

The Newsletter is based on the radio programme broadcast on December 12th, 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 • DECEMBER 2016 • NR.11 (129)

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. The current newsletter presents the opinions of officials, participants in the "5+2" negotiations format, local and international experts on the Transnistrian settlement prospects, discussed at the international conference "Transnistrian settlement – quo vadis?", organized in Chisinau by the Moldovan Foreign Policy Association.

The last period was marked by several important events for Moldova:



During a three-day visit to the headquarters of the EU institutions, the Prime Minister Pavel Filip has met in Brussels with the European Council President Donald Tusk. According to a press release of the government, Tusk told Filip that the EU will be on Moldova's side as long as Chisinau will go ahead with the reforms.



The Parliament has approved the draft law on the opening of the NATO Liaison Office in Chisinau, submitted by President Nicolae Timofti, after Prime Minister Pavel Filip and the NATO Secretary General, Jens Stoltenberg, had signed in Brussels an agreement in this sense. The draft law on opening the NATO office in Chisinau was supported by 59 MPs of the parliamentary majority and PLDM faction, while the MPs of the communist and socialist opposition objected to the law saying it's unconstitutional.



President-elect Igor Dodon believes that "at the moment, for the first time in the last 20 years, there is a historic opportunity to solve the Transnistrian problem". "I think both Russia and the West need good examples. I think it would not be bad to show everyone how frozen conflicts can be resolved. I think Transnistria can be such an example," said Dodon in an interview to the Russian Interfax news agency, underlining that in January he could go to Tiraspol to meet with the new Transnistrian leader who will be elected on December 11th.



The Russian Foreign Minister, Sergei Lavrov, has expressed his support for the negotiations in the "5+2" format over the Transnistrian conflict settlement. Speaking at the OSCE ministerial meeting in Hamburg, Lavrov was confident that next year progress will be made on the Transnistrian issue, since the presidential elections on the two banks of the river will be over.



The Tiraspol Central Election Commission has officially announced the victory of Vadim Krasnoselskii in the so-called presidential elections that took place in the breakaway region of Transnistria. Vadim Krasnoselskii got 62.3 percent of votes, while the current Tiraspol leader, Yevgeny Shevchuk, - only 27.38 percent. With Krasnoselskii's victory, the Obnovlenie Party which is supported by the Sheriff company and has the majority in the Supreme Soviet, (local legislature) is now controlling all power in the breakaway region.

The future OSCE representative for Transnistria, Wolf Dietrich Heim, said Friday, December 9th, at the OSCE meeting in Hamburg, he wants to pay an official visit to Moldova in the second half of January 2017 in order to discuss in details the organizational aspects and activities related to his mandate. According to a press release of the Bureau for Reintegration, the Vice Minister of Reintegration, Gheorghe Balan, has met Heim in Hamburg.



Transnistrian Settlement – quo vadis?

International conference in Chisinau



Officials, participants in the "5+2" negotiations format, local and international experts have discussed about the Transnistrian settlement prospects at the international conference organized by the Moldovan Foreign Policy Association with the support of the Black Sea Trust.



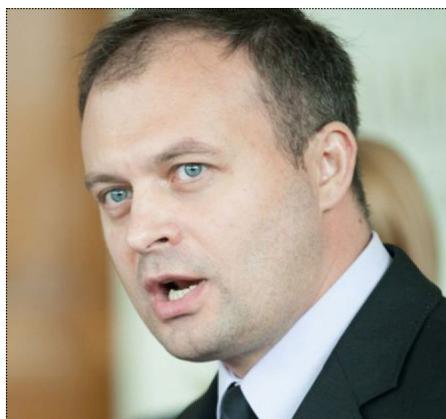
Andrian Candu: It is the responsibility of the political elites that the Transnistrian issue is not of interest to the society

Speaker Andrian Candu said in the opening remarks to the conference that although the Transnistrian issue has been discussed for years, sometimes the impression is that we don't make any progress. Lately, the Transnistrian issue has reappeared in sight given the events in the region and the OSCE interest.

■ **Andrian Candu:** The German OSCE Chairmanship has made considerable efforts to make progress not necessarily in solving the problem rather in keeping the dialogue between the parties.

Also the Moldovan Parliament has started actively to discuss about the Transnistrian issue. The communication itself, the dialogue and putting the views of the members of Parliament and parliament staff on the table are very important. To this end, early this year there has been created a platform of communication, dialogue and political support in the Transnistrian settlement, which discusses in particular about the legal duties of those who participate in the negotiations. There is need for legislation in this area, eventually developed with the support of the international experts, so that the negotiators have the necessary legislative comfort that would stipulate their duties.

The Transnistrian issue came up also as a result of the recent statements made by president-elect Igor Dodon on the federalization over which there are still a lot of question marks. There



is no consolidated vision in Parliament, however, as how to proceed with the Transnistrian issue.

But also in Transnistria there were events which attracted the public attention: apart from the so-called election campaign and the election of the leader of the region there have been held military manoeuvres, including forcing of the Nistru, which are seen internationally as a violation of the previously agreed rules and of the Security Zone.

We have to be honest - this issue is becoming less and less relevant and important for the Moldovan citizens. All the polls say that people do not care about it and it is the fault of the political elites that they failed to communicate more on this subject. Another reason for the people's lack of interest is the fact that the conflict has been persisting for so many years without finding solutions. I believe that in the last 20 years we

have not dedicated sufficient time in order to find solutions, have a vision and intensify the dialogue.

