

Stabilizing de facto Conflicts in the Post-Soviet Space:  
The Role of the European Union in Conflict Resolution in Moldova

by

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**Abstract:**

The European Union (EU) is frequently credited for the peace and stability in Western Europe since World War II. The Union's creation of the common market and its efforts to promote liberal ideals of democracy, rule of law, and respect for human rights are among the many reasons cited. After the end of the Cold War with the collapse of the Soviet Union, the expansion of the EU through Eastern Enlargement became a prominent topic both within the EU and within the former Soviet states. Resolving conflicts in the region is vital to the stability of the region, and will create more secure borders for EU member states, making conflict resolution a concern of the EU. In this thesis, I assess how effective European Union efforts to help Moldova and Transnistria reach a peaceful settlement have been. Specifically I look at the ENP Action Plan along with the EU progress reports on the Action Plan, cooperation efforts among the EU, The Organization for the Security and Cooperation in Europe (OSCE), and the European Union Border Assistance Mission to Moldova (EUBAM) to arrive at conclusions, in the final chapter, about conflict resolution. I analyze this conflict and the importance of its resolution in the current context of the instability in neighboring Ukraine due to the secessionist movement of Crimea and the Russian support of it.



Figure 1: Map of Moldova. Autonomous region of Gagauzia in pink; *de facto* state of Transnistria in orange; Territorial Moldova in yellow, pink, and orange; Moldovan Capital of Chisinau in grey. Source: [moldovagate.com](http://moldovagate.com)

## **Chapter One: Introduction**

### **Soviet Collapse and the Potential for Liberalization in Eastern Europe**

The fall of the Berlin Wall in 1989 marked the beginning of the end of the Soviet Union. This symbol of the divide between Communism of the East and Democracy of the West had served as a constant reminder to the world of the Soviet Union's power and influence over Eastern Europe for more than forty years. In President Ronald Reagan's famous speech at the Brandenburg Gate in 1987, the symbolism of the wall was put into powerful words:

We welcome change and openness; for we believe that freedom and security go together, that the advance of human liberty can only strengthen the cause of world peace. There is one sign the Soviets can make that would be unmistakable, that would advance dramatically the cause of freedom and peace. General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall.<sup>1</sup>

By 1991, the Soviet Union was no more. Its former member states began declaring independence and the world had one less superpower. This was followed by periods throughout the 1990s and into the new millennium of instability all over the region, which was problematic for Europe. After nearly seven decades of Soviet rule, the newfound independence of these former Soviet states presented many challenges, including the establishment of functioning democracies and market economies where

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<sup>1</sup> National Archives. Document for June 12th: Remarks at Branderburg Gate, Berlin, Germany, 06/12/1987. <http://www.archives.gov/historical-docs/todays-doc/?dod-date=612>. Date Accessed October 20, 2014

state control had previously existed.<sup>2</sup> The early 1990s also saw a new incarnation of the European Community (EC), renamed the European Union (EU) in 1993, which represented prosperity, stability, and security to many of these states in transition. Demonstration of European ambitions by these newly independent states began to emerge, which presented an opportunity for Europe to begin exporting democratic ideals in effort to facilitate some stability and prosperity in the region.

This was not a one-sided effort. Many former authoritarian regimes aspire to democracy, because states with functioning democracies “rank among the world’s most stable, affluent, and cohesive countries.”<sup>3</sup> Despite this norm, those in power in authoritarian regimes, and the members of the elite classes immediately following an authoritarian regime collapse, tend to resist the ideas of democracy, because it threatens their position of privilege.<sup>4</sup> There remains, even today, a strong resistance to the Western support of liberalization of the region by minority groups still sympathetic to Russia and the ideals of the former Soviet Union.

The European Union has made concerted efforts to promote and to maintain peace in the greater European space, including in the post-Soviet space. Since the creation of the European Coal and Steel Community, the predecessor of today’s European Union, Europe has seen “the longest period of peace and an unparalleled level of prosperity to its

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<sup>2</sup> Mark Kesselman, Joel Krieger, Christopher S. Allen, Joan DeBardeleben, Stephen Hellman, David Ost, George Ross. *European Politics in Transition*. (Boston: Houghton Mifflin Company, 2009), pp. 3-4.

<sup>3</sup> Ibid. p. 13.

<sup>4</sup> Ibid. pp. 13-15.



peoples....promoting economic growth and solidarity and supporting democratic forces in countries emerging from dictatorship.”<sup>5</sup>

### **Democracy Replaces Authoritarian Regimes in Eastern Europe**

The opportunity for potential Eastern enlargement of the EU provided conditions for the EU to influence these new states in Eastern Europe. Would the desire on the part of these formerly communist states to transform into democracies lead to peace, stability, security, and prosperity in the region? The European Union hoped so and began offering assistance to several of these states. Today, nine of the twenty-eight members of the European Union are from the Eastern Bloc or from the former Soviet Union. They have successfully met the rigorous benchmarks required for admission and have taken years to do so. Can these states represent the potential for the rest of the former Soviet space? Is this a positive result for the Eastern enlargement experiment? Is it even possible to answer this question? Even among scholars whom agree that democratic states experience greater levels of peace, stability, and prosperity, there is no consensus as to why this phenomenon occurs.<sup>6</sup>

When the Cold War ended with the collapse of the Soviet Union, many authoritarian regimes were replaced “with democratic values and institutions in much of Asia, Eastern Europe, and Latin America.”<sup>7</sup> In Europe, many of these newly independent states began expressing European ambitions and looked toward the European Community

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<sup>5</sup> The European Union Explained: Extending European values and standards to more countries: Enlargement. The European Commission. [http://europa.eu/pol/pdf/flipbook/en/enlargement\\_en.pdf](http://europa.eu/pol/pdf/flipbook/en/enlargement_en.pdf). Date Accessed: November 13, 2014.

<sup>6</sup> Bruce Russett, et. at. *Grasping the Democratic Peace: Principles for a Post-Cold War World*. (Princeton: Princeton University Press, 1993), pp. 25.

<sup>7</sup> Ibid.

