

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-long confrontation between the post-Soviet Moldovan government and a 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 its public perception in and outside Moldova as well as on the settlement process that has brought no substantial results so far. The lack of a solution to the Transnistria issue poses larger questions about the usefulness of existing conflict resolution formats and processes. These approaches to solving the conflict create the misleading impression that the issue is purely internal to Moldova, with Russia playing the role of an impartial mediator and provider of peacekeeping forces. They also focus on local confidence-building measures rather than on larger 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 as well as OSCE principles and commitments, is impossible without more emphasis on the accountability of Moscow. Applying instruments for domestic and civil conflict resolution to what are interstate conflicts is misleading and risks not only prolonging such confrontations but even making them more difficult to solve.

Once regarded as the secessionist dispute easiest to end in the post-Soviet region, the Transnistrian conflict continues to remain unresolved. Following the collapse of the Soviet Union, the conflict was determined by political-economic and military rather than ethnic or religious factors.¹ Large-scale armed violence including a Russian military intervention in 1992 left the newly independent Republic of Moldova with deep wounds, the inability to constitutionally control its full territory being only one.

Background

The Transnistrian region is a breakaway region incorporating 12 percent of Moldova's territory, mainly on the eastern shores or "left bank" of the Nistru River. It comprises 10 percent of Moldova's population or approximately 350,000 people, made up of three roughly equal groups of ethnic Moldovans, Russians and Ukrainians.² All of these groups are mainly Russian-language speakers. Thus, the region was and is subject and accessible to Moscow's foreign policy ambitions and so-called compatriots' policies. At present, the officially accepted terms for the two conflicting parties are the Republic of Moldova, represented by its constitutional authorities ("right bank"), on the one side, and the Transnistrian region, represented by its local leaders ("left bank"), on the other. Following meetings of the Helsinki Committee of Senior Officials (CSO) and Commonwealth of Independent States (CIS), an Agreement between Moldova and Russia on the principles of a peaceful settlement of the armed conflict in Transnistria was signed in Moscow, on July 21, 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:

- A complete ceasefire and the establishment of a demilitarized Security Zone;
- The setting up of a tripartite Joint Control Commission (JCC) with the mandate to coordinate the operational activity of a peacekeeping mission under a so-called Trilateral Joint Military Command. The peacekeeping mission consisted initially of five Russian, three Moldovan and two Transnistrian battalions. According to the so-called Odessa Agreement of 1998, the number of peacekeepers was decreased to 500 soldiers from each of the three sides;⁴

1 Alin Gvidiani, Culegere de articole pe problematica transnistreană (2016-2020) (Chişinău: 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 Transdnistria," OSCE, 20 March 1998, <https://www.osce.org/files/f/documents/6/d/42310.pdf>.

- Prevention of sanctions and blockades, as well as of any impediments that could restrict the movement of people, goods and services;
- Commitment of the Russian Army contingents stationed on the territory of Moldova to observe neutrality while questions regarding their status and withdrawal should be discussed between Moldova and Russia.

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

Conflict Resolution Impediments

The Transnistrian region's disputed status, as well as Russia's ambiguous role in the settlement process and its general geopolitical interests in Eastern Europe have conditioned the conflict solution attempts and regional security agenda. In the last 30 years, both Chisinau's approach to domestic reintegration and conflict resolution efforts by foreign actors have shaped the evolution of the negotiations and the current status quo. The Russian Federation's assertive foreign policy towards Moldova, its assistance to the separatists, and its periodic embargoes of Moldovan goods have drawn only vacillating attention, by the EU and US, to the settlement negotiation process and confidence building projects.

Moldova's zigzagging domestic political context has also hindered the formulation of a widely agreed national reintegration policy. The conflict in Georgia in August 2008, the annexation of Crimea in March 2014 and the continuous fighting in Ukraine's Donbas have brought the Transnistrian conflict into a new light. In particular, the Russian military contingent that continues to be stationed in the Transnistrian region without consent from the government in Chisinau has acquired a new symptomatic quality.

