

The Newsletter is based on the radio programme broadcast on June 11<sup>th</sup>, 2016, produced by the Foreign Policy Association of Moldova in partnership with Friedrich-Ebert-Stiftung (FES). The programme is broadcast on the Radio Moldova public channel. The programme is part of the FES/APE "European Integration and Foreign Policy Dialogues" Project. The content can be reproduced by mentioning the source.

# NEWSLETTER

MONTHLY BULLETIN • JUNE 2016 • NR.5 (122)

## Synthesis and Foreign Policy Debates

The materials are realized by Lina Grau, foreign policy expert and programme coordinator with APE.

### TOPICS OF THE EDITION:

- 1.** Berlin and Moscow – a tandem in the resumption of the 5+2 negotiations. **Corneliu Ciurea:** "Transnistrianisation" of Moldova means an increasing influence of the Eurasian factor to the detriment of the European vector
- 2.** **Vladimir Iastrebciaik:** Now it is the time for non-standard models
- 3.** **Dmitri Danilov:** For Russia it is important to resume the security dialogue with the West

#### The last period was marked by several important events for Moldova.



The head of the IMF mission, who discussed with the government in Chisinau in the period of May 23<sup>rd</sup> to 27<sup>th</sup> about the security of the Moldovan banking sector, said the issue would be a subject of future negotiations over the IMF supported programme for Moldova. Ivanna Vladkova-Hollar said in a statement that during the visit "progress was made in developing a shared vision on the key issues" in the banking sector, such as removing "non-transparent bank shareholder structures," but that there is no understanding in all respects. The dialogue will continue, but the date of the next visit of the IMF mission with mandate to negotiate a new cooperation programme with the Moldovan Government "has not been established." An agreement with the IMF is vital to unlock external financing for the Moldovan government.



The co-Chair of the EU-Moldova Parliamentary Association Committee, Andi Cristea, said the Moldovan authorities still have to remove "many vulnerabilities having the potential to stagnate the European course". The social-democrat MEP Andi Cristea spoke on May 18<sup>th</sup>, after a meeting of the Committee in Chisinau, in the company of his Moldovan counterpart Mihai Ghimpu. The EU which has suspended the financial aid to Moldova, is demanding from Moldova to restore the donors' confidence after the theft of the billion dollars from the banking system. The next meeting of the EU-Moldova Parliamentary Association Committee is planned to take place in September, in Brussels.



The European Union, through its Foreign Affairs Council, said that the "Recent developments in the area of justice in the Republic of Moldova do nothing to dispel the concern expressed by the Council in February on the lack of independence of the judiciary and law enforcement agencies in the country. The statement comes just days after the Superior Council of Magistracy had approved a criminal investigation against Domnica Manole, a judge who had ruled in favour of the "DA Platform" the previous month on the issue of organizing a constitutional referendum. The EU statement released Thursday, June 3<sup>rd</sup>, reminded of earlier recommendations such as "judges should not be personally accountable where their decision is overruled or modified on appeal", and that "the interpretation of the law, assessment of facts or weighing of evidence carried out by judges to determine cases should not give rise to civil or disciplinary liability, except in cases of malice and gross negligence".



Also the US Embassy in Chisinau has expressed concern about the case through a statement published on its Facebook page "Ensuring independence and impartiality in the justice sector is of utmost importance to any democracy. The U.S. Government has worked closely with Moldova on justice sector reform for many years; however, for real reform to take root, Moldovan authorities must take great care to ensure that the rule of law is respected and that there is not even the appearance of political interference, unfairness or intimidation in the conduct of legal matters."

The official negotiations in the 5+2 format that have been suspended for two years, were resumed on the 2<sup>nd</sup> and 3<sup>rd</sup> of June, in Berlin. The negotiations hosted by the German chairmanship of the OSCE, ended up in the signing of a Protocol by Chisinau and Tiraspol that agreed to further discuss, including at the expert groups' level, about the recognition of diplomas issued by Transnistrian universities, the international traffic of cars with Transnistrian registration numbers, as well as about improving the mechanism of implementing the previous agreements. Referring to the resumption of negotiations, Cord Meier-Klotz, the German Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process said it is a new momentum in the Transnistrian settlement process. The meeting was regarded as productive also by the negotiators from Chisinau and Tiraspol.

