessed on August 13, 2011.

disability and across the Nister. If Chisinau can not manage the crisis, the Russian side seems to offer as a volunteer for this role.

In fact, we are witnessing an attempt to question the legitimacy of democratic forces in Chisinau approach to resolve Transnistrian conflict and the argument of maintaining the region under the influence of Moscow. And Transnistria is nothing else only a tool for a further "protectorate" over one of the former Soviet states.

The second variant is related to bilateral negotiations between the Russian Federation and its strategic partners, including Germany. Informal discussions prior to this meeting to resume negotiations induced to the international public opinion the idea that already exists a project of federalization of Moldova, prepared by officials in Moscow and endorsed by those in Berlin, under the pretext of the existence of a formal framework for negotiations offered the same Meseberg Memorandum, signed in June 2010. Kremlin does not deny and the Russian foreign minister Sergei Lavrov, even speaks of a special status which should be granted and Transnistria in Moldova, that seems to confirm assumptions of intentions for federalization in the diplomatic laboratories, but other than those in Chisinau. Moscow wants to appear neutral and fair and try to be "westernized", but also talks about the key role they hold Chisinau and Tiraspol in the evolution of the problem, while supporting a range of local separatist leaders.

But returning to the first hypothesis, which argues the failure of dialogue in June 2011, we consider that it is difficult to believe that the same Kremlin has little leverage to influence some officials in Tiraspol. In our opinion, if Moscow had really wanted to resume the dialogue, then it would not have rewarded immediately, post-event, the Transnistrian separatist leaders with financial resources, because exactly this is what happened. Under the pretext of giving technical assistance to SMEs, Moscow provided about 300 million Russian rubles, which is the equivalent of about 7.5 million euros. In support of this idea is the statement of July 21, 2011 of the President of the Foreign Affairs Committee from ART legislature, Dmitri Soin, that this support will reach the Supreme Soviet of the unrecognized Transnistrian republic.

By inference, we can conclude that no money will be managed by Igor Smirnov, but Anatoly Kaminsky, the president of the Supreme Soviet, who is supported open by the party "United Russia", in power in Moscow. We consider that this may be seen as a Kremlin intention to offer credibility to another separatist leader, other than Igor Smirnov, hypothesis, which in our opinion can not be excluded from the equation.

However, should not exclude no other hypothesis, namely that the public opinion is attending a theater where the same Moscow is trying to

appear that promotes democratic values in the region: changing government would be the first step. But the replacement would not automatically conduct to solving of conflict.

In addition, separatist leader from Tiraspol will not surrender so easily to the Russian pressure. Being on governance is equivalent of security guarantees for Igor Smirnov and his family. On the other hand, we consider that the activism of some political leaders in Moscow, members of the party "United Russia", could have the opposite effect: the mobilization of Smirnov and his supporters.

It was the meeting in Hanover an opportunity to resume official dialogue?

Transnistrian conflict was a topic on the agenda of Russian-German bilateral dialogue in Hanover, which took place from July 18 to 19, 2011. In principle, inclusion of this subject on the agenda of the talks is all safe and accessible as public information. However, the subject bore much speculation in the press and the political leaders in Moscow and Chisinau did not hesitate to draw certain conclusions. Not even the OSCE resolution adopted on July 10, 2011, about the situation in Moldovian Republic, asking again the withdrawal of Russian troops from Transnistria, managed to have a significant impact on the discussions of Hanover.

Chisinau authorities have relied heavily on influencing the resumption of the negotiation process it into a shorter period of time. Transnistria was discussed by the "Petersburg Dialogue", this year in Hanover, but we consider that the results of debates do not seem to influence the negotiation process. The backstage of negotiations seem to say something else only that it is trying to delay the resumption of dialogue in a formal format. In our opinion, this situation may have an indirect connection with elections approaching in the Russian Federation, especially the presidency. Transnistrian issue, a possible opening to its resolution on the eve of the election campaign could bring significant advantages to the candidate which will be involved at that time in negotiations. German support in Transnistrian issue seems to be essential after failure of informal negotiations in June 2011. We appreciate that most likely was intended to influence Moscow in the sense that it put pressure on the separatist leaders from Tiraspol to return to the negotiating table. Unfortunately, the negotiations did nothing else only to force the Chisinau officials to account for the processes and phenomena that have not happened, without to name any concrete result of talks in Hanover. In this context, the Moldavian foreign minister Iurie Leanca said in an interview on July 18, 2011, for the radio station "Free Europe" in Chisinau, that negotiations for Transnistria not bypass the Republic of Moldova and that none of the actors involved in