In the early 1990s, the seeming ease of a settlement of the conflict rested on the widespread assumption that it was a secessionist struggle with domestic political roots. Today, the nature of the conflict nature has become a more disputed matter, generating heated discussions within Moldova. The conflict is referred to either as a civil and elite conflict, or as an interstate confrontation initiated by Moscow's aggression, and even as an entirely artificial issue resulting from the malign influence of the Russian Federation.

Moldova's internal debate about how to interpret the conflict touches upon two factors whose effects could pave the way to conflict settlement. First, the debate has raised the issue of an effective reintegration policy that considers the costs of reunification, both financial and political. The current debate has brought forward the need to formulate a nationwide reconciliation strategy that would counteract the disinformation and false narratives feeding the conflict.

In the Moldovan public debate, the Transnistrian conflict is today often described as driven by disinformation promoted by the secessionist movement's leaders.⁵ Their narratives, in

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

particular, refer to the alleged suppression of the Russian language, the threat of Moldova unifying with Romania, and Chisinau's pro-Western orientation as the main reasons for Transnistria's call for self-determination in 1992. The allegedly imminent imposition of the Romanian language and annexation of Moldova by Romania are key themes of secessionist discourse.

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

For 30 years, Chisinau's allegedly misconceived Western orientation has been constantly used by separatist and pro-Russian forces to generate division between the banks of the Nistru River. Media in the Transnistrian region depicts the Republic of Moldova as an aggressor and a "neighboring country" planning to unite with Romania and join NATO, renounce Christian and Orthodox family values, as well as exterminate Russian-language speakers.⁶ Nevertheless, today the most important export market for the economy of the separatist pro-Russian Transnistrian region is the West. According to data provided by the region's so-called customs authority, in the first half of 2021, the EU's share in the Transnistrian region's exports was 37.8 percent of total exports (US\$150.6 million) compared to the 9 percent share of the Russian Federation (US\$35.5 million). Romania and Poland account for 70 percent of the EU's share of the Transnistrian region's exports, amounting to US\$47.13 million for Romania and US\$59 million for Poland.⁷

Transnistria's international competitiveness is largely based on enormous Russian gas subsidies. The separatists are not paying market value for their imported Siberian natural gas and have now accumulated a debt to Gazprom that amounts to approximately US\$7.5 billion. The debt is officially due to be paid by the Republic of Moldova but remains unrecognized by the Moldovan constitutional authorities, who have no control over Transnistria's gas imports from Russia.⁸ With this scheme in place since the 1990s, the Russian Federation keeps Moldova as its hostage and heavily subsidizes the Transnistrian region.

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

The local authorities of the Transnistrian region and the autonomous territorial unit of Gagauzia in southern Moldova favor the continuation of Soviet traditions and orientation towards Russia. In the two regions, "referenda" were conducted asking the local populations about

6 Victoria Rosa, "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 supraviețuiește datorită UE în Moldova," *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/>.

their foreign policy preferences. On September 17, 2006, the Transnistrian region residents were asked to choose between joining Moldova or becoming independent and a part of the Russian Federation. According to official data provided by the local separatist authorities, 97.2 percent of the residents allegedly voted for independence and unification with the Russian Federation. These results were, however, not recognized by Moldova's constitutional authorities.⁹ The referendum was a result of the Transnistrian leaders' disagreement with new customs regulations introduced by Chisinau aimed at reducing corruption and smuggling, and of resentment concerning travel restrictions regarding the Schengen area imposed by the EU on the separatist leaders, who had repeatedly sabotaged the negotiation process.

From Violent to Protracted Conflict

Before the conclusion of the above-mentioned ceasefire agreement in summer 1992, the Transnistrian secessionists had been backed by irregular Cossack units from Russia, by the 14th former Soviet and then Russian Army, as well as by volunteer fighters from other parts of the Soviet Union. This escalated existing domestic tensions into full-scale war.¹⁰ The 1992 fighting resulted in 1,132 deaths on both sides, among them 310 civilians. More than 3,500 persons were wounded. Approximately 130,000 people were internally displaced while approximately 70,000 migrants from the war region sought refuge in Russia, Ukraine, and Belarus.¹¹ Chisinau lost control over the Transnistrian region's territory. Since the ceasefire, no large-scale violence has occurred, the conflict becoming protracted.