(soon to be renamed the European Union) for support. Perhaps the cooperation with an international organization, which helps facilitate friendly relations between democratic states by creating an interdependency and the mutually beneficial condition of cooperation would encourage peace and stability in the region. This is the fundamental reason for yet another hypothesis as to why democracies may not attack each other: “The states in question are peaceful toward each other because they are bound by common ties in a network of institutions crossing national boundaries.”<sup>8</sup> This would especially support the theory that [now named] European Union membership would benefit those states working on democratic state-building initiatives in order to stabilize both the political and economic systems which are in a very fragile infantile state, especially in this volatile region. “...certainly one of the major motivations of the founders of the institutions that evolved into the EC [and now the EU] was to bind together previously hostile states so that they would be unable to make war on each other.”<sup>9</sup> Through the Deep and Comprehensive Free Trade area made accessible through the European Union, new opportunities will be available to Moldova.

This would be especially important in Eastern Europe, where separatist conflicts would begin to arise almost immediately. In the case of the Republic of Moldova,<sup>10</sup> which I will discuss in this thesis, this minority resistance to Europeanization has led to separatist conflicts, and the European Union has assisted in the attempted resolution or stabilization of these conflicts in efforts to continue the liberalization, and thereby

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid. p. 26.

<sup>10</sup> Thereafter, the *Republic of Moldova* will be referred to as *Moldova*.

stabilization, of the post-Soviet space. In the year following Moldova's declaration of independence, a violent separatist conflict arose on the banks of the Dneister/Nistru River.<sup>11</sup> The region known as Transnistria, a tiny strip of land situated in between the Dneistr/Nistru River and the Ukrainian border,<sup>12</sup> declared its independence from Moldova in 1992, and war broke out. The territories of Moldova did not always include what has become the *de facto* state of Transnistria, and has changed hands on multiple occasions over time. Moldova has gone from being part of Romanian-controlled Bessarabia, to Russian-controlled Moldavia, to an independent state including the formerly Russian territory of Transnistria.<sup>13</sup> Transnistria has never been part of greater Romania, and has never developed any identity outside of a Russian one. All of this shifting of control has created a division of identities within the borders between those who consider themselves to be Romanian and Moldovan and those who identify as Russians.

These ethnic and political divides fueled by post-Soviet nostalgia from the separatists and European ambitions on the part of the parent state have caused instability in the region, which is unsettling for the countries of the European Union. Following the recent events in Crimea and Ukraine, the European Union has made a move which

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<sup>11</sup> Dov Lynch. *Engaging Eurasia's Separatist States: Unresolved Conflict and De Facto States*. (Washington, DC: United States Institute of Peace Press. 2004), p. 33.

<sup>12</sup> Matthew Crandall, "Hierarchy in Moldova-Russian Relations: The Transnistrian Effect," *Studies of Transition States and Societies*, 4:1, (2012) p. 5.

<sup>13</sup> Charles King, *The Moldovans*, (Stanford: Hoover Institution Press. 1999), pp. 36-62.

Moldova has been waiting approximately two decades<sup>14</sup> for: the signing of an Association Agreement. Georgia, Moldova, and Ukraine have all taken the first official step towards membership into the European Union with the signing of Association Agreements, which outline the most important steps for each country to take toward meeting the standards for admission.<sup>15</sup> These parameters include many of the basic tenets of democracy, and will encourage the implementation of democratic values and institutions, which are expected to increase stability; an objective that the EU has been working towards in various ways for nearly fifteen years.

In 2001, the EU drafted and adopted the European Union Programme for the Prevention of Violent Conflicts,<sup>16</sup> illustrating the level of importance the EU places on the elimination of conflicts and violence in the post-Soviet (and global) space. In it, the following declaration:

The international community has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflicts. The European Union is a successful example of conflict prevention, based on democratic values and respect for human rights, justice and solidarity, economic prosperity and

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<sup>14</sup> In 1994, Moldova signed a Partnership and Cooperation Agreement with the EU, which was the first move in establishing a relationship built on cooperation “which would strengthen and widen the relations established in the past...considering the commitment of the Parties to promote international peace and security as well as the peaceful settlement of disputes and to cooperate to this end in the framework of the United Nations and the Conference on Security and Cooperation in Europe...Recognizing the efforts of the Republic of Moldova to create political and economic systems, which respect the rule of law and human rights, including the rights of persons belonging to minorities and that the Republic of Moldova operates a multiparty system with free and democratic elections, and provides for economic liberalization,” Partnership and Cooperation Agreement between the European Union and the Republic of Moldova.

<sup>15</sup> EU forges closer ties with Ukraine, Georgia, and Moldova. European Union External Action. [http://eeas.europa.eu/top\\_stories/2014/270614\\_association\\_agreement\\_en.htm](http://eeas.europa.eu/top_stories/2014/270614_association_agreement_en.htm) Date Accessed: 11.11.14.

<sup>16</sup> The European Union Programme for the Prevention of Violent Conflicts. The Council of the European Union forwarding note from the Secretariat to the Delegations. June 7, 2001. 9357/1/01 REV 1. <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209537%202001%20REV%201> Date Accessed: November 11, 2014.

sustainable development. The process of enlargement will extend this community of peace and progress to a wider circle of European states.<sup>17</sup>

The Programme goes on to encourage a continuation of tandem work with other organizations whose aim is to further peace and security in the region, including the United Nations, NATO, and the Organization for Security and Cooperation in Europe (OSCE), further demonstrating a long-term and widespread commitment to continued peace, especially in the volatile post-Soviet space.

### **Eastern Enlargement of the European Union**

The emergence of fifteen new independent states, which had formerly been members of the Soviet Union, presented a new situation for Europe and the European Union to consider: instability and uncertainty on her borders. Would these new states be able to sustain and were they capable of implementing the necessary foundations and institutions to build stable, functioning democracies after decades of state control under communist rule? These questions would not be left to fate. The EU began considering Eastern enlargement, though the first round of member states from the Eastern Bloc and former Soviet Union would not occur until 2004: Czech Republic, Estonia, Latvia, Hungary, Lithuania, Poland, Slovenia and Slovakia.<sup>18</sup> These eight states now serve as inspiration for Eastern states with European ambitions and also as barometers to determine the degree of success that may come out of Eastern enlargement.

