

The Transnistrian Conflict: 30 Years Searching for a Settlement

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Executive Summary

For international diplomacy, European geopolitics and the academic study of protracted conflicts, the 30-year confrontation between the government of the former-Soviet republic, Moldova, and the separatist pseudo-state supported by Moscow has become a familiar if not archetypical case.

This report outlines the genesis of the Transnistrian conflict, focusing on public perceptions inside and outside Moldova and on a settlement process that so far has brought no substantial results. The lack of a solution to the Transnistria issue poses wider questions about the usefulness of existing conflict resolution formats and processes.

The approaches to resolving the conflict have created a misleading impression that the issue is purely internal to Moldova, with Russia playing the role of impartial mediator and provider of peacekeeping forces. They also focus on local confidence-building measures rather than wider geopolitical challenges, such as the unwanted Russian military presence on the territory of the Republic of Moldova.

The Moldovan experience indicates that a sustainable solution to such conflicts, based on respect for international law and Organization for Security and Co-operation in Europe principles and commitments, is impossible without a greater emphasis on the accountability of Russia.

Applying instruments intended for domestic and civil conflict resolution to what are interstate conflicts is misleading and risks prolonging such conflicts and making them more difficult rather than easier to resolve. The key to solving the conflict in line with international law and OSCE principles lies in Moscow and less in Chişinău or Tiraspol.

Although once regarded as the easiest secessionist dispute to settle in the post-Soviet space, the Transnistrian conflict is still unresolved. Following the break-up of the Soviet Union, the conflict was based on political-economic and military rather than ethnic or religious factors.¹ Large-scale violence including a Russian armed intervention in 1992 left the newly independent Republic of Moldova with deep wounds of which the inability constitutionally to control all of its territory was and is just one.

Background

The Transnistrian region is a breakaway region that comprises 12% of Moldova's territory, mainly on the eastern shores or the "left bank" of the Nistru River. It is home to 10% of Moldova's population, or approximately 350,000 people, in three similarly sized ethnic groups: Moldovans, Russians and Ukrainians.² All three groups are mainly Russian-language speakers. Thus, the region was and is subject and accessible to Moscow's foreign policy ambitions and its so-called compatriots' policies. At present, the officially accepted terms for the two parties to the conflict are the Republic of Moldova's constitutional authorities (the "right bank"), on one side, and the Transnistrian region represented by its local leaders (the "left bank"), on the other. Following meetings of the Helsinki Committee of Senior Officials (CSO) and the Commonwealth of Independent States (CIS), an Agreement between Moldova and Russia on the principles for a peaceful settlement of the armed conflict in Transnistria was signed in Russia on 21 July 1992. The document comprises eight chapters on, among other things, an immediate end to armed hostilities and a future settlement.³ The 1992 ceasefire agreement was justified at the time by the fact that it was ending the bloodshed. Over the years, however, it has become the subject of increasing criticism, mostly due to the lack of fulfilment in good faith. The most important principles in the agreement are:

1. A total ceasefire and the establishment of a demilitarized Security Zone.
2. A tripartite Joint Control Commission (JCC) with a mandate to coordinate the operational activities of a peacekeeping mission under a Trilateral Joint Military Command. The peacekeeping mission initially comprised five Russian, three Moldovan and two Transnistrian battalions but, under the 1998 Odessa Agreement, the number of peacekeepers was decreased to 500 soldiers for each of the three sides.⁴
3. A prohibition on sanctions and blockades, as well as any impediments that might restrict the movement of people, goods and services.

¹ Alin Gvidiani, *Culegere de articole pe problematica transnistria (2016-2020)* (Chisinau: n. p., 2020), 128.

² *Ibid.*

³ "Soglashenie o printsipakh mirnogo uregulirovaniia vooruzhennogo konflikta v Pridnestrovskom regione Respubliki Moldova", *Pravitel'stvo Respubliki Moldova*, 21 July 1992, https://gov.md/sites/default/files/1992-07-21-ru-moscow-agr_on_principles_of_peaceful_settlem.pdf

⁴ "Agreement on Confidence Measures and Development of Contacts between Republic of Moldova and Transdniestria", OSCE, 20 March 1998, <https://www.osce.org/files/f/documents/6/d/42310.pdf>.

4. A commitment by the contingents of Russia's 14th Army stationed on the territory of Moldova to observe neutrality while questions regarding their status and withdrawal were discussed by Moldova and Russia.

Central issues, such as the stationing of the Russian military contingent in Moldova, obstacles to the movement of people, goods and services, violations of the Security Zone and the legal status of the Transnistrian region remain matters of ongoing negotiation.

Impediments to Conflict Resolution

The disputed status of the Transnistrian region, Russia's ambiguous role in the settlement process and its general geopolitical interests in Eastern Europe have constricted attempts at conflict resolution and progressing the regional security agenda. For the past 30 years, Moldova's approach to domestic reintegration and the conflict resolution efforts of foreign actors have shaped negotiations and the evolution of the status quo. The Russian Federation's assertive foreign policy on Moldova, its assistance provided to the separatists, and its periodic embargoes of Moldovan goods have received only irregular attention from the European Union (EU) and United States on the negotiation process and confidence-building projects.

Moldova's changing domestic political context has also prevented the formulation of a widely supported national reintegration policy. The conflict in Georgia in August 2008 and the annexation of Crimea in March 2014, as well as the continuing fighting in Ukraine's Donbas each placed the Transnistrian conflict in a new light. In particular, the Russian military contingent still stationed in the Transnistrian region without the consent of the government in Chişinău has acquired a new importance since 2014.

