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Paper prepared for the epsNet conference “European in Context: Debating the Project”, Central European University, Budapest, 16-17 June 2006.  
Workshop: International Role for Europe.

**INTERNATIONAL ROLE FOR EUROPE: EUROPEAN UNION IN THE TRANSNISTRIAN CONFLICT**

**Abstract**

Approval of the European Security Strategy<sup>1</sup> granted stronger recognition to the EU on the global arena. This is a “think globally – act locally” strategy that gives support to a range of well-governed states from the East and Mediterranean Sea basin and creates a path for development of cooperation relations. This paper tackles specific aspects of the EU neighborhood policy, in the light of the 2007 enlargement. EU 27 will border a frozen-conflict area – Republic of Moldova’s Transnistrian problem. Although enlargement brings Europe closer to troubled areas, it is not to establish and preserve new dividing lines in Europe. The EU joined as observer, together with USA, the process of negotiations between Moldova and Transnistria, Russia and the Ukraine, mediated by OSCE. The paper will present discussions and opinions, as well as suggested actions that would help Moldova take full advantage of the Moldova-EU Action Plan and of the EU Frontier Monitoring Mission to Moldova, which are considered as EU attempts to create a “circle of well-governed states”. The paper does not aim at providing suggestions for settlement of the Moldovan-Transnistrian conflict, but instead comes with a summary of actions and attitudes that would need to be promoted and implemented in order to be able to develop a solution for the frozen conflict.

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<sup>1</sup> “*A Secure Europe in a Better World European Security Strategy*”, submitted by Javier Solana to the European Council in Brussels, 11-12 December, 2003

## Introduction

Moldova is the poorest country in Europe, economic growth starting just in the past years, but which is still labeled as unstable. Moldova has the lowest foreign investments and one of the worst relations with international financial organizations. Moldova is placed one of the first in Europe considering the number and percentage of citizens immigrating to other countries, due to the need to earn a living working illegally. Moldova is one of the countries with the highest corruption indicator in Europe.

Moldova's frontiers are unique in Europe, due to the fact that the Western border with Romania separates the population of two states that speaks the same language, has common culture and history, while the Eastern border with the Ukraine is not controlled by the central authorities, but by the separatist once, this being a great risk for international security.

Moldova is the only country in Europe, on the territory of which foreign occupation forces (of Russian Federation) are illegally stationed, thus Russian Federation supporting the separatism regime in Transnistria with military, political, diplomatic and economic means, despite the numerous appeals from the behalf of the international community to withdraw its troops from Moldova. Moldova is the only country in Europe where OSCE principles of involvement in conflict settlement process and UN peacekeeping principles are violated, because Russian Federation is participating as mediator in conflict settlement, despite the fact that it started and maintains the conflict, opposing its settlement.

Moldova is the only country in Europe not having lobby in Brussels; this maybe also explaining the fact that Moldova is the last country in Europe in which EU has just recently opened its diplomatic office.

Thus, the situation the country is in can be qualified as one of political, economic and social instability. Trying to at least partially ensure its stability and security, Moldova is openly reducing its presence in CIS activities and seems to slowly move from declarations towards actions in order to get closer to the EU. At the same time, enlargement to the east brings the community closer to troubled areas, and thus that it is in the interest of the community that "countries on the EU border are well governed. Neighbors who are engaged in violent conflicts, weak states where organized crime flourishes, dysfunctional societies"<sup>2</sup> [...] all pose a threat to Europe. In this sense, the European Security and Defense Policy has the military and civilian capability of doing so, the EU being the only regional organization with such a wide range of political, diplomatic, humanitarian, economic and financial, police and military instruments. "In its neighborhood and beyond, the EU cannot [...] confine itself to the economic and political spheres; it also needs to be able to guarantee stability, prevent conflicts and manage crises on its own doorstep"<sup>3</sup>.

In this context, the European Neighborhood Policy (ENP) has been developed with conflict resolution as one of its priorities. For the Republic of Moldova, the Action Plan that is part of the ENP has set settlement of the Transnistrian conflict as top priority of the EU-Moldova cooperation, it being now up to the political "elites" of both parties how will they achieve strengthening of stability, security and well-being, to prevent new dividing lines between the enlarged EU and its neighbors<sup>4</sup>, and to offer the later the chance to participate in various EU activities through greater political, security, economic and cultural cooperation.

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<sup>2</sup> European Security Strategy: A Secure Europe in a Better World, Brussels, December 2003

<sup>3</sup> Communication from the Commission to the Council and the European Parliament, *Building our Common Future: Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013*, February 2004.

<sup>4</sup> Communication from the Commission, *European Neighborhood Policy. Strategy Paper*. May, 2004, Brussels.

## **Background on the conflict<sup>5</sup>**

Before the fall of USSR, Moscow has made many attempts to prevent this development. Creation and support of conflicts between the majority population from the than soviet republics which wanted to become independent and minority groups living in certain regions were among the means it used. Four of these conflicts in Abhasia, Southern Osetia, Mountain Karabakh and the eastern region of the Republic of Moldova, which is today known as Transnistria remained unsettled till today.

The first signs of the conflict on the territory of the former Soviet Socialist Republic of Moldova appeared during the final stages of Soviet “perestroika” preceding the collapse of the USSR. Successful propaganda stimulated the fears of local Russian and Ukrainian and some “sovietised Moldovans” that in the case of Republic of Moldova’s independence through separation from the Soviet Union, it would immediately join its “kin-state” Romania – the country with which the majority of inhabitants of the Republic of Moldova share the language, as well as cultural and historic tradition. Presence of the Russian 14<sup>th</sup> Army, of the arsenal and armament transferred in Transnistria after withdrawal of the soviet troops from Germany and Czechoslovakia was and additional reason and pretext for Russia to keep the region under its control.