The EU felt that extending membership to these countries would assist in the acceleration of the adoption of democratic norms and of a free market by providing

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<sup>17</sup> Ibid.

<sup>18</sup> The European Union Explained.

support and access to more prosperous Western Europe. “Enlargement serves the interests of Member States as well as acceding countries. It makes Europe a safer and more prosperous place, in particular through its promotion of democracy and fundamental freedoms, the rule of law, and the single market.”<sup>19</sup> Since the inception of the European Union - via its precursory incarnations: the European Coal and Steel Community, the European Economic Community, and the European Community<sup>20</sup> - the goal has been security, peace and economic prosperity through interconnectedness and a common market. This strategy has proven successful in the post-communist and post-Soviet space; the countries from this region that have joined the EU have had tremendous successes, and “have outperformed all the others, and not just because of access to Europe’s markets. Even more important was the institutional infrastructure, including the binding commitment to democracy and the vast array of laws and regulations.”<sup>21</sup>

Eastern Enlargement was not without huge obstacles and much apprehension. Not only were these fledgling countries unstable, they were also poor. State control had resulted in nonexistent markets, massive levels of debt, and systems of infrastructure that were “at least half a century behind [that of Western Europe]. The income level of the region, on average, reached only 32 percent of the European Union’s average in 1995.”<sup>22</sup> Not only would it be impossible for these countries to contribute to the budget of the EU,

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<sup>19</sup> Ibid.

<sup>20</sup> Neill Nugent. *The Government and Politics of the European Union*. (Durham: Duke University Press, 2006), p. 6-35.

<sup>21</sup> Ivan T. Berend. *From the Soviet Bloc to the European Union: The Economic and Social Transformation of Central and Eastern Europe since 1973*. (Cambridge: Cambridge University Press, 2009), pp. 100-101.

<sup>22</sup> Ibid.

which was one of the requirements for membership, they would require large amounts of support and assistance from the Union and her existing member states.

Moldova has a long and complex political history, and I will not be able to fully discuss it in this thesis. However, it is important to note that Moldova, for about a decade following independence, was the only former Soviet state with a democratically elected Communist-majority government. The tide changed in 2009, when the Communist party narrowly lost their majority, dropping to 48% of the representation in parliament, and a new, pro-European coalition began forming between the Democrats, the Liberals, and the Liberal Democrats. This coalition lasted through March 2013, when charges of corruption of the Prime Minister Vladimir Filat caused the coalition to break down, and recent elections have seen major gains by the Communist party again. This could be a result of the climate in neighboring Ukraine and Crimea, but it did not stop the Moldovan government from signing an Association Agreement with the EU in 2014.

However, despite the Communist majority in parliament at the time, moves by Moldova made in the early to mid-1990s demonstrated the desire to turn west; Moldova “signed various basic documents with NATO and the EU in the mid-1990s. Moldova signed NATO’s Partnership for Peace Framework Document in March 1994...[and a] Partnership and Cooperation Agreement with the EU was completed in November 1994...”<sup>23</sup> Moldova was also admitted to the Council of Europe (CoE) in 1995, the Council praising “its handling of inter-ethnic affairs, in particular the way it dealt with the

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<sup>23</sup> John Lowenhardt, Ronald J. Hill and Margot Light. “A Wider Europe: The View from Minsk and Chisinau,” *International Affairs*, 77:3. (July, 2001). p. 607.

demands of autonomy of the Gagauz population,”<sup>24</sup> a one-time secessionist movement in the south. This secessionist movement started at about the same time as the Transnistira one, leaving Moldova to deal with two secessionist movements at the same time, which will be discussed in Chapter Two.

The new phenomenon of “globalization” was upon us at this time, and the region of Eastern Europe represented a lot of potential risk. However, the European Union was the world’s largest single market, and a more integrated Europe represented a huge potential reward: “100 million new, hungry consumers, a rapidly growing market with much greater possibility for exports and strengthening the economy of scale and competitiveness.”<sup>25</sup> This would not just be in the interest of the EU, however. The Eastern European countries vying for potential membership would benefit as well, as this economic investment would help them begin meeting the benchmarks which would eventually be required of them according to the European Commission:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union...The associate countries in central and eastern Europe that so desire shall become members of the European Union...as soon as an associate country is able to assure the obligations of membership by satisfying the economic and political conditions required.

Support from the European Union would help with the implementation of market economies, as well as democratic institutions, without which a market economy would likely fail. Putting such extremely different structures and institutions into place would

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<sup>24</sup> Ibid.

<sup>25</sup> Berend, *From the Soviet Bloc to the European Union*, p. 85.



take time and planning. The steps needed to be made clear and needed to be demonstrable. The European Union came up with a path to accession which would create a new European Neighborhood Policy (ENP) with nations that needed guidance and support. The goal of these ENPs was an eventual translation into ENP Action Plans, which would lead to Association Agreements, which would then lead to candidacy. The Eastern Partnership, launched in 2009, is another means of support and guidance for states that desire membership into the EU, and “is a joint initiative between the EU, EU countries and the eastern European partner countries. It enables partner countries interested in moving towards the EU and increasing political, economic, and cultural links to do so.”<sup>26</sup>

### **The New Neighborhood and its Terms**

The parameters of the ENP, its Action Plans, and the Association Agreements are all designed to move the countries they are associated with further toward candidacy for EU membership by demonstrating a fundamental commitment to the democratic values of the European Union and its member states. They “build on common interests and on values - democracy, the rule of law, respect for human rights, and social cohesion.”<sup>27</sup>

While the ENP agreements can help put countries on a track to meeting some of the requirements which will eventually matter for EU membership, there is not an outright promise from the EU for membership consideration. This can present a number of problems alongside the benefits, which are “predominantly long term and the road map

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<sup>26</sup> Eastern Partnership. EEAS (European External Action Service). European Union. [http://www.eeas.europa.eu/eastern/index\\_en.htm](http://www.eeas.europa.eu/eastern/index_en.htm) Date Accessed: November 14, 2014.