Some say we are making concessions. That's not true - it is only an appearance. We are not talking about concessions, but we are looking for compromise solutions with respect for human rights - the rights of farmers and of the Romanian language schools and others.

Unfortunately, also 2016 has brought no solutions. They speak about 2017 that it is going to be a year of opportunities. However, we should realize that we are not attractive as a model of development, rule of law and economic solution.

There is no consolidated political vision on the issue at the level of the parliamentary majority. But it is time to strengthen our resources. At the Government level, if the Reintegration Bureau cannot be transformed into a ministry, the negotiators should have at least additional resources and expertise. And in this respect we count a lot on the assistance of international experts.

Does Moldova have a reintegration strategy and vision? No, it doesn't. Unfortunately, it has no capacity either to work on such a strategy. We won't manage by ourselves. We need available international expertise and also political will to work, make some steps, but very carefully, so that they are not perceived as concessions.

Panel I. Transnistrian Settlement: wider context, constraints, pitfalls, opportunities

Mihai Godea: Debates over the Transnistrian conflict should take place outside the political battles

Mihai Godea, adviser to prime minister on security issues, specifying at the conference he was rather expressing his point of view and not necessarily the government position, said that it is wrong to say that the conflict is just an internal problem which persists because of incapacity of the Moldovan political class to find solutions. It is also wrong to say it is of external origin, although the conflict is part of Russia's string traditional strategies aiming at breaking regions so it can later establish control over them. Moldova should formulate its interests and an agenda to pursue them, says Godea.

■ **Mihai Godea:** Accepting an agenda developed by others and balancing in order to reconcile all interests is what defines Moldova's behaviour since 1992.

It is vital for us to succeed in rethinking this strategy. Speaking with one voice at the state level is the most difficult challenge, although not insurmountable. It requires a complex vision with a clear agenda with the purpose of reintegrating the state. Any intermediate approach is to the disadvantage of our citizens as it is timing the problems out.

The current context has changed essentially with the crisis in eastern Ukraine- the stakes in the case of



Transnistria rose sharply. Ukraine is now a mediator experiencing similar problems- a conflict in its acute phase with territories occupied and annexed by a foreign state. Moldova is compelled to exploiting this opportunity. Ukraine's interest to eliminate instability on the western border overlaps with Moldova's interest to exercise its sovereign control over the national territory.

Regarding the traps, just read the deluge of documents signed after 1992 and you'll be wondering if the Moldovan managers of the process were intelligent enough. If we tried to understand from the documents signed and negotiated over these 25 years what was Moldova's vision, we would get very disappointed. And the strategy of those who generated the conflict was simple - the actions that occur in the regulatory process should be based on the recognition of sovereignty elements for Tiraspol or should postpone the final settlement for some other time.

It is believed that there were two favourable moments for the settlement – in 1997 when the Primakov Memorandum was signed, and in 2003, when the Kozak Memorandum had to be signed. But how much were those in the interests of Moldova?

As to the dangers we are facing today, we're trapped in the paradigm of solving the problem in three baskets - the "strategy of small steps." But in reality the third basket issues- the political issues- have been never discussed. At the first glance everything is logical – Chisinau has to take care of the problems of the Transnistrian residents, giving in part of its sovereignty to the separatist authorities in the hope that the latter will accept a special status for the region within Moldova. But the goal Tiraspol is actually pursuing- until addressing political aspects-is to obtain sufficient sovereignty in order to dictate the final political solution.

It is high time to move on and clearly formulate our national interests, both with regard to the Transnistrian conflict and the regional security architecture.

In conclusion, the current regulatory context has changed. It is now offering new opportunities. Moldova can get international support only based on a realistic approach, while respecting the unity of the state and inalienability of the national territory. Any intermediate solutions are counterproductive and are part of the strategy of consolidating the state elements of Tiraspol. The debates over the Transnistrian conflict should take place outside the political battles.

Ion Stăvilă: *I remain an incorrigible optimist when it comes to the prospects of the Transnistrian conflict settlement*

Ambassador Ion Stăvilă in charge of the Transnistrian issue within the Moldovan Foreign Ministry says he remains optimistic when it comes to the prospects of the Transnistrian conflict settlement, even if his colleagues in Government don't share his vision.

■ **Ion Stăvilă:** In comparison with other conflicts in the world and in the ex-soviet space, the Transnistrian conflict is different in a positive sense.

First, there is no ethnic and religious antagonism which is a crucial fact. The second important element is the population structure on the both sides which is about the same - Moldovans, Ukrainians and Russians who are most Orthodox Christians. Apart from the hot phase in 1992, at the level of population there is no hatred and the people on both sides are psychologically compatible - we could live together in peace and understanding.



There are a lot of links between the two sides - bridges, but also at the level of ordinary people - family relationships, there is free movement of people although with some controls, the young people from Transnistria can study on the right bank, and the people can benefit from medical assistance...