In the early 1990s, the idea that it would be easy to achieve a settlement to the conflict rested on the widespread assumption that it was a secessionist struggle with domestic political roots. Today, the nature of the conflict is more contested and generates heated discussion in Moldova. The conflict has been referred to as a civil or elite conflict, as an interstate confrontation initiated by Russian aggression, and even as an entirely artificial issue resulting from malign Russian influence. This internal debate about how to interpret the conflict touches on two factors that could pave the way for a settlement. First, the debate raises the issue of an effective reintegration policy that considers the costs of reunification, both financial and political. In addition, the debate also illustrates the need to formulate a nationwide reconciliation strategy that would counteract the disinformation and false narratives that feed the conflict.

The Transnistrian conflict is often said to be driven by disinformation promoted by the leaders of the secessionist movement.⁵ Their narratives allege suppression of the Russian language and the threats of a unification between Moldova and Romania, and Chişinău's pro-Western orientation. These are cited as the main reasons for Transnistria's call for self-determination in 1992. The

⁵ "Transdnestrian Conflict: Origins and Main Issues", OSCE, n.d., <https://www.osce.org/files/f/documents/4/3/42308.pdf>.

allegedly imminent imposition of the Romanian language and annexation of Moldova by Romania are key themes of the secessionist discourse.

On 31 August 1989, the Romanian language, with its Latin alphabet, was made Moldova's official language. This change was embraced by the majority of the Moldovan population as a symbol of national recovery and independence. As an act of national emancipation, however, it was criticized by large sections of the Russian speaking minorities, mainly by ethnic Russians and Ukrainians, even though Russian remained a language of inter-ethnic communication.

For 30 years, Chişinău's allegedly misconceived Western orientation has been a narrative constantly used by separatist and pro-Russian forces to generate division across the banks of the Nistru River. Media outlets in the Transnistrian region depict the Republic of Moldova as an aggressor and a "neighbouring country" with plans to unite with Romania, join the North Atlantic Treaty Organization (NATO), renounce Christian and Orthodox family values, and exterminate Russian-language speakers.⁶ Nonetheless, the most important export market for the separatist region is the West. According to data provided by the region's de facto customs authority, the EU's share of the Transnistrian region's exports in the first half of 2021 was 37.8% (\$150.6 million) compared to a 9% share for the Russian Federation (\$35.5 million). Romania and Poland account for 70% of the EU's share of the Transnistrian region's exports, at \$47.13 million and \$59 million USD respectively.⁷

Transnistria's international competitiveness is largely based on huge Russian gas subsidies. The separatists do not pay a market rate for imported Siberian natural gas and have accumulated a debt to Gazprom of approximately \$7.5 billion. This debt is officially due to be paid by the Republic of Moldova but is not recognized by the Moldovan constitutional authorities, which have no control over Transnistria's gas imports.⁸ Through this scheme, which has been in place since the 1990s, the Russian Federation holds Moldova hostage and heavily subsidizes the Transnistrian region.

In 2021, 95% of the Transnistrian region's exports to Romania and Poland were of metal and metal products from the Rîbniţa metallurgical factory known by the acronym MMZ. This industrial enterprise benefits from the heavily subsidized gas and is under the control of Russian capital. The Russian gas subsidy stimulates political corruption on both banks of the Nistru River. It finances separatism and, indirectly, the entire region's insecurity.

The local authorities in the Transnistrian region and the autonomous territorial unit of Gagauzia in southern Moldova favour the continuation of Soviet traditions and an orientation towards Russia. Unofficial referendums were conducted in the two regions to ask the local populations about their foreign policy preferences. On 17 September 2006, residents in the Transnistrian region were asked to choose between Transnistria joining Moldova or becoming independent as part of the Russian Federation. According to data provided by the local separatist authorities, 97.2% of the residents voted for Transnistria's independence and unification with the Russian Federation. These

⁶ Victoria Roşa, "Disinformation Muddles Transnistrian Conflict Resolution", *Institute for War and Peace Reporting*, 26 August 2020, <https://iwpr.net/global-voices/disinformation-muddles-transnistrian-conflict-resolution>.

⁷ "Rusia salvatoare? Economia transnistreană supravieţuieşte datorită UE și Moldovei", *Mold Street*, 22 July 2021, <https://www.mold-street.com/?go=news&n=12391>.

⁸ Sergiu Tofilat and Victor Parlicov, "Russian Gas and the Financing of Separatism in Moldova", *Free Russia*, 14 August 2020, <https://www.4freerussia.org/russian-gas-and-the-financing-of-separatism-in-moldova/>.

results were not recognized by Moldova's constitutional authorities.⁹ The referendum was called as a result of the Transnistrian leaders' opposition to customs regulations introduced by Chişinău aimed at reducing corruption and smuggling, and resentment concerning travel restrictions within the Schengen area imposed by the EU after separatist leaders repeatedly sabotaged the negotiation process.

From Violent to Protracted Conflict

Before the conclusion of the ceasefire agreement in the summer of 1992, the Transnistrian secessionists had been backed by irregular Cossack units from Russia, by the 14th Soviet and then Russian Army and by volunteer fighters from other parts of the Soviet Union. This escalated existing domestic tensions into a full-scale war.¹⁰ The 1992 fighting resulted in 1,132 deaths, including 310 civilians, and more than 3,500 people were wounded. Around 130,000 people were internally displaced while approximately 70,000 refugees from the war region sought refuge in Russia, Ukraine and Belarus.¹¹ Chişinău lost control over Transnistrian territory. No large-scale violence has occurred since the ceasefire.