As a result, on 2 September 1990 the “Dniestrian Moldovan Socialist Soviet Republic in the composition of the USSR” was proclaimed. Soon after Moldova’s declaration of state sovereignty in June 1990, the Transnistrian supreme soviet claimed the region’s independence from Moldova, adopted a separate constitution, elected a president and organized an independence referendum. On 25 August 1991 this entity declares its independence, just two days before Chisinau was to proclaim the independence of the Republic of Moldova, with Transnistria as a constituent part.

Due to this aggression against the fragile new structures of the Republic of Moldova, a series of clashes occurred in late 1991 and early 1992, culminating with a short but violent battle in the town of Tighina (also known as Bender) in June 1992. The Republic of Moldova, which did not have an army of its own at that time – just police units – had to face forces that were superior both according to numbers and endowment, the separatist forces using the arsenal from the warehouses of the 14<sup>th</sup> Army from Tiraspol.

Intervention of the Russian 14<sup>th</sup> Army brought about a ceasefire agreement that was signed by the Republic of Moldova and the Russian Federation after a summit in Moscow held on 21 July 1992. By this Agreement, the principles of the peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova were formulated and some control mechanisms proposed, including the setting up of a Joint Control Commission, and the establishment of a Security Zone along the Nistru river. The agreement stipulated that its implementation has to be ensured by military contingents representing the Russian Federation and the “two parties directly involved in the conflict” – the leaders of Transnistrian separatists and the legitimate authorities of the Republic of Moldova. A military observer mission was also launched in 1992, consisting of ten observers each from Russia, Republic of Moldova and the separatist region; ten Ukrainian observers being added in 1998. The task of the Joint Control Commission was to identify and solve potential conflicts, functioning through consensus. This provision was giving Russia a major possibility to influence decisions, reason why Moldova could not obtain

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<sup>5</sup> Information is presented on the grounds of news reports from [www.azi.md](http://www.azi.md), [www.flux.md](http://www.flux.md) and [www.infotag.md](http://www.infotag.md).

elimination of Transnistrian armed conflicts that are in the security zone, theoretically under the exclusive control of peacekeeping forces.

It should be mentioned that initially, efforts to put an end to the armed conflict were undertaken within the format of the Commonwealth of Independent States (CIS), as well as by the heads of the interested states, namely, Russia and Republic of Moldova's neighbors – Ukraine and Romania. At the Kyiv meeting in March 1992, the heads of the CIS countries adopted a declaration stating that the territorial integrity of the Republic of Moldova is the key element for stability in the entire region. Approaches to conflict settlement sought then to ensure broader international engagement, and expert level meetings included specialists not only from Moldova, Russia and the Ukraine, but also from Romania.

On 4 February 1993, the OSCE Mission to Moldova was established and started to work in Chisinau in April and in February 1995 in Tiraspol – the unofficial capital of the unrecognized “Transnistrian Moldovan Republic” (referred to as Transnistria). From that time on, the OSCE has functioned as the only international organization directly involved in the conflict settlement processes. Thus, external “mediators of the conflict” were Russia (since 1992), OSCE (since 1993), and Ukraine (since 1997). Both the Republic of Moldova and the self-proclaimed Transnistrian republic were engaged in all negotiations as the “sides of the conflict” on equal terms and with equal rights. USA and the EU were accepted as observers in the negotiation process just recently (September 2005).

The second stage of the crisis began in 1994, when the president of the Republic of Moldova (Mircea Snegur) and president of the self-proclaimed Transnistrian republic (Igor Smirnov – who still holds the position) signed a common declaration, which was also co-signed by OSCE representative and a representative of the Russian presidency, which started the debates for legal and constitutional debates over Transnistria's statute in the frames of Moldova, as well as establishment of a mutual guarantees system to avoid another armed conflict. At the same moment begins elimination of barriers for economic agents from Transnistria, but which led to Transnistria transforming into a “paradise” of organized crime, tax evasion and illegal traffic. Moldova eliminated any customs control at the crossing points from Transnistria, while the later has introduced a rigorous control at the crossing points from Moldova, “legalizing” its borders this way.

Under pressure from the separatist authorities and Russia, Chisinau signed (with president Petru Lucinschi) in May 1997 a memorandum prepared by Russian experts (referred to as the Primakov memorandum), which introduced the unclear notion of “common state”, defining the framework of relations between Chisinau and Tiraspol. The common state meant common frontier, common economic area, common legal framework, common defense area, as well as common social area. The parties in conflict had their own interpretation of the term though. Chisinau conceives Moldova as a unitary sovereign state, as one subject of international law, in the frames of which Transnistria holds wide regional autonomy. Transnistria sees in the common state a confederation of two actors with equal statute (different subjects of international law inclusively). One of the effects of the memorandum was that Transnistria obtained the right to issue export customs documents – it was not longer the situation when Chisinau tolerated the Transnistrian customs transit and was applying the customs seal, but it was yielding to Tiraspol the right to use this seal.

During 2002-2003 there appeared a range of federalization plans for the Republic of Moldova, as an only solution to settle the conflict. One of them came from the behalf of OSCE in July 2002,

and was based on federalist principles as they are known in the West: proportionality in representation, equality between the component parties, etc. Still, although accepted by some European OSCE member states, this plan also included the solution with tacit influence from Russia in Moldova<sup>6</sup>.

The Kremlin was periodically bringing the matter under attention, either coming with analytical reports or concrete plans officially presented to the public opinion, like the one that was proposed in November 2003 by Dmitri Kozak, staff member of the Russian president (Vladimir Putin). The Kozak plan (as it is now referred to) proposed settlement of the conflict through federalization of the Republic of Moldova. The “Basic Principles of the State Structure of the Unified State” is basically a constitution draft for the future Moldovan federation, and was proposed to Moldova directly, without OSCE consultations, which confirmed one more time Russian Federation’s intention to keep the problem within the CIS and not involve the international community in any way.

