

## **A FROZEN CONFLICT WITHIN THE EUROATLANTIC AND EUROASIAN SPACE**

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### **ABSTRACT:**

*THE GEOPOLITICAL SIGNIFICANCE OF THE FROZEN CONFLICT IN TRANSNISTRIA IS ENORMOUS, PARTICULARLY FROM THE STANDPOINT OF THE BALANCE OF FORCES BETWEEN THE TRANSATLANTIC SPACE AND EURASIAN SPACE. THE SOLUTION TO THIS CONFLICT WILL HAVE EXTREMELY IMPORTANT CONSEQUENCES FOR THE EUROPEAN SECURITY ARCHITECTURE, AND EVEN MORE.*

*LEFT OUT FROM THE NEGOTIATION OF A CONFLICT WITHIN THE TERRITORY OF A REPUBLIC INHABITED BY A LARGE MAJORITY OF ROMANIAN NATIONALITY PEOPLE, ROMANIA CHARACTERIZED BY PRUDENCE AND RELUCTANCE TO VENTURESOME ACTIONS - CONTINUES TO ADOPT A POSITION OF WAIT AND SEE POLICY. SINCE THE ISSUE'S CENTER OF GRAVITY HAS BEEN SHIFTED TO THE DIPLOMATIC LEVEL – ALREADY FLOODED BY SIMILAR INITIATIVES – IT REQUIRES A VIABLE AND GENERALLY ACCEPTED SOLUTION. THIS WORK PRESENTS THE ROOTS, THE FIRST DIPLOMATIC APPROACHES AND THE MAIN INITIATIVES TO SOLVE THE FROZEN CONFLICT.*

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**KEY WORDS:** MOLDAVIA, TRANSNISTRIA, FROZEN CONFLICT, DIPLOMATIC, OSCE.

We approach the issues of the Republic of Moldavia and the “frozen conflict”<sup>2</sup> within this space by considering several actual geopolitical arguments, particularly the argument that the above mentioned conflict is located within a geostrategic space of maximum interest to Romania, namely, the Black Sea Extended Area, which is in the strategic proximity of our country.

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<sup>2</sup> The syntagm “frozen conflict” has not been officially and internationally accepted. It is a specialty term and this rises a number of semantic difficulties. In our opinion an ideal situation would be to have the conflicting parties conclude a truce as a premise to a resolution passed by The Security Council of the United Nations and thus bring the conflict to an end. Some authors suggest different expressions such as “postponed conflict”, “prolonged conflict” etc., newly invented syntagms, which actually describe the same issue as the expression “frozen conflict” with all its local particularities.

Another argument could have historical roots, since Romania has always had historically based interests in solving this “frozen conflict”, being well-known her more or less dissimulated desire of a unification which would recover the territory, unjustly lost at the “table of history”.

On the other hand, we take into consideration that the operative presence of some military elements in the conflict denotes an active involvement of the European and North-American diplomacy into the process of solving it<sup>3</sup>.

The dissolution of the Soviet Union placed the Republic of Moldavia on a defensive position at its borders. Thus, one by one, the former Soviet republics declared their independence and the respective territories, alongside with likely strategical advantages for Moscow, passed under the jurisdiction of the governments of the new independent states. In this context, the Kremlin thought of maintaining or just rebuilding its influence in these areas by several means<sup>4</sup>, most of them being beyond the international legislation and common laws.

One of the procedures applied by Moscow in order to achieve its goals was feeding local separatist conflicts.

For Kremlin, appeasing the conflicts meant to deploy forces in the respective territories and thus to launch connection bridgeheads which would allow influencing the area, not only from the military point of view, but also politically and economically.

Together with Abkhazia, South Ossetia, Nagorno-Karabakh and Kaliningrad Enclaves, Transnistria is such a case<sup>5</sup>.

These conflicts burst out during the Soviet Union dissolution or right after it, and were “frozen” in the same period of time: 1992-1994. One must notice that, due to these

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<sup>3</sup> The presence of Russian troops on the Transnistrean territory, the OSCE mission and the UE EUBAM mission.

<sup>4</sup> In his book *Vrag Naroda (The People’s Enemy)*, Rogozin states that he fought on the Transnistrean side in 1992 and he believes that the fascist Romanians and Moldavians are responsible for the war outbreak. See Dimitri Rogozin, *Vrag Naroda*, Moscow, 2008 Algorithm Publishing House. When, on March 21<sup>st</sup> the Russian Federation President appointed Dimitri Rogozin – a notorious diplomat – as his special representative in Transnistria, one can notice the Russian increasing interest in this area. Dimitri Rogozin is well-known as a tough negotiator, and a highly nationalist diplomat.

<sup>5</sup> All these “frozen conflicts” throughout the so called ex-soviet space-to which we may add Belarus Republic and, to a certain extent, the latent conflicts from the Eastern Ukraine (Crimea and Malorussia) – are but components of the same unique and coherent picture that needs a unique and coherent solution. In the past few years the so-called “frozen conflicts within the ex-soviet space – that is Moldavia (Transnistria), Georgia (the two separatist republics Abkhazia and South Ossetia), Armenia and Azerbaijan (Nagorno-Karabakh) - have known an increased attention from the international community.

processes, the countries affected by the so-called “frozen conflicts” are still at disadvantage because they have to make great efforts to recover their underdevelopment<sup>6</sup>.