The now almost 30-year negotiation process has brought few results. The mediation agenda comprises three "baskets": socio-economic issues, legal, humanitarian and human rights issues, and political and security issues. The third basket envisages a comprehensive settlement of the conflict that includes a definition of the future political status of the Transnistrian region within the Republic of Moldova and the withdrawal of Russian troops and ammunition from the territory, but little has been achieved so far.

Today, the negotiations between the respective capitals, Chişinău and Tiraspol, are organized within two frameworks. First, there is a 1+1 format between Moldova's government and the secession's leaders. This format has 11 thematic working groups and 3 subgroups. Until 2002, there was also a 3+2 format in which the Organization for Security and Co-operation in Europe (OSCE), Russia and Ukraine acted as mediators. As a result of the 2005 "Odessa Protocol", this format was upgraded to the current 5+2 format, in which the United States and the EU act as observers.¹²

The strategy of the negotiations involves seeking small steps, which mainly means resolution of socio-economic problems and confidence-building measures. This approach has been taken to prepare the ground for a later comprehensive settlement of the conflict that would include an end of the Russian military presence. Even though it had brought about little movement, the small-steps tactic was reinforced as a result of negotiations in Berlin in 2016, following a two-year break in

⁹ Dumitru Minzarari, "The Gagauz Referendum in Moldova: A Russian Political Weapon?", *Eurasia Daily Monitor*, 5 February 2014, <https://jamestown.org/program/the-gagauz-referendum-in-moldova-a-russian-political-weapon/>.

¹⁰ "Case of Ilascu & Others v. Moldova & Russia (Application no. 48787/99)", *European Court of Human Rights*, Strasbourg: 8 July 2004, http://www.rulac.org/assets/downloads/Ilascu_v_Moldova_and_Russia.pdf.

¹¹ Elena Gorelova and Galina Selari, *Costurile Conflictului transnistrean și beneficiile soluționării lui* (Chişinău: CISR, 2009), <http://www.cisr-md.org/pdf/Report%20ROM%20Master%20Draft%20vEG.pdf>.

¹² "On the meeting of mediators from Ukraine, the Russian Federation, and the OSCE with the representatives of the Republic of Moldova and Transdnistria", OSCE, n.d., <https://www.osce.org/files/f/documents/7/9/16558.pdf>.

official contacts between the conflict parties. To prepare a resolution of political and security issues, under Germany's Chairmanship of the OSCE in 2016, it was agreed that Chişinău and Tiraspol would engage in direct talks to overcome a series of technical issues.¹³ The reasoning was that achieving some tangible benefits for the people on both banks of the Nistru River would increase trust between the parties.

The aim of improving the lives of the general population was and remains uncontroversial. Nonetheless, the Berlin Agreement and a supplementary 2017 decision taken under the Austrian Chairmanship of the OSCE, which together have become known as the "Berlin Plus Package", have encountered criticism from Moldovan civil society and the expert community. The Berlin Plus Package's agreements have been criticized for entailing concessions to the separatists and steps back regarding the initial goals of the third basket.¹⁴ Among the concrete issues addressed in the two agreements are:¹⁵

1. Recognition of qualifications awarded in the Transnistrian region;
2. vehicles with number plates issued in Transnistria to be allowed on international roads;
3. cooperation in the area of telecommunications;
4. protocols on cooperation in the area of meteorology and the protection of natural resources in the Nistru River basin;
5. cooperation on law enforcement, including the exchange of updated lists of criminal cases;
6. Latin-script schools in Transnistria to be allowed to operate without hindrance;
7. unrestricted access to agricultural land in the Transnistrian region for citizens of the Republic of Moldova who reside in the territory controlled by the constitutional authorities;¹⁶
8. freedom of movement between the two sides of the river for people, goods and services, and in particular the reopening of the Gura-Bicului Bridge.

As before, the Moldovan constitutional authorities largely stuck to their commitments and passed the legal and administrative documents necessary to implement the agreement. For instance, degrees issued by the Taras Shevchenko University of Tiraspol are now recognized in EU member states.¹⁷ In addition, vehicles from the left bank of the Nistru River can now access the international

¹³ Jakub Pierkowski, "Renewal of Negotiations on Resolving the Transnistria Conflict", *PISM*, 19 December 2017, https://pism.pl/publications/Renewal_of_Negotiations_on_Resolving_the_Transnistria_Conflict.

¹⁴ "Protocol of the official meeting of the permanent conference for political questions in the framework of the negotiating process on the Transnistrian settlement", OSCE, n.d., <https://www.osce.org/files/f/documents/d/f/244656.pdf>.

¹⁵ "Măsurii de consolidare a încrederii: Pachetul 'Berlin-plus'", OSCE, n.d., <https://www.osce.org/ro/mission-to-moldova/392477>.

¹⁶ "Protocol of the official meeting of the permanent conference for political questions in the framework of the negotiating process on the Transnistrian settlement".

¹⁷ "407 diplomas of neutral model have been authenticated within 3 years from the implementation of the Protocol Decision of 25 November 2017", *Guvernul Republicii Moldova*, n.d., <https://gov.md/en/content/407-diplomas-neutral-model-have-been-authenticated-within-3-years-implementation-protocol>.

road network using neutral car number plates issued at two Vehicle Registration Points set up in Rîbnița and Tiraspol.¹⁸

On the other side, Tiraspol is exploiting loopholes in the mechanisms for implementing some technical agreements and has repeatedly postponed fulfilling its parts of the bargain. Transnistrian schools that use Latin script in their teaching face continuing pressure from the local authorities;¹⁹ farmers are denied access to their farmland in the separatist region;²⁰ and new checkpoints along the administrative line and within the Security Zone are frequently set up overnight.²¹

The 1992 Moldovan-Russian “Agreement on the principles of a peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova” already obliged both parties to avoid any impediments leading to restrictions on the movement of people, goods and services. However, Article 5 of the 1992 Agreement is still disregarded by the Transnistrian region’s separatist authorities. Its content continues to be an issue for renegotiation due to the set-up of illegal checkpoints (both mobile and stationary) that prevent free movement.²² Tiraspol’s behaviour increases public frustration on the right bank and creates the impression that Moldova is conceding its position in negotiations.