According to the Kozak plan, the federation was to be asymmetric, based on a soviet concept of federalism, where the Transnistrian republic and the Gagauz autonomous territorial unit were given the right to referendum to decide if they wanted to belong to the Republic of Moldova or not, as well as veto right over domestic and foreign policy issues that would come in contrast with their interests, Transnistria obtaining the possibility to block approval of laws. There were no provisions on withdrawal of the Russian troops from the Transnistrian region, despite those for demilitarization of the Republic of Moldova. The Kozak plan did not include any international guarantees, being based on a direct Russia – Moldova relation, USA and OSCE directly objecting over these provisions, which were legitimating the military presence of Russian Federation in Moldova and were not removing the danger of separation of Transnistria and Gagauz Autonomy.

The Kozak plan generated manifestations of protest in Chisinau and drew for the diplomatic interference of the EU and USA, which determined president Voronin not to sign the plan. This situation though put Russia into an additional positive light at the OSCE summit in Maastricht, it posing as an actor that did everything it could for settlement of the Transnistrian conflict, and not as one that has repeatedly disregarded OSCE practice. By not signing the settlement plan, the Republic of Moldova seems to have just delayed the moment when it will plea on the sensitive Transnistrian issue. The OSCE Summit in Maastricht showed that USA and the main European states were ready to take a position towards conflict situations that remained of “regional interest” for too long, this meaning internationalization of the matter.

Another shocking initiative from the behalf of the Russian party came in June 2004 from the behalf of the Russian National Strategy Institute, headed by Stanislav Belkovski, stipulating that in exchange for recognition of Transnistria’s independence, Russia will accept unification of the rest of the territory of the Republic of Moldova (between rivers Prut and Nistru) with Romania. Besides the fact that the proposal came while Romania was still negotiating its EU accession, it would suddenly need to integrate a territory unstable from all points of view, declaration of Transnistria’s independence without regulation of the military arsenal situation would have brought NATO and EU in the immediate vicinity of a trouble-making area. The Belkovski plan was approaching the fate of an internationally recognized entity – the Republic of Moldova – without it being consulted in this sense.

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<sup>6</sup> “*Transnistria: evolution of a frozen conflict and settlement perspectives*”, Political analysis report. “Ovidiu Sincai” Institute, Bucharest, September 2005.

In the spring of 2005 the foreign policy adviser of Ukrainian president Viktor Yushchenko (Poroshenko) proposed a new plan for settlement of the conflict, inspired by the 1997 Primakov plan. It was a sign that the Ukraine decided to get involved in a more active foreign neighborhood policy, taking over the Russian ideas and changing them to its advantage. The plan suggested recognition of the supreme soviet from Transnistria as legitimate after elections (late 2005) monitored by the mediators; equal statute to Moldova and Transnistria as signatories of an agreement together with Russia, the Ukraine and OSCE – which were also to be the guarantors of the agreement's implementation; as well as a conciliation committee as a constitutional referee between Chisinau and Tiraspol after the agreement is signed, committee made up of Russia, the Ukraine and OSCE. This way the re-unified Moldova was to be placed under Russian and Ukrainian guardianship. The plan also provided for a veto-right for Transnistria in matters of foreign policy of the Republic of Moldova, and made no reference to withdrawal of the Russian army.

The Poroshenko plan was rejected by the Parliament of the Republic of Moldova, commenting that the plan has to be supplemented with provisions on democratization, decriminalization and demilitarization of Transnistria, involvement of OSCE peacekeeping forces.

After the Belkovski plan, on a range of occasions the president of the Republic of Moldova has called the European Union to play a more important role in settlement of the Transnistrian conflict, launching the idea of a stability and security pact for Moldova in June 2004, which would be guaranteed by the parties involved in conflict settlement negotiations together with the EU, USA and Romania, it being endorsed by the 2005 newly elected Parliament. In July 2005 the Parliament in Chisinau approves an organic law containing (for the first time since 1992) principles for settlement of the Transnistrian conflict. These principles are first of all inspired from the proposals of the civil society made public in 2004 and are based on the “3D” principle: democratization, demilitarization and decriminalization. This development is the most important until now, considering that it moves the stage of the play from the CIS to the European security and democracy space, considering the EU Action Plan in the frames of the European Neighborhood Policy that envisages assistance from the behalf of the European Union in this sense.

For the first time, Transnistria is clearly defined by the Moldovan authorities as a special autonomy entity inalienable from Moldova, the special statute of which will be negotiated after democratically elected structures will be established in the region and Russian Federation will withdraw its military troops and arsenal. It is also provided for Transnistria to have the right to conduct its own foreign economic and humanitarian affairs. Chisinau no longer perceives Transnistria as a Russofon (of Russian ethnicity), considering that the majority of inhabitants is formed of those who speak “Moldovan” (which is the same language as Romanian, but is currently named Moldovan in the Constitution of the Republic of Moldova), followed by Ukrainian, and only afterwards followed by Russian speakers. The law makes no reference to mediators, peacekeeping troops, or formats of negotiations. Besides, so far this is the only action from the behalf of the official Republic of Moldova that presents a more coherent approach in the design of a path for conflict settlement, and which is aligned with the attitude the European Union has taken in the EU-Republic of Moldova Action Plan.

### **Europeanization of the Transnistrian conflict**

The treaty defining Moldova's cooperation between with the EU after becoming an independent state was the Partnership and Cooperation Agreement (PCA) which, although signed in

November 1994, came into force only in July 1998, replacing the Trade and Cooperation Agreement the European Community had in place with the Soviet Union. The PCA defined a new model of neighborly relations with Moldova, as part of which the Community was assisting it mainly supporting democratic and market reforms. The PCA also defined the mutual relations as political dialog founded on democratic values and introduced procedures of political dialog between the parties, set out the general terms of trade exchange and investments, defined the legal framework of economic, financial, legal, social and cultural co-operation, and the ways in which the EU should support the development of democracy and a free market in Moldova<sup>7</sup>.

