



Institute for  
Development and  
Social Initiatives  
"Viitorul"

## MOLDOVA'S FOREIGN POLICY STATEWATCH

Issue 48, November 2012

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# UNSUSTAINABILITY OF NEGOTIATIONS ON TRANSNISTRIAN CONFLICT SETTLEMENT OR WHY SECURITY MATTERS

**T**he official resumption of the activity of the „Permanent conference on political issues in the negotiation process on Transnistrian conflict settlement” in the 5+2 format following the decision in Moscow on 22 September 2011, the Tiraspol administration reformatting and the successive meetings of the Republic of Moldova representatives with the new administration have opened the perspective for the Transnistrian conflict settlement. Formulated in a policy of “small steps” containing only technical sector issues, the negotiations between Chisinau and Tiraspol, and those in the extended format “5 +2” have not brought great changes in the eastern districts of Moldova and are proving to be increasingly inefficient. One year after the launch of negotiations whose agenda was for the time being “liberated” of political and security issues, the officials from the two banks of the Dniester accuse each other of militarization and it is becoming increasingly obvious that in the absence of serious discussions on political issues and the complex security system “small steps” lead nowhere.

## Context

The first decade of the XXI century introduced two major issues on the international agenda and namely the return of the world economy to the sustainable economic growth and articulating a global security architecture both being very timely for the European continent. Thus, the projects of economic integration in a context of austerity are accompanied, in Europe, by re-shaping

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Moldova's Foreign Policy Statewatch represents a series of brief analyses, written by local and foreign experts, dedicated to the most topical subjects related to the foreign policy of Moldova, major developments in the Black Sea Region, cooperation with international organizations and peace building activities in the region. It aims to create a common platform for discussion and to bring together experts, commentators, officials and diplomats who are concerned with the perspectives of European Integration of Moldova. It is also pertaining to offer to Moldova's diplomats and analysts a valuable tribune for debating the most interesting and controversial points of view that could help Moldova to find its path to EU.

the security parameters that involve the U.S., Russia and the European Union and have an impact, by ricochet, on the destiny of the Republic of Moldova. On September 17, 2009 the U.S. president Barack Obama announced the resizing of the American missile shield in Europe - a decision welcomed in the Russian Federation, on 8 April 2010 in Prague was signed the Russian-American nuclear disarmament treaty START (Strategic Arms Reduction Treaty) III providing for a 30% reduction of strategic nuclear arsenals and linking the offensive nuclear capabilities to those defensive and at the NATO Summit in November 2010 it is agreed to create a joint missile defense shield in Europe. During the ceremony of signing the START III, the American president said he was interested in continuing the negotiations with Russia on reducing tactical nuclear weapons as well while the 2011 year was intended to be the year of the Treaty on Conventional Armed Forces in Europe the most important international document that guarantees the withdrawal of Russian troops from the territory of the Republic of Moldova. Without complying with the CFE provisions a document from which it formally withdrew in December 2007, Russia failed to persuade the Euro-Atlantic community on the need to rethink the whole European security that would free it from the commitments made at the OSCE Summit in Istanbul. But what was achieved is the signing of a Russian-German memorandum on 5 June 2010 providing for the establishment of a Russia-EU committee on foreign policy and security matters whose explicit task is gradually reaching the final stage of settling the Transnistrian conflict.

## Small steps...

More than five years after freezing the formal negotiations on the Transnistrian settlement on September 22, 2011 Russia hosts a meeting after which new rounds of negotiations in the "5 +2" format start and (probably) open the way for Moldovan-Transnistrian meetings. After the first two rounds of "negotiations about negotiations" at the third meeting in the "5 +2" format in Vienna, on 17-18 April 2012 was signed a Statement setting out the general principles for the future official negotiations, at which all the parties involved become equal and was established the negotiations process agenda including three main packages: socioeconomic, humanitarian and human rights, security and conflict political settlement issues. The intensification of the direct dialogue between Chisinau and Tiraspol meant regular meetings between the Prime Minister of Moldova and the Transnistrian leader, meetings, mediated by the OSCE, between the head negotiators from both sides Eugen Carpov and Nina Ștanski and also the re-launch of the working groups activity on confidence-building measures between both banks of the Dniester.