Twenty years after the end of the hostilities between the Government from Chişinău and the separatist authorities on the left bank of the Dniester, a political solution which would respect Moldavia’s territorial integrity and independence is still unclear. At present, Chişinău and Tiraspol are involved in a process of negotiations which aim at defining the status of the Transnistria Region within a unified Moldavia. The present negotiations are held under a “5+2” formula and are mediated by Russia, Ukraine and the Organization for Security and Cooperation in Europe (OSCE); the USA and the European Union have the role of observers in the process. A concurrence of internal and international circumstances may favor the efforts for the reunification of the Republic of Moldavia. To turn these opportunities into account depends on the Moldavians ability to coordinate the internal efforts of solving the Transnistrean conflict with the international circumstances.

The Republic of Moldavia is interested in internal actions for solving this conflict and thus, to place itself into the larger context of the European Union and NATO enlargement, as well as into the context of their relationships with Russia and Ukraine. The EU and NATO extension is a favorable moment to reconsider the Western attitude, regarding the Transnistria matter. Since the Republic of Moldavia became NATO’s Eastern border in 2004 and the EU’s border in 2007 we think that the Transnistria issue has turned from the category of “Euro-Asian” post-soviet conflict, in which Moscow played a special role, into an “European” conflict, within which the EU becomes an essential part in the process of solving the conflict.<sup>7</sup>

According to the latest evolutions, the “frozen conflict” of Transnistria has started to defrost<sup>8</sup> and gives hopes for a solution in the near future.

On September 2<sup>nd</sup>, 1990 – at Tiraspol<sup>9</sup> – there was held “The Second Extraordinary Congress of the Delegates of the Soviets of different levels” representing some

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<sup>6</sup> These “frozen conflicts” have not been solved yet, little and insignificant progress having been made in this respect – Nevertheless, the countries involved have taken action lately in finding a way to solve the conflicts. Thus the Georgian and Moldavian governments called on international assistance.

<sup>7</sup> Without making clear statements, the most artful strategy observers have admitted that though future can hardly be foreseen, there are trends and directions that mark the way towards tomorrow. Professor Colin Gray from the University of Bristol also ruefully admitted that “we confidently can predict shading off in the war typology, a constant obscurity in war categories”. See Colin S. Gray, *Another Bloody Century: Future Warfare*, Weidenfelds Nicolson, London, 2006.

<sup>8</sup> <http://www.ziarul-faclia.ro/conflictul-%E2%80%99-Cinghetat%E2%80%99-D-din-transnistria-incepe-sa-se-dezghete/-accest-la-6-mai-2013>.

Transnistrean places. At this Congress a new republic was declared on the territory of the Republic of Moldavia, that is, the Dniester Moldavian Soviet Socialist Republic, within the Soviet Union<sup>10</sup>.

On August 27<sup>th</sup>, 1991, the Republic of Moldavia declared its independence as a state and successor of the Moldavian Soviet Socialist Republic (MSSR), which was created in 1940, after Bessarabia<sup>11</sup> had been annexed by the Soviet Union<sup>12</sup>. The key element of the “soviet - moldavianism” was the Romanian-phobia, instilled by the political leadership of Moscow by all the methods of a totalitarian state: deportations, physical annihilation of intellectuals, the artificially caused starvation in 1947, the so-called “brain-washing”, etc. The different historical background of these two component parts of the MSSR as well as the diverse ethnic structure of the population brought about diametrically opposed reactions to the political processes that followed after 1985.

In the context of the “Perestroika” policy, initiated and promoted by the former soviet president Mikhail Gorbachev in 1985, the approach of the national emancipation issue became a reality for the population of all the former soviet republics.

The national emancipation of the native population and the declaration of independence of the MSSR caused a hostile reaction in the industrial centers of the East Moldavia. The dominating state of spirit in this part of the country and the mistakes of the young democracy in the Republic of Moldavia were cunningly exploited by the Soviet Union leadership at first and subsequently – after 1991 – by its heir, The Russian Federation. The Republic of Moldavia’s situation worsened severely because of the former 14<sup>th</sup> Soviet Army (Russian Army later) of which the units had been deployed after 1945 throughout the Eastern territories of Moldavia<sup>13</sup>. During the military hostilities between the

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<sup>9</sup> Transnistria capital city.

<sup>10</sup> After 1989, against the background of the Cold War conclusion and the dissolution of the Soviet Union, a number of former soviet republics started to make their first steps towards independence. Kremlin’s response-policy was the so-called “tactics of enhancing separatism” throughout the “rebellious” republics. See Nathat Freier, *Strategic Competition & Resistance in the 21<sup>st</sup> Century: Irregular, Catastrophic, Traditional & Hybrid Challenges in Context*, (PA: Army War College, 2007), 96.

<sup>11</sup> The territory between the rivers Prut and Dniester is called Bessarabia.

<sup>12</sup> The territory of former Moldavia Soviet Socialist Republic (MSSR), stretching on a surface of 37.000 km<sup>2</sup>, comprised Bessarabia and a part of the former Autonomous Soviet Socialist Republic of Moldavia (ASSRM). To justify its territorial expansion and the setting – up of “Moldavian Soviet Socialist State”, Kremlin implemented a tough policy of denationalization and of creating “a new nation”, namely the “Moldavian” one.