Inspired by approval of the Partnership and Cooperation Agreement, the 1999–2002 government plan of activities entitled “Supremacy of Law, Economic Recovery and European Integration” clearly articulated the pro-European orientation in Moldova’s policy, the Stability Pact for South Eastern Europe being seen as a good way to gradually integrate with the European Union at that time. This determination though lasted for a half a year, when the government was replaced with one of communist coalition. The program developed by the previous government lost even more significance when the communists obtained the majority in parliamentary elections, with a governing program committing to join the Russia-Belarus Union and questioning the pro-European aspirations of the country. Still, the success registered prior to the February 2001 elections could not be totally undone, and Moldova was the first former soviet country to join the Stability Pact for South Eastern Europe, being included in the assistance programs supporting the Balkan Peninsula countries, Moldovan politicians viewing their acceptance as part of this grouping as a way of jumping the EU queue through the Stabilization and Association process, which offers its members the long-term prospect of EU accession. The communists, which have been in power since 2001, have gradually eased on their pro-Russian aspirations, and have taken more concrete steps towards the pro-European orientation. There is strong political will in Moldova to engage in the European integration process. At the moment, the “European aspiration” is the only issue which has a consensus among all Moldovan political forces, and public opinion polls show broad endorsement of the EU. The Moldovan government has declared EU accession the country’s main strategic objective and is taking concrete steps in this sense.

For the EU, however, Moldova has always been placed firmly in the basket of the westernmost former Soviet Union states: Ukraine, Belarus, Moldova and, depending on context, Russia, and the EU is unlikely to want to change this arrangement. At least the proposal of developing an EU CFSP common strategy with regard to three countries – Belarus, Moldova and Ukraine – and to offer them a “special neighbors” status after the enlargement of the EU, put forward in spring 2002, could help to clarify into which category of countries the European Union puts Moldova.

Relations with Moldova have not been the subject of any Common Foreign Security Policy. Although the frozen domestic conflict with regard to the status of the Transnistrian region within the Moldovan state is an issue for the Common Security Policy, the EU has never sought any direct involvement into the conflict resolution, especially since the OSCE has been involved in the area since the early 1990s. Brussels, therefore, has reduced itself to including the issue of the conflict in Moldova on the agenda of political consultations with Moscow, and to supporting the OSCE engagement. Thus the development and the implementation of the EU’s policy towards Moldova has been predominantly the domain of the European Commission<sup>8</sup>.

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<sup>7</sup> Jacek Wróbel. *The European Union and Moldova*. Center for European Studies, Warsaw, March 2004

<sup>8</sup> Andrei Zagorski, “EU Policies Towards Russia, Ukraine, Moldova and Belarus” European Union Security Institute, Occasional Papers Series. Paris, 2003

The EU policy towards Moldova may be a good example of both confusion and significant progress at the same time. The country has never been the focus of Brussels and has often been neglected. The EU's involvement in diplomatic efforts to solve the Transnistrian conflict has come about gradually, first by invitation and then later by its own initiatives. The EU was invited to be an observer providing expert advice in the Joint Constitutional Commission, a body established following a proposal by President Voronin in February 2003. This was the first time the EU participated officially in efforts to find a solution to the Transnistrian conflict. A possible post-conflict European security and defence policy operation in Transnistria was discussed by the EU's Political and Security Committee on several occasions during 2003. Proposals were developed at the EU Institute for Security Studies in Paris in May 2003 and by the Dutch OSCE chairmanship in July 2003<sup>9</sup>. The latter called for an EU-led "peace consolidation force", in which no country would have more than 50% of the peacekeepers. The most dramatic instance of EU involvement was the intervention by EU High Representative Solana in late November 2003 advising President Voronin not to accept the Kozak memorandum, a plan for a constitutional settlement proposed by Russia<sup>10</sup>.

Aiming at a better coordination of actions and directions of action conducted by the Union, considering a proposal made by the British foreign minister for a coordinated "new neighborhood policy" in the post-enlargement context, the European Commission came with a proposal for introduction of Neighborhood Programmes covering the external borders of the enlarged Union, being prepared jointly by relevant stakeholders on both sides of the border. The Wider Europe Strategy (WES) was confirmed by the Council of the EU in June 2003 on the basis of the Communication from the European Commission "Wider Europe – Neighborhood: A New Framework for Relations with our Eastern and Southern Neighbors". What the new strategy meant in practice was granting chances for reinforced economic integration with the EU market, for enhanced political dialog, wider application of the visa-free regime, close cooperation on prevention of conflicts and crisis, on judicial, domestic policy and legal assistance, on trans-border and regional cooperation, transport, energy, telecommunications networks, culture, research area, education and environmental protection.

The European Neighborhood Policy is designed to share the benefits of the 2004 and expected 2007 enlargements with the neighboring countries in strengthening stability, security and well-being, to prevent new dividing lines between the enlarged EU and its neighbors, and to offer the later the chance to participate in various EU activities through greater political, security, economic and cultural cooperation. The European Neighborhood Policy's vision involves a range of countries, sharing the EU's fundamental values and objectives, drawn into an increasingly close relationship, going beyond co-operation to involve a significant measure of economic and political integration. A set of priorities were defined, and are included in jointly agreed upon Action Plans, covering key areas for specific action: political dialog and reform, trade and measures preparing the neighboring countries for obtaining a stake in the EU's internal market, justice and home affairs, energy, transport, information society, environment and research and innovation, and social policy and people-to-people contacts<sup>11</sup>.

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<sup>9</sup> Dov Lynch, *Russia Faces Europe*, Chaillot Paper No. 60, EU Institute for Security Studies, Paris, May 2003 and the OSCE "Food for Thought" (unpublished paper), July 2003.

<sup>10</sup> Marius Vahl, *The Europeanisation of the Transnistrian Conflict*, Centre for European Policy Studies, CEPS Policy Brief No. 73/May 2005.

<sup>11</sup> Communication from the Commission. *European Neighborhood Policy. Strategy Paper*. 12 May, 2004, Brussels.