As a result, the attempts in the Berlin Plus Package to increase trust between the parties and prepare an opening of the third basket, or commence discussions on the political status of the Transnistrian region and the Russian military presence, have been unsuccessful. The negotiations have become trapped by the myopic interests of the Transnistrian region’s leaders backed by Russia. The strategy of “starting with small technical steps to pave the way for a sustainable political settlement” has shown itself to be detrimental to conflict resolution and instead contributed to a strengthening of the Tiraspol regime and the flourishing of corrupt elites.

In retrospect, the 1997 Moscow Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transnistria proved to be the wrong path.²³ With the intention of achieving a quick political settlement of the conflict, it granted the self-proclaimed separatist authorities of the Transnistrian region the status of an equal partner in the negotiations. This fateful move from a quarter of a century ago has inhibited rather than advanced the settlement process.

The resulting lack of sustainable results has over the years proved the shortcomings of the existing negotiating format and strategies. Throughout the entire negotiation process, more than 200 documents have been signed. Instead of bringing the parties closer together, however, most of these documents have created new impediments to a rapprochement and increased resentment

¹⁸ “Law no.170/2018 on the registration of transport means and amendment of some legislative acts (in force since 1 September 2018)”, *Guvernul Republicii Moldova*, n.d., <https://gov.md/en/content/vehicle-registration-points-transnistrian-region-celebrate-two-years-functioning>.

¹⁹ “Freedom in the World 2021, Transnistria”, *Freedom House*, n.d., <https://freedomhouse.org/country/transnistria/freedom-world/2021>.

²⁰ Ilie Gulca, “Farmers from Dubasari district, double victims of Transnistrians and the pandemic”, *Anticoruptie.md*, 25 March 2020, <https://anticoruptie.md/ro/special/fermierii-din-raionul-dubasari-duble-victime-ale-transnistrenilor-si-ale-pandemiei>.

²¹ Dumitru Minzarari, “Moldova’s Degrading Sovereignty Amid Coronavirus Spike”, *The Jamestown Foundation*, 15 July 2020, <https://jamestown.org/program/moldovas-degrading-sovereignty-amid-coronavirus-spike/>.

²² “Soglashenie o printsipakh mirnogo uregulirovaniia vooruzhennogo konflikta v Pridnevstrovskom regione Respubliki Moldova, ot 21 iulija 1992 goda”.

²³ “Moscow Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transdneistria”, *OSCE*, 8 May 1997, <https://www.osce.org/files/f/documents/f/9/42309.pdf>.

on both sides of the Nistru River. The current format of negotiations legitimizes the self-proclaimed separatist authorities in the Transnistrian region, which often furthers the Kremlin's interests rather than those of the local population.

The Role of the International Community

With its specific mandate and institutional limitations, the OSCE, as one of the official mediators, has often ended up legitimizing the Tiraspol regime. The desire of some leading Western OSCE nations to obtain positive results from the conflict's settlement and, to the extent possible, avoid alienating Moscow has more often than not led to new regulations that favour the secessionist regime. Looking back over the past 30 years, obtaining concessions from Chişinău, rather than fostering human rights in the separatist region and making Tiraspol and Moscow accountable for their violation, has de facto been the main subject and outcome of the negotiations.

The role of the EU and the US as observers in the negotiations has been important in so far as the Transnistrian settlement depends to significant degree on the engagement of the great powers. Resolution of the Transnistrian conflict, however, is not a priority of EU or US foreign policy. The topic briefly attracted the interest of the EU as part of Chancellor Angela Merkel's Meseberg Process in 2010–2011. The Transnistria conflict served as a critical test case for Russia when Germany and France were seeking to integrate Russia into a wider European security architecture. However, once the Meseberg Process proved to be leading nowhere, Western interest in Moldova's territorial conflict declined.

Both the EU and the US have instead provided assistance to the Transnistrian region. The EU negotiated a tailored Deep and Comprehensive Free Trade Area (DCFTA) for the region and has been providing financial assistance via its Support to Confidence Building Measures Programme, which aims to increase trust between people on both sides of the Nistru River. Nonetheless, there has been no change in the attitude of the Transnistrian region's separatist leaders following these efforts. In seeking to build confidence, the Western assistance to the region, which lacks any clear medium- to long-term strategy, tackles only insubstantial issues. Such help can even strengthen the secessionist regime and support its lack of accountability.

The Main Positions in the Negotiations

The Moldovan Government is seeking the full reintegration of the breakaway region based on 2005 Law No. 173 on the basic provisions of the special legal status of the localities on the left bank of the Nistru River (Transnistria).²⁴ The end goal expressed in this law is to provide the Transnistrian region with the status of an administrative entity within the Republic of Moldova, with the right to exercise its powers in accordance with and fully respecting the constitution and laws of the Republic of Moldova. This also implies the complete withdrawal of the Russian military, and the

²⁴ "Lege Nr. 173 din 22-07-2005 cu privire la prevederile de bază ale statutului juridic special al localităților din sînga Nistrului (Transnistria)", *Republica Moldova: Parlamentul*, 29 July 2005, https://www.legis.md/cautare/getResults?doc_id=16014&lang=ro.

region's demilitarization and democratization. Restoration of Moldova's territorial integrity and sovereignty, and of the principle of a host nation's consent to the stationing of foreign troops on its territory would restore respect for international law and the key OSCE principles of the Helsinki Final Act and the Paris Charter.