<sup>27</sup> European Neighborhood Policy. EEAS (European External Action Service). European Union. [http://www.eeas.europa.eu/enp/index\\_en.htm](http://www.eeas.europa.eu/enp/index_en.htm) Date Accessed: November 14, 2014.

toward them is rather vague.”<sup>28</sup> There is also little real power held by the EU in influencing the state participating in the ENP, because the rewards are not immediately accessible. Also, EU funds are limited for the Eastern region, so financial incentives which would be extremely attractive in the region are little to none.<sup>29</sup> The vagueness of these agreements, coupled with the lack of financial support and incentives make it difficult for nations which are still finding their bearings in the world of democracy and the free-market, and, most importantly, trying to stabilize or resolve what had been violent separatist conflicts. More specificity would be needed to produce real, tangible results.

### **Purpose of this Thesis**

On February 22, 2005, Moldova signed an ENP Action Plan, which attempted to lay out the steps that would be necessary for further European integration, to be taken over the next three years.<sup>30</sup> Many critics felt the Plan was not specific enough,<sup>31</sup> and did not provide a feasible and demonstrable framework for Moldova to progress toward meeting the ultimate benchmarks required for eventual membership consideration. The plan called for actions to be taken which would move Moldova in the direction of

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<sup>28</sup> Nicu Popescu. “Europeanization and conflict resolution: a view from Moldova,” *Journal on Ethnopolitics and Minority Issues in Europe*, 5:1. (2004) p. 6.

<sup>29</sup> Ibid.

<sup>30</sup> EU-Moldova Action Plan. [http://eeas.europa.eu/enp/pdf/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/action_plans/moldova_enp_ap_final_en.pdf)  
Date Accessed: September 29, 2014.

<sup>31</sup> For further reading:

Karen E. Smith. “The outsiders: the European neighbourhood policy,” *International Affairs*, 81:4, (July 2005) pp. 757-773.

Elena A. Korosteleva. “Change or Continuity: Is the Eastern Partnership an Adequate Tool for the European Neighborhood?” *International Relations*, 25:2, (2011) pp. 243-262.

Nicu Popescu. “The EU in Moldova: Settling Conflicts in the Neighbourhood,” *Journal of Foreign Policy of Moldova*, 12, (2005) pp. 3-44.

liberalization, further integrating into the economic and social structures of Europe by putting into place the fundamentals of democracy, including judiciary reforms, improving the degree of the rule of law in the state, strengthening the economy in an effort to not only make it function independently as a free market, but to also be able to contribute and compete in the EU's Internal Market.<sup>32</sup> There is also clear demonstration within the Action Plan of the importance of resolution of the Transnistria conflict.

This thesis will examine the efforts made on the part of the European Union by way of the ENP Action Plan and the progress made to date, as well as the recent Association Agreements signed in 2014 following the unrest in Crimea and Ukraine. I will examine the original Action Plans and the subsequent annual progress reports published by the Commission of the European Communities, evaluating the progress made. I will discuss the cooperation between the European Union, the Organization for Security and Cooperation in Europe (OSCE), the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM), as both organizations work in tandem with the EU in roles outlined in the ENP Action Plans to help secure and stabilize the region and reach a resolution to the conflict. I will also analyze the progress reports published by each of these agencies regarding their participation and progress in Moldova. My evaluation of the efficacy of these efforts will be discussed in the fourth chapter. The fifth chapter will, in conclusion, consider the Association Agreements signed in the wake of the Crimean crisis, and what this may mean for Moldova and Transnistria going forward.

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<sup>32</sup> EU-Moldova Action Plan.

The post-Soviet space is a prime candidate for research and analysis, and much work exists which discusses the Transnistria conflict as well as the European Union's involvement in the region, including in Moldova. Immediately following the agreement between Moldova and the EU on the ENP and its Action Plan, there was a proliferation of research on the topics of both Transnistria and Moldova. Much of the literature which examines the ENPs discuss them as a whole, taking into consideration each aspect of the plans, each of which play a significant role in Moldova's progress. The existing research on Transnistria often tends to discuss overall EU involvement in a resolution, and why the EU may have a stake in the post-Soviet space as each enlargement since 2004 has moved EU borders towards it. There is especially significant discussion regarding Russia's involvement in Transnistria, the economic subsidies and support provided by Russia which hinder Moldova's economic progression, and the presence of Russian forces in the region despite fervent objection from the Moldovan government. Human rights issues, the trafficking of humans, weapons, and contraband, and the need for a more secure border is also frequently discussed.

For the purpose of this thesis, I will rely somewhat on scholarly sources which discuss the above issues, mostly in a historical context. However, the majority of my work will focus significantly on primary sources: the original ENP Action Plan published by the European Union, the annual progress reports mandated by the Action Plan evaluating Moldova's progress regarding the resolution of the Transnistria conflict, annual reports published by the OSCE (who work in tandem with the EU on the stabilization and resolution of the conflict), and annual reports published by EUBAM.

The Action Plans present Moldova with objectives the EU would like to see progress on over the three years following the signing. Each annual ENP Action Plan progress report documents Moldova's efforts to further engage in political dialogue with the EU, as well as continued talks with Tiraspol (the capital of Transnistria), and with the other important actors: the OSCE, Ukraine and Russia. These talks are known as the "5 + 2 negotiations," and include the EU and the United States as observers. My thesis will focus on EU, OSCE, and EUBAM efforts in settling the Transnistria conflict, and any discussion of these or other factors will only occur when applicable to discussion of the conflict.

### **Methodology and Structure**

Moldova will not be able to resolve the conflict in Transnistria unilaterally, this much is certain. Europe does not want instability on her borders and has clearly demonstrated a willingness to enlarge into the post-Soviet space as a way of liberalizing and stabilizing the region. The creation of the ENP and EUBAM, and the cooperation with the OSCE show a concerted effort to assist Moldova in building a more prosperous, stable, democratic state akin to her neighbors who have succeeded in this goal. It is my hypothesis that the Transnistria conflict is the biggest obstacle to EU membership candidacy for Moldova and must be resolved in order for Moldova to advance to candidacy. The ENP was the first official step taken by the EU to assist Moldova in reaching its ambitious membership benchmarks; reaching a resolution to the Transnistria conflict was listed in the ENP Action Plan as having the highest priority.