Another very important thing in our case is the existence of negotiations and regulatory mechanisms – “5+2” format which is better than the mechanisms

existing in the case of other conflicts. Changing of the “5+2” format by raising the status of the EU and USA observers would not be a difficult political and diplomatic problem to solve. There exists also direct dialogue between Chisinau and Tiraspol, the so-called “1+1” format. There are working groups aiming at building trust, which, again, do not exist elsewhere. There is also a peacekeeping operation that we are opting to transform into a civilian one with international mandate so it can contribute to an atmosphere conducive to favourable negotiations. The current mission has already accomplished its tasks.

How quickly the Transnistrian conflict could be resolved? It depends on the international developments globally, regionally and on the political will of the actors involved in identifying a compromise solution that would meet the interests of all stakeholders.

John Beyer: *In the uncertain international context, Moldova should try to use its chance to advance the settlement*



John Beyer, Professor at St Antony's College University of Oxford and former UK Ambassador to Moldova, thinks that in order to identify a solution to the Transnistrian conflict, all the external actors should get involved. However, this should not impede Chisinau to get closer to the people across the Nistru.

■ **John Beyer:** In 2011 I did a study for the European Union and when

you talk to the ordinary people they don't talk about federalisation. They talk about how their children can get better education, how to survive, how to live better- their considerations are economic, not political. The people they blame are the elites on both sides of the river who should get together and solve the issue.

If we look at the external factors, we know very well that Russia is resetting itself

conducting exercises in Transnistria. We've been witnessing its actions in Ukraine. It is looking at NATO as a threat and says this is the reason why it's maintaining its troops in Transnistria- to block NATO.

In Russia there is a strong feeling against the USA, I would say a paranoia. In the context of the changes of the USA president, we'll see how soft Trump will be on Russia. There may be a change in the emphasis as who America's number one enemy will be: Russia or ISIS. You can argue either way which is correct. We're also going to see what the policy of the new administration in relation to NATO will be.

Let's look briefly at the EU. I have, of course, to begin with Brexit, which, I think, it's going to be a huge burden for the UK, a huge destruction for the UK. Moscow is very pleased with the idea of the UK leaving the EU, because they see it to

Russia's advantage. The immigration crisis will continue and could well get worse. Maybe the relations of the EU with Turkey are going to go very sour very quickly. Maybe in France we are going to have a pro-Moscow president next year.

I'm looking round for the good points here- maybe Angela Merkel will win the elections next year.

I'd like to finish on optimistic terms- there is a chance in the history of the Republic of Moldova now to get Ukraine to help. It would be good for you to be working with Ukraine.

Romania, I think, could also be very helpful- the gas link removing that pitfall of being dependent totally on the Russian gas and also a president who is taking, let's say, a very calm and long-term view of any possibility of unification between Moldova and Romania. Why I was going to

mention that as one of the biggest pitfalls, it's because, I think, that is one of the biggest problems in the negotiations on Transnistria which has built up the case of separatism.

Where is Moldova vis-a-vis the EU? Moldova is now the ugly duckling of the Eastern Partnership but, I think, Moldova is redeemable if it works hard. Moldova needs the EU and the EU needs Moldova as it is looking round for success all the time.

I am optimistic as the previous speaker with regard to Transnistria- if you travel back and forth across the river, the problems on each bank of the river are very similar and very much you look like being in the same boat. I hope the presidential elections that are going to take place in Transnistria- be they recognised or not- will encourage some movement there.

Ilvija Bruge: *We should accept the fact that Transnistria will continue to exist in the foreseeable future*

Ilvija Bruge, researcher at the Latvian Institute of International Affairs, says that maintaining stability in the East is the most important issue that we have to consider in the West in the dialogue with Russia.

Ilvija Bruge: The Transnistrian elites have no interest in changing the status quo, which has allowed them to get rich both from the East and the West.

Choosing a pro-Russian candidate for President of the Republic of Moldova is not the problem of the EU, which has sought a success story in Moldova, but found a corrupt system that has discredited the European course.



Scenarios of developments in Transnistria:

- Escalation of conflict is unlikely;
- With the election of the new

president of Moldova, the likelihood of the federalization scenario is increasing. The European integration is going to be more complicated;

- An agreement between the EU and Moscow could target Transnistria so that Chisinau can continue its European course.

The most likely scenario is maintenance of the status quo. Taking into account the situation in the EU and USA, we cannot count on a solution that could satisfy all parties. Transnistria is not a priority for the regional powers, but the economic isolation should be avoided. We should accept the fact that Transnistria will continue to exist in the foreseeable future

Piotr Oleksy: *After 25 years, there is no hostility among people, but also no interest in reunification*

Piotr Oleksy is a historian and cultural anthropologist and researcher at the Adam Mickiewicz University in Poznan, Poland.

There are two core components of the de facto sovereignty of Transnistria: business and economy – it is about the tendency of the regional elites to maximize their economic interests and the strong cultural identity of the population.

The business supports the state due to whom it can act. We can say that the state and business depend on each other and there exists a certain symbiosis.

As to the second factor, the strong cultural identity- the strong Soviet identity was transformed into a Russian civilizational identity, belonging to the “Russian world”. This soviet identity was characterized by geopolitical phobias.

So it’s the tendency of the elites to maximize their income coupled with the



cultural identity of the population and the geopolitical factor which allowed for the functioning of Transnistria for such a long period.