A policy of small steps was announced aiming at approaching the two banks of the Dniester, anchored within the two first negotiations packages having as the main argument the need to strengthen the confidence between the two banks by economic and political actions/policies without stifling the process with political and security issues. Thus, what was desired is a (neo) functionalist approach experienced in the European Union when once the integration started on "soft" issues it will involve through the spillover effect political aspects as well. Tiraspol authorities' steps implied the abolition of customs duties for Moldovan products and an agreement to resume freight train movements on the Transnistrian section, agreement prolonged for another year and the opening of the "Transnistrian ether" for two TV channels from the right bank. Henceforth, Tiraspol with the tacit support from Moscow came up with a range of economic claims and raises in a trenchant way the issue of recognizing those institutions which currently operate in a legal vacuum – the Bank of Transnistria, students' diplomas or most cars. Moreover, the Tiraspol authorities claim that there cannot be any opening of the third package as long as these "technical" issues from the first negotiations packages are not resolved.

Meanwhile, the separatist leaders have announced that political independence is the only option for Transnistria (and obsessively repeat this goal) and Russian troops should not be evacuated from the region but supplemented with reinforcements. Also, the Tiraspol authorities declare on any occasion that the region's foreign policy priority is the Euro-Asian integration while all legislation that is adopted confirms this. Transnistria's foreign policy concept elaborated by the alleged Transnistrian Ministry of Foreign Affairs recently sent to the Tiraspol leader Evgheni Șevciuk states that Russia and Ukraine

are a priority in the so-called foreign policy of the separatist region while the Republic of Moldova is only on the third place. Tiraspol authorities prepare a new Tax Code a copy of the Russian one and the Tiraspol leader, after a recent visit to Moscow, assures that he will do everything in his power that Russian military remain in Transnistria. The Republic of Moldova president Nicolae Timofti states to the whole world, during his firm speeches in the UN and PACE that the Russian soldiers stationing in the East of the country is contrary to the international law and neutrality stipulated in the Constitution while the unrecognized president from Tiraspol negotiates at ease in Moscow the consolidation of the Russian military presence.

When in Vienna the negotiators in the 5+2 format agreed the negotiations agenda, Dmitrii Rogozin that had recently been appointed as the Russian president's special representative for Transnistria, stated in Tiraspol that the Russian military contingent in the east of the Republic of Moldova will be rearmed in accordance with the general plan for the modernization of the Russian army that will be implemented until 2020. So the Russian emissary knew that the security and political aspects included in the "agenda plan" in Vienna met with optimism in the Republic of Moldova either will not be discussed until 2020 or will entrench this military presence of the Russian Federation. And indeed in 2012 Russia, without notifying the Chisinau authorities, send to the Security Zone 20 Ural trucks and other types of weapons. The Minister of Defense of the Republic of Moldova, Vitalie Marinuța told us that the Russian Federation introduced diverse types of weapons in the Transnistrian region in the last few months.

Once the Chisinau authorities were informed about the movement of military equipment, understanding the seriousness of the context, the head of Tiraspol Security Vladislav Finaghin responded with a stock answer that became banal in the last two decades that those on the right bank of the Dniester are building a NATO military base in Bulboaca. The accusations tone was supported indirectly by the Russian negotiator Serghei Gubarev by the subtle remark that "if Moldova loses its sovereignty or neutrality, the Russian Federation will return to the issue of Transnistria's right to self-determination" a fact that was interpreted by our press that Russia will recognize Transnistria if Moldova intensifies relations with NATO. In line with these heavy charges Dmitrii Soin announces from Tiraspol the breaking out of a "cold war" between the two banks of the Dniester.