The now almost 30-year-long negotiation process has brought few results. The mediation agenda includes "three baskets": (a) socio-economic issues; (b) legal, humanitarian, and human rights issues; and (c) political and security issues. The third basket envisages a comprehensive settlement of the conflict including 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 its territory. Yet little has been achieved so far.

Today, the negotiations between Chisinau and Tiraspol are organized within two frameworks. There is a 1+1 format between Moldova's government and the secession's leaders. This format also includes 11 thematic working groups and three subgroups. Until 2002, there was also a 3+2 format that included the OSCE, Russia and Ukraine as mediators. As a result of the 2005 so-called Odessa Protocol, this format was upgraded to the current 5+2 format, with the US and the EU as observers.¹²

The negotiations follow a tactic of small steps, which implies the resolution of mainly socio-

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 soluțiilor rii lui (Chișinău: 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 Transdniestria", OSCE, n.d., <https://www.osce.org/files/f/ documents/7/9/16558.pdf>.

economic problems, and confidence-building measures. This approach was chosen 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 has brought little movement in this direction, the small-steps tactic was reinforced as a result of negotiations in Berlin in 2016, after a two-years break in official contacts between the conflicting sides. To prepare a solution concerning political and security issues, it was agreed, under Germany's Chairmanship of the OSCE in 2016, that Chisinau and Tiraspol would first engage in direct talks to overcome a series of technical issues.¹³ The reasoning behind this approach was that achieving some tangible benefits for the people on both banks of the Nistru River would increase trust between the conflicting parties.

The aim of improving the life of ordinary people was and is uncontroversial. Yet 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 been criticized by Moldova's civil society and expert community. The Berlin Plus Package's agreements are faulted for entailing concessions to the separatists as well as a retreat from the initial goals of the third basket.¹⁴ The concrete issues addressed by the two agreements include the following:¹⁵

- apostilization of diplomas issued in the Transnistrian region;
- use of vehicles with number plates issued in Transnistria in international road traffic;
- cooperation in the area of telecommunication;
- protocols regarding cooperation in the area of meteorology and protection of natural resources in the Nistru River basin;
- cooperation in the area of law enforcement, including exchange of updated lists of existing criminal cases;
- the unhindered work of Latin-script schools in Transnistria;
- access to agricultural land for the citizens of the Republic of Moldova who reside on the territory controlled by the constitutional authorities;¹⁶
- freedom of movement between the two sides of people, goods, and services, in particular the opening of the Gura-Bicului Bridge.

13 Jakub Pienkowski, "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."

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

As before, the Moldovan constitutional authorities have largely stuck to their commitments and approved the agreed legal and administrative documents to implement the agreements. For instance, documents issued by the Taras Shevchenko University of Tiraspol can now be authenticated in EU member states.¹⁷ Vehicles from the left bank of the Nistru River have access to international road traffic by using neutral car plates issued by two Vehicle Registration Points in Rîbnita and Tiraspol.¹⁸

On the other side, Tiraspol has taken advantage of missing mechanisms for implementing some technical agreements, and has repeatedly postponed fulfilling its parts of the deal. Schools that use the Latin script in teaching in the Transnistrian region face constant pressure from the local authorities.¹⁹ Farmers are denied access to their farmland in the separatist region.²⁰ Sometimes, additional check points along the administrative line and within the Security Zone are set up overnight.²¹

The original 1992 Moldovan-Russian “Agreement on the principles of a peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova” had already obliged the conflicting parties to avoid any impediments that would lead to restrictions of the movement of people, goods, and services. Yet the relevant Article 5 of the 1992 Agreement continues to be disregarded by the Transnistrian region’s separatist authorities. Its contents constantly become subject to re-negotiation due to the setting up of illegal check points (both mobile and stationary) hindering free movement.²² Tiraspol’s behavior increases public frustration on the right bank, and creates the impression that Moldova is merely making concessions in the negotiations.