The Transnistrian political community has been created based on a Russian political foundation. We all know that people who were born in 1992 are now 24 years old. As a historian and anthropologist, I can see serious grounds to believe that there is a Transnistrian identity. Several factors have been employed to create it – the politics, the

ideology of Transnistrian authorities, the informational and cultural environment. Non-recognition of Transnistria has strengthened even more the factors which contributed to the creation of the Transnistrian identity.

While examining different ways of settling the Transnistrian issue, we should take into account these factors – the tendency of regional elites to achieve their interests, the cultural and the state identity of Transnistria.

Under favourable international conditions, the reunification is possible. The question is how to do it so as the above-mentioned factors don’t destabilize the newly created state.

Yes, it is true that there is no conflict between people on both sides of the Nistru. It is a truth, but an incomplete one. There is no hostility, but there is also no mutual interests. After 25 years people do not see any sense in reunification.

Panel II. Small steps policy of the Transnistrian Settlement: a policy breakthrough or another dead end?



George Balan, the Vice Prime Minister for Reintegration, says the two concepts regarding the Transnistrian conflict settlement and the two visions belonging to the Parliament and the Government that appear to be different do not contradict each other. On the one hand, the negotiations are seen as steps to meet, and on the other hand, as concessions. Every step should lead to reintegration, bringing the two banks closer to each other and not distancing them.

Regarding the small steps and their role in the Transnistrian conflict settlement - the idea has long been discussed as a solution to restore trust and then to

George Balan: We need a roadmap for development of a special legal status for the Transnistrian region

proceed to the political settlement. It's been a while since the process was launched. These steps, be they large or small, must be oriented towards regulation and it's hard to find solutions when the steps are going in opposite directions, leading to bigger distance and unjustified concessions.

At present, there are about 2150 Transnistrian businesses which are registered with Chisinau and export to the EU. The trade with the right bank accounts for 40 percent, while 65 percent of exports is oriented towards the EU. Five thou Transnistrian youth are studying on the right bank. The Moldovan authorities have a positive commitment to support the population and businesses from the Transnistrian region.

Instead, we have received only negative responses from the Transnistrian administration - schools have been deprived of their premises, farmers have been denied access to their land, traffic bans have been imposed, paramilitary structures are strengthening in the region, so-called border lines were created in the administrative area and military applications are taking place. All these don't contribute to calming the spirits and promoting the principles of the conflict settlement. They only make the situations among the population even more tense.

In the future, we will focus on the following dimensions:

- Maintaining all the negotiation platforms with Tiraspol - the "5+2", "1+1" formats, the sectorial working groups.



DECEMBER 2016

Synthesis and Foreign Policy Debates

- The Moldovan authorities should extend the positive commitments towards the residents of Transnistria. About 70 thousand people in Transnistria benefit from free health services. Another example relates to citizenship - 315 000 people hold Moldovan citizenship. The Transnistrian population should receive full support from the Moldovan authorities.
- Expanding national services throughout the country. The national institutions shouldn't perceive this territory as a space they don't control, but as a territory where they are obliged to provide all services available. The border of the Republic of Moldova ends at the Moldovan-Ukrainian border, not on the Nistru.
- There is need for a roadmap to be promoted by the Moldovan authorities with a view to developing a legal status for the region that would

respect the sovereignty and territorial integrity of the Republic of Moldova. We are working on it at the moment and this will allow the Moldovan authorities speak with a single voice on the country's reintegration issue.

- The Chisinau authorities should take actions that would gradually change the situation on the ground. Since November 1992, we have respected the principle of status quo, but unfortunately, this was not respected by the Transnistrian region and some external actors, which has led in time to the changing of the situation in the region - the emergence of paramilitary forces, borders etc. So there is need for actions that would change the situation on the ground. Here I refer to the gradual implementation of the foreign trade commitments with the EU, which could change the situation in the Transnistrian region, creating incentives for business, creating new

jobs, trying to meet the social and economic needs of the Transnistrian population, including the business.

The above-mentioned aspects will contribute essentially to the conflict resolution.

The Moldovan authorities should be prepared for the settlement opportunities that will arise. This requires decisive democratic change on the right bank so that we become attractive for the population of the region from the economic, political and social points of view.

The population of the Transnistrian region is not looking for any status, but needs economic and social assistance, including human rights' guarantees. We need to prepare the ground for that, while the compromises shouldn't come only from Chisinau – they should be reciprocal and in favour of the population, business and future of Moldova.

Pirkka Tapiola: *Status quo is not a solution*

Pirkka Tapiola, Head of the EU Delegation in Moldova, says that when it comes to the Transnistrian settlement he has the feeling of déjà vu - the same discussions that are repeated again and again, at least in the last 10 years.

■ **Pirkka Tapiola:** I'm a big supporter of small steps, because I don't believe in successful geopolitical deals. Each time they have been done, ordinary people lose. It doesn't work. In reality, the building blocks in solving the conflict have to exist on the ground before they can exist in a negotiation format. And the negotiation format needs to be there in order to facilitate that work on the ground.

So I believe in small steps. What those steps meant, I can only say they were not meant as concessions- they were meant



as investments and they were meant as steps consolidating the sovereignty and territorial integrity of the Republic of Moldova, first and foremost.

But these small steps are built on reality and this is my next point- reality.

I must say that over ten years of having looked at this from three different positions there are two things which haven't evolved- the path towards the settlement, unfortunately, and the quality of discussion.