According to the European Neighborhood Policy, the privileged relationship with neighbors builds upon mutual commitment to common values, specifically within the fields of the rule of law, good governance, respect for human rights, including minority rights, the promotion of good neighborly relations, and the principles of market economy and sustainable development. Commitments are also being sought in regard to certain essential aspects of the EU's external action, including, in particular, the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution. The common principles laying the grounds for the Action Plans of different countries are differentiated though, reflecting the existing state of relations with each country, its needs and capacities, as well as common interests.

The Commission has made a detailed analysis of the elements which could be included in the European Neighborhood Policy (ENP), both with respect to substance and procedure, in order to work out together Actions Plans with a number of countries in Eastern Europe and the Mediterranean region. The Action Plans related to enhanced political co-operation and the Common Foreign and Security Policy have been worked on and agreed jointly by the services of the Commission and the High Representative. The Commission has held exploratory talks with partners in Eastern Europe and the Southern Mediterranean, which have Partnership and Cooperation Agreements or Association Agreements in force, these having confirmed their interest in ENP and ascertained their views on the priorities to be addressed in Action Plans. The intention is progressively to extend the process to other countries, which are at present within the scope of this initiative, as their agreements advance from the signature to the ratification stage. At the same time the Commission has made an evaluation of the situation in these countries, with respect to their political and economic systems and their co-operation with the European Union<sup>12</sup>.

The neighborhood concept makes an important step forward because it adds an actual framework to the relations with the countries involved, being based on gradual partial "integration" that also spreads over non-European neighbor countries of the European Union, but contradicting with the "One Europe" formula, considering the fact that it regards Eastern European countries not as potential candidates for membership that can join the EU on condition of meeting the accession criteria, but as close foreign-policy partners of the Community. Due to this, although providing some useful support and access to certain internal EU schemes, the "wider Europe" concept can be considered in Ukraine and Moldova as a strategy of constraining the integration intentions rather than an effective way of their approaching the European Union. In fact it seems most appropriate to consider the ENP to be the prolongation of the EU policy of "deliberate uncertainty" carried out regarding the CIS European countries<sup>13</sup>.

According to the European Neighborhood Policy, enlargement offers the opportunity for the EU and Moldova to develop an increasingly close relationship, going beyond cooperation, to involve a significant measure of economic integration and a deepening of political cooperation. The European Union – Republic of Moldova Action Plan, which started to be implemented in February of 2005, is determined to make use of this new strategy concept, to enhance their relations and to promote stability, security and well-being. The approach is founded on partnership, joint ownership and differentiation, aiming to contribute to the further development of the partnership. Within the European Neighborhood Policy, the European Union sets ambitious objectives based on commitments to shared values and effective

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<sup>12</sup> Communication from the Commission. *European Neighborhood Policy. Strategy Paper*. 12 May, 2004, Brussels.

<sup>13</sup> Volodymyr Poselsky, *The Frontiers of Europe and the Wider Europe Strategy*. [www.Eurojournal.org](http://www.Eurojournal.org), July 2004

implementation of political, economic and institutional reforms, Moldova being thus invited to enter into intensified political, security, economic and cultural relations with the EU, enhanced cross border co-operation and shared responsibility in conflict prevention and conflict resolution<sup>14</sup>.

The turning point towards a more active role occurred in late 2002. Since then, the EU has stepped up its attention and actions. The EU now raises constantly the Transnistria issue in relations with Russia and Ukraine. The Union has also used an array of CFSP instruments to support the conflict resolution process – these have included appointing a EU Special Representative, introducing a travel ban against the Transnistrian leadership, as well as envisaging common actions under its ENP Action Plans with Moldova and Ukraine on conflict resolution in Transnistria, indicating on “support for a viable solution to the Transnistrian conflict”<sup>15</sup> as one of its key objectives.

This categorical change in the attention the EU pays to the frozen conflict in Moldova has taken place because of a range of reasons. The 2004 enlargement was bringing the EU close to a country destabilized by weak governments, armed conflict and separatism, as well as organized crime<sup>16</sup>, this, in its turn, stimulating development of the neighborhood policy. Developments in the Common Foreign and Security Policy and European Security and Defense Policy were no longer just allowing the EU to look towards the east, but to also act in that regard. With the Balkans in a more or less stable situation, the EU was ready to pay more attention further to the East. Another clear reason for EU stepping in with more specific actions in regard to the Transnistrian conflict was the reason that the negotiations, that were lasting for about ten years at that time, were leading to nowhere. With Russia and the Ukraine as guarantors, both with their own interests in the region, and with OSCE having Russia as member, which was constantly blocking any initiative coming in contrast with its personal interests, the five-party negotiations process was no longer acceptable as it was, the conflict settlement mechanism having become discredited in the eyes of the Moldovan and international community<sup>17</sup>. As a result of this, the UK came with a memorandum on appointment of an EU special representative for the Republic of Moldova, and thus greater involvement of the EU in resolution of the Transnistrian conflict<sup>18</sup>.

In addition, Russia has also failed to withdraw its military troops and arsenal as agreed upon at the OSCE Summit in Istanbul (the agreement was on withdrawal by the end of 2002). A conflict on closing down the only six Latin script using schools from Transnistria in the summer of 2004, and there occurred a direct confrontation between Moldovan police and Transnistrian militia, in which the peacekeeping forces did not interfere. Nor could the Joint Control Commission, composed of Russia, Transnistria and Moldova and the body supervising the security situation, intervene because of a Transnistrian and Russian veto. This in turn provided the Moldovan government with credible arguments to insist on greater EU and US involvement in negotiations. This situation has led to the EU (as well as USA) establishing a travel ban on Transnistrian leaders traveling to EU countries, which was than extend to other officials from

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<sup>14</sup> EU–Moldova Action Plan, 13 December 2004

<sup>15</sup> EU–Moldova Action Plan, 13 December 2004

<sup>16</sup> EU approach on Moldova. Unpublished, 2002.