## Berlin and Moscow – a tandem in the resumption of the 5+2 negotiations



On 2<sup>nd</sup> and 3<sup>rd</sup> of June, in Berlin, under the German OSCE Chairmanship, there were resumed the official negotiations in the 5 + 2 format after a two-year break. The participating parties in the

negotiations are Chisinau and Tiraspol as parties to the conflict, Russia, Ukraine and the OSCE as mediators and the EU and USA as observers. The participants welcomed the resumption



of the dialogue, the meeting ending up in a protocol containing concrete measures that the parties committed to undertake until the next meeting in Bavaria which will be held in mid-July.

“In the coming weeks Chisinau and Tiraspol will take efforts to come to an agreement regarding the apostille on the Transnistrian diplomas, environment and telecommunications issues. The Parties will continue working on the issue of participation in the international circulation of cars with Transnistrian number plates”, says the protocol.

Regarding another sensitive issue- the criminal cases -Chisinau and Tiraspol “showed their willingness to make visible progress” and committed to have systematic meetings, including in the area of fighting the crime. “The mutual exchange of updated lists of criminal cases will help strengthening the confidence through working out a final compromise solution on the issue, including the free movement of persons in positions of responsibility on both sides,” says the Berlin protocol.

Before the resumption of the negotiations, several experts underlined that Germany and Russia are insisted in the resumption of the dialogue between Chisinau and Tiraspol and that the reason for these arrangements is related to the regional security and the interests of the two countries. The experts also point out to the fact that the issue of political regulation does not appear in the Berlin final protocol and given that elections will take place on both banks of the Nistru by the end of the year, substantial progress is unlikely to happen this year.

## **Corneliu Ciurea: “Transnistriation” of Moldova means an increasing influence of the Eurasian factor to the detriment of the European vector**



***The Moldovan political analyst, Corneliu Ciurea, says that the relaunched talks in Berlin could target a solution for next year and that the Chisinau authorities must show extreme caution in these negotiations.***

■ **Lina Grâu:** On June 2<sup>nd</sup> and 3<sup>rd</sup>, in Berlin, the official negotiations in the 5+2 format on the Transnistrian conflict settlement were resumed. What is your understanding of this resumption – are we facing a process that will bring serious results or these talks are just for the sake of discussion?

■ **Corneliu Ciurea:** The formal resumption of the 5+2 talks is emblematic. There was also a press release in which they spoke about the main problems to be solved – these are small problems, problems that do not touch the substance of the conflict or have to do with the conflict resolution. However, the resumption of talks is

an important event for the logics of negotiations - that means there have appeared players that are keen to unfreeze the negotiations process.

We know who these major players are - it's primarily Germany, which has taken over the OSCE chairmanship this year, and of course, Russia. This Germany-Russia tandem initiated these talks in order to convince both sides- Chisinau and Tiraspol, that are quite reluctant towards each other - to sit at the negotiating table.

■ **Lina Grâu:** Shall we expect concrete results from these talks?

■ **Corneliu Ciurea:** We can talk about tangible results only if there exist documents which contain elements of what we call “the third basket” - the so-called political and security basket. Unfortunately, the discussions within the 5+2 format follow the old logic of

“small steps”, trying to address primarily minor issues that are still important to the citizens living on both sides of the river but that are not pursuing ambitious goals. The talks mean the dynamics of ongoing negotiations is more important today than the results and consequences of the discussions - the political players have started the negotiations without prepared documents. Therefore, we continue to be sceptical about the results of these discussions, the more so that in the near future we will have elections in Transnistria and possibly elections in the Republic of Moldova.

As a result, the dynamic of the ongoing negotiations is going to be about the following: in June we had a meeting in the 5+2 format, and there might be, though not sure, one more meeting in the same format in July. After that there will be a period of respite, which will last for three or four months and which will allow for the elections on both sides, while the serious talks on the Transnistrian issue will be resumed in November-December, at the traditional conference in Bavaria, Germany. Perhaps this event will tell us a lot about the seriousness of the political players involved in the discussion.

And if there are documents prepared and effective proposals to be taken into account by the political actors, then in 2017, a window of opportunity will open for these proposals, developed both in Chisinau and Tiraspol with the support of the Germans and probably Moscow, to be discussed seriously.