As a result, the Berlin Plus Package’s attempt to increase trust among partners and prepare an opening of the third basket, that is, a discussion of the political status of the Transnistrian region and the Russian military presence, has not been successful. The negotiations have become hostage to the myopic interests of the Transnistrian region leaders, backed by Russia. The strategy of “let’s start with small technical steps to pave the way for a sustainable political settlement” has shown itself to be detrimental to conflict resolution. Instead, it has 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

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>.

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 Pridnestrovskom regione Respubliki Moldova, ot 21 iulia 1992 goda,” *Guvernul Republicii Moldova*, n. d., https://gov.md/sites/default/files/1992-07-21-ru-moscow-agr_on_principles_of_peaceful_settlem.pdf.

between the Republic of Moldova and Transnistria proved to be the wrong path.²³ Intending to achieve a quick political settlement of the conflict, it granted the self-proclaimed separatist authorities of the Transnistrian region the status of an equal party in the negotiations. Today, one must conclude that this fateful move a quarter of century ago inhibited rather than advanced the settlement process.

The resulting lack of sustainable results in settling the conflict has, over the years, proven the uselessness of the existing negotiations format and its resolution strategies. During the entire negotiation process more than 200 documents have been signed. Paradoxically, the majority of these documents have, instead of bringing the parties closer together, created new impediments for a rapprochement and increased resentment on both sides of the Nistru River. The current format of negotiations legitimizes the self-proclaimed separatist authorities in the Transnistrian region, who often further the Kremlin's interests rather than those of the local population.

The Role of the International Community

As one of the official mediators, the OSCE with its specific mandate and institutional limitations has often ended up legitimizing the Tiraspol regime. The desire of some leading Western OSCE nations to obtain positive results in the settlement of the conflict and, as much as possible, to avoid alienating Moscow has, most of the time, led to novel regulations favored by the secessionist regime. Obtaining such concessions from Chisinau—rather than fostering human rights in the separatist region and making both Tiraspol and Moscow accountable for their violations—has de facto become the main content and outcome of the negotiations, if one looks back on their record over the last 30 years.

The role of the EU and the US as observers in the negotiations is important in that the Transnistrian settlement, to a significant degree, depends on the engagement of the great powers. Yet Transnistrian conflict resolution is not a priority on the EU's and US's foreign agendas. The topic briefly attracted the interest of the EU in Angela Merkel's so-called Meseberg Process of 2010-2011. Resolution of 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 again.

Both the EU and the US have instead provided assistance to the Transnistrian region. The EU negotiated a tailored DCFTA for the region and has provided financial assistance via its Support to Confidence Building Measures Program, aimed at increasing trust between people on both sides of the Nistru River. However, no change in attitude on the part of the Transnistrian region's separatist leaders followed these efforts. Seeking to build confidence, Western assistance to the region, with no clear medium- and long-term strategy, tackles only small insubstantial issues. Sometimes, such help even strengthens the secessionist regime and supports its lack of accountability.

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>.

The Main Positions in the Negotiations

The Moldovan government aims for the full reintegration of the country based on the 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 document is to provide the Transnistrian region with the status of an administrative-territorial 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 a complete withdrawal of Russian military units, the region's demilitarization, and its democratization. The restoration of Moldova's territorial integrity and sovereignty, as well as of the principle of a host nation's consent to the stationing of foreign troops on its territory, would also restore respect for international law and the key OSCE principles of the Helsinki Final Act as well as the Paris Charter.

The separatist side, on the other hand, calls for far-reaching independence and the maintenance of a *de facto* self-functioning Russophone local administrative regime that identifies itself as the "Pridnestrovian Moldovan Republic". Currently, this pseudo-state functions independently of and isolated from Chisinau, which means that the constitutional authorities of the Republic of Moldova have limited leverage in the region. Moldova's external borders in the Transnistrian region are controlled with the support of Ukrainian partners, with whom common border control checkpoints have been set up.