This thesis is my attempt to evaluate the efficacy of the EU's efforts in Moldova through the ENP in making progress toward a peaceful settlement of the Transnistria

conflict. It is also an evaluation of the efforts of the OSCE and EUBAM to help resolve the Transnistria conflict and thereby improve Moldova's chances for entry into the EU. I will first discuss the priorities for action in Moldova regarding the Transnistria conflict as identified in the ENP Action Plans. I will then discuss the implementation of these priorities and the positive or negative degree of success Moldova experienced year-over-year as determined by the EU and articulated via its published annual progress reports from 2006 to 2013. My conclusions about progress toward resolving the Transnistria conflict will be drawn from my analysis of these documents. I will also speculate on how the current political climate in neighboring Ukraine and Crimea have perhaps influenced the recent decision to enter into an Association Agreement with Moldova as a next step to EU membership capacity.

I will begin in Chapter Two by discussing the history of the Moldovan-Transnistrian conflict from the collapse of the Soviet Union and the following declaration of Moldovan independence. I will bring the reader up-to-date on the conflict and will discuss the involvement of Russia in Transnistria in order to fully illustrate the divide between the population regarding Europeanization or Russification. Chapter Three will explain the involvement of the EU via the ENP Action Plans, the creation of EUBAM and its goals, and the cooperation of the OSCE to encourage a resolution of the conflict. It will discuss specific goals of the ENP Action Plans regarding the Transnistria conflict and the documentation of progress, or lack thereof, published in the annual ENP progress reports, EUBAM progress reports, and OSCE progress reports. Chapter Four will consist of my analysis of the efficacy of the efforts to date which have led to the signing of

Association Agreements in 2014. In Chapter Five, I draw conclusions about the efficacy of EU efforts to create stability and to promote democratic ideals in Moldova. This discussion will take into consideration the current conflict between Ukraine and Crimea and how that conflict contributed to the extension of an Association Agreement for Moldova, which is often considered the next step to EU membership.

At the end of the sections pertaining to the evaluation of each entity I have included a progress chart. These charts attempt to demonstrate degrees of progress as articulated within each entities' own progress report. I have relied on the descriptions of progress given in the report, and, in instances where progress is not described explicitly, I have determined the level of progress based on previous reports' description and the wording of the report in question. For example, in cases where progress is considered "Good" within the text of the report, I will consider the progress "Good." In cases where there is just a notation of continued participation or efforts, I have considered this "Good" as well. If, in the previous year's report, progress was listed as "Limited" or "Some" I will likewise consider the subsequent progress status quo unless otherwise stated if not explicitly noted by the entity publishing the report. This is clearly not a scientific measurement, given the lack of definition by each entity of what constitutes each degree of progress, and is meant only to represent broadly noted degrees of progress.

### **Limitations, Exclusions and Thesis Significance**

There are many factors contributing to the slow progress toward EU membership made by Moldova, and they are all worthy of in-depth analysis. Issues including strengthening democratic institutions, the judiciary, rule of law, civil society, the freedom

of the press, environmental factors, trade agreements, human rights issues, and economic development are no less important than the Transnistria issue. For the purpose of this thesis, which attempts to analyze the efficacy of efforts toward conflict resolution, many of these issues will only be discussed briefly when relevant to the conflicts.

While there has been extensive scholarly research analyzing the Transnistria conflict, much of it has come prior to the current climate of an active conflict in neighboring Ukraine. This conflict between Crimea and Ukraine is supported by Russia and is not unlike that of the conflict in Transnistria. My research has been conducted as the events in Ukraine have unfolded, and has taken a much different tone given these events. Many consider the conflict in Transnistria to be a “frozen” one, and, as of today, it is. A successful secession of Crimea may influence leaders in Tiraspol to move forward with demands for independence, and it is important to understand the conflict in current terms. An analysis of the work done to date in the region by the EU, EUBAM, and the OSCE while considering the Ukrainian situation will provide an important shift toward urgency in the conversation.



## **Chapter Two: Moldova and the Transnistria Conflict**

### **Background on Moldova and Transnistria**

The territory of Moldova has been somewhat malleable for centuries. Prior to the borders of today's Republic of Moldova, the area was part of Romanian Bessarabia until the early 1800s, when the Russian Empire took control. In 1918 following the Russian Revolution, Moldova again became a Romanian province. In 1940, Moldova flipped back over to Russian control, this time including a tiny strip of land known as Transnistria, and became part of the Soviet Union as the Soviet Socialist Republic of Moldova.<sup>33</sup> It is important to note that Transnistria was incorporated into territorial Moldova directly prior to Moldova's integration into the Soviet Union, and was never part of greater Romania or under Romanian control. For almost half a century, Moldova would remain a Soviet state until declaring its independence in 1991. Transnistria and Gagauzia followed suit, declaring independence from Moldova shortly thereafter and creating two simultaneous secessionist movements. While autonomy would be granted to Gagauzia in 1994 through the Autonomy Statute for Gagauzia in the Moldovan constitution,<sup>34</sup> a bloody and violent war broke out in Transnistria shortly after its declaration of independence from Moldova.

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<sup>33</sup> Andrew Williams. "Conflict Resolution after the Cold War: The Case of Moldova," *Review of International Studies*, 25:1. (1999) pp. 73-74.

<sup>34</sup> Claus Neukirch.. "Autonomy and Conflict Transformation: The Case of the Gagauz Territorial Autonomy in the Republic of Moldova." *Minority Governance in Europe, series on Ethnopolitics and Minority Issues* 1 (2002). p. 105.