■ **Lina Grău:** You said the negotiations were resumed at the insistence of Russia and Germany. Why are they interested in the talks on the Transnistrian settlement? What are their motives?

■ **Corneliu Ciurea:** The reasons are not easy to decipher. Of course, Germany took over the rotating presidency of OSCE in 2016 and wants to show it can assert itself

in the talks on the Transnistrian conflict. Germany is probably the most important state in Europe and having such status cannot treat the Transnistrian issue lightly. Basically, Germany is doomed to deliver certain results by virtue of its position this year within the OSCE.

Russia's interests are known, yet are more difficult to explain. Russia has come up this spring with a one-page document enlisting the main problems that the resumption of the negotiations will depend on - dismissal of criminal cases, ensuring implementation of the previous agreements. There are several topics considered by Russia as preconditions for resuming the negotiations. We could see, however, that these preconditions have been fairly easily ignored, the negotiations having been resumed without strictly respecting Moscow's conditions. This means Russia's interest in these talks is rather big, it is enormous.

I would advance a hypothesis - that Russia wants progress in the Transnistrian issue to somewhat counter the tensions and difficult relations existing in Donbas and Crimea and show to the West that Russia has a constructive role in the region thus improving its image in relation to the West. So Russia, unlike in Donbas and Crimea, possibly, wants to have a constructive role in this region. Of course, when I say “constructive” I mean a solution to the Transnistrian conflict, which will not necessarily be in the interest of a certain part of the Moldovan population. The word “constructive” refers more to an acceptable solution by the West.

■ **Lina Grău:** But Russia is unlikely to give up its interests in the region...

■ **Corneliu Ciurea:** Of course, it is not going to give up. However, it wants to show a good example of progress in a rather complicated issue, but not as complicated as the Ukrainian issue. And if Russia obtains progress, in tandem

with Germany – it is for this reason that Russians need Germany- to give weight to their demands - in this case Russia's image in the world could change a little bit.

■ **Lina Grău:** In this context we can remember about the discussions on Moldova's federalization. Recently, the leader of the largest opposition party, Igor Dodon, has brought up this issue and we know that the polls credited him with high chances of winning the presidential election from this autumn. Do you think federalisation is the solution considered?

■ **Corneliu Ciurea:** I think this is what it's at stake without using the word “federalization”, because it has a devastating effect on our political environment – anything that is called federalization is rejected from the start. But, of course, the final political solution to the Transnistrian conflict will be sought in the area of distribution of powers between Chisinau, Tiraspol, Moldova and possibly other entities in the Republic of Moldova. So the final formula will take into account these elements of federalization. This thesis is an old one - not all federalizations are against the interests of Moldova. A federalization based on the Russian model, as it exists in Russia, is basically acceptable by Chisinau. But not necessarily such a solution will be proposed.

So, Chisinau should be very careful with proposals coming from Germany and Moscow. Chisinau cannot afford the luxury to reject them from the start - they must be analysed first. More than that, Chisinau's task is to embark on this process, enter it and begin influencing it in a manner that would be convenient to and in Moldova's interests. So I disagree with those political commentators, analysts, advocating repudiation from the start of these opportunities. On the contrary, I believe that Chisinau should play an active role in order to get benefits from the process.

■ **Lina Grău:** And what would be the hazards for Chişinău in this process?

■ **Corneliu Ciurea:** We use for these threats a generic term -“Transnistrianization of Moldova.” This gives headaches to our politicians. Transnistrianization of Moldova means an increasing influence of the Eurasian factor at the level of national policy. By reintegrating the country, the pro-Russian and Eurasian factor will inevitably start to matter more and more. It is already very popular with the Moldovan electorate. Sure this is quite risky in terms of Moldova’s European integration aspirations.

Perhaps if Russia’s and Germany’s plans go well, we can talk about sort of blocking of the pro-European path of Moldova for a certain period, which in fact has already happened. **But that**

**would mean a revision of the design of Moldova’s statehood, by considering reintegration more important than European integration.** So, perhaps, a review of how we see Moldova’s course is somewhat, if not inevitable, then very possible.