solving it will not take decisions for the authorities in Chisinau. So what can suggest us the Moldavian official at this point is that a possible federalization of Moldova could take place only with their consent? In fact, in our opinion, any federalization of the Moldavian state is the biggest fear of Chisinau.

On the other hand, we observe that Russia is trying to have an increasingly higher presence in European policy, and for this to be possible it needs supporters in the European Union. In this respect, Germany is a strategic partner that can best support the Kremlin's approach in this direction. But it should not be neglected the ability to negotiate their own interests by the Germans. In the "Petersburg Dialogue" this year, both sides, both Germany and Russia, have relied more on their economic side, even if other issues were not overlooked. It is expected that both Berlin and Moscow will try to exploit the political potential of their bilateral dialogues.

Russian-German bilateral dialogues in Hanover this year were particularly important for the evolution of political and economic relations between Moscow and Berlin. There are not negotiated only contracts and economic and energy projects, but especially political potential, which can be used later. Both sides attempted to maximize their presence within the European decision-making processes.

It should be noted that, unfortunately, Transnistria is important only as an instrument of pressure. Now the European Union seems to be more interested in resolution of conflict, than Russia because Moscow will not accept only that formula that would allow it to continue to influence political processes in Chisinau. If we refer only to the Transnistrian variable of the Russian-German dialogue in Hanover, then we consider it is appropriate to recognize that the subject was just rhetorical. In our opinion, the stake of the Russian-German dialogue in Hanover was not the result, but the public debate and raise the visibility of the dispute and not as the parties have negotiated, but by those who feel directly threatened by the presence of conflict their territory or border.

We want to conclude by emphasizing that the forthcoming resumption of international negotiations on the Transnistrian issue, the recent visit to Chisinau of U.S. Senator John McCain and the incident at the Russian Embassy, where it was presented officially a Transnistrian leader, and especially the Russian-German dialogue in Hanover, brought back into focus the "frozen conflict" of Moldavia and possible variants of solving it.

We also believe it is to note that among the many theories circulating, many of them rather speculative, and therefore include the resurrection of a Russian plan, eight years old, who proposed the federalization of reunified Moldova.²⁰

²⁰ <http://politicom.moldova.org/news/>, accessed on August 13, 2011.

Involvement and EU role in solving of Transnistrian conflict²¹

Since 2005, relations between the EU and Moldova have been unprecedented successful. We mention only some of the achievements: in February 2005, Moldova and the EU adopted the "Action Plan EU - Moldova" in the "European Neighbourhood Policy" (ENP), and in March the same year, EU Member States have designated according to a European Union Special Representative for Moldova, in October 2005 was inaugurated Delegation office in the Moldovan capital Chisinau in November 2005 launched the EU Border Assistance Mission on the border between Moldova and Ukraine (EUBAM) and in January 2010, the EU and Moldova have launched negotiations on an Association Agreement.

Already more than six years the EU has operated as an observer in the negotiations on conflict settlement in Transnistria, recording further progress, such as: opening the Common Application Centre in Chisinau, in April 2007; entry into force of "Agreement on visa facilitation and readmission ", on January 1, 2008; adoption of autonomous trade preferences to import goods from Moldova in the EU, which entered into force on March 1, 2008; launch of dialogue on liberalization visa regime between Moldova and the European Union, in June 2010.

In March 2007, Hungarian diplomat Kálmán Mizseia was appointed as Special Representative of the European Union, taking the position of his compatriot, Ambassador Adriaan Jacobovits de Szeged.