<sup>13</sup> This bloody conflict started as a reaction to the pro-Romanian trends of the Chişinău, at the beginning of the ‘90s and it left about 1000 dead and 4,100 wounded behind. The 14<sup>th</sup> Russian Army played a decisive role in this confrontation, acting on the side of the Transnistrean separatists. A superposition of factors between the Constitutional power and the separatist regime, allowed the latter to take over control upon almost 12% of the territory of the Moldavian Republic and of about 700,000 inhabitants. During the

separatist forces and the Moldavian ones, Kremlin took the 14<sup>th</sup> Army under its jurisdiction and colors, involving it into the conflict<sup>14</sup>.

Peace negotiations were held through the mediation of special envoys of the Russian president at the time – Boris Yeltzin – and Moscow played the role of a mediator of the conflict, requesting the Republic of Moldavia to accept the special status of the separatist region as a preliminary condition to the 14<sup>th</sup> Army withdrawal.

The Russian diplomacy actions and behavior during the whole post-conflict period made obvious how far Kremlin was involved in keeping Tiraspol under control. It refers to an unstated control upon a member of the international community, without assuming costs or responsibilities implied by Russia's status of occupant, leader and administrator of a territory.

On November 17<sup>th</sup>, 1995, the Russian Federation Duma (the Parliament) proclaimed Transnistria as an “area of special interest to Kremlin”, Moscow's intervention in this area being justified by the need of protecting the rights of Russians and Russian speaking people throughout the world.

Having never been declared, the war keeps on going in the region without direct confrontations. The stages of a classical war have been surpassed and the dispute ranges among the so-called “frozen conflicts”, as acknowledged in this part of the world, along with the other separatist conflicts from Georgia (Abkhazia and South Ossetia) or from Azerbaijan (Nagorno-Karabakh). Encouraged by the Kosovo<sup>15</sup> model, these wars stirred up at about the same time. It has been years since the two conflict parties (Republic of Moldavia and Transnistria) have summoned and then cancelled different types of

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Transnistrian war, between March and July 1992, the separatists received financial, logistical, and military support from Moscow.

<sup>14</sup> Iulian Chifu, A bloody conflict, guided by Moscow. The Transnistrian War. See History Files, No. 2, 1999 pages 54-58. On April 1<sup>st</sup> 1992, an Order in Council was issued according to which the 14<sup>th</sup> Army, as a part of the South-West Group of Armies belonging to the former Soviet Union, was to subordinate directly to the Russian Defense Ministry. Actually, it should be mentioned here that after the dissolution of the Soviet Union, a serious situation that the former republics were to face was the presence of soviet armies on their territory. The 14<sup>th</sup> Army was relocated to certain positions in Transnistria (Râbnîța, Tiraspol and Tighina) right after the Republic of Moldavia had proclaimed its independence. This maneuver was done without notifying the authorities from Chișinău, while paramilitary structures had already been set up in Transnistria before 1989. According to the plan of dividing up Moldavia the 14<sup>th</sup> Army also coordinated the Cassack units and the special KGB forces which the Russia Federation had deployed in Transnistria on the purpose of defending the rights of Russian population spread on different territories of the newly created Community of Independent States (CIS).

<sup>15</sup> As a matter of fact the Transnistrian leaders stated on different occasions that they had been encouraged by Kosovo model.

negotiations, while the discussions have broken out around the disputed language, the transit and property rights issues.

The Republic of Moldavia, as an independent and worldwide recognized state, member of the UN does not have control over a region of its territory – that is the Eastern part – which declared itself “independent”, under the name of the Self proclaimed Republic of Transnistria (SRT), a country which has not been recognized by any state of the world<sup>16</sup> so far. The SRT is considered a “state de facto” and this type of régimes is approached as partial subject by the international law because “... their unique status entails certain vital responsibilities, primary, those regarding the needed actions to provide support and welfare to the population. This régime may conclude agreements which are considered of a lower level than that of treaties. Beside its right of providing welfare to the population a “state de facto” can be made responsible for infringing the international law”<sup>17</sup>.

A judicial analysis of the Transnistrean conflict proves that all the basic documents that have been signed since 1992 are contradictory to the provisions of the Republic of Moldavia’s Constitution and suggest making of Moldavia a confederate state. At the time when the SRT became a negotiations party, some premises were established in accordance with the development of the conflict. Thus it was considered, by common consent, that – regardless a previous judicial analysis – starting negotiations and mutual discussions would be of greater importance than avoiding contacts of any sort, a fact which might have enhanced new conflicts.

Starting 1992, the negotiations process between the parties has been guided on two directions: 1) defining the SRT status and 2) making a decision regarding the Russian military forces deployed on its territory<sup>18</sup>.

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<sup>16</sup> The self-proclaimed Republic of Transnistria (SRT) is a presidential republic, with a government and a parliament of its own, with military and police forces, a postal system and national currency together with a constitution, national colors and coat of arms as symbols of a state. The only recognition the SRT has received so far is that coming from other separatist regions.

<sup>17</sup> On 18th July, 2006, an international conference was held at Chişinău, where the American legal experts M. Meyer and C. Borgen presented their report: The defrosting of a Frozen Conflict: Judicial Aspects of the Separatist Crisis in the Republic of Moldavia.