■ **Lina Grău:** Chisinau seems to be in this moment alone facing this very complex situation and there is a risk not it won’t be able to manage it in its interest. What are the forces that could support Moldova in this game?

■ **Corneliu Ciurea:** We have talked about the intentions of certain states with regard to the possible reintegration of Moldova. However, we must note that both in Moldova and abroad there exist forces that don’t like such a course and don’t see with good eyes the increased role of the

Russia-Germany tandem. Also the 5+2 format is regarded with certain reserves by some countries. I believe that Washington does not have a decision on the Russian-German plans in the region and is following the situation carefully without having a very clear position. Sure those forces in Moldova that don’t see with good eyes the application of the scenarios described above could find an ally in Washington.

Also, some European countries bordering Eastern Europe - Romania, the Baltic States, and Poland - are also very attentive to these plans. And so, I think, the games are not made yet as this Russian-German initiative still has not convinced many states in the West that are potential allies of those who don’t want a pleasing outcome for Moscow of the Transnistrian conflict settlement.

## **Vladimir Iastrebczak: Now it is the time for non-standard models**



**The former chief of the Tiraspol negotiating team in the 5+2 format, Vladimir Iastrebczak, said that from the political point of view, a federation solution as the one provided in the Kozak Memorandum is no longer acceptable for Transnistria.**

■ **Lina Grău:** What did you understand from the statements made after the negotiations, was it a success or a failure?

■ **Vladimir Iastrebczak:** From my point of view, there were no exaggerated expectations from the negotiations round in the 5+2 format and the fact itself that the negotiations did take place is already a success. The fact that it ended up with the signing of a fairly consistent and voluminous protocol is a double success. Now everyone has something to work on – to fill in the negotiations with political content. Another

thing is whether these processes will be successful and to what extent the desires and ambitions, in the good sense, will be completed by the Bavaria Conference, a deadline mentioned in the protocol. Let's wait and see as this is a serious challenge. Apparently, the respectable colleagues that participated in the negotiations have set themselves an ambitious task.

■ **Lina Grâu:** Why do you think these negotiations have been held now? Both Chisinau and Tiraspol are preparing for elections, and the election periods are not regarded as good for achieving results...

■ **Vladimir Iastrebciaik:** However, I believe that precisely now there is a window of opportunity and both Transnistria and the Republic of Moldova understood this- the Russian Federation and Germany, the latter in its capacity as president of the OSCE have been trying to stimulate the resumption of negotiations.

I think they understand it very well that after a month and a half or two, they will not be able to discuss about dynamics in the foreign policy because of the upcoming elections here. I think the window of opportunity has been very effectively used and that the remaining time will be used to conduct the Bavaria conference in July, which basically has already been announced and which has become an almost binding element of the Transnistrian settlement.

■ **Lina Grâu:** What is Transnistria's interest in these discussions? What would be considered a good result for Tiraspol?

■ **Vladimir Iastrebciaik:** For Transnistria the most important is the fact that nobody questions the status of Transnistria as an independent and equal party in conflict and in the 5+2 negotiations format. The issues that are discussed, based on the signed protocol, also are an important part of Transnistria's interests that the Tiraspol is trying to defend. These issues refer to the education documents, freedom of movement, and dismissal of criminal cases. In terms of the agenda, the topics are not new, but it is important that these issues

receive the attention of other subjects - Russia and the European Union.

And if we look at the first two points of the Protocol, a new aspect that can be seen is that, probably, for the first time the role of both the EU and Europe is regarded as important in solving the issues of importance to the regional regulation.

■ **Lina Grâu:** Is there willingness in Tiraspol to tackle political issues of the conflict, from the so-called "third basket"?

■ **Vladimir Iastrebciaik:** I believe that the further the negotiations advance, the more issues mentioned in the Protocol of the Berlin 5+2 negotiations round will be resolved by the parties and the more symbolic will become the division into "baskets" of the negotiations agenda.

For me, for example, given my experience from until 2012, the negotiations' agenda in the 5+2 format has never had a principled separation in any of the three "baskets". And I think that, as discussions will advance, the parties and the participants will come to the same conclusion. It will be very difficult to classify, for example, the issue of the car license plates, into the first, the second or the third basket. One way or another, we will have to get used to the fact that the solution of this problem will be related to all three baskets. Maybe they will not discuss openly about these things, but this separation is going to be more and more conventional.