<sup>17</sup> Nicu Popescu, “*The EU in Moldova – settling conflicts in the neighborhood*”, European Union Security Institute, Occasional Papers Series. Paris, 2005

<sup>18</sup> “*EU Special Representative for Moldova*”. Information from the Committee on European Security of the United Kingdom Parliament, House of Commons, Eleventh Report of Session 2004-2005, Point 12.

the region. A visit of Robert Cooper, Director General for External and Political-Military Affairs of the EU Council was paid to Transnistria in August 2004.

The EU-Russia dialogue on security issues, especially the launch of a road map for a space of common external security in May 2005, start to create a proper basis for cooperation on the conflicts in the former Soviet Union. A key objective of the common space is to “strengthen EU-Russia dialogue on matters of practical co-operation on crisis management in order to prepare the ground for joint initiatives [...] in the settlement of regional conflicts, inter alia in regions adjacent to EU and Russian borders”<sup>19</sup>, this way EU being able to increase its contribution to conflict settlement in Transnistria. The change in the political setting in the Ukraine, after the Orange Revolution, are also enabling the EU to cooperate closer with the Ukraine, including in the Transnistrian matter.

Besides the evident change in the EU attitude towards the Transnistrian matter, one of the greatest changes is that the EU is no longer referring to OSCE in its declarations of need to resolve the conflict. It also realizes the fact that Russia has had many more tools it could use in conflict settlement during these years, and it never did, and that OSCE’s policy in this conflict settlement is no longer functioning, considering the failure of all these years of negotiations that led to nowhere.

Indeed, all of the above mentioned, together with the negotiations over the EU-Moldova Action plan in the frames of the European Neighborhood Policy seem to show that a “a rather coherent plan” is emerging in regard to EU involvement in settlement of the conflict in Moldova<sup>20</sup>. The EU has gradually established itself as a key external actor in diplomatic efforts to resolve the Transnistrian conflict, as well as in a post-conflict settlement. During 2003-2004 it periodically sent diplomatic missions to Moldova, raising the Transnistria problem with Russia and Ukraine and expressing opinions on the conflict resolution process. The most dramatic instance of such diplomatic activism was Javier Solana’s declared lack of EU support to the “Kozak Memorandum” in November 2003, which determined Moldova to reject the Russian plan. While not (yet) a party in the “official” negotiations (holding only observer status at the moment), it has nonetheless become clear that it will be impossible to ignore the views of the EU when developing proposals for a settlement. The EU is attempting to change the underlying economic, social and political structures that have allowed to conflict to remain frozen for more than a decade by upgrading its relations with Chisinau and by measures to prevent smuggling and trafficking. Nomination of EU Special Representative for Moldova in March of 2005 (Dutch Adriaan Jacobovitz) will help strengthening EU’s contribution to the resolution of the Transnistrian conflict, participating to the negotiations rounds, following developments in Moldova and offering EU advice and facilitation and assistance in development of the EU policy towards Moldova and the region, in particular concerning conflict prevention and resolution<sup>21</sup>. The EU special representative appointment was designed to provide for greater EU internal coherence and external visibility. However, the fact that the representative is based in the Hague has reduced his visibility on the ground.

The EU though was not eager to join the discredited and deadlocked formats of negotiations, but has rather decided on building new frameworks of cooperation in which it could bring an added

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<sup>19</sup> *EU-Russia Road Map for the Common Space of External Security*.

<sup>20</sup> Marius Vahl, *The Europeanisation of the Transnistrian Conflict*, Centre for European Policy Studies, CEPS Policy Brief No. 73/May 2005.

<sup>21</sup> “*Appointing a Special Representative of the European Union for Moldova*”. Council Joint Action 2005/265/CFSP of 23 March 2005.

value to the conflict resolution process. This included active diplomacy by the EUSR Moldova and the launch of the EU Border Assistance Mission. In fact the main thrust of conflict settlement efforts in Transnistria have shifted away from the five-sided format towards direct dialogue between the EU and other concerned actors and efforts to increase the transparency of the Moldova-Ukraine border. Since September 2003, Moldova has constantly called for the EU (and the US) to become a full mediator in the conflict. The proposition is supported by Ukraine, and Transnistria has even decreased objections to that the idea in 2005.

The EU-Moldova Action Plan, like all the others concluded in the frames of the ENP, provide for “shared responsibility” in conflict settlement in Transnistria, with respect of the sovereignty and territorial integrity of the Republic of Moldova, specifically providing for constructive participation of Moldova, together with the other party and mediators in the OSCE-led negotiation process aimed at reaching a settlement of the Transnistria conflict, together with EU cooperation in consultations and guarantees. The Plan also provides for the EU to step up its involvement in supporting the OSCE and mediators in this process, assist the efforts of the Joint Constitutional Commission in drafting a new constitution for the “reformed” state, and to prepare engagement in post-settlement scenario, ensuring Russia’s fulfillment of commitments to withdraw its military arsenal, as well as to reinforce the political dialog between EU and Moldova on the Transnistrian. Cooperation between Moldova and the Ukraine in regard to the border question is also to be supported by the EU in the frames of Ukraine-Moldova-European Commission talks.

In this sense, the Border assistance Mission to Moldova and the Ukraine was launched in August 2005, to monitor the border between the two countries, with the support – financial and technical of the EU Commission (not in the frames of the CFSP or ESDP). An EU Commission office has been established in Chisinau in September 2005, and the EU has joined, together with USA, the negotiation process as observers. These actions have been useful, but more is needed if a viable solution to the conflict is to be attained.