During the decades-long negotiation process, two major resolution plans were presented to the conflicting parties. In November 2003, the Russian Federation put forward the "Kozak Memorandum", named after the official Russian negotiator and presumed Memorandum author, Dmitrii Kozak, then Deputy Head of the Presidential Administration of Russia. His Memorandum foresaw the creation of a "federation" in the Republic of Moldova. This scenario provided the Transnistrian region with its own state bodies and foresaw a blurry division of competences between the central authorities, on the one side, and the envisaged federal subjects, on the other. This asymmetric "federation" was supposed to have a Federal Parliament composed of two Houses—a Senate and a House of Representatives. The description of their practical functioning regarding the adoption of federal laws suggested an absolute veto right for Transnistria as a "subject of the federation". Among other gains, Transnistria's local leaders would have control over the foreign and security policies of the reintegrated Moldovan state. In practice, this would mean, for instance, that Moscow would be able to block Moldova's integration into the West, and especially into the EU and NATO. Moreover, though Kozak had initially stated that Russia would not employ troops during the conflict resolution process, other Russian officials later contradicted him. They spoke instead of a deployment of up to 2,000 "peacekeepers", armed with light weapons and helicopters, for a transition period until complete demilitarization.²⁵

Chisinau's last-minute withdrawal from the signing of the Memorandum led to a freeze in relations between Moldova and Russia. In reaction, Moscow introduced several embargos

24 "Law No. 173 on the basic provisions of the special legal status of the localities on the left bank of the Nistru River (Transnistria)," 22 July 2005, https://www.legis.md/cautare/getResults?doc_id=16014&lang=ro.

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

on the import of Moldovan wine, fruits and vegetables. The aborted adoption of the Kozak Memorandum also meant the disgrace of Vladimir Voronin, the 2001-2009 communist president of Moldova, who lost Russia's political support.

The victory of the Orange Revolution in Ukraine and the election of the pro-Western politician Viktor Yushchenko as President in late 2004 changed the dynamics in Moldovan-Ukrainian relations. Previously, Ukraine had been seen as not fully supporting the reintegration policies of the Republic of Moldova. After Yushchenko's inauguration in early 2005, the new Ukrainian head of state offered the second major settlement road map. It became known as the "Yushchenko Plan" and envisaged the democratization as well as the demilitarization of Transnistria. Chisinau accepted the Ukrainian plan and proceeded with the implementation of its obligations. Thus, on July 22, 2005, 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 (Transnistria).²⁶ Although this Law was met with reservations by the Transnistrian region's separatist leaders and the Russian Federation, its political repercussions led to two essential changes on the ground.

In November 2005, the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM), based on an October 2005 Memorandum of Understanding signed by the European Commission and the Governments of Moldova and Ukraine, was launched. On March 1, 2006, Ukrainian Prime Minister Yuri Yekhanurov signed a government resolution stipulating that only goods that complied with the Republic of Moldova's customs legislation could cross the Ukrainian border from Transnistria. This step was not only undertaken to enhance Moldova's constitutional authorities' control over the customs service at the border. It was also to stop the smuggling of illegal goods from the Transnistrian region to Ukraine, mainly to the Port of Odessa, an important source of income for the Transnistrian political and business elites.

In Moldova, all political leaders since independence have adhered to the idea that a sustainable resolution means providing the Transnistrian region with a special legal status, as an administrative-territorial entity within the Republic of Moldova, i.e. some sort of "federalization" giving Tiraspol a degree of influence on Chi in u's political decision-making. However, the various government negotiations through the 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 the Republic of Moldova residing in the Transnistrian region, on the one hand, and to face the challenges posed by the Russian Federation, on the other.

Moldova's political and systemic corruption, as well as its poverty and deficient socio-economic development, have preserved the status quo favored by several decision-makers in Tiraspol, Moscow, and, partly, Chisinau. For some, the Transnistrian region has become an uncontrollable space for the smuggling and trafficking of goods, people and ammunition. For other actors, the region in its current set-up represents a peculiar form of political capital. The region provides constant support for left-wing parties in Moldova's political spectrum. Even though the separatist leaders have always pleaded for independence, they encourage Transnistria's population to vote during national Moldovan elections, on the right bank of the Nistru River.

²⁶ „Law No. 173 on the basic provisions of the special legal status of the localities on the left bank of the Nistru River (Transnistria)”, 22 July 2005, https://www.legis.md/cautare/getResults?doc_id=16014&lang=ro.