■ **Lina Grâu:** To what extent Tiraspol would agree to return to the main theses of the famous Kozak Memorandum, stipulating rules on the principles of Moldova's federalization? Russian experts say Moscow would agree to such a formula.

■ **Vladimir Iastrebciaik:** Kozak memorandum is an awesome and gorgeous document; it was very well done, prepared in 2003 and still up-to-date in 2004. But it's 2016 in the calendar. Based on this, I think, we need to think not only along the ideas that existed in 2003, but take into account the things that have already changed. And a lot of things have changed very much.

In Moldova there happened three main processes: not only the power has changed, but also the orientation of the foreign policy has essentially changed as well as the regional situation; the Association Agreement with the European Union was signed. In Transnistria a referendum was held in 2006 which enshrined our orientation towards Russia. The year 2003 does no longer exist, and neither 2004. It will be very difficult to re-enter the same water.

Now we must think about new ideas, new approaches, and new concepts and perhaps even a new terminology, because everyone knows how much repugnance the term "federalization" is stirring in Moldova. Without suggesting any analogies, let us remember that if the case of Cyprus no one tried to impose a federal model, but proposed a kind of "unshakable partnership," which essentially was something close to existing models, but simply the cat was not called a cat. Perhaps here it would be appropriate to think about this important moment and no longer call the cat a cat. The experts and those who will be developing the solution will have to call things by their name, yet no one should exclude completely the unusual and non-standard models. I think now it is the time for non-standard models.

But given that the domestic political processes in Moldova and Transnistria this year will be limited and oriented towards autumn and early winter, when elections take place, I think it would be too optimistic to talk about principle issues and spectacular results in the regulation process.

■ **Lina Grâu:** Can we think of 2017 as the year when important regulatory decisions will be made?

■ **Vladimir Iastrebciaik:** I think, given the national tradition - and I mean the Russian, the Transnistrian and the Moldovan- according to which the 17th year is the year of major developments, it is better to stick to the tradition. It's very possible to get into 2017 and then someone to come up with some revolutionary thesis - either in February or in March or April, or, after all, in October...

## ***Dmitri Danilov: For Russia it is important to resume the security dialogue with the West***



Lina Grău (RFE/RL)

**B**erlin and Moscow have made significant efforts to resume the official negotiations in the 5+2 format. Here's how Dmitry Danilov, the head of the European Security Department of the Europe Institute of the Russian Academy of Sciences, is explaining the interests of the two capitals.

■ **Lina Grău:** Why is Russia and Germany interested in resuming the talks on the Transnistrian settlement? Elections are planned on both banks of the Nistru until the end of the year while the pre-election period is generally not considered to be very effective for negotiations.

■ **Dmitri Danilov:** I believe that both Russia and Germany have quite a few reasons for that. Very many things in Europe depend now greatly on the results of the German presidency of the OSCE. OSCE is one of the few platforms within which we can try to find solutions to the common security crises. And we understand it very well that the German Chairmanship offers very good chances for that. Any progress of OSCE could lead to progress on other issues. Everyone

understands that the German presidency of the OSCE cannot achieve a settlement in the Ukrainian crisis without making any steps to restore and normalize the relations and dialogue on the security issues between Russia and the West. On the other hand, this normalization cannot be achieved outside the context of the Minsk process.

Why am I saying all this? Because these things have a direct connection with the Transnistrian issue. It is absolutely clear that Germany cannot, in its capacity as president of the OSCE, focus only on the conflict resolution processes in Ukraine and Minsk. There exist other conflicts to settle as well.

Secondly, concerns have been raised, though not very concrete, related to the situation in the Moldovan-Transnistrian conflict, which was always considered fairly stable. But lately concerns have appeared about the status quo. If before we thought the status quo can be changed in order to advance towards regulation, now the situation has changed – a breach of the status quo could lead to

an escalation. And it does not depend too much on Tiraspol or Chisinau. It is about a far more complex positioning of political interests and often destructive forces.