The separatist side, by contrast, is calling for far-reaching independence and the maintenance of a de facto self-functioning Russophone local administrative regime that auto-identifies itself as the Pridnestrovian Moldovan Republic (Приднестровская Молдавская Республика, ПМР). This pseudo-state currently functions independently in isolation from Chişinău, which means that the constitutional authorities of the Republic of Moldova have limited leverage over the region. The Moldovan external borders with the Transnistrian region are controlled with the support of Ukrainian partners, and common border control checkpoints have been set up.

During the decades-long negotiation process, two major resolution plans have been presented to the conflict parties. In November 2003, the Russian Federation put forward the "Kozak Memorandum" named after the Russian negotiator and its presumed author, Dmitrii Kozak, who was then Deputy Head of the Presidential Administration in Russia. His Memorandum foresaw the creation of a "federation" in the Republic of Moldova, a scenario that provided the Transnistrian region with its own state bodies and foresaw a blurred division of competences between the central authorities and the envisaged federal entities. This "asymmetric federation" would have had a Federal Parliament with two chambers—a Senate and House of Representatives. The description of their practical functioning in the adoption of federal laws suggested an absolute right of veto for Transnistria as a "subject of the federation". Among other things, Transnistria's local leaders would have had control over the foreign and security policies of the integrated Moldovan state. This would in practice have meant, for instance, that Moscow would be able to block Moldova's integration with the West, and especially into the EU and NATO. Moreover, although Kozak initially stated that Russia would not employ troops during the conflict resolution process, Russian officials later contradicted him. They spoke instead of a deployment of up to 2000 "peacekeepers" armed with light weapons and helicopters for the period of transition to complete demilitarization.²⁵

Chişinău's last-minute withdrawal from the signing of the Kozak Memorandum led to a freeze in relations between Moldova and Russia. In response, Moscow introduced embargos on imports of Moldovan wine, fruit and vegetables. The aborted adoption of the Memorandum also meant the disgrace of Vladimir Voronin, the communist president of Moldova in 2001–2009, who lost Russia's political support.

The victory of the Orange Revolution in Ukraine and the election of the pro-Western Viktor Yushchenko as President in late 2004 changed the dynamics of Moldovan-Ukrainian relations. Ukraine had previously been regarded as not fully supportive of the reintegration policies of the Republic of Moldova. After his inauguration in early 2005, Yushchenko offered a second major road map to settlement, which became known as the Yushchenko Plan. It envisaged the democratization and demilitarization of Transnistria. Chişinău accepted the Ukrainian plan and proceeded to implement its obligations. The Moldovan Parliament adopted Law No. 173 on the basic provisions of the special legal status of the localities on the left bank of the Nistru River

²⁵ Igor Boţan, "Procesul de negocieri ca modalitate de amânare a soluţionării problemei", in: Denis Matveev, Galina Şelari, Elena Bobkova, and Bianca Cseke, eds., *Moldova: Transnistria: Eforturi comune pentru un viitor prosper* (Chişinău: Editura Cu drag, 2009), 25.

(Transnistria) on 22 July 2005.²⁶ This Law was met with reservations by the Transnistrian region's separatist leaders and the Russian Federation but its political repercussions led to two essential changes on the ground.

The European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) was launched in November 2005, based on an October 2005 Memorandum of Understanding signed by the European Commission and the governments of Moldova and Ukraine. On 1 March 2006, Ukraine's Prime-Minister, Yuri Yekhanurov, signed a government edict, according to which only goods from the Transnistrian region that complied with Republic of Moldova customs legislation had a right to pass through the Ukrainian border with Transnistria. The motives for this step were to enhance the control of Moldova's constitutional authorities over the customs service at the border and to prevent the smuggling of illegal goods from the Transnistrian region to Ukraine, mainly through the Port of Odessa—an important source of income for Transnistrian political and business elites.

In Moldova, all the political leaders since independence have persisted with the idea that the only sustainable conflict resolution would involve providing the Transnistrian region with special legal status as an administrative/territorial entity within the Republic of Moldova, meaning that some form of “federalization” would give Tiraspol a degree of influence over Chişinău's political decision making. However, the various government negotiations throughout these years have shown varying degrees of consistency in promoting the reintegration idea. There has been insufficient political will to take effective steps to attract the citizens of Moldova residing in the Transnistrian region, on the one hand, and to face up to the challenges posed by the Russian Federation, on the other.

Moldova's systemic political and financial corruption, as well as its levels of poverty and socio-economic development have preserved the status quo favoured by many decision makers in Tiraspol, Moscow and, in part, Chişinău. For some, the Transnistrian region has become an uncontrollable space for the smuggling and trafficking of goods, people and ammunition. For others, the region in its current set-up represents a peculiar form of political capital—the region provides consistent support for political parties on the left of Moldova's political spectrum. Even though the separatist leaders of the region have long called for independence, they encourage Transnistria's population to vote in Moldovan national elections on the right bank of the Nistru River.

Moreover, Moldovan citizens in the Transnistrian region are being bribed to vote for specific parties and candidates, usually pro-Russian ones. Left-bank voters are transported to the polling stations on the right bank and promised benefits in return for their vote.²⁷ In Moldova's 2021 snap parliamentary elections, for instance, 28,173 Moldovan citizens residing in the Transnistrian region cast a vote, approximately twice the number of left-bank voters who took part in Moldova's 2020 national presidential elections. The fact that the national elections attracted residents from the Transnistrian region and led to their organized participation illustrates the artificial nature of the separatist leaders' endeavours.