### **What can the EU do**

It seems that considerable steps have been taken lately in order to move closer to some kind of resolution of the Transnistrian conflict. But due to the Russian and Transnistrian resistance towards a solution coming not from them, little progress has actually been registered. The civil society in Moldova, in cooperation with experts from the region, has also been taking considerable efforts to come up with proposals for resolution and settlement of the situation. The solutions are mainly concentrated on the “3D” principle as it was initially proposed in 2004 by the a group of NGOs dealing with the problem<sup>22</sup> – demilitarization, decriminalization, democratization

- Demilitarization implies withdrawal of the Russian troops and decommissioning of military plants and disarmament of the Transnistrian military and security forces.
- Decriminalization stands for curbing and suppressing the rampant contraband, arms and human trafficking, other criminal activities.
- Democratization provides for ensuring a free flow of information, freedom of speech; implementing international human rights standards, promote rule of law, create an appropriate environment for free local and national elections<sup>23</sup>.

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<sup>22</sup> Coordinated by the Institute for Public Policy, Moldova: [www.ipp.md](http://www.ipp.md)

<sup>23</sup> [www.foundationmoldova.org](http://www.foundationmoldova.org).

Extensive conferences, meetings and workshops were since then organized to present this concept, at very different levels, including participation of high officials from the country, EU, and USA. Actions that are proposed in the most widely accepted settlement plan for the Transnistria conflict demanded first of all involvement in negotiations under the new “3+1+3” (Russia, Ukraine, Romania plus Moldova plus OSCE, USA, and EU) format and formulation of the Collective Settlement International Agreement, creation of a new Civil Police Force in Transnistria with direct support from the EU, establishment of a Crisis Management Unit to mediate and monitor conflicts and strengthen civil society in the region. The EU is also asked to contribute with creation of a Special Fund for the reconstruction of the region (financial and technical assistance), as well as to extend the EU-Moldova Action Plan to include consolidation of state security and viability guarantees until the opportunity arises to obtain the status of EU associate member. Besides these, it is also asked of the EU to support activities for development of civil, democratic institutions as prerequisites for the economic, political and social reintegration of Transnistria with Moldova. The 3D strategy was very much greeted by the national and international community, but no great actions in this regard were taken.

A more recent study developed by Moldova-Ukraine-Romania expert group<sup>24</sup> suggests that settlement of the Transnistrian conflict must be based on the basic principles of state sovereignty and territorial integrity of the Republic of Moldova and must be sustainable, namely, its effects should not produce a relapse of the conflict. Certainly, the solution must not weaken the Republic of Moldova as a recognized state within its borders, but enhance the cohesion of this state and its ability to solve fundamental problems of society. The plan also states that since the Republic of Moldova is a member of the international democratic community, with a clear option to join the European Union, postponement and/or a prolongation of settlement of the Transnistria problem should not prevent the Republic of Moldova to freely choose options for its security according to its citizens’ best interests, without any outside constraint.

The solution regarding the desired form of local and regional administration, regarding the subsidiary principle, and the designed form of autonomy (local or regional) must take into account the will of the residents of the Eastern bank (Transnistria), freely expressed and qualified, and the form of autonomy should be designed in a coherent way at the level of the whole Republic of Moldova, enforced by the law according to European principles of local autonomy. This should not harm the cohesion of the state, the existence and functioning of the central administration bodies, in the entire territory, internationally recognized.

The same plan also suggests that the Transnistria conflict must be solved within the framework of a European security strategy for the Republic of Moldova, taking into consideration the settlement plan proposed by the Yuschenko administration, as well as the Decision of the Moldovan Parliament from June 2005 (regarding settlement of the Transnistrian conflict, democratization and demilitarization of the region) as well as the Law of the Republic of Moldova “On the Basic Principles of the Special Legal Statute of the Settlements in the Area on the Left Bank of Nistru river (Transnistria)” from July 2005. Considering this, the plan indicates on the fact that no external solution should be imposed to the state of Republic of Moldova against the interests of its citizens and in breach of its sovereignty.

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<sup>24</sup> Trilateral plan for solving the Transnistrian issue, Bucharest – Chisinau – Kyiv January 2006. Ukraine: Institute for Euro-Atlantic Cooperation ([www.ieac.org.ua](http://www.ieac.org.ua)), Romania: Centre for Conflict Prevention and Early Warning ([www.cpc-ew.ro](http://www.cpc-ew.ro)), Moldova: Institute for Public Policy ([www.ipp.md](http://www.ipp.md))

So the matter now lies in making Moldova more Europeanized, which would present an option for reunification. And the EU is to play a major role in helping Moldova politically and economically become more attractive for those in Transnistria, thus acting at three levels: regional, Moldova and Transnistria<sup>25</sup>.

The main objective of EU actions at the regional level must be to break the structures of interests that help sustain the status quo around Transnistria. Altering the external conditions that sustain Transnistria will require actions at the European level, continued EU dialogue with the United States and a coherent EU policy on Russia and Ukraine, particularly on the border question, as well as on the existing conflict resolution mechanisms and the withdrawal of Russian troops.

With the failure of the Constitutional Treaty ratification, the EU needs a stronger Common Foreign and Security Policy (CFSP) in its neighborhood, especially for countries like Moldova and Ukraine whose EU membership aspirations are not likely to be satisfied in the short to medium term. Internal problems in the EU should be compensated with a more active pursuit of the EU's commitment to stability in its neighborhood<sup>26</sup>. Indeed, the fact that Romania is most likely to join the EU in 2007 (or 2008) and the fact that the relations between Romania and the republic of Moldova has revived, coupled with Romania's willingness to support Moldova in its efforts of European integration can significantly contribute to EU's capacity to support conflict resolution in Transnistria and also support wider ENP objectives in Moldova.