## ... that lead nowhere

Even if they are called small they wish to be steps i.e. by definition they have to lead somewhere. The problem is that without discussions on security and political issues, in the absence of some documents that would stipulate explicitly the organizational political formula of the future integrated state, which would contain complex aspects of security, this policy leads nowhere. As strange as it may seem to many people (who urge us not to touch to the third package of negotiations) the non-inclusion of security and political issues lead to the sterility of negotiations. The evidence is that after a brief productive period, when was resumed the freight trains circulation through the Transnistrian region and the perspective to fully relaunch the circulation of goods and passenger trains was being discussed, the Tiraspol leader reintroduced the customs duties' in the trade with the Republic of Moldova, the sector negotiations between Ștanski and Carpov have no positive results (and they do not have any possibility to be successful) while the recent hostile declarations refer namely to security aspects.

Moreover, without willing this, the Republic of Moldova is drawn into a trap designed by the Russian strategists by which Russia strengthens its positions in the future negotiations it will have with the Euro-Atlantic world on strategic nuclear issues. Russia does not have to negotiate (only) with Germany or the European Union the European security. In fact that the European officials and the head of the IMF call on Russia to contribute financially to save the Euro zone do not recommend this kind of agreements. Russia wishes to negotiate the European security architecture (especially) with the United States of America, the military-strategic arsenal being the only subject that makes Russians comparable to Americans. Thus, while the US withdrew lately from European affairs, Russia strengthens by "small steps" its military presence in the region and it is realizing this thing by mimicking negotiations on the

Transnistrian issue. Nobody believes that NATO would need military bases in the Republic of Moldova especially when Americans install 24 interceptors of the Antimissile Shield in the west of Romania, in the Olt district, namely for not giving the Russians any reasons to be worried. But the militarization of Transnistria is a real fact recognized even by the Russians. The modernization of Russian military troops in the east of the Republic of Moldova would be absolutely suspect in the absence of negotiations but under their cover the Russian generals may tell us jokes about how the Russian Ministry of Defense sent by mistake other types of weapons to the Republic of Moldova. Also in the spirit of confidence-building measures it is required to establish a Consulate of the Russian Federation in Tiraspol and the Minister of Foreign Affairs of Russia gives the official title of "Minister of Foreign Affairs of the Transnistrian Moldovan Republic" to Mrs. Ștanski.

After several months of such negotiations the shortcoming of such an approach becomes obvious and also becomes evident the unwillingness of Tiraspol (and of Moscow as well) to start discussions on the third package of negotiations and namely the political settlement of the conflict and security aspects that inclusively imply the demilitarization of Transnistria. Thus, from Chisinau perspective, Transnistria will definitively solve the problems of traders and unrecognized documents without resorting to mutual concessions, realizing a kind of "latent recognition" of the state and depriving the Republic of Moldova of the advantages inherent in a state recognized on the international arena.

Therefore the negotiations cannot evolve without discussions on security and political issues that would lead to signing a document stipulating in an express way the political formula of the organization of the future integrated state. Sector agreements must respond to a larger security and political commitment defining their purpose and the engagement effect to confirm only the sustainability of such a commitment. It is obvious that there are stringent everyday problems for citizens on both banks of the Dniester that have to be solved maybe more in the Security Zone than in the Transnistrian banking system but they have to be solved within a clearly defined political framework and the "small steps" and sector negotiations (that indeed must take into account the population interests on the both banks of the Dniester) have to be in line with the realization of an integrated, functional and prosperous state, completed by this political framework. As a matter of fact the official title of the 5+2 format is the "Permanent conference on political issues in the negotiation process on Transnistrian conflict settlement" and then it may not be endlessly used only for "technical discussions".

Moreover if Tiraspol or Moscow have concerns about the future status of the Republic of Moldova and its relations with the Euro-Atlantic world then it is especially appropriate to sign a political document stipulating explicitly the neutrality of the integrated state the Republic of Moldova and other extensive aspects of security by which neutrality to be guaranteed by all participants in the 5+2 format and that would remove any disagreements that hinder sector negotiations. Thus, no sector agreement is possible for the Republic of Moldova and the Transnistrian leaders have to understand this thing and to declare the discussions inefficient.