<sup>18</sup> In the course of time the 14th Army became an integrant part of the separatist forces, mainly due to better conditions the latter enjoyed. Therefore, a separatist leader’s words – Igor Smirnov – seem justified when he stated: “The 14th Army will withdraw from Tiraspol lead by its commander and its fighting banner”. Although the status of Russian forces and their withdrawal from Tiraspol was signed, the Duma never ratified it, stating the reason of the autonomous republic’s rights. Ever since 1993 international pressure has been exerted on the Russian Federation to withdraw its troops but all the likely requests have not received an answer so far. Some analysts and officials admit that unless Russia withdraws its troops and equipment from Transnistria, there will be no change in the area. The United States approach the Russian withdrawal from the Republic of Moldavia as a separate matter from the Transnistrean issue but as an obligation of Moscow to

Actually, the Transnistrean conflict is extremely complex; the fact that the main industrial factories of the Republic of Moldavia are located on the SRT territory makes of it an economical conflict. Within this Eastern part of Moldavia there is an intense economical and trading activity, on which the Republic of Moldavia doesn't have any control. Some voices claim that SRT is the paradise of illicit business with drugs, money washing, arms, ammunition, etc.

At the same time the conflict has a political side, since the separation of this region from the Republic of Moldavia affects its territorial integrity, sovereignty and independence as an internationally recognized state while the SRT has not been recognized by the international community as an independent, sovereign, autonomous state entity. Agreeing to the separation of the SRT from the Republic of Moldavia would be a negative example of which the consequences may be disastrous for both the respective region and the International Community.

The military side of the conflict is rendered by the fact that forces, armament and ammunition belonging to the Russian Federation are deployed on the territory. According to the "Istanbul Agreement", in 1999, the Russian Federation should have long withdrawn its military capacities, technique and ammunition from the area. On the other hand, by the tacit agreement of Kremlin, the Tiraspol administration developed its own military and police forces. Last, but not least, the conflict is a political-military one, considering that there are foreign forces that maintain the status of "frozen conflict" and affect the status of the Republic of Moldavia as an independent, sovereign and unitary state, recognized by the whole International Community.

A number of states<sup>19</sup>, regional organizations<sup>20</sup>, and international ones<sup>21</sup> that have different interest in the area got themselves involved into finding a solution to the Transnistrean conflict. The deepest involvement came from OSCE, as an Organization for Security and Cooperation in Europe. On the whole, the OSCE efforts to find viable solutions failed in getting significant effects, mainly because of the consensus rule, that is the principle of unanimity. On the other hand the Russian Federation, as a member of OSCE takes advantage of the consensus rule each time it considers its interests might be

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comply with the agreement signed at Istanbul in 1999 (which stipulates that the Russian Federation should retreat its forces from Moldavia and Georgia).

<sup>19</sup> The Russian Federation, Ukraine and Romania.

<sup>20</sup> OSCE – The Organization of Security and Cooperation in Europe.

<sup>21</sup> European Union and UN, through the High Commissioner.

harmed. Initially established for a period of 3 years, the OSCE mission was extended, at the request of the Russian Federation<sup>22</sup> during the OSCE summit in Porto (Portugal), held in December 2002. We believe that the content of the final document agreed at the Porto summit is less consistent than the Istanbul agreement.

OSCE credibility was seriously damaged when its representatives blamed the separatists from Tiraspol for “not allowing” the authorities from Moscow to withdraw their forces from the Moldavian territory. This idea or “gaffe”, euphemistically speaking, belongs to David Schwartz, one of the OSCE representatives at Chişinău<sup>23</sup>. Another gaffe was made by the American William Hill, an OSCE representative at Chişinău, who stated that the Republic of Moldavia should be turned into a federation because of its multinational population<sup>24</sup>. The process of solving the conflict, under the patronage of OSCE, was carried out on several stages. Thus, the period 1992 (the year when military actions ended) – 2001 is characterized by an approaching policy between Moldavia and Moscow who concluded a “Friendship and Cooperation Treaty”. In spite of this agreement, the Republic of Moldavia did not succeed to in convincing Kremlin to withdraw its forces and armament from Transnistria.

The first negotiations started on July 21<sup>st</sup>, 1992, under the formula of “4” (the Russian Federation, Ukraine, Romania and the Republic of Moldavia). It was then when the parties signed the Convention regarding the Principles of a Peaceful Settlement of the armed conflict in the Dnistean zone of the Republic of Moldavia<sup>25</sup>. In 1993 Romania was left out from the negotiations. In order to implement the provisions of the document, an OSCE mission in Moldavia was requested by the president of this country from the

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<sup>22</sup> The OSCE representatives and diplomats performance at Chişinău or Viena was criticized by Moldavian and American politicians and analysts. One example is that from Porto, in 2002, when OSCE diplomats failed the matter in question and granted Moscow another year – till December 2003 – to withdraw all military troops and equipment from Moldavia, in spite of the well-known fact that in 1999 at Istanbul, Russia had committed itself to do so by the year 2002. The Russian Federation has never showed evidence of its intention to observe all these agreements and keep its promise.

<sup>23</sup> See the speech “OSCE dynamics within the frozen conflict in Moldavia” given by the chief – deputy of OSCE Mission in Moldavia, Neil Brennan, at the seminar “Frozen Conflicts in Europe - The Dimension of Democratic Security: case SRT”. OSCE contribution to the process of solving the Transnistrean conflict consisted in drawing up reports on the situation; in trying to stimulate the implementation of the Retreat Agreement and in playing its role within the Joint Control Committee which was set up and appointed by Moldavia, Russia and SRT to approach security issues in the demilitarized territories on both banks of Dniester. In the course of time OSCE’s role in the area declined while the influence of EU, NATO and USA increased.