The conflict between many former Soviet states, the Caucasus, and the Baltic states, and the breakaway *de facto* states seeking independence is typically an ethnic one, as in the case of South Ossetia, Abkhazia, Chechnya, and Nagorno Karabak, and was the case in Kosovo, a successful secessionist movement in Serbia. The Transnistria conflict, though it can seem ethnically motivated when one considers the level of internal pro-Russian support and the degree of economic support provided to Transnistria by Russia, tends to be more political, driven by Soviet nostalgia and Russian support. Following Moldova's integration into the Soviet Union, the recently incorporated territory of Transnistria played an important role as the center of Moldova's industry, as the majority of the state was highly agrarian.<sup>35</sup> When Moldova became part of the Soviet Union, Russia supported the industrialization of the Transnistria region<sup>36</sup>, and the demographics of the region began shifting. People became more mobile in search of work, and the area of Transnistria offered many opportunities due to the level of industry concentrated there. Russians and Ukrainians began moving into Transnistria, and by 1989, the population was more than a quarter Russian.<sup>37</sup> The Moldovans tended to remain in the rural areas and made up only about twenty-five percent of the urban population.<sup>38</sup>

Transnistria also had a heavy Russian military presence, starting with the Soviet 46th Army, which eventually became the Russian 14th Army, an elite division of the Soviet military, which "became central to the economic and social life of Transnistria."<sup>39</sup>

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<sup>35</sup> Charles King. *The Moldovans: Romania, Russia, and the Politics of Culture*. (Stanford: Hoover Institution Press, 2000), pp. 178-208.

<sup>36</sup> Crandall. "The Transnistrian Effect." p. 5.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid. p. 6

<sup>39</sup> Ibid.

Political tendencies favored the Soviets, who were providing security and economic stability to Transnistria and her citizens. By the time of the collapse of the Soviet Union, there would be little to no feelings of support for the forthcoming Moldovan nationalist movement toward independence. Soviet support and opposition to the nationalists in Transnistria, coupled with the ethnically-motivated secessionist movement in Gagauzia, would result in two simultaneous independence movements within an independence movement.

### **Moldovan Nationalism Movement and the Politics of Language**

Language has played a major role in the Moldovan nationalist movement. In 1989, at the beginning of the move toward independence, the declaration of Romanian<sup>40</sup> as the official state language of Moldova and the return to the usage of Latin script represented a major shift from the culture of the Soviet days to the new turn Westward.<sup>41</sup> This was a move similar to one made by the Soviet Union in the 1940s when Moldova became part of the USSR: signs, schools, government, all began operating in Russian, so Romanian [Moldovan] speaking Moldovans were forced to learn Russian. Now, as Moldova struggled to distance itself from the Soviets, the national language became Romanian, forcing Russian speakers to go through the same process Moldovans had been pushed through decades earlier.<sup>42</sup> The Latin alphabet began replacing, or at the very least,

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<sup>40</sup> Romanian and Moldovan are very nearly the same language: "...there is no doubt that Moldovan and Romanian are languages of the same Romance group. Between them, in fact, there does not exist a great deal of difference. But the recognition of the communality, the identity, with other languages from the same Romance group cannot serve as a real reason for recounting one in favor of the other." Charles King, "The Politics of Language in the Moldovan Soviet Socialist Republic," in *Studies in Moldovan*, ed. Donald L. Dyer, (New York: Columbia University Press, 1996), p. 115.

<sup>41</sup> Jeffery Chinn. "The Politics of Language in Moldova." *Demokratizatsiya: The Journal of Post-Soviet Democratization*, 2:2. (1994) p. 310.

<sup>42</sup> *Ibid.* p. 311.

appearing side-by-side with the Cyrillic alphabet, not only due to the functionality of the new national language of Romanian, but also as a symbolic demonstration against the imperialist domination of Russia.<sup>43</sup> “Making Romanian the state language and changing from the Cyrillic to the Latin script were key issues of the nationalist movement in 1988 and 1989. The question of alphabet was especially symbolic and was used by nationalists to provide an example of Russian cultural dominance.”<sup>44</sup>

In early 1989, several laws were drafted to address the issue of language. “On the Status of the State Language of the MSSR,” “On the Transition of the Moldovan Language to the Latin Script,” and “On the Functioning of the Languages Spoken on the Territory of the MSSR” were published, resulting in over 250,000 letters being sent to the daily newspaper, *Moldova Socialista*, in support of the new legislation and the return to Romanian [Moldovan] as the state language.<sup>45</sup>

This process of switching over from Russian to Romanian, from Cyrillic to Latin, caused controversy in the Transnistrian and Gagauzian regions.<sup>46</sup> These groups had never been Romanian and had never spoken Romanian or used the Latin alphabet. While approximately 75% of Moldovans spoke Russian, very few Transnistrians knew how to speak Romanian.<sup>47</sup> There was a feeling amongst Russians in Moldova “that giving Romanian superior (or even equal) status to Russian was just the first step toward union with Romania. Fear of such a union resulted in a strong Russian reaction.”<sup>48</sup>

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid. p. 310.

<sup>45</sup> Charles King, “The Politics of Language in the Moldovan Soviet Socialist Republic,” in *Studies in Moldovan*, ed. Donald L. Dyer, (New York: Columbia University Press, 1996), p. 111-130.

<sup>46</sup> Ibid.

<sup>47</sup> Chin, “Politics,” p. 310.

<sup>48</sup> Ibid.

The Moldovan nationalist movement became more organized and more anti-Russian. It became known as the Popular Front, organizing widespread popular support for the language legislation, which threatened Russians, Ukrainians, and Gagauzi: ethnic groups living inside Moldova who now began to fear having to learn and live by another language other than their own native one.<sup>49</sup> The Popular Front acknowledged the purpose of the new language laws, [Moldova was still the Moldovan Soviet Socialist Republic (MSSR) at the time of the drafting of this legislation]:

...eliminating the deformations that have occurred in language policy in the MSSR, taking the Moldovan language (one of the fundamental premises of the existence of the Moldovan nation in the framework of its national-state formation) under the protection of the state, guaranteeing its functioning in all spheres on the territory of the MSSR, and regulating national-linguistic relations in the republic.<sup>50</sup>

This nationalist push through language legislation would soon lead to independence movements in the regions of Transnistria and Gagauzia in the south of Moldova.

### **Competing Political Agendas**

Activists began to mobilize, and, in the region of Gagauzia, a call for a greater degree of regional autonomy began.<sup>51</sup> This movement led to “leaders of the Gagauz and Russian minorities called for both Russian and Moldovan [Romanian] to be made equal state languages, rather than relegating Russian to the secondary position of ‘language of inter-ethnic communication.’ The Gagauz prepared to declare their own autonomous republic.”<sup>52</sup> Despite these pockets of resistance in Gagauzia and Transnistria, the Moldovan Parliament declared Moldovan [Romanian] the official state language “used in

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<sup>49</sup> Ibid. p. 311.

