

# BULLETIN

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### FROM BRATISLAVA TO BRATISLAVA – THE REGULATION PROCESS OF THE TRANSNISTRIAN CONFLICT IS SLIDING BACK TO YEARS 2002-2003

Ion Tăbârță

The accession to the government of PSRM, a political party with strong pro-Russian tendencies and which has openly stated more than once in the past that it is in the favor of achieving the settlement of the Transnistrian conflict through the federalization of the Republic of Moldova, has increased Russia's influence in the political processes taking place in Chisinau. At the same time, the PSRM government, concentrated around President Igor Dodon, generated suppositions that in the near future we could expect the signing of a document which would regulate the Transnistrian conflict. These assumptions were fueled by the failed attempts to sign the Protocol of in the “5+2” format reunion on October 9-10, 2019 in Bratislava, and at the 8th Conference on strengthening the confidence in the Transnistrian conflict settlement process which took place in Munich on November 4-5, 2019. The belief the public space it was that the draft protocol could lead to the de fact federalization of the Republic of Moldova. The rumor in the political backstage was that the protocol was blocked by former Deputy Prime Minister for Reintegration, Vasile Șova, but also by the uncompromising position of not accepting this protocol and which was assumed by the former Prime Minister of the government, Maia Sandu.

**The Bratislava protocol project.** The new Deputy Prime Minister for Reintegration, Alexandru Flenchea, announced that Chisinau and Tiraspol could sign the draft protocol developed at the “5+2” negotiation format gathering for the Transnistrian settlement, which took place in Bratislava on October 9-10, 2019. The Moldovan official said that at that meeting, Chisinau and Tiraspol agreed with all the provisions of the draft protocol, with the exception of a single article setting the priorities in the immediate dialogue between the two parties.

These priorities, proposed by Chisinau, are four in number. They refer to the freedom of movement in the security area, the human rights issues; ensuring schools with teaching in Latin spelling, and facilitating trade between the two banks of the Nistru River. Tiraspol did not agree with these priorities. The deputy prime minister also announced that the situation was unblocked by the OSCE Slovak Presidency, which proposed a compromise document, to be signed in the “5+2” format. The protocol could be signed before or after the OSCE Ministerial Council meeting in Bratislava on December 5-6, 2019.

The provisions of the protocol referred to by the Deputy Prime Minister for Reintegration are stipulated in point 12 of the draft document. Indeed, between Chisinau and Tiraspol there exist disagreements on this point of the draft protocol. The Transnistrian party, in no way, wants to accept in the text of the document the “tax harmonization” phrase, insisting on the usage of the “bank accounts and trade” formula. Meanwhile, the disagreements caused by point 12 of the draft protocol are somewhat hiding the importance of provisions of the 13th point of the document, which contains hidden elements for a future de facto federalization of the Republic of Moldova.

Specifically, point 13 mentions the Protocol signed, by the intermediaries which are said to be engaged in the regulation of the Transnistrian settlement (Russia, Ukraine and OSCE), at the 19-20 February 2002 meeting in Bratislava, as the document that established the way in which the meetings between the parties focused on solving political problems had to be conducted. In other words, in Bratislava, in 2002, it was established, in concrete parameters, the negotiation mechanism regarding the elaboration of the final document of the political settlement of the Transnistrian conflict.

***Negotiation of the federalization of the Republic of Moldova.*** The years 2002-2003 are known in the history of the settlement of the Transnistrian dispute as the period in which the emphasis in the attempts to settle the Transnistrian conflict was put on the need to achieve the of the Republic of Moldova. The Bratislava Protocol of 2002 helped to unblock the negotiation process, interrupted in the summer of 2001, and served as the legal basis for the final draft documents proposed to Chisinau and Tiraspol by those who assumed the role of the intermediaries in the settlement Transnistrian conflict.

As a result, the parties were sent by the mediators, on July 2, in Kyiv, a non-paper of the working document on the final settlement of the Transnistrian conflict. This project contained 42 articles and article 1 of the non-paper stipulated that the Republic of Moldova is to be a federative state. In the document, there were some ambiguities regarding the federative organization of the Republic of Moldova. Article 11 of the document provided that the territorial organization of the Republic of Moldova includes territorial-administrative formations, but did not specify how many subjects the future federation had to be composed of.

Chisinau and Tiraspol had different interpretations of Article 1 of the basic document submitted by intermediaries on July 2, 2002 in Kyiv. The Transnistrian party insisted that the basic document should provide for the two countries – the Republic of Moldova and Transnistria – to build their relations within the common state, based on the principles of the associated members, and that the form of organization of the common state should be that of a confederation. In addition, Tiraspol insisted on the fulfillment of all the agreements previously signed in the negotiation process. Chisinau did not agree with such an approach, wanting a federative organization in which to which Tiraspol would be subordinated to it administratively. Despite these differences, the parties continued the process of negotiations on the establishment of the future federation based on the Kyiv non-paper Kyiv of July 2, 2002.

On February 12, 2003, the President of the Republic of Moldova, Vladimir Voronin, came with the initiative to create a joint Moldo-Transnistrian commission for the parties to jointly elaborate the constitution of the future federative state. Both the Transnistrian side and the intermediaries of the Transnistrian settlement accepted the proposal. It was expected that for a month the numerical composition of the joint commission would be finalized, and that six more months since then it would elaborate the draft constitution of the federal state. Not later than February 1, 2004, the draft constitution was to be voted on by a popular referendum, and by February 25, 2005, the parties were obliged to hold elections to set up the federal institutions in accordance with the provisions of the new state constitution.

The activity of the Joint Constitutional Commission was formal, without concrete results, due to the differences between the vision of the two parties regarding the future federation. Given the lack of progress in the dialogue between Chisinau and Tiraspol, the Republic of Moldova preferred to hold direct negotiations with Russia in order to solve the Transnistrian problem. Consequently, in a very short period of time, a Russian plan for the settlement of the Transnistrian conflict – the Kozak memorandum – was drafted. This project for the settlement of the Transnistrian conflict was to transform the Republic of Moldova into an asymmetrical federation under the name of the Federative Republic of Moldova. The Kozak memorandum contained several stipulations that undermined the sovereignty of the Republic of Moldova. The main danger was that in accordance with articles 9 and 10 of the draft document, the two autonomous subjects – the moldovan nistean republic and the territorial-autonomous Gagauz formation – were going to obtain the instruments to block any decision-making action of the central authorities in Chisinau.

Although initially, Voronin agreed to sign this draft document, ultimately, under popular pressure, but also due to the manifested reluctance of Western states and institutions, he refused to sign the Kozak memorandum. The rejection in November 2003 of the Kozak memorandum by the Republic of Moldova practically meant the end of the negotiations concerning the status of the Transnistrian region within the composition of the Republic of Moldova for an indefinite period. At the same time, Chisinau gave up the federative model or that of the common state in order to integrate the Transnistrian region in the composition of the Republic of Moldova.

***Going back to the (camouflaged) federalization of the Republic of Moldova.*** Returning to the draft protocol signed in Bratislava, the content of point 13 of the document fits logically into the reasonable suspicions that, within the process of the settlement of the Transnistrian conflict, the Republic of Moldova is being led into a trap (already consciously accepted by the new government in Chisinau). The geopolitical stake for the Russian Federation in the Republic of Moldova is to achieve the signing of a document for the settlement of the Transnistrian conflict, regardless of whether the Republic of Moldova will be called a federation or whether the Transnistrian region will have “only” special status. Through this document, Moscow aims to gain control over political decisions taken in Chisinau, and consequently, to increase its geopolitical influence throughout the region.