<sup>24</sup> As a matter of fact the Republic of Moldavia’s population goes up to 4,300,000 inhabitants of which: 64.4% are Romanians, officially declared as Moldavians; 13.8% - Ukrainians; 12% - Russians; 3.5% - Gagauz; 2.6% – Bulgarians; 1.5% - Jewish; 2.2% other nationalities. The census had in 1999 showed that there were 679,000 inhabitants in SRT, while the census in 2004 showed only 555,347 inhabitants.

<sup>25</sup> Known as Elzin-Snegur Convention.



president of OSCE. As a consequence the international organization appointed a long term mission at Chişinău.

In April 1993 OSCE was included in the process of negotiations<sup>26</sup> as the Government from Chişinău had requested again. On October, 21<sup>st</sup> 1994, Chişinău and Moscow signed an “Agreement regarding the judicial status, the means and dead-lines for withdrawing the Russian military structures from the Republic of Moldavia’s territory<sup>27</sup>”.

After 1994 the negotiations concerning the Transnistrean conflict were carried out under the formula of “5” parties: The Republic of Moldavia, the Russian Federation, SRT, Ukraine and OSCE.

The authorities from Chişinău were suggested a large number of solutions regarding Transnistria’s status, either by the voice of William Hill, former chief of the OSCE mission, or by the Kremlin’s emissaries<sup>28</sup>, all those “solutions” approaching the concept of federalization. Between 1992 – 2003 the solution of “federalization” suggested by Kremlin was, at first, easily accepted by the western world.

On May, the 8<sup>th</sup>, 1997, the parties signed a “Memorandum regarding the principles for normalizing the relationships between the Republic of Moldavia and SRT”.

Article 11 of the Memorandum stipulated that “... the Republic of Moldavia and SRT are to build their relationship as a common state within the borders the Moldavian Soviet Socialist Republic had in January 1992”.

One should point out here that using the syntagm “common state” is ambiguous since Chişinău gave it the meaning of “an autonomy of SRT within the Republic of Moldavia”, like Gagauzia, while Tiraspol understood it as a confederation, which represented an intermediary step in getting its independence from the Republic of Moldavia<sup>29</sup>. In the context of these two diametrically opposed interpretations, the negotiations under the formula of “5” failed. The “Memorandum regarding the principles for normalizing the

<sup>26</sup> Dan Dungaciu, Dosarul transnistrean, analize și perspective, (The Transnistrean File, analysis and perspective). See [http://moldnit.com/pub/dan\\_dungaciu\\_dosarul\\_transnistrean\\_analize\\_si\\_perspective/4-1-0-1432-was](http://moldnit.com/pub/dan_dungaciu_dosarul_transnistrean_analize_si_perspective/4-1-0-1432-was) accessed on June 2013.

<sup>27</sup> The Russian promised to retreat the military units from the Republic of Moldavia within a period of 3 years “... having in view the technical aspects and the time necessary to dislocate troops”. Constantin Solomon, Conflictul transnistrean și procesul de negocieri în formatul „5+2” (The Transnistrean conflict and the negotiation process 5+2). See the article in *Moldoscopia. Probleme de analiză politică* No. 3 (XLII), 2008 – (Moldoscopia. Analysis of Political Issues). After they signed the Agreement the Russian Federation did not even proceed to internal actions in order to make the document come into effect.

<sup>28</sup> Particularly after Mircea Snegur, president of the Republic of Moldavia and Boris Eltsin, president of the Russian Federation had signed the “Agreement on ceasing fire on both banks of Dniester” (July 21<sup>st</sup> 1992).

<sup>29</sup> Ibidem.

relationships between the Republic of Moldavia and the Self proclaimed Republic of Transnistria”, a document also known under the name of “The Primakov Plan”<sup>30</sup>, was supported not only by Moscow and Tiraspol, but also by the Gagauz representatives<sup>31</sup>. It is to be noticed that, in this project, the Russian Federation had the status of a “guarantor” together Ukraine; the presidents of the two “guarantor” states, Boris Elțin and Leonid Kucima adopted, after the agreement was concluded, a “common declaration concerning the signing of the Memorandum regarding the principles for normalizing the relationships between the Republic of Moldavia and the SRT”.

Among others, in the project were stipulated: a common state, formed of two parties having equal status<sup>32</sup> namely, the Republic of Moldavia and the SRT; distribution of mandates through equality based agreements between the authorities from Chișinău and Tiraspol; negotiations with five participants (pentagonal format or “5”): the Russian Federation, Ukraine, OSCE, SRT and the Republic of Moldavia with the first three as “mediators” and “guarantors”, which in fact meant that Western Europe and Romania were left out from direct participation to negotiations and guarantees.

Essentially, according to the project, the SRT would have shared equal “part” with the Republic of Moldavia, thus having the possibility to control, both the internal affairs and the foreign affairs of Chișinău.

When OSCE proposed a project of federalization as a solution to the crisis, both Europe and the USA took regard with benevolence and hope to the issue, considering that, in a democratic society “federalization” is a concept with positive connotations, associated to democracy, human rights, etc.