<sup>50</sup> King, *The Moldovans*. pp. 120-121.

<sup>51</sup> Ibid. pp. 128-129.

<sup>52</sup> Ibid. p. 129.

political, economic, social and cultural life and functioning on the basis of the Latin script.”<sup>53</sup>

This move by Parliament was seen by the Gagauz and the Transnistrians as an effort against the two minority groups, considered pro-Russian.<sup>54</sup> Independence movements by Moldova from the Soviet Union, and by Gagauzia and Transnistria from Moldova geared up and would soon result in two potential *de facto* states within Moldova’s borders. As Moldova continued to distance itself from Moscow, Gagauzia and Transnistria continued to resist, bolstered by Russian support. Language, in this case, was only a catalyst. “Over the past fifty years, the position of ethnic Russians in the MSSR had climbed steadily, at the expense of the republic’s ethnic majority. In fact, of all the union republics, only Kazakhstan ranked below Moldova in the percentage of the republican leadership formed by the titular nationality.”<sup>55</sup> This was not a major issue politically while Moldova was a Soviet republic.

The political climate in the Moldovan Supreme Soviet<sup>56</sup> began to shift in 1990. The Communist Party began to lose support, and “twenty-seven percent of all seats in the Supreme Soviet were taken by open supporters of the Front; along with moderate Communist party deputies, mainly from rural districts, reformists commanded a majority of seats.”<sup>57</sup> There were also pro-Soviet representatives looking after the interests of Transnistria and Gagauzia who formed a small opposition, but the reformists would gain complete control when these deputies “walked out in protest over Romanian-oriented

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<sup>53</sup> Ibid. p. 159.

<sup>54</sup> Ibid. pp. 147-167.

<sup>55</sup> Ibid.

<sup>56</sup> The Supreme Soviet was the name given to the legislative bodies of Soviet States.

<sup>57</sup> King, *The Moldovans*. p. 146

cultural reforms.”<sup>58</sup> These reforms would initially create a cultural and ethnic divide within Moldovan society: “In one survey, 54.8 percent of Moldovans but only 8.8 percent of Russians and 8.4 percent of Ukrainians favored independence.”<sup>59</sup>

Despite having won 40% of the mandates in the March 1990 elections to the Moldovan Supreme Soviet, the Front began to lose power as a result of the emergence of a radicalized faction advocating unification with Romania.<sup>60</sup> Though it was a popular idea at the beginning of 1990, by 1991, the idea had lost public opinion support, and the elites began advocating a completely sovereign Moldova with “strong cultural ties with Romania.”<sup>61</sup> The next move by the Moldovan parliament would precede the declaration of independence: a vote to change the name of the Moldovan Soviet Socialist Republic to the Republic of Moldova.<sup>62</sup> Moldovan independence was declared on August 27, 1991.<sup>63</sup>

### **Conflicting Ideas Lead to War**

The political ramifications of the new language laws, the reformist legislature’s move toward independence, and the palpable weakening of the Soviet Union would all result in increased conflict in Moldova. As Transnistria and Gagauzia prepared to implement governmental structures independent of those in Chisinau, tensions rose.<sup>64</sup> The opposition in the Gagauzian region would eventually be solved through the granting of greater autonomy. It would become apparent that Transnistria would not settle short of

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid. p. 147.

<sup>60</sup> Marius Vahl and Michael Emerson. “Moldova and the Transnistrian Conflict.” In *Europeanization and Conflict Resolution: Case Studies from the European Periphery*, edited by Bruno Coppieters, Michael Emerson, Michel Huysseune, Tamara Kovziridze, Gergana Noutcheva, Nathalie Tocci, and Maruis Vahl, 148-184. (Gent: Academia Press, 2004), p. 5.

<sup>61</sup> Ibid. p. 6.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

independence. Because the focus of this thesis is on Transnistria, I will leave the Gagauzia conflict here, but want to note that it has as complex a history as the Transnistria one. As Chisinau, Moldova's capital, continued making moves to distance itself from the Soviet Union and Moscow, Transnistria would counter with moves which pushed them further away from Chisinau.<sup>65</sup>

These moves would lead to minor violent clashes between Moldovan police forces and Transnistrian forces in the late 1990s which lead to Transnistrian authorities gaining control of "public institutions such as municipal and local administrative buildings, police stations, schools, newspapers and radio stations..."<sup>66</sup> Moldovan forces were unable to overcome the Transnistrian forces and drew back prior to the violence escalating further. Following Moldova's declaration of independence from the Soviet Union in 1991, elections were held. Transnistria followed suit, holding elections of its own, electing Igor Smirnov as President in the Transnistrian "capital" of Tiraspol, while, in Chisinau, Mircea Snegur was elected President.<sup>67</sup> These elections led to armed confrontations between Moldovan and Transnistrian forces, and war broke out in June of 1992. "The principal and decisive battle took place in Bender/Tighina<sup>68</sup> on June 19-21, and, with the support of the Russian 14th Army, Transnistrian forces were able to push back the Moldovan forces and retain control of Transnistria. Moscow participated in negotiations which eventually, and relatively quickly, led to a cease-fire agreement

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<sup>65</sup> Dov Lynch, *Engaging Eurasia's Separatist States: Unresolved Conflicts and De Facto States*. (Washington, D.C.: United States Institute of Peace Press, 2004), p. 33.

<sup>66</sup> Vhal and Emerson. "Moldova and the Transnistrian Conflict." p. 6.

<sup>67</sup> Williams, "Conflict," p. 74.

<sup>68</sup> Moldovan official name for the city is Bender. Transnistria recognizes it at Tighina.



between Moldova and Transnistria in July of 1992. The 14th Army was stationed in Transnistria indefinitely in a “peacekeeping capacity.”<sup>69</sup>

Prior to the cease-fire, a collaborative meeting between Foreign Ministers from Moldova, Ukraine, which shares a border with Moldova/Transnistria, Romania, which shares a border with Moldova, and Russia took place with ministers from the Council for Security and Cooperation in Europe (CSCE), the predecessor to the OSCE. In an effort to reach a peaceful settlement of the conflict, the parties involved agreed to establish a Quadripartite Commission and to send “a group of five military observers from each country to monitor an eventual cease-fire agreement...”<sup>70</sup> These advances toward peace did not last long, and by June of 1992 the fighting intensified. Moldova requested further help from the CSCE, which would only come following an effective cease-fire agreement.<sup>71</sup> This was not possible, and the request was rejected by the CSCE, which prompted Moldova to seek Russia’s assistance in brokering a cease-fire.