The European Union vision, usually, wants to ask one question: We have a problem, what do we do about it? How do we go about solving it? What are the building blocks which are realistic? How do we get to win-win? It's about compromises, not concessions.

"This is legally not right", "this conflict should not exist", "the international law doesn't say that"- we all know that and we have known that ever since early 90s. But then you start trying have that discussion, people don't want to listen to each other.

If you look at the very brittle regional security situation, which was born after the Russian illegal annexation of Crimea, after aggression in Eastern Ukraine of separatist movements which have been supported from outside, you need to build resilience. It brings you more to the situation when you need to look for solutions. How do we build that bridge and how do we bring win-win solutions? And that's usually not the time to have that discussion about "red lines". That's the time to have the discussion about the possibilities.

And then when you look at those interests, you will probably be able to find those points, where, in fact, giving something is not loss, it is not giving away from me. And when you listen to the person with whom you are trying to have the discussion, you, in fact, listen and lot label.

Now we are trying to find a way out. There have been other conflicts which have been really painful, with much bigger loss of lives, but they managed to build a new reality. And you have a new reality.

The fundamental thing is: what does Chisinau want? Status-quo is not an answer. A grand plan, a vision for the settlement is definitely needed, but even putting that vision in place, without intermediate steps will probably be not very successful. I think we have an opportunity of trying to find a positive way forward. Because, yes, one can use the ostrich tactic, but that, usually, doesn't solve conflicts. You should build that resilience and security which all of us want to see.

Michael Scanlan: *The negotiation process is on a positive trajectory*

The head of the OSCE Mission to Moldova, Michael Scanlan, said the negotiation process is now on a positive trajectory.

Michael Scanlan: The hardest thing to change would be to make people believe it's possible. In every conversation I had since I arrived here this was either a non-issue or the people have hardly had the answer. And the answer was always: "It is not going to go forward". So it was very important to break down that paradigm.

The territorial integrity and sovereignty of the Republic of Moldova and a special status for Transnistria within Moldova—this is our objective. This untimely is the strength of the settlement process— it is internationally endorsed and one that is embraced by Moldova.

My question is: How do we break down the perspective that it is just not possible or that the best outcome as some people mentioned, is the status-quo? I would oppose it as there is no such thing as status-quo. Nothing stays as it is, so the reality is you need to engage, otherwise it will evolve in a way that it would become harder to resolve.



We then go to Berlin – it was supposed to have a deal. Berlin, as most of negotiations, was not to negotiate the issue, but to applaud the accomplishment of the two sides to having met those issues they have lined out in the Berlin protocol.

Concerning the Berlin protocol signed this summer— some things have been accomplished, but the core elements haven't been done. The international partners shared the same hopes and views that we need to follow through with this. Again we've been close on some issues, but there is still no agreement. When the German foreign minister visited the region, he didn't have the perception that the sides were ready to do a commitment for a serious disciplined approach.

Two things then became clear: we had the challenge of elections on both sides. That made it difficult for the content in which to take the necessary compromises.

The strong and positive news is that the elections will end and from 2017 until 2018, there will be no electoral process anywhere in Moldova. That creates a profound window of time in which progress can be made. The other key thing is the investment in this process as a priority. You've heard at the beginning about the creation of a ministry of coordination: one government—one vice. Even today we've heard different government people speaking with different voices. And another thing which is important is the beginning of creating a broad political consensus. Again there was the issue of a platform set out in the parliament to begin meet periodically and discuss about a common vision on the Transnistrian issue— how to move forward within international parameters to resolve this problem. Such discussions should exist on both banks of the Nistru, also at the level of society, because the status-quo doesn't exist and if there is no status-quo, let's move forward to get to a solution.

Ion Manoli: *Respect for human rights should be the cornerstone for resolution of the Transnistrian conflict*

Ion Manole, executive director of Promo-LEX, underlined at the conference that respect for human rights in the Transnistrian region should be the cornerstone for the resolution of the Transnistrian conflict.

■ **Ion Manoli:** Our goal has never been to solve the Transnistrian conflict - Promo-Lex is engaged in protecting the human rights in the region. According to lawyers, the current situation encourages abuses and discourage people, leaving them with no trust in the rule of law. Hundreds of thousands of people in Transnistria have no access to instruments of protecting the human rights.

In Transnistria there is no civil society and free media, and the human rights are not respected. In such a space they can do anything, especially given the problem of impunity.

The problem of impunity is felt acutely in Transnistria. The negotiation process has been lasting for 25 years, but there are no successes whatsoever. On the contrary, it is a total setback despite the sustained illusion that this conflict is the easiest to resolve. We are wondering why there are no positive developments despite the

generous measures aiming at promoting confidence and the constant concessions. From our perspective- that of the human rights' defenders- the biggest problem is the massive violation of human rights.

Negotiations are being carried out and they are very necessary, but they can last for years and in this situation the local residents should have mechanisms to defend their rights. Otherwise, the population will remain hostage, while a small group will be simulating political negotiations. Why is free access of diplomats, journalists, experts, human rights' defenders to the region denied? How is it possible that the human rights cannot be monitored in this region? How is to explain the fact that the international institutions, which should impose these rules, prefer to cover themselves with the "real politic"?