On August 13<sup>th</sup>, 2000, the Russian political theorist Evgheni Primakov issues two documents, namely, a project of the “Agreement regarding the foundation of relationships between the Republic of Moldavia and the SRT” and “The Basic Principles of OSCE and of state and peace keeping forces mandate in the Transnistrean region of the Republic of Moldavia”. In our opinion, the effects of the two documents are not different from those of

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<sup>30</sup> The author of this agreement is Evgheni Primakov, a well-known politics theorist and the Prime Minister of the Russian Federation between 1998-1999.

<sup>31</sup> At the time the Russians and the separatists claimed that “... the Memorandum signed at Moscow in 1997 is the only realistic and operative document which allows an integral solution to all the issues regarding the internal structure of the Republic of Moldavia, within the limits of a common state and participation of Moldavia, SRT and Gagauz autonomy”. Dan Dungaciu, *Dosarul transnistrean, analize și perspective*, (...). See [http://moldnit.com/pub/dan\\_dungaciu\\_dosarul\\_transnistrean\\_analize\\_si\\_perspective/4-1-0-1432](http://moldnit.com/pub/dan_dungaciu_dosarul_transnistrean_analize_si_perspective/4-1-0-1432)-was accessed on June 2013.

<sup>32</sup> The Republic of Moldavia is a sovereign and independent state, internationally recognized.

the text of the project issued in 1997, meaning, on one hand, the legalization of the illegal presence of the Russian forces and armament on the Republic of Moldavia's territory and, on the other hand, the transformation of the Republic of Moldavia into an entity, internally and externally controlled by the SRT guided from Moscow.

In 2002, on the basis of the "Primakov Memorandum", the "Agreement between the Republic of Moldavia and the Self proclaimed Republic of Transnistria" was founded and it was signed by OSCE, the Russian Federation and Ukraine.

The content of the agreement was an updating of the "Primakov Memorandum" from 1997, moving around the principle of the two "parties" having equal rights, and around the penta-lateral formula of the negotiation process<sup>33</sup>. In this context, the civil society and the opposition parties reacted powerfully and rejected resolutely the project of federalization.

On November, 17<sup>th</sup>, 2003, through the mediation of Dimitri Kozak<sup>34</sup> the chief deputy of the Presidential Administration of the Russian Federation, Moscow proposed Chişinău a "Memorandum for solving the Transnistrean conflict<sup>35</sup>", a federal constitution project, by which the Republic of Moldavia would have become dependent on Tiraspol and implicitly on Moscow.

In fact, by this solution, known as the "Kozak Plan", the Russian Federation wanted to mask the failure of the "Primakov Plan". In December, 2003, on the occasion of the OSCE meeting at Maastricht, Kremlin required that the document be signed. This diplomatic approach left confused the presumptive partners, namely, the USA and OSCE, being interpreted as the will of the Russian Federation to have the exclusive control over an area about which theoretically it had previously agreed to discuss with other parties as well. As a consequence, the "Kozak Memorandum" was neither agreed nor signed by the participants at the meeting. Not even a final declaration was adopted because Vladimit Voronin rejected the "Kozak Memorandum"<sup>36</sup>. That meant the deadlines for the

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<sup>33</sup> The document was strongly criticized by mass-media at Chişinău, Washington and Bucureşti considering the "federalization" supported by OSCE, as a means by which Tiraspol could dominate and control the Republic of Moldavia. It is easy to understand that the powers rendered by such a project, backed up by the Russian forces in the area, could allow Smirnov's regime to oppose any time and obstruct any initiative of Chişinău which would have been interpreted as inconvenient by Tiraspol. Thus, the independence of the Republic of Moldavia would be a simple written statement.

<sup>34</sup> Dimitri Nikolaievici Kozak is a remarkable Russian politician who was minister of regional development, special representative of Kremlin in North Caucas and the European part of South Russia and now he is vice-prime-minister of the Russian Federation, appointed in 2008. He is one of Putin's favorite politicians.

<sup>35</sup> Also known as "Kozak Memorandum".

<sup>36</sup> If the memorandum had been signed, the Republic of Moldavia would have been eliminated "de facto" and the presence of Russian military forces would have become legal up until 2020. Moldavia rejected "Kozak

withdrawal of the Russian forces and technique from the Republic of Moldavia was still valid. Under these circumstances, the opposition leaders from Chişinău underlined both this, and the fact that the federalization project proved to be a failure. At the end of December, 2003, three projects of federalization were discussed in Chişinău: “The Kozak Memorandum”<sup>37</sup>, the document of the “mediators”<sup>38</sup> and a project of the Republic of Moldavia’s president<sup>39</sup>.

In January, 2004, Bulgaria took over the OSCE presidency and the “mediators”<sup>40</sup>. Conference from Sofia decided, at William Hill’s proposal, to merge the “mediators” document and “The Kozak Memorandum” within one single document<sup>41</sup>. A month later, the OSCE Bulgarian Presidency issued the document entitled “The OSCE, the Russian Federation and the Ukraine mediators’ proposals and recommendations concerning the settlement of Transnistrean issue” which, again suggested and recommended the Kremlin’s solution that is the federalization of the Republic of Moldavia. At the same time, the document left the military and the political aspect of the issue at the full discretion of the pentagonal group, dominated by the Russian Federation, and granted SRT to put a veto on the West involvement into the pacifying operations and military security of the situation in the area.