Fighting corruption on the Nistru's right bank has for the first time been publicly identified as a prerequisite for conflict resolution by the new President of the Republic of Moldova, Maia Sandu.

²⁶ “Lege Nr. 173 din 22-07-2005 cu privire la prevederile de bază ale statutului juridic special al localităţilor din sînga Nistrului (Transnistria)”.

²⁷ Transitions Online, “Transnistrian election fraud ‘a slap in the face of Moldovan democracy’”, *Global Voices*, 1 September 2021, <https://globalvoices.org/2021/09/01/transnistrian-election-fraud-a-slap-in-the-face-of-moldovan-democracy/>.

Elected in 2020, Sandu has proposed the adoption of a broadly agreed political settlement document in which the sovereignty and integrity of the country are respected, and which would secure the future functionality of the unified state. In his way, Sandu is returning to an approach that seeks fundamental conflict settlement rather than merely tackling technical issues in small steps, which has been the strategy for many years.²⁸

The Russian Federation: Frenemy or Adversary?

Some observers perceive that Russia's interest in the Transnistrian region is waning, but Moscow continues to make straightforward hints at potential conflict escalation should serious steps be taken to evict the Russian military or integrate Moldova into western security structures. The strange role of the Russian Federation in the conflict settlement process is a dual one: it is a supposed mediator between the conflicting parties, on the one hand, and the crucial supporter of the separatists if not an actual aggressor against the Moldovan state, on the other.

According to the 1992 Ceasefire Agreement, Russia was assigned a prominent role in the JCC,²⁹ a tripartite structure made up of Moldova's, Russia's and the Transnistrian region's representatives which has its headquarters in Tighina/Bender, a city with a special security regime.³⁰ According to Article 3 of the 1992 Agreement, all parties included in JCC should provide military contingents which, along with the Transnistrian separatists' "police force", ensure public order in Tighina/Bender. The JCC mandate is to monitor implementation of the ceasefire agreement and restore peace, to preserve law and order, particularly within the territory of the demilitarized Security Zone, and to coordinate the operational activities of the peacekeeping mission under the Trilateral Joint Military Command.³¹ The peacekeeper contingent currently has 375 personnel from the Russian Federation, 296 from Moldova and 336 from the Transnistrian region. There are also 10 military observers representing Ukraine.

However, the JCC has not managed to fully implement its mandate due to disagreements and a lack of consensus among the three delegations. There are also continuing violations of the Security Zone regime by the Transnistrian region's troops and the Russian contingent stationed on the territory of the Republic of Moldova. The most strident violations involve: cases of the abduction of people and their illegal imprisonment; joint military exercises by the so-called Operative Group of Russian Forces (OGRF) and Tiraspol's semi-regular troops; and a sharp increase in the number of the Transnistrian local authorities' "border guards" in the Security Zone, who obstruct the free movement of goods and people—an issue that fails to reach the official negotiation agenda as the Russian Federation's delegates continue to invoke the need for additional information.

²⁸ "Participation of Maia Sandu, President of the Republic of Moldova at the talk show 'Moldova in Direct'", *National Moldovan Broadcaster, Moldova 1*, 3 June 2021, <https://www.youtube.com/watch?v=G8HaitDUflY>.

²⁹ "Soglashenie o printsipakh mirnogo uregulirovaniia vooruzhennogo konflikta v Pridnestrovskom regione Respubliki Moldova".

³⁰ Tiraspol is the capital and largest city in the Transnistrian region.

³¹ The peacekeeping mission consisted initially of 5 Russian, 3 Moldovan and 2 Transnistrian battalions. According to the Odessa Agreement signed on 20 August 1998, the number of peacekeepers was decreased to 500 each. See: "Agreement on Confidence Measures and Development of Contacts between Republic of Moldova and Transnistria".

Russia's de facto aggressor role in Moldova is linked both to its destructive involvement in the incipient phase of the conflict in 1992, and the maintenance of its regular military detachment and ammunition depot on the territory of Republic of Moldova ever since. According to Article 4 of the 1992 Agreement, "[t]he contingents of the 14th Army of the Russian Federation stationed in the Republic of Moldova will strongly observe neutrality. [...] Questions regarding their status and conditions for step-by-step withdrawal will be agreed in the framework of the Republic of Moldova and Russian Federation dialogue".³²

Any discussion of Russian troops on the territory of the Republic of Moldova must distinguish between the "peacekeeping forces" provided by the Russian Federation, and present in the country according to the 1992 ceasefire agreement, on the one hand, and the OGRF in Cobasna. Approximately 1,500 Russian soldiers are stationed in Cobasna to safeguard 20,000 tonnes of ammunition in an ammunition storage facility set up in the 1940s. In the Soviet period, artillery ammunition storage No. 1411 was a strategic arsenal for the western military district of the Soviet Union. The continuing presence of the OGRF on Moldova's territory is illegal and violates the country's explicit neutral status declared in the 1994 Moldovan Constitution, as well as the principle of a host state's consent to the stationing of foreign troops.³³

Chişinău suggests transforming the Russian peacekeeping detachment into a strictly civilian humanitarian monitoring mission with an international mandate and as part of a multinational contingent. On the OGRF, Moldova wants an immediate withdrawal of the troops and munitions stationed illegally on its territory. The OGRF is for all practical purposes part of the 14th Russian Army, which was reorganized in July 1995. The Transnistrian separatist leaders and Moscow manipulate the number of these troops and the arguments that justify their presence. Since the beginning of the conflict, the main functions of the OGRF and its predecessor have been to provide technical and training support, and military supplies and equipment to the breakaway region. Today, most of the contingent's personnel are taken from local residents who are either citizens of the Russian Federation or in the process of being granted Russian citizenship.