One of the most important tasks of the EU Special Representative for Moldova is to contribute to a viable equitable and stable solution for Transnistrian conflict, being responsible for creating favorable preconditions for negotiations together with negotiating partners from the format "5 +2 ".

The stalled Transnistria conflict already exists since 19 years. Meanwhile, the situation has hindered the economic development of both sides of the Dniester, which was a destructive factor in the region, during this period the Republic of Moldova becoming the poorest country on the continent.

De facto separation of Moldova is actually artificial, as there are no religious or ethnic types of conflict. All international participants – EU, Russia, Ukraine, United States and the Organization for Security and Cooperation in Europe (OSCE) – are engaging in the regulatory talks about territorial integrity and sovereignty of Moldova and agree on some basic principles of stabilization: a viable Moldavian State, a special status for Transnistrian region and ensure its democratization and compliance of international law.

²¹ Official website of the European Union Special Representative for Moldova, <http://www.eusrmoldova.eu/ro/welcome>, accessed on August 13, 2011.

The solving of conflict will require close cooperation and commitment of all key regional actors. Russian Federation in particular, the EU's strategic partner, is an important partner in determining a solution for the future status of Transnistria. It is a common interest for the European Union and Russian Federation to cooperate and jointly promote stability and enhancing security in their direct neighborhood. Transnistria settlement could become a model for a constructive and resultative cooperation between the EU and Russian Federation.

EU Border Assistance Mission on the border between Moldova and Ukraine (EUBAM), led by top political adviser, General Udo Burkholder, improved border control and cooperation between Ukraine and Moldova. EUBAM, with the European Commission, also contributed to the integration of the Transnistrian economy in the Moldavian one and, thus, to the integration into the international trading system. Border Assistance Mission is a devotion sign of Moldova and Ukraine to the European values.

Another crucial aspect of the mission of the EU Special Representative is EU-Moldova relations. Relentlessly, this continues to promote closer relations between Moldova and the European Union in the European Neighbourhood Policy (ENP). These relationships are based on common European values, such as democracy, rule of law and human rights and fundamental freedoms. Together with the European Commission, the Office of Special Representative for Moldova makes all efforts to strengthening these values in Moldova.

The EU leaders are convinced that Moldova's development model must be attractive to people on the left bank of Dniester. This highlights the need for further economic reform and development of democracy and human rights in Moldova. The EU-Moldova Action Plan serves as an excellent base for this purpose, whose implementation is developing in parallel with the efforts to resolve the Transnistrian conflict, each representing two mutual processes.

The mandate of the EUSR for Moldova²²

In March 2005, the European Union Council adopted a Joint Action establishing the post of EU Special Representative for Moldova, naming in this function the Ambassador Adriaan Jacobovitz from Szeged. In February 2007, the Council of Europe appointed Kalman Mizsei, as successor to Ambassador Jacobovits. The new mandate of the EUSR for Moldova expires in February 2011.

²² Kalman Mizsei's name and mandate are fully set out in Joint Actions 2007/107/CFSP, 2008/106/CFSP, 2009/132/CFSP, 2010/108/CFSP and 2010/448/CFSP, and the documents can be found under the heading "key Documents" on the official web page of the EU Special Representative for Moldova (RSUEM) <http://www.eusrmoldova.eu/ro/welcome>, accessed on August 13, 2011.

The mandate of the Special Representative aimed at:

- strengthening the EU contribution to resolving conflict, according to agreed EU policy objectives respecting the sovereignty of Moldova within its internationally recognized borders, and in close coordination with the OSCE;
- assisting in the preparation of contribution, as appropriate, in implementing of settlement of the eventual conflict;
- monitoring political developments in Moldova, including in Transnistria, by developing and maintaining close contacts with the Moldavian Government and other political actors, and providing, as appropriate, the EU recommendations and the assistance needed;
- strengthening efficiency of customs and border controls and of security activities in Moldova and Ukraine along their common border, with emphasis on the Transnistrian segment, in particular through the EU Border Assistance Mission to Moldova and Ukraine (EUBAM);
- promoting further development of EU policy towards Moldova and to the region as a whole, particularly preventing and resolving conflicts.