On March, the 9<sup>th</sup>, 2004, Chişinău suggested a project entitled “Declaration regarding the basic principles of the state order in the Republic of Moldavia”, a document which essentially resumed the thesis stipulated in the previous documents but in addition, its content was to be confirmed by a referendum, taking into consideration the majority of those reported to the polls . In the same month, the Moldavian minister of integration, Vasile Şova, asked the Transnistrean conflict “mediators” to fix the date for resuming the negotiations under the pentagonal form<sup>42</sup>. One month later, the minister Vasile Sova

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Memorandum” because of the following provisions: keeping the Russian forces stationed on the territory for 15 years; the Upper Chamber of the Parliament was to include equal number of members representing SRT, Gagauz enclave and the Republic of Moldavia, that is 9 members of each part. It is obvious that the Transnistrean and Gagauz members could block up the Parliament any time they wanted. Another article of the document stipulated that the representatives in the Upper Chamber could be replaced each time they would not fulfill the SRT and Gagauz requests.

<sup>37</sup> The Russian Federation.

<sup>38</sup> The Russian Federation and OSCE.

<sup>39</sup> Vladimir Voronin.

<sup>40</sup> The Russian Federation, Ukraine and OSCE.

<sup>41</sup> OSCE suggestion was accepted by Moscow and Kiev.

<sup>42</sup> The Russian Federation, Ukraine, OSCE, the Republic of Moldavia and the SRT. In the Moldavian minister’s opinion future negotiations should have been held on the basis of the following documents: “Kozak Memorandum”, the mediators’ recommendations and Chişinău proposals. There was no answer to the minister’s requirement.

applied to the Permanent Council of OSCE for resuming the pentagonal group negotiations, which had been suspended due to Chişinău refusal to sign the “Kozak Memorandum”.

In June, 2004, Stanislav Belkovski, the director of the Institute for National Strategy of the Russian Federation made the shocking-proposal that Russia should accept reunification of Basarabia and Romania in exchange for recognition of Transnistria’s independence<sup>43</sup>.

In 2005, Petro Poroshenko, the counselor on foreign policy matters of the Ukrainian president, Victor Iuscenko suggested a new plan for solving the Transnistrean conflict, known as “The Poroshenko Plan”, inspired from the 1997<sup>44</sup> “Primakov Plan”, which added the Ukrainian interests to the equation of the conflict. The “Poroshenko Plan” aimed at recognizing the legitimacy of the Supreme Soviet of Transnistria<sup>45</sup>.

At the same time, the plan suggested that the Republic of Moldavia and Transnistria should be granted an equal status as signatory parts, together with the Russian Federation, Ukraine and OSCE, which were to become guarantors for putting the plan into practice. By this plan Romania was excluded from the group which was to appease the conflict and function as a protective – condominium: the Russian Federation and Ukraine. On the other hand, the plan suggested the setting up of a so-called Conciliation Committee as a constitutional and legal umpire between Chişinău and Tiraspol in the period after the agreement, and it was to be composed of the representatives of the Russian Federation, Ukraine and OSCE. Essentially, the plan aimed at placing the reunited Republic of Moldavia under the protection of Moscow and Kiev, and it also stipulated Transnistria’s right to veto on matters concerning Chişinău’s foreign policy, without any reference to the withdrawal of the Russian forces and armament deployed on the left bank of Dniester.

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<sup>43</sup> Kremlin’s new plan seemed favourable to Romania but, in our opinion, it was a tricky one. If the plan had been accepted Romania would have encountered serious difficulties on its way to European integration. A sudden unification with Basarabia would have burden Romania with serious problems such as: territorial instability; poverty of the population in the area; a post-soviet type of administration touched by endemical corruption and inefficiency. Contextually speaking, it is important to underline the fact that an independent Transnistrean state with a military issue unsolved, would have placed NATO and EU right next to an enclave similar to the one from Kaliningrad but situated at the opposite end, that is at the Black Sea. One could say that “Belkovski Plan” was a “poisoned fruit” offered to Romania at a crucial moment for her European integration, that is just before closing the negotiations for adhering.

<sup>44</sup> The plan suggested by Kiev was a clear signal that Ukraine made the decision to promote an active foreign policy in the neighbourhood, to take over and turn Moscow’s ideas to its advantage.

<sup>45</sup> Proposed to be elected in October or November 2005. It was hoped that the leaders be pro-Ukrainian.

Concerning the distribution of competencies, “The Poroshenko Plan” stipulated only a reduced number of responsibilities for the central authorities which were to be negotiated afterwards. Under these circumstances and having in view that the negotiations between Chişinău and Tiraspol have a difficult start and an easy blocking up, the assignment of competencies could have been a long-lasting process and even a source of a conflict, in spite of the fact that the Republic of Moldavia accepted the principle of federalization<sup>46</sup>.

The “Poroshenko Plan” was rejected by the Parliament from Chişinău, concomitantly with welcoming Kiev’s involvement in identifying solutions for appeasing the Transnistrean conflict. So the members of the Moldavian Parliament justified that the plan proposed by Kiev had to be completed with certain provisions, especially those referring to Transnistria’s democratization and demilitarization, namely: the withdrawal of the Russian forces and arsenal by 2006, the involvement of an OSCE peace keeping force, the supervision of the Russian troops and armament withdrawal by OSCE observers and, last but not least, the stoppage of the illegal border traffic. At the same time, the observations made by Chişinău included the dissolution of the political police, freedom for media and political parties on the left bank of the Dniester, as well as the obligation of having Moldavian citizenship for all the candidates running for elections.