The Republic of Moldova is in the process of ratifying the Free Trade Agreement within the Commonwealth of Independent States (CIS) and is negotiating together with Ukraine a Deep and Comprehensive Free Trade Agreement with the European Union, i.e. the two largest continental markets. Then why would they want to negotiate trade liberalization with Transnistria which the Tiraspol leaders desire (only) as an independent state? The consumer market in Transnistria is not an attractive one for which struggle the world big companies. This market is important for the Republic of Moldova only within an integrated Moldovan state while abolishing Transnistrian customs duties is not a significant concession from Tiraspol when commercial megaprojects are about to arrive in the region. The Republic of Moldova is part of the Bologna process and is negotiating, with 47 states, the recognition of higher education diplomas with a view to establishing the European Space for Higher Education. Why should it recognize the educational diplomas issued in Transnistria that is seen by the Tiraspol leaders as independent? The Republic of Moldova is already part of the European airspace and is negotiating visa liberalization with the European Union so that Moldovan citizens get into their cars and travel freely to Paris, Vienna or elsewhere. What would then be the urgency to negotiate the recognition of the registration plates from Transnistria "led" to independence by the Tiraspol officials? And, probably, the most important aspect, if

the leaders from Tiraspol declare that independence is their only goal and the Euro-Asian integration as well, then why do they care about the relations of the Republic of Moldova (recognized internationally) with the NATO?

## Conclusions

Security always mattered in the negotiations on the Transnistrian conflict, at least because of the fact that namely security reasons of the Russian Federation fueled secessionism and the „thinking break” taken lately by Chisinau is determined by security rationale as well but this time that of the republic of Moldova. But the break does not mean giving up negotiations in the 5+2 format of between Chisinau and Tiraspol; this tense moment has to lead to formulating a clear political position of the Republic of Moldova regarding the issue of the definite settlement of the Transnistrian conflict and also the sector activities will be included in this megaproject to create an integral and functional state. This has to imply further involvement of the Republic of Moldova development partners and their persuasion to guarantee together with Russia the neutrality and territorial integrity of the Moldovan state.

Meanwhile, the Republic of Moldova is obliged to advance on the European course by means of a complex dialog with the European Union and the related reforms to be felt by citizens. It is also necessary to maintain good relations with the Americans partners that will probably become more active in the European security issues after the end of the electoral cycle because beyond the advantages of noninvolvement while the antimissile shield is being articulated in Europe, the USA cannot leave the European security to the discretion of Russia especially in such an unstable global context.

Finally if Tiraspol officials assume to host further some modernized Russian troops according to the Russian Weapons program of the Russian Federation the citizens on the left bank of the Dniester have to know (and this is up to the TV channels broadcasting in the Transnistrian region as well) that those that currently lead them build for them a future that would mean an enclave condemned to isolation at least as long as the Ukrainian state will exist, with reduced prospects of traveling and uncertain living conditions. The alleged “independent state” will be called the last military redoubt of Russia in the Southeast of Europe where the job the most in demand on the market will be “permanent military service” in order to defend with dignity Russia’s strategic interests in the area and get \$10 added to the pension or cheaper gas. Could such a future please young generations in the Transnistrian region who are said to be educated with the sense of statehood so that any leader in Tiraspol prescribe them such a future? The Republic of Moldova is not yet necessarily a role model but apart from the “burden of transition” it is a state recognized by the international community and with serious prospects to be part of a unique process of continental integration. Beyond the hardships of the Moldovan politics, however, the Chisinau government has enough knowledge not to engage the Republic of Moldova militarily and to negotiate with the European Union a serious modernization project that would ensure a prosperous European future for the citizens on the right bank.



This publication was produced by IDIS “Viitorul” with the financial support of Soros Foundation Moldova. The opinions expressed in this publication reflect the author’s/authors’ position and don’t necessary represent the views of the donors.