At European level, it is important to work for greater coordination on Transnistria on the part of EU member states. The EU is one of the biggest trading partners of Transnistria, which gives it significant influence over the conflict resolution process. This potential must be activated by greater coordination between EU member states. In its dialog with Russia, the EU is to pursue interests as they are stated in the ENP, making "use of its influence with Russia to promote and defend EU interests and to ensure a balanced relationship. [...] The EU should demonstrate its readiness to engage with the NIS on the basis of its own strategic objectives, cooperating with Russia<sup>27</sup>". The EU's primary interest in Transnistria is to settle the conflict, and this through withdrawal of the Russian troops and armament and reform of the current peacekeeping mechanism. Establishment of civil police forces, led by the EU (European Gendarmerie Force - EUGENFOR) is something that EU can contribute with, this way guaranteeing for Russia that no other military forces would be deployed in the region.

Considering the recent political changes in the Ukraine, EU common work with this country in settlement of the Transnistrian conflict should be concentrate on the border control mission, which is currently deployed with EU support, and thus establish the common Moldovan-Ukrainian border posts, to allow Moldova to monitor imports and exports from and to Transnistria. Considering Ukraine's efforts to associate itself with the European Common Foreign and Security Policy, EU has now the levers of requiring from it more actions towards settlement of the Transnistrian conflict, including establishment of the travel ban for Transnistrian authorities that the EU and USA have already done.

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<sup>25</sup> The approach and the structure presented by Nicu Popescu, *EU in Transnistria: From Deadlock to Sustainable Settlement*, published on [www.azi.md](http://www.azi.md) on 14 December, 2005 is followed further on.

<sup>26</sup> Nicu Popescu, *EU in Transnistria: From Deadlock to Sustainable Settlement*, published on [www.azi.md](http://www.azi.md) on 14 December, 2005.

<sup>27</sup> Communication from the Commission to the Council and the European Parliament on relations with Russia, Brussels, 9 February 2004.

The main objective of EU policy towards Moldova should be to help make it attractive for all of its citizens by strengthening its institutions. In the person of the EU special representative, the EU has a channel for undertaking coherent and sustained initiatives on the conflict resolution process. Now the EU is present with a Commission delegation (opened in late 2005) that is responsible for the implementation of the Action Plan.

Although the EU-Moldova Action plan provides a framework for EU-Moldova cooperation, which has been received very positively by the government in Moldova, it still provides very little on actual EU commitment in supporting the country's transformation into a democratic functioning society and settlement of the actual conflict as well. More should be provided in regard to the EU and member states' support for Moldova in the actual implementation of the action plan, and change it from a technical plans into practical actions. A European perspective for Moldova is likely to have effects on Transnistria as well, since it would provoke regular citizens from the region to wish even more for reintegration with Moldova, as they would understand the benefits of being citizens of an integrated state. Direct support from the behalf of the European Union is to come from it establishing the border mission and joining the negotiation process together with USA as observer. The use of ESDP civilian capabilities in Moldova under the guidance of the EU special representative would be crucial in this respect. Deploying a EU police mission in a pre-settlement environment would be innovative, and its aim would be to help create conditions for the settlement of the conflict. The EU should not wait until Transnistria decides to reunite with Moldova.

In regard to Transnistria, the main objectives of EU policy should be to make the situation unattractive for those who benefit from the current situation and to promote the greater openness of Transnistria. With the Ukraine willing to come closer to the EU, Transnistria cannot afford greater isolation and centralization as it lacks resources for self-sustainability and its fundamental source of legitimacy is economic and not ethnic. Supporting the civil society in Transnistria is of considerable importance, requiring little negotiation with secessionist authorities, in the efforts to support pluralism and democracy in the region.

Transnistria's survival as a de facto state is based on its economy. Thus direct economic sanction from the behalf of the EU would be another tool of pressure towards democratization of the region. The travel ban could also be extended to some representatives of business circles that form the "inner circle" of the regime. Economic elites in Transnistria should be convinced that supporting the current regime is too costly. Besides sanctions, trade incentives if provided for businesses in Transnistria can also have a positive effect towards these supporting resolution of the conflict.

Ways of integrating Transnistria into the ENP framework and associating Transnistria with the implementation of the EU-Moldova Action Plan should be explored. The idea of implementing the Action Plan in Transnistria could be put forward by Moldovan and Ukrainian authorities as part of the conflict settlement process. Such a measure would serve the two central objectives: democratizing Transnistria and reuniting Moldova, this, in turn, leading to greater convergence of the actions taken on both sides of Nistru river, in alliance with European standards and requirements.

## **To conclude**

A key objective of the European Union is to have a stable, secure, prosperous and democratic neighborhood. Considering that the European Neighborhood Policy actually sets a temporary break on enlargement, the EU should and can offer its immediate neighbors (that Moldova will become with Romania's accession to the European Community) more Security Policy in the region, thus contributing to conflict resolution.

Settling the conflict requires international effort. The focus of EU policy should be to alter the context in which the conflict is situated and sustained, rather than hoping for an early agreement on the status of Transnistria. The primary objective should be to increase Moldova's "attractiveness" while decreasing the benefits of maintaining the current status quo of the secessionist region. Support towards democratization in the Transnistrian region, in cooperation with the civil society from the region (Moldova, Romania, Ukraine, but in the Transnistrian region as well) would bring considerable shift in the views and preferences of the local population. The Transnistrian separatist project is very much based on false economic arguments for independence. Undermining these claims with a multilateral approach will be central to efforts to reunify the country.

Despite the fact that the ENP Action Plan signed with the Republic of Moldova is called bilateral, the EU basically makes no direct commitments for one or another action. Despite the fact that it seems more like a "to do" list for the Republic of Moldova, in regard to settlement of the Transnistrian conflict the EU has actually taken specific commitments. Actions are already being taken. Signs from the behalf of the EU are coming, but political will and serious commitment towards the negotiations process is a must before any kind of solution model for the conflict can be tested at all. After proving ineffective, the negotiating format and process, as well as the peacekeeping mission need to be reformed and internationalized, and in looking for a solution principles of sovereignty, territorial integrity, self-determination, and human-rights have to be followed. The EU has the tools, the expertise, and now, with its following wave of enlargement – the interest in supporting the crawl towards a sustainable solution for one of the most resolvable conflicts in its neighborhood.

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