Several times, the Moldavian president<sup>47</sup> requested the European Union to play a more active role in solving the Transnistrean conflict and proposed a “Security and Stability Pact for the Republic of Moldavia”<sup>48</sup> guaranteed by the “mediators” of the negotiating process, to which the European Union, the USA and Romania should be added. The Moldavian experts suggested a new negotiation formula which should have modified the formula “2+3” into “3+3”, excluding the Transnistrean authorities and including the European Union, the USA and Romania<sup>49</sup>.

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<sup>46</sup> It should be underlined that according to the plan the gravity center of negotiations was moving from the chiefs of the two states towards the two parliaments, in Chişinău and respectively Tiraspol. As a consequence the separatist leader – Igor Smirnov – was no longer unconditionally recognized and Transnistria was seen as a group comprising different political forces. “Poroshenko Plan” does not mention any ways of modifying the status of Transnistria and insisted on legalizing the régime from Tiraspol by organizing elections under its control and lacking any democratic frames.

<sup>47</sup> Vladimir Voronin.

<sup>48</sup> In June 2004.

<sup>49</sup> On March 24<sup>th</sup> 2005, the newly elected Parliament made a statement by which they requested that European Union, USA and Romania be included in the negotiations formula. On July 22<sup>nd</sup> 2005, the Parliament passed a law which – for the first time since 1992 – provided principles for solving the Transnistrean conflict. The principles were inspired by the civilian society as they had been stated in 2004 and were based on the 3D: democratization, demilitarization, and decriminalization.

If at the beginning the aim of the negotiations between Chişinău and Tiraspol was to divide the power between the two entities, the Parliament from Chişinău moved the negotiations' center of gravity from the Community of Independent States towards the European space for security and democracy<sup>50</sup>. Transnistria was defined as a special autonomous entity, an inalienable part of the Republic of Moldavia, the localities on the left bank of the Dniester having the right to organize referendums by which to decide their affiliation to Transnistria, a method used for the Gagauz Autonomous Region, too.

The delimitation of competencies was to be settled by means of another law, referring clearly to the special legal status of Transnistria, in agreement with the Constitution of the Republic of Moldavia. This special status was to be negotiated after the formation of democratically chosen structures and after Moscow had withdrawn its troops and armament deployed on the left bank of the Dniester. At the same time, Transnistria was to get the right to develop and govern its own foreign economical and humanitarian relationships, this being the only remains of the old plans and process of negotiations that had been suggested. Chişinău does not conceive any longer Transnistria as a Russian speaking region, starting from the observation that most of the population is formed of "Moldavian language" speakers, followed by those who speak Ukrainian language and then, those who speak Russian<sup>51</sup>.

Although the essential role of the Transnistrean conflict was to be a means of influencing the Republic of Moldavia, it became an instrument for Kremlin to manage the zonal strategic balance, to influence Romania's foreign policy options and NATO's extension to the East, having effects even on the global relation between the USA and the Russian Federation.

The stake of the conflict is far more important than the local importance of the separation of a region from a state. In this context, we appreciate that, step by step this geopolitical conflict turned into a matter of organized crime, the criminal network in which heads of the Transnistrean authorities are involved, sometimes interfering even the

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<sup>50</sup> The law was accompanied by other endorsed documents with regard to the reformation of some institutions such as the State Security Service, the Audit Office etc. Actually these are the reform objectives requested by the European Union within the "Operative Plan EU - Moldavia".

<sup>51</sup> As a matter of fact the situation is not at the advantage for the Republic of Moldavia since Russia is the only officially recognized language on the left bank of the Dniester. The law does not relate to mediators, peace keeping forces and negotiation formulae.

international decision mechanism, thus making difficult the adoption of some anti-crisis solutions.

In our opinion, in the course of the conflict the negotiations between Chişinău and Tiraspol often lacked coherence and the periods of radicalism accompanied by inflexibility chaotically alternated with periods of tolerance for the most aggressive and humiliating actions from the part of Tiraspol Administration. It should be underlined here that Chişinău lacked behavior directions in its relationships with other parties involved in the process of solving the conflict, such as the Russian Federation and particularly Ukraine, which we consider a very important player on the scene. At the same time we believe that the only constant effort of Chişinău was that of bringing the conflict to the international attention and of involving institutions such as OSCE and EU into finding a solution.

And even so, the performance of these institutions lacked coherence and the outcome was poor. It is well-known that Russia, as a member of OSCE has the privilege of veto. Thus, all results related to Transnistrean File achieved by OSCE were overridden by the Russian veto, except for Moscow's<sup>52</sup> promise of retreating its forces within three years. Moscow has not respected this commitment so far, and since there are no means of controlling the implementation of this agreement we consider it an insubstantial one.

On the other hand we consider the law passed in 2005 as being the first clue to a coherent concept and approach of the Transnistrean conflict and we believe that it depends both on international players and Moldavian politicians to yield effective policy actions out of this new approach.

We also agree with those annalists who consider it is important that this conflict be not left in the hands of a small number of negotiators, specialized in backstairs maneuvers and ambiguous political trades. Such a wrong approach would lead to no result.

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<sup>52</sup> At OSCE summit in Istanbul, November 1999.



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