We appreciate that Moldova needs a sustainable Transnistrian settlement, while stressing that an excessive dependence from any regulation by any of the mediators, is contrary to the need to ensure a lasting solution to the conflict. In other words, Moldova wants that Transnistria should not reactivate its separatist tendencies after a possible reunification, and hopes that there must be a balance of guarantors for Transnistrian settlement.

After an eventual reunification of Moldova, between Chisinau and Tiraspol will exist enough problems and political economic, social or cultural tensions. So it is imperative the existence of external forces able to apply sufficient pressure on Transdnistria, for it not to use the argument "separatist" when it will agree. Until now neither the OSCE nor the Russian Federation and Ukraine, could not demonstrate that they have leverage or political will to press successfully Transnistria.

Instead, we consider that such kind of tools can be applied by the EU, including in cooperation with the U.S., OSCE, Ukraine and Russia.

In our opinion, a regulatory model of conflict in which Russia would play a dominant role, even quasi-monopoly, would not provide a lasting solution without the constant involvement of external actors in the internal affairs of the new state. In fact, neither Brussels nor in Chisinau, not wants that reunified Republic of Moldova to become a new protectorate in Europe, with the difference that would be a protectorate of Russia and Ukraine, with no prospect of European integration. However, in the event in which Moscow would be the main guarantor in the Transdnistrian, than it would ignore a series of political and economic factors that are indispensable for a real

stabilization of Moldova. From our point of view, democratization, demilitarization and decriminalization of Transdnistria can not be achieved by the Russian-Ukrainian guarantees.

We also want to emphasize that, in our opinion, the EU is the only European player who can turn the whole range of tools to regulate conflict - economic, political and security. Russia, Ukraine and OSCE not have these capabilities, nor show a clear interest to apply them.

Also, we consider that should be reconsidered the role of OSCE in Transnistrian conflict resolution and that the OSCE will be very useful in solving the Transnistrian conflict, but not in quality that it has now.

If Moldova wants a lasting settlement of the Transnistrian problem, we consider that Chisinau should support a change in settlement arrangements. It is in the interest of Chisinau as OSCE to handle in Moldova with what it has made successful elsewhere, namely to focus more on promoting democratic norms, monitoring elections (including Transnistria), facilitating dialogue between minorities and majority population, democratization of Transnistria, promoting and monitoring a possible reform of security structures in Transnistria etc. The role of the OSCE must be determined by the very large and positive experience of this organization in the Balkans and to take account of segments that can contribute positively to attenuation or preventing, but not resolving crises. Such a role for the OSCE is widely accepted, both among officials of the organization and between the Russians and Europeans.

In the framework of a "Wider Europe", EU said ready to be more active in solving the crisis of its periphery, including Transnistria.

In our opinion, it is clear that EU involvement in conflict settlement will facilitate the process itself, but the efforts of European integration of Moldova.

Thus, we consider that a more active EU involvement in Transnistrian conflict brings many benefits to Moldova, such as: that the EU is the only actor who has the full spectrum of economic, political and security capabilities to support a long-term regulation of conflict; the EU's presence in conflict settlement mechanisms (including the negotiation process), ensuring higher political demands to mediators and limit their ability to declare certain things.

In Transnistria non-military risks to security are more current than the military one. In this context, we consider that the EU is the only credible actor who is directly interested in fighting organized crime, respectively human, weapons and drugs trafficking, and smuggling from Transnistria, as well as mismanagement of the eastern border. In addition, the EU is the only actor able to develop a full guarantees strategy in the Transnistrian issue, because such a strategy must include not only political and security elements, but

economic elements. OSCE, Russia and Ukraine can not turn the whole set of measures necessary for reintegration of Moldova.