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 for their votes.²⁷ For instance, 28,173 Moldovan citizens residing in the Transnistrian region cast their vote in Moldova's 2021 snap parliamentary elections. This was approximately twice the number of left-bank voters who took part in Moldova's 2020 national presidential elections. The very fact that the national elections attracted residents of the Transnistrian region, and led to their organized participation, illustrates the artificial nature of the Transnistrian separatist leaders' endeavor.

Fighting corruption on the Nistru's right bank was first publicly identified as a prerequisite for conflict resolution by the new President of the Republic of Moldova, Maia Sandu. Elected in 2020, she proposed the adoption of a broadly agreed political settlement document in which the sovereignty and integrity of the country would be respected, and which would secure the future unified state's functionality. Sandu is thus returning to an approach that seeks fundamental conflict settlement rather than one that merely tackles technical issues in small steps, the strategy for many years.²⁸

The Russian Federation: Frenemy or Adversary?

Despite some observers' view that Russia's interest in the Transnistrian region is decreasing, Moscow continues to send messages hinting at potential conflict escalation should serious steps towards the eviction of the Russian military, and Moldova's integration into Western security structures, start to happen. The strange role of the Russian Federation within the conflict settlement process derives from its double incarnation. It is supposed to be a mediator between the conflicting parties, on the one hand, but is 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 so-called Joint Control Commission (JCC).²⁹ The tripartite JCC consists of representatives from Moldova, Russia and the Transnistrian region and 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", ensure public order in Tighina/Bender. The JCC's mandate is to monitor the implementation of the ceasefire agreement and restore peace, to preserve law and order, particularly on the territory of the established demilitarized Security Zone, and to coordinate the operational activity of the peacekeeping mission under the Trilateral Joint Military Command.³¹ Today, the overall peacekeeping contingent consists of 375 people

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/>.

28 "Participation of Maia Sandu, President of the Republic of Moldova at the talk show "Moldova in Direct"", *National Moldovan Broadcaster - Moldova 1*, June 3, 2022, <https://www.youtube.com/watch?v=G8HaitDUfIY>.

29 "Agreement between Republic of Moldova and the Russian Federation on the principles of a peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova". https://gov.md/sites/default/files/1992-07-21-ru-moscow-agr_on_principles_of_peaceful_settlem.pdf.

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 Transdnestrian battalions.

from the Russian Federation, 296 from Moldova, and 336 from the Transnistrian region. There are also 10 military observers from Ukraine.

However, the JCC has not managed to fully implement its mandate due to disagreements and lack of consensus between the three delegations. There are also continuous 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 severe violations are:

- A sharp increase in the number of the Transnistrian local authorities' so-called "border guards" in the Security Zone, who hinder the free movement of goods and people—an issue that constantly fails to reach the official negotiation agenda as Russian Federation delegates continue to invoke the need for additional information;
- Cases of abductions of people and their illegal imprisonment;
- Joint military exercises by the so-called Operative Group of Russian Forces (OGRF) together with Tiraspol's semi-regular troops.

Russia's de facto aggressor role in Moldova is associated with both its destructive involvement in the incipient phase of the conflict in 1992, and the maintenance of a regular military detachment and ammunition depot on the territory of the Republic of Moldova since then. According to article 4 of the 1992 Agreement, "[t]he contingents of the 14th Army of the Russian Federation stationing 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

When discussing Russian troops on the territory of the Republic of Moldova, one must distinguish between the "peacekeeping forces" provided by the Russian Federation, present in the country according to the 1992 ceasefire agreement, and the so-called Operative Group of Russian Forces (OGRF) in Cobasna. Approximately 1,500 Russian soldiers are stationed in Cobasna to safeguard 20,000 tons of ammunition. The Cobasna ammunition depot was set up in the 1940s. During the Soviet period, artillery ammunition depot No. 1411 was a strategic arsenal of the western military district of the USSR. The continued presence of the so-called OGRF on Moldova's territory is illegal. In addition, it violates the country's explicitly neutral status as declared in the Moldovan Constitution adopted in 1994 and also the principle of the host state's consent to the stationing of foreign troops.³³

With regard to the Russian peacekeeping detachment, Chisinau suggests transforming it into a strictly civilian and humanitarian monitoring mission with an international mandate and as part of a multinational contingent. Regarding the so-called OGRF, Moldova pleads for

According to the Odessa Agreement signed on August 20, 1998, the number of peacekeepers was decreased to 500 each." OSCE, <https://www.osce.org/files/f/documents/6/d/42310.pdf>.