The human rights is not an abstract notion, it's about concrete drama of people. And I'm not defending the Moldovan authorities - they are to blame too. But I'd like to remind you of the importance and role of the international structures, because we, human rights' defenders, need not only financial assistance, but also political support.



The politicians in those 25 years of negotiations have not lost anything- the big losers are the residents from the two banks of the river. Impunity creates insecurity. We are talking increasingly about "small steps". To be honest, these steps are not bringing us closer, on the opposite, they are creating a bigger gap between us. Only human rights can bring real solutions to the Transnistrian settlement – only when people think freely, can they decide in an informed way about their future.

The human rights' defenders need the political support of the international actors, primarily through the implementation of ECHR decisions in the Transnistrian region. In parallel, we suggest seeking solutions together with all relevant actors.

Andrey Devyatkov: *What does Russia want from the Transnistrian regulation?*

Andrey Devyatkov, researcher at the Institute of Economy of the Russian Academy of Sciences, says that there is a "border" thinking on the two banks of the Nistru that contradict each other - "the Russian world" in Transnistria versus "the Western world" on the right bank.

■ **Andrey Devyatkov:** What does Russia want from the Transnistrian regulation?



The small steps, which is building confidence between the two sides is the key to the removal of geopolitics from the discussion and create real preconditions for dialogue on the ground. Secondly, the consensus reached by the international players - the OSCE, Russia and Germany - on the small steps is salutary. From Russia's point of view, this is a positive signal.

The Transnistrian statehood is not convenient for Russia and the evidence for that is that it supports confidence-building measures and small steps.

As far as Moscow is concerned, there is a structural mistrust towards other participants in the talks, a mistrust which originated in 2003. And this is not just about the Kozak Memorandum. The Dutch Presidency of the OSCE has developed then a draft document for changing the status of the peacekeeping mission. They were speaking then about Transnistria as a black hole of Europe and were insisting on the realisation of the Istanbul Agreement etc.

Another aspect is that Moldova is a deeply divided state, which was seen in the elections - a pro-Russian candidate

versus a pro-European candidate. Moscow is looking for elites that it can discuss with, but in these conditions of extreme politicization of relations with Russia, the centrist majority is less likely to accept any solution on Transnistria.

Moscow was always irritated by the discussions on history and the coming to power in Moldova of politicians trying to institutionalize the memory of Soviet occupation was not acceptable to Moscow.

The Kozak Memorandum provisions were largely dictated by the structural mistrust, including the veto right for Transnistria and guarantee of the neutrality status by maintaining Russian troops. Now they are no longer so principled to Moscow.

Regarding prospects, I think the conflict will maintain the status quo for a long time, because this is what most players are interested in, even if Russia and the West are trying to create in Transnistria at least one positive precedent in their relations.

In Transnistria there are conditions for the power to be concentrated into the hands of a single party, a single person. As to Moldova, I believe that neither the 2018 elections will solve the problem of the divided society. And of course, we are now witnessing tensions in the relations between Russia and NATO which may influence the solutions in Ukraine and the Republic of Moldova.

Kalman Mizsei: A healthy regulation is possible only if Moldova is attractive for Transnistria

Former EU special representative to the Republic of Moldova, Kalman Mizsei, refuted the thesis of Andrei Devyatkov that 2003 had triggered a structural mistrust of Moscow towards the West and the Transnistrian settlement. In 2003, besides the official process, there existed hidden negotiations between Russia, Tiraspol and Chisinau, said Kalman Mizsei, who compared the format with that of a discussion between “an elephant and two mice”. In fact, it was Russia that created structural mistrust, said the diplomat.

Kalman Mizsei: I would be worried about repeating these secret negotiations - and these should be the real “red lines” for the Moldovan society, but also for the international community – so that there



are no longer discussions of the type “one elephant - two mice”.

A healthy regulation is possible only if Moldova is attractive for Transnistria. The small steps and the confidence building should be based on a minimum superiority of the Chisinau government.

In the past six years, from this point of view, Moldova was an enormous disappointment – the situation has deteriorated with regard to the rule of law, human rights, corruption, and the “theft of the century” as a result of which 10 percent of the budget of a poor country has disappeared, and that would be a world record. The internal conditions in Moldova are now bad and require very deep and radical reforms in order to ensure the rule of law and reduce corruption. And there is actually nothing more important than these for the Transnistrian settlement.

In Transnistria there is no actually status quo – the situation is evolving and it is our duty to get involved to not let it deteriorate, and try to improve the situation.

Panel III. Transnistria – Donbas: parallelisms, similarities and hazards



Vladimir Socor: Republic of Moldova is not able to reintegrate Transnistria

Vladimir Socor, political analyst and researcher at the Jamestown Foundation, notes that Russia has launched almost simultaneously two parallel projects of special status - for Donbass and Transnistria- and that nowhere else it seeks special status. These two initiatives are direct progeny of the federalization desire for both countries, a desire that has been existing for a long time. Today, in Moldova's case, the federalization is called special status. Federalization and special status is one and the same thing - the special status term is used to disguise a term that arouses negative reactions in society. The special status is a project aiming at injecting political influence in the political and institutional systems of Ukraine and Moldova through giving a role in the decision-making processes to Russia's protégés in Transnistria and Donbass.

■ **Vlad Socor:** The special statutes are going to be negotiated on the basis of equality between Kiev and Donbass,

Chisinau and Tiraspol - the separatist entities being equal.