Russia invokes the need to maintain the OGRF to ensure the rotation of the Russian peacekeeper contingent and provide security for the ammunition store. In 1994, Russia signed an agreement with Moldova that envisaged the withdrawal of its military contingent from Transnistria, conditional on a political settlement of the conflict and special status for the Transnistrian region within Moldova. Withdrawal is therefore dependent on implementation of the same third basket that has been sabotaged by Moscow over the years.

Important additional provisions were included in Article 19 of the November 1999 OSCE Istanbul Summit Declaration:

Recalling the decisions of the Budapest and Lisbon Summits and Oslo Ministerial Meeting, we reiterate our expectation of an early, orderly and complete withdrawal of Russian troops from Moldova. In this context, we welcome the recent progress

³² "Soglashenie o printsipakh mirnogo uregulirovaniia vooruzhennogo konflikta v Pridnevstrovskom regione Respubliki Moldova".

³³ Paragraph 14 of the OSCE 1994 "Code of Conduct on Politico-Military Aspects of Security" (<https://www.osce.org/files/f/documents/5/7/41355.pdf>) stipulates that the stationing of armed forces on the territory of participating States is only possible "in accordance with their freely negotiated agreement as well as in accordance with international law".

achieved on the removal and destruction of the Russian military equipment stockpiled in the Trans-Dniestrian region of Moldova and the completion of the destruction of non-transportable ammunition. We welcome the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002. We also welcome the willingness of the Republic of Moldova and of the OSCE to facilitate this process, within their respective abilities, by the agreed deadline.³⁴

The Ammunition Depot at Cobasna: A Way Out or Deadlock?

The 1999 OSCE Istanbul Summit Declaration links the withdrawal and destruction of Russian ammunition stored in the Transnistrian region to the adapted Treaty on Conventional Armed Forces in Europe (CFE treaty), and Moscow committed to destroy or remove all CFE relevant materials.³⁵ Russia meeting its Istanbul commitments would allow ratification of the CFE treaty and its entry into force. The OSCE Mission in Moldova had its mandate expanded “[...] in terms of ensuring transparency of the removal and destruction of Russian ammunition and armaments and co-ordination of financial and technical assistance offered to facilitate withdrawal and destruction [...]”.³⁶ A voluntary fund was established and equipment was provided by the OSCE, thereby fulfilling the first part of the agreement.

The second part of the deal, however, was postponed due to the reluctance of the Transnistrian leaders to comply with it and, more importantly, Russia having second thoughts. The 2002 Porto OSCE Ministerial Council not only agreed with Moscow's reservations, but also adopted a statement that later became an obstacle to finalization of the withdrawal: “We welcome the Russian Federation's commitment to complete the withdrawal of Russian forces as early as possible and its intention to do so by 31 December 2003, *provided [the] necessary conditions are in place*”.³⁷ No specification was provided of what these “necessary conditions” entailed. This was the last time that an OSCE Ministerial Council was able to agree on a declaration, as Russia vetoed all future formulations not to its liking.

It is true that between 2001 and 2003 the OSCE facilitated Russia's withdrawal of more than 20,000 tonnes of ammunition and weapons from the Cobasna storage facility that fell under the CFE Treaty. However, another 20,000 tonnes of Russian ammunition remained on Moldovan soil. In 2007, Russia suspended implementation of the CFE Treaty, noting that: “The treaty, signed at the time of the Cold War has ceased to respond to modern European realities and to meet our security interests. [...] [NATO member states] have taken a number of steps that are incompatible with the spirit and the letter of the treaty”.³⁸ The suspension of the CFE Treaty combine with the unfortunate Porto statement narrowed the room for manoeuvre for implementation of the Istanbul

³⁴ “Istanbul Document 1999”, OSCE, n.d., <https://www.osce.org/files/f/documents/6/5/39569.pdf>, 49–50.

³⁵ “Agreement on adaptation of the Treaty on Conventional Armed Forces in Europe”, OSCE, 19 November 1999, <https://www.osce.org/files/f/documents/e/3/14108.pdf>.

³⁶ “Permanent Council, Decision No. 329, PC.DEC/329”, OSCE, 9 December 1999.

³⁷ “Tenth Meeting of the Ministerial Council, 6–7 December 2002”, OSCE, n.d., <https://www.osce.org/files/f/documents/b/f/40521.pdf>, emphasis added.

³⁸ “Russia Suspends Participation in CFE Treaty”, *Radio Free Europe*, 12 December 2007, <https://www.rferl.org/a/1079256.html>.

commitments and left the withdrawal of the remaining military contingent and ammunition to Moscow's whim.