In this situation it is absolutely normal that Germany is interested in maintaining the Transnistrian settlement process and, in particular, of the 5+2 format. The negotiations in the 5+2 format have been suspended for two years, so, de facto, negotiations did not take place. And whether or not elections take place or regardless of how they will change the political circumstances on both sides, in order to keep the situation under control, the negotiation process needs to be restored. And Germany has done this.

In addition, by doing so, Germany has demonstrated the effectiveness of its presidency. Just remember what efforts the previous Serbian and Swiss presidencies have made in order to restore the negotiations. The Swiss presidency succeeded in obtaining a signed declaration, but things have not moved from the dead point for several reasons, primarily because of the crisis in Ukraine. Now, the German Presidency has demonstrated its effectiveness and this is very important. Not only the Moldovan-Transnistrian conflict is important for Germany, a positive political dynamic can be obtained on other issues as well.

■ **Lina Grău:** And what are the interests of Russia in this equation?

■ **Dmitri Danilov:** Russia is actually concerned about the situation in the conflict zone and, in broader terms, about the regional security, especially in view of the increased military presence on the eastern flank of NATO, the increased number of military exercises with

participation of Romania and Moldova. This is the context.

On the other hand, the actual situation in the conflict zone raises concern as well as the developments that have occurred in the past two years, when there have been no negotiations. The negative dynamics is obvious – this refers also to the relations between the sides, including in the field of confidence-building measures, and the situation in the security zone on the Nistru. All these things raise big concerns.

And it is obvious that the resumption of negotiations was a complicated thing for Russia for several reasons –the 5+2 format is quite personified and it is important who carries the discussions. In this case, Russia didn't find it easy to decide how it can move forward in this format. Resumption of negotiations entailed an assessment of the prospects of these discussions in order not to devalue the situation - because to resume negotiations and then break them is not something conducive to resolving political purposes. In my view, this was a very important decision for Russia to make. Because being part of the negotiations and not being able to promote an active and visible policy is not in Russia's interests.

So Germany and Russia have a common motivation-to resume the negotiations, maintain the 5+2 negotiation format and make it functional. This is why Germany and Russia have undertaken significant efforts to prepare the ground for the first round of negotiations after an extended break.

Despite the complicated situation on the both sides, there are signs of progress, especially taking into account the fact that the negotiations not only were resumed but the format was preserved to allow for Moscow and Kiev to sit at the same negotiation table. That is why one of Moscow motivations is to demonstrate a positive attitude towards constructive cooperation with Kiev, including in the 5+2 negotiation format.

In addition, in general, Moscow is quite close in terms of the views and interests to the German OSCE presidency's programme which is an open secret. There were some divergences, but broadly, Moscow is supporting strongly the German OSCE presidency and sees it as well as the upcoming Austrian OSCE Presidency, provided the positive atmosphere is maintained, as a good chance to obtain good results on several issues - not only in the Ukrainian crisis, but also in improving the relations between Russia and its Western partners. It is absolutely clear that if Germany doesn't succeed, the things are going to get more complicated. No one expects miraculous solutions from Germany, but without having exaggerated expectations, Moscow expects to make progress on this issue and identify premises for future solutions.

That is why, at the moment, Moscow has a very constructive attitude in relation to the Transnistrian settlement. Even if it does not make a definite emphasis on this subject, now, the key principle is not to damage the process. Attempts to achieve

spectacular and fast results, against the background of increased tensions and instability, are unlikely to be effective and can even destroy the whole structure and lead to escalation. This does not refer only to the Transnistrian conflict, but to the broader political context. That is why action must be taken with great caution.

■ **Lina Grâu:** What does namely the effectiveness of this round of negotiations in the 5+2 format consist of?

■ **Dmitri Danilov:** It is already very positive that the negotiations have not failed and that several tasks have been set with concrete results and steps to follow for the future, including the Russian non-paper that has received a positive echo including from Germany. In this context, an opportunity has appeared to establish a common understanding on the next steps to be taken in the dialogue between Chisinau and Tiraspol.

From this point of view, these negotiations can be regarded as a kind of political programme that will be "inherited" to the future authorities in Chisinau and Tiraspol, regardless of what the configuration of political forces will look like.

I think this message and the political "package" for Tiraspol and Chisinau is absolutely clear and obvious and it is unlikely that one or another political force in this situation has a very large room for maneuver.

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