Regarding the Western approach, the western states came closer to Russia's approach- resolving the conflict by changing the constitution in favour of the aggressor state. Diplomats don't say how the Russian troops can be withdrawn, for they don't know it.

Regarding the current negotiations on Transnistria, the question whether "small steps" are desirable or not is immature. It's like the question if peace is desirable or not. It depends on what these steps are about. The small steps from 2016 prefigure elements of a special status for Transnistria, without negotiations on this issue, and provide elements of quasi-sovereignty for Transnistria.

Republic of Moldova is not able to reintegrate Transnistria, because the state institutions are too weak and dysfunctional. The institutions have nearly collapsed. If reintegration happened, this would complete the destruction of the state, making a mess of the democratic institutions, introducing the Transnistrian vote.

The special statutes are risky both in Moldova and Ukraine. The Gagauz leadership said it would seek such a status if Transnistria gets one. It is predictable that Taraclia, Balti and Budjak from the Odessa region will ask for such status too.

Here are some recommendations for the Moldovan authorities: Chisinau should not start drafting a special status for negotiations. If it does, it will be attracted on the slippery slope of the negotiations on this special status. If it proposes a document, this should be one about "red lines" and about how a political settlement should look like, the document being prefaced by the withdrawal of the Russian troops.

The Moldovan diplomats should prove they are flexible and constructive – they've been doing it for 20 years. It is a wrong approach.

Any federalization or special status project cannot be blocked only by the civil society without active cooperation of the government. The government should be supported in this regard, even if the civil society criticizes it on other issues.

Julian Chifu: The “small steps” thesis is hiding detachment of the international mediators - the EU and OSCE - from their own values

Julian Chifu, director of Conflict Prevention Centre, criticized the tactics of “small steps”, but also the fact that the speakers in the conference have avoided addressing the new realities that are going to have a major impact on the Transnistrian settlement, including the election of Igor Dodon as president of the Republic of Moldova.

Julian Chifu: I think we are beating around the bush and don't see the elephant. The world has changed, including Moldova. And we cannot pretend not to see it. So next year we will be in a new paradigm. Elections took place in the US. The EU is different from what it used to be. Also the Russian Federation is in limbo and is approaching the limits of its expansion capacity and posture of superpower. Ukraine – its reformation capacity looks like going to reach the point of exhaustion. Republic of Moldova has changed too – look at Igor Dodon's victory and his government programme.

The small steps thesis is hiding major disability and detachment of the international mediators- the EU and OSCE -from their own values. The status quo does not exist, because in the meantime, the separatist region has invented some more “small steps” that need to be addressed - when the military structures in the region controlled by Moscow are doing military exercises and forcing the river Nistru or are installing what it is meant to be a border. New problems are going to be created every time things will come closer towards a political solution. The “small steps” policy is not a solution at the moment.

How consistent is the Moldovan authorities' position going to be with such a president as Igor Dodon and when the institutions have different views? What a president who speaks only about federalization and breaking agreements with the EU is going to bring? To what extent federalization is going to be consistent and compatible with the European orientation of Moldova? Is it possible that the government goes into one



direction and the president into another? I think this is going to be joy for the Russian Federation.

A positive thing should be mentioned – the agreement between Chisinau and Kiev on the green corridor for the withdrawal of the Russian troops from the separatist region. Not because tomorrow the Russian troops will form a column and leave for the Russian Federation, but because a loud argument was removed –the speculation that: “We cannot withdraw because the Ukrainians don't allow it.”

From my point of view, today, the solution has three components, all coming from the cold war: the damming of the Russian Federation, peaceful coexistence until we have a proper framework and opportunities and rejection by the West of all gains that run contrary to the international law and that have been obtained by the Russian Federation through military aggression - open or hidden, like Donbass now.

James Sherr: The frozen conflicts have been carefully crafted by the Russian Federation

James Sherr, associate researcher on Russia and Eurasia at the Chatham House, says that the fundamental differences between the Transnistrian and the Donbass conflicts is that the Donbass conflict has not arisen as a result of the disintegration of the USSR, but after 23 years Ukraine was recognized as an independent state by all countries, including Russia, and 17 years after Russia recognized through a treaty the inviolability of Ukraine's



borders. A second difference is that there is no legal basis for the Russian military presence in Ukraine.

James Sherr: Ukraine is a country with a strong civil society- it's not a civil society, it's a parallel state. Without this parallel state, Ukraine would have fallen apart in the spring of 2014, while the Russian military units would have got hold of the entire East as was the original intention. Ukraine is in this sense the opposite of Russia- Russia has a very strong capable state and a weak civil society. Ukraine has the most inadequate and deficient state and a very strong country. In Ukrainian

political culture there is no contradiction between having a critical, even antipathetic attitude to the authorities and power and demonstrate solidarity against the external enemy.

As to similarities between the Donbass and Transnistria, in this region, the frozen conflict has been a carefully crafted and refined instrument of the Russian policy designed to do two things: first, to provide external leverage, preferably through an international mechanism that legitimises Russia's position both as a belligerent and mediator. And in all of these cases, the West has been willing to support this construction. Secondly, to act as a means of internal pressure and destabilise the state internally. Here, as well as in many

other cases, the western opinion gets it wrong, because the conventional wisdom in the west is that Russia's aim in Donbass is to maintain a frozen conflict. No, that's not Russia's aim, that's the means. The aim is to secure the neutralisation of Ukraine so that it is unable to exercise the fundamental attributes of an independent and sovereign state.