Resolving conflict with the EU participation creates the prerequisites for a sectoral integration of Moldovan Republic in certain aspects of the Justice and Home Affairs policies of EU and inclusion in the Stabilisation and Association Process. This should not be made after the settlement of the Transnistrian problem, but as an indispensable part of the Transnistrian settlement process. We note that the Stabilisation and Association Process was created specifically for the countries at the EU borders affected by conflicts. The Transnistrian conflict is an obstacle to European integration of Moldova, but we consider necessary to emphasize that it is just as true that the existence of this conflict is the main argument for Moldova to be part of the Stabilisation and Association Agreement with EU.

Concluding, we want to emphasize that, under present conditions, it is difficult to believe a perceptible approach between the parties in conflict, to can talk about a first step toward the settlement of conflict. First of all, it is about the different visions of Chisinau and Tiraspol, about we have mentioned and which do not represent a novelty in the evolution of conflict.

Development of events, the situation in the region, position analyze of the parties involved in the negotiation process, clearly show that if it will be find a solution to the conflict, this it can not be obtained only after a long process of negotiation, the two key objectives concerning the Transnistrian issue, demilitarization and democratization of Transnistria, being long-term goals.

In our opinion, currently, after the completion of several stages of negotiations, the Transnistrian conflict can be approached from two points of view. On the relations between Chisinau and Tiraspol, the conflict took the form of confronting political and economic interests of elites on both sides of the Dniester. Aspects of historical, ethnic, linguistic, which obstruct the adoption of a final solution of the dispute, can be overcome by offering broad autonomy to the regions located on the left bank. On the other hand, on the international level, the conflict has turned into an argument of the main actors, U.S., EU and Russian Federation. From this perspective, we consider that the final settlement of the conflict is possible only in the context of the internationalization of negotiations process, drafting legal status of the Moldovan districts situated in the left bank and issuing guarantees for the independence and viability of the reintegrated state.

Transnistrian settlement requires making a compromise to final solving at the negotiating table. However, the negotiations time proves that the involved parties fail to resolve because of some circumstances and they hope that, in the meantime, these will change, tilting the balance in favor of one of them.

The main reason, for which the dispute remains unresolved, in our opinion, is the fact that parties perceive differently the significance of its final settlement. While the authorities in Chisinau are seeking the reintegration within existing borders on 01.01.1990, the Transnistrian officials perceive the diferend solving as a full recognition of its right to independence.

We also consider that an important external impact on the evolution of conflict and negotiation process is played by the Russian Federation. The permanent support from Moscow is converted into a propaganda campaign aimed at maintaining hopes that self-proclaimed Republic of Transnistria will succeed, however, in moving permanently from Moldova, in entering into the composition of the Russian Federation or obtaining its associate membership.

Progress negotiations for conflict resolution emphasize support by F. Russian separatism, which is actually a triple status: the state has encouraged separatism and controlling the outbreak, in reality, in terms of Transnistrian military, economic, financial issues, etc., the mediator in the negotiation process and the guarantor of agreements, the interested party directly by way of final settlement of the conflict.

We estimate that in these conditions, the Transnistrian conflict is likely to remain "frozen" in the next, and the Russian Federation will continue to use the "Kosovo precedent" to support his arguments. In our opinion, these arguments are weak and may be exaggerated, especially after the Russo-Georgian and to recognize the independence of South Ossetia and Abkhazia, the Russian Federation has undergone a period of international isolation and was not supported by any country the world except Nicaragua.

We also think that the conflict is possible only in the context of negotiation format "5 +2" because EU and U.S. involvement can counter the promotion of Russian interests in the region.

Transnistrian conflict can only have a European solution, which can be achieved through participation in the EU because it is based on democratic values and standards have a democratic solution. In contrast, the Russian Federation is concerned with restoring its great power status, and its goal can be achieved by supporting separatist movements in the CIS (Ukraine, Georgia, Moldova, etc.).

From this perspective, we consider that Moldova should support the EU initiative on Eastern Partnership, which in our opinion, may be the main safeguard against implementation plans to transform the CIS Moscow in an exclusive area of Russian interests.

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