Following a visit by Russian Minister of Defence Sergei Shoigu to Chişinău in August 2019, Moscow signalled its readiness to restart talks on ammunition destruction. However, there have been no concrete steps towards implementation. At a joint press conference with Moldova's new Foreign and European Integration Minister, Nicu Popescu, Russia's Minister of Foreign Affairs, Sergey Lavrov, stated that:

Considering the security aspects, Defence Minister Shoigu suggested disposing of the ammunition whose term of storage has expired. We have talked to our colleagues about the actions that are required for this. It is necessary to deliver the relevant equipment, dispatch specialists, determine a source of funding, and then sign a contract. All these steps must obey the security standards existing in the Russian Armed Forces. This is the only way. Preparations for this will take slightly more than a year. The militaries on both sides must contact each other in order to resolve everything on paper and plan the specific process. We are ready for these contacts.³⁹

The ongoing presence of the OGRF on Moldovan soil can be explained by its strategic importance to Moscow. It marks the Kremlin's continuing interest in the region and secures a Russian presence on the Moldovan–Ukrainian border. In the same 2019 press conference, the Russian Foreign Minister noted:

The Russian Group of Forces deployed in Transnistria, where the 14th Army was stationed, and the Joint Peacekeeping Force that also includes Russian military are very important components of peace that has persisted in the region after the Russian military stopped the bloodshed there 25 years ago. Not a single shot has been fired since then. It is perfectly obvious that this is an inalienable part of the efforts we are pursuing to settle the Transnistrian problem, with account taken of the territorial integrity of Moldova, a neutral Moldova, and Transnistria's special status.⁴⁰

Conclusions and Recommendations

Resolution of the Transnistrian conflict requires good will and commitment from all the actors involved, and in particular a fundamental reorientation of Moscow's approach to the region. Moreover, the Moldovan constitutional authorities need to own the reintegration process more demonstrably than hitherto. In these regards, the following changes and policies are recommended:

³⁹ "Foreign Minister Sergey Lavrov's statement and answers to media questions at a joint news conference following his talks with Minister of Foreign Affairs and European Integration of Moldova Nicu Popescu", *Ministry of Foreign Affairs of the Russian Federation*, 11 September 2019, https://www.mid.ru/en/posledniye_dobavlnnenniyel/-/asset_publisher/MCZ7HQUMdqBY/content/id/3782852.

⁴⁰ Ibid.

To Moldova's government and parliament

1. Moldova's authorities should formulate a comprehensive, clear, thematically focused and financially backed reintegration strategy based on the international commitments already made and the EU Association Agreement agenda. A viable resolution of the Transnistrian conflict requires a unified position or "untouchable consensus" among the political class in Moldova regardless of ideological viewpoint, a position based on the principles of the independence, sovereignty and territorial integrity of Moldova and not on geopolitical preferences.
2. Knowledge of the Transnistrian conflict on both banks of the Nistru River is scarce. Even though the Transnistrian conflict heavily impacts the development of the Moldovan state, the topic is insufficiently salient for politicians and the wider public. People on both banks of the Nistru River do not associate the conflict's settlement with more successful and sustainable socio-economic development. The Transnistrian issue should be opened up to the wider public and presented as a challenge to national security. All political parties should be encouraged to become involved in conflict resolution, to speak out more, and to provide information in a user-friendly format.
3. Moldova's National Public Broadcaster should develop an editorial policy that promotes reconciliation and unification, offers truthful information and identifies the parties' red lines. Training and education should be provided for journalists on ethical standards and conflict resolution, to make them better able to elaborate more professionally on such issues. The Audio-Visual Council of Moldova should set norms and regulations that address coverage of the Transnistrian conflict and its settlement, in cooperation with the Bureau for Reintegration.
4. The Republic of Moldova should develop a unified position on the role of the Russian Federation in the settlement process. The hitherto prevailing approach not only makes dialogue with the Russian Federation more difficult, but also allows an intensification of the existing problematic and controversial issues in such fields as socio-economic and trade relations, energy and security.
5. The Republic of Moldova authorities should intensify cooperation with their Ukrainian counterparts and elaborate a common position/view on the regional security architecture, given both countries' aspirations to join the EU. Mirror activities could be undertaken at the level of civil society, thereby increasing knowledge about each other and building bridges among institutions, civil society organizations and media outlets.

To international organization and foreign actors

1. Under the OSCE umbrella, to avoid manipulation and disinformation, more clarity should be achieved on the issue of the Russian military presence in Moldova. The OSCE should take account of Moldova's request for the initiation of a monitoring mission of international experts in the Security Zone. Restoration of respect for international law and the OSCE principles and commitments set out in the Helsinki Final Act and the Paris Charter should underlie all OSCE efforts.
2. The stakeholders in the 5+2 negotiation format should develop mechanisms that guarantee execution of the agreed provisions and penalties for slowing down or

jeopardizing their implementation. Given the largely unsuccessful attempts at conflict resolution over the years, and the lack of sustainable progress, the withdrawal of Russian troops and ammunition should be made a precondition for further talks.

3. The EU and the US should move the Transnistrian conflict higher up their foreign policy agendas in relation to other protracted conflicts in Russia's neighbourhood, include it in their bilateral dialogues with Russia and hold Moscow accountable for its violations of international law, in general, and OSCE principles and commitments, in particular.
4. The US should use financial assistance and the EU the instruments in the Association Agreement, including the DCFTA, to make the Transnistrian region's authorities more accountable and more respectful of human rights and freedoms, and to initiate reforms that would foster reintegration. Such assistance should be closely coordinated with the Republic of Moldova's authorities and with reintegration plans.
5. The EU should review the effectiveness of its Confidence Building Measures and align its institutional support to the promotion of reunification. The EU should consider reviving its practice of having a Special Representative for Moldova, a person dedicated particularly to the solution of the Transnistrian conflict. A similar special representative for Moldova from the US would also be beneficial.
6. The OSCE, Ukraine, the EU and the US should pay greater attention and commit further resources to exposing corruption linked to the separatist regime and to other uses of the Transnistrian region for illegal activities.
7. The EU and its member states, the US and the international organizations present in the Republic of Moldova should continue to refrain from taking unilateral decisions related to the Transnistrian region without consultation with and the consent of Moldova's constitutional authorities. Such actions would hinder conflict resolution and could also deepen the conflict.



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