The third similarity is the complete dependency of these entities on Russian leadership, Russian political support, and Russian finance and of course, Russian military force.

Three points in conclusion: First, small steps will not work, not because small

steps never work, but because all small steps are discussed with respect to a diversion – Donbass- which not the real problem. The real problem is what kind of Ukraine is supposed to emerge at the end. My second concluding point is that a grand bargain will not work. I don't care who constructs the bargain or how it is constructed. Ukraine will not accept it- I come back to my first point: this country is very strong. The last point- the time for compromise with Russia will arise when those who matter in the Russian Federation come to the conclusion that there is no way to achieve the aims they have set out without endangering far more fundamental interests. I will not conclude this presentation by saying I'm optimistic.

Hanna Shelest: *The idea of abandoning the breakaway regions is very dangerous for the society*

Hanna Shelest, member of the Kiev Foreign Policy Council, said the federation formula conceived by the Russian Federation provides the separatist entities with means to block the security and foreign policy decisions of Ukraine and the Republic of Moldova.

■ **Hanna Shelest:** The problem of the federalization solution is that the Russian elites will impose a solution in which a small region in the two countries are going to block any national security and foreign policy decisions of the countries. In the case of the Transnistrian region it is not about giving the region more power, but providing it with levers of blocking decisions on the country's security.

Another aspect is that we tend to exaggerate a little bit the USA role – it is a false expectation that the USA will come to solve these issues. Another thing is that



the EU cannot be a good mediator and peacemaker either in Ukraine or Moldova. That's because when it comes to relations with the separatist entities, the EU and the integration perspective have always been the problematic element or the red line and it's hard to imagine that the EU is going to be a credible mediator for both sides - both for the separatist region and government.

Another similarity is the issue of language and identity - topics manipulated both in Ukraine and Moldova. In this case, it is our authorities to blame for not taking timely measures to solve this issue.

Another aspect is the propaganda - and it's not just about the Russian propaganda in Transnistria, Moldova, Ukraine, Luhansk and Donetsk regions- which influences the situation very much. This has become a cross-border problem being like a virus that is being spread, creating major tensions. The informational security is very, very important.

In both cases we hear the view that perhaps Moldova and Ukraine should forget about these regions and join the EU and NATO - such arguments are very dangerous for the society.

Kamil Catus: *Ukraine is risking to repeat the Transnistrian scenario*

Kamil Catus, researcher at OSW Department for Ukraine, Belarus and Moldova, says the biggest danger is not so much the political separation of the citizens in the separatist regions but the psychological separation.

■ **Kamil Catus:** In the last 26 years, Moldova has de facto lost Transnistria, not only economically and politically but also psychologically. On the one hand, Moldova has lost the “hearts and minds” of the people living on the left bank and on the other hand, it is acting in a way that the people on the right bank of the river have totally lost interest in this region. Today, more than 50 percent of the Transnistrian residents are identifying themselves as Transnistrians, while only 9 percent of the 30 percent of Moldovans residing in Transnistria say there are Moldovans and not Transnistrians. These people

don't feel any connection with Moldova. They live in a different information and education space that that on the right bank. At the same time, an insignificant percent of the Moldovan citizens from the right bank of the Nistru consider Transnistria a crucial issue for the country, a thing which should be resolved urgently.

Simply put, the two communities are not interested in each other nor understand each other. The basis for the division was the conflict in 1992. The second factor is the permanent information campaigns promoted by Russia and Transnistria and by some politicians who want to consolidate the sense of fear in the region, threatening with a new conflict, with the West and unification with Romania. This mechanism is very effective, consolidating the Transnistrian society and its identity.



Another very important factor is the repeated failures of the Moldovan state - in the last 25 years, Moldova has done nothing effective in order to bring the communities on the both sides closer to each other and to show the people of Transnistria that they are part of the Moldovan society.

Ukraine could repeat the scenario in Transnistria and can lose touch with its citizens, especially that the conflict in Ukraine is more violent than the Transnistrian one from 1992 and that more people were involved in direct fights, while the propaganda is more intense.

The opinions expressed in the newsletter are not necessarily those of the Friedrich-Ebert-Stiftung (FES) or of the Foreign Policy Association (APE).



Foreign Policy Association (APE) is a non-governmental organization committed to supporting the integration of the Republic of Moldova into the European Union and facilitating the settlement of the Transnistrian conflict in the context of the country Europeanization. APE was established in fall 2003 by a group of well-known experts, public personalities and former senior officials and diplomats, all of them reunited by their commitment to contribute with their expertise and experience to formulating and promoting by the Republic of Moldova of a coherent, credible and efficient foreign policy.



Friedrich-Ebert-Stiftung (FES) is a German social democratic political foundation, whose purpose is to promote the principles and foundations of democracy, peace, international understanding and cooperation. FES fulfils its mandate in the spirit of social democracy, dedicating itself to the public debate and finding in a transparent manner, social democratic solutions to current and future problems of the society. Friedrich-Ebert-Stiftung has been active in the Republic of Moldova since October 2002.