32 "Agreement between Republic of Moldova and the Russian Federation on the principles of a peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova," https://gov.md/sites/default/files/1992-07-21-ru-moscow-agr_on_principles_of_peaceful_settle.pdf.

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."

an immediate withdrawal of the troops and munitions stationed illegally on its territory. The so-called OGRF practically represents a segment of the 14th Russian Army troops, which were reorganized in July 1995. The Transnistrian separatist leaders, as well as Moscow, manipulate the numbers of these troops and the arguments justifying their presence. Since the beginning of the conflict, the main functions of the so-called OGRF, as of its predecessor, have been to provide technical and training support, military supplies, and equipment to the breakaway region. Today, most of the contingent's personnel has been enrolled from the region's local residents, who are either already Russian Federation citizens or who will receive Russian citizenship.

Russia invokes the need to maintain the so-called OGRF so as to ensure the rotation of the Russian peacekeeper contingent and provide security to the ammunition depot. In 1994, Russia signed an agreement with Moldova envisaging the withdrawal of its military contingent from Transnistria, but made it conditional upon a political settlement of the conflict and the setting up of a special status for the Transnistrian region within Moldova. It thus depends on the implementation of the same third basket whose realization has been consistently sabotaged by Moscow over the years.

Important additional provisions were made in the November 1999 OSCE Istanbul Summit Declaration. The document's Article 19 says:

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 achieved in 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 a Stalemate?

The 1999 OSCE Istanbul Document linked the withdrawal and destruction of Russian ammunitions stored in the Transnistrian region to the adapted Conventional Armed Forces in Europe (CFE) treaty, as Moscow committed to destroy or remove all CFE-relevant materials.³⁵ Russia's fulfillment of the Istanbul commitments would open up a 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 provided by

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.

the OSCE. Thus, the first part of the deal was being fulfilled.

The second part of the deal was, however, postponed due to the reluctance of the Transnistrian leaders to comply with it; more importantly, Russia was having second thoughts about the deal. The 2002 Porto OSCE Ministerial Council not only agreed with Moscow's reservations, but also adopted a statement whose formulation later hindered 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 necessary conditions are in place*."³⁷ No specification of these "necessary conditions" was provided. This was also the last time that an OSCE Ministerial could agree on a declaration, as Russia would veto all formulations not to its liking.

It is true that, between 2001 and 2003, the OSCE did facilitate Russia's withdrawal of more than 20,000 tons of ammunition and weapons, falling under the CFE Treaty, from the Cobasna depot. However, another 20,000 tons of Russian ammunition remain on Moldovan soil. In 2007, Russia suspended implementation of the CFE Treaty stating: "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 as well as the unfortunate Porto statement diminished the ability to maneuver in implementing the Istanbul commitments and left the withdrawal of the remaining military contingent and ammunition to Moscow's whim.

Following the visit of the Russian Minister of Defense Sergei Shoigu to Chisinau in August 2019, Moscow signaled its readiness to start talks on ammunition destruction. However, no concrete steps have been taken since. In 2019, at a joint press conference with Moldova's new Foreign and European Integration Minister Nicu Popescu, the Russian Minister of Foreign Affairs Sergey Lavrov stated:

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 continuing presence of the so-called OGRF on Moldovan soil can be explained by its strategic importance for Moscow. It marks the Kremlin's continued interest in the region, and secures Russian presence at the Moldovan-Ukrainian border. At that same press conference,

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

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

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," *The Ministry of Foreign Affairs of the Russian Federation*, 11 September 2019, https://www.mid.ru/en/posledniye_dobavleniye/-/asset_publisher/MCZ7HQUMdqBY/content/id/3782852.

the Russian Foreign Minister said:

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

The resolution of the Transnistrian conflict requires will and commitment from all the actors involved, and in particular a fundamental reorientation of Moscow's approach to the region. In addition, the Moldovan constitutional authorities need to demonstrate greater ownership than hitherto of the reintegration process. In this respect, the following changes and policies are recommended:

To Moldova's government and parliament:

- Moldova's authorities should formulate a comprehensive, clear, thematically focused, and financially backed reintegration strategy based on already existing international commitments and on the European association agenda. A viable solution to the Transnistrian conflict requires a unified position or "untouchable consensus" of the political class in Moldova, independent of ideology, a position based on the principles of independence, sovereignty, and the territorial integrity of Moldova and not on geopolitical preferences.
- Knowledge about the Transnistrian conflict on both banks of the Nistru River is inadequate. Though the Transnistrian conflict heavily impacts the development of the entire Moldovan state, the topic is insufficiently prominent among politicians and the larger public. People on both banks of the Nistru River do not yet associate the conflict's settlement with a more successful and sustainable socio-economic development of the country. The Transnistrian issue should thus be made open to the larger public and presented as a challenge to national security. All parties should be encouraged to get involved in conflict resolution, to speak out more. Information that avoids abstruse technicalities should be offered.
- Moldova's National Public Broadcaster should develop an editorial policy promoting societal reconciliation and unification, offering consistently truthful information, and identifying red lines. Training and education of journalists on the ethical standards of conflict resolution should be provided to allow them to communicate more professionally on such issues. The Audio-Visual Council of Moldova should set norms and regulations addressing the coverage of the Transnistrian conflict settlement, in cooperation with the Bureau for Reintegration.

40 *Ibid.*

- The Republic of Moldova should develop a unified position on the role of the Russian Federation in the settlement process. The hitherto prevalent hesitant approach has not only made dialogue with the Russian Federation more difficult in general, but has also allowed the intensification of existing problematic and controversial issues in such fields as socio-economic and trade relations, energy, security, etc.
- The Republic of Moldova's authorities should intensify cooperation with their Ukrainian counterparts as well as elaborate a common position/view on regional security architecture, bearing in mind both countries' EU accession aspirations. Mirror activities at the level of civil society could be undertaken, thus increasing knowledge about each other and building bridges between institutions, civil society organizations and the media environment.

To international organizations and foreign actors:

- Under the OSCE umbrella, more clarity needs to be achieved regarding the issue of the Russian military presence in Moldova so as to avoid manipulation and disinformation. The OSCE should take into account the Moldovan request for a monitoring mission in the Security Zone comprised of international experts under the OSCE umbrella. Restoration of respect for international law and OSCE principles (as laid out in the Helsinki Final Act and Paris Charter) and commitments should underlie all OSCE efforts.
- The 5+2 negotiation format stakeholders should develop mechanisms guaranteeing the execution of the agreed provisions, as well as penalties for slowing down or jeopardizing implementation of the agreed commitments. Considering the largely unsuccessful conflict resolution attempts over the years, and the lack of sustainable progress, withdrawal of Russian troops and ammunition should be requested as a precondition for further talks.
- The EU and the US should put the Transnistrian conflict higher on their foreign policy agendas in relation to other protracted conflicts in Russia's neighborhood, include it in their bilateral dialogue with Russia, and hold Moscow accountable for its violations of international law in general, as well as of OSCE principles and commitments in particular.
- The EU and the US should use financial assistance as well as instruments under the Association Agreement, including the DCFTA, for making the Transnistrian region's authorities more accountable and respectful of human rights and freedoms, as well as to initiate reforms that would foster reintegration. Such assistance should be closely coordinated with the Republic of Moldova's authorities and reintegration plans.
- The EU should review the effectiveness of its Confidence Building Measures, and align its institutional support to promoting reunification. The EU should consider reviving its practice of having a Special Representative for Moldova, i.e. a person dedicated particularly to the solution of the Transnistrian conflict. A similar special representative for Moldova from the US would also be beneficial.
- The OSCE, as well as Ukraine, the EU and the US, should pay greater attention

and commit resources to unveiling corruption schemes linked to the separatist regime as well as other uses of the Transnistrian region for illegal activities.

- ✦ 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 not only hinder conflict resolution but could also contribute to a deepening of the conflict.



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