An official cease-fire and the creation of a cooperative effort between Moldova, Transnistria, and Russia was reached between Presidents Snegur and Yeltsin on July 21, 1992.<sup>72</sup> This agreement established a Joint Control Commission (JCC), made up of delegations from Moldova, Transnistria, and Russia, as well as groups of ten military observers from each party, who would monitor the cease-fire.<sup>73</sup> In support of the JCC, a Trilateral Military Command comprised of three battalions each from Moldova, Transnistria and Russia were deployed to assist in the implementation and perpetuation of

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<sup>69</sup> Williams. “Conflict,” p. 84.

<sup>70</sup> Vhal and Emerson. “Moldova and the Transnistrian Conflict,” p. 7.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

the cease-fire agreement.<sup>74</sup> While there have been minimal minor incidents since the cease-fire, there has been no large-scale violence in the region. The cease-fire continues to be respected today making the Transnistria conflict a frozen one. Despite numerous negotiations and agreements indicating a timeline for the withdrawal of Russian troops, the 14th army still remains, against the wishes of the Moldovan government, acting in a “peacekeeping capacity.”<sup>75</sup>

### **Status of Today’s Frozen Conflict**

The conflict between Moldova and Transnistria has not been “hot” for over two decades, but this does not mean it has gone unnoticed. There have been many attempts to reach a settlement, and many parties have offered assistance. In 1993, direct talks were initiated between Moldovan authorities and Transnistrian leadership.<sup>76</sup> Both sides, however, rejected offers coming from the other. Moldova refused to compromise its territorial integrity for the sake of Transnistrian independence, and Transnistria would not accept the special status granting a large degree of autonomy from Moldova.<sup>77</sup> From 1993 to 1994, several talks took place between Moldova, Transnistria, the newly established CSCE Mission to Moldova,<sup>78</sup> and Russia, but these talks stalled in 1995.<sup>79</sup>

Similar fruitless meetings continued to occur through the rest of the 1990s until the OSCE summit in Istanbul in 1999 which resulted in Russia committing to the

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<sup>74</sup> Ibid. pp. 7-8.

<sup>75</sup> Ibid. p. 9.

<sup>76</sup> Ibid. p. 10.

<sup>77</sup> Ibid.

<sup>78</sup> An effort to assist in two party negotiations aimed at settling the conflict and arranging for the withdrawal of all foreign troops. It also encouraged increased democratization efforts and advances on human and minority rights issues.

<sup>79</sup> Vhal and Emerson. “Moldova and the Transnistrian Conflict,” p. 11.

“withdrawal of Russian troops and equipment in Moldova. The weapons of the forces in the region were to be removed by the end of 2001 and personnel and stockpiled equipment by late 2002.”<sup>80</sup> In the early 2000s, more meetings took place and more proposals were offered and rejected by each side. Today, “*de facto* secession and non-recognized independence for Transnistria describes the status quo.”<sup>81</sup> An unwillingness to accept anything less than the greatest demand continues to ensure that neither side will concede to the other. Moldova will not compromise its territorial integrity, and Transnistria will settle for nothing short of independence. Today, we watch as a decades-old conflict remains frozen and wonder for how long this particular status quo will persist.

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<sup>80</sup> Ibid. p. 12.

<sup>81</sup> Ibid. p. 18.

## Chapter Three: The New Neighborhood and its Terms

### The European Union Begins Considering the Post-Soviet Space

Following the collapse of the Soviet Union, many newly independent former Soviet states began expressing European ambitions, including the desire for EU membership. This was a lofty goal for these states in transition, as moving from state-control and a planned economy to building democratic institutions and a market economy would take time. It would also be extremely difficult in many cases, especially those with internal conflicts, like Moldova. During the Cold War, Europe was “differentiated by ideological preferences/influences of Western Europe (European Communities and NATO) and Central and Eastern European states controlled by the USSR.”<sup>82</sup> The collapse of the Soviet Union presented a unique opportunity for Western Europe, one that seemed welcomed by the post-Soviet states, to liberalize and stabilize the space, spreading democratic ideals and encouraging market economies. “After 1989, the European Union was immediately ready to integrate and incorporate Central and Eastern Europe in order to stabilize peace on the continent and to build its own production network.”<sup>83</sup>

The EU began helping these countries in the post-Soviet space work through the difficult transition, encouraging them to embrace the *acquis communautaire*, the EU’s

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<sup>82</sup> Dorin Ioan Dolghi, Gilles Rouet, & Zsolt Radics, Editors. “Europe and the Neighborhood,” compiled by University of Oradea and University of Debrecen for the *Journal of the Institute for Euroregional Studies* at the “Jean Monnet” European Centre of Excellence. (Spring, 2009.0

<sup>83</sup> Berend, *From the Soviet Bloc to the European Union*, p. 2.

legal and institutional requirements for membership. Working towards achieving these high standards led to the opening of markets, giving these transitional states access to European markets. This helped bolster economies encouraged the further implementation of liberal institutions necessary for a functioning democracy.

### **Eastern Enlargement 2004-2013**

“Enlargement serves the interests of Member States as well as acceding countries. It makes Europe a safer and more prosperous place, in particular through its promotion of democracy and fundamental freedoms, the rule of law and the single market.”<sup>84</sup> Eastern enlargement expanding into the post-Soviet space presents many opportunities and challenges. It brings the EU closer to subpar economies and instability.

By 2002, eight Central European countries had successfully achieved the requirements set by the *acquis communautaire*: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, and Slovakia.<sup>85</sup> May 1, 2004 saw the first EU enlargement into the post-Soviet space as the EU signed all eight of these countries into membership. This was not only huge for the eight new members, but also for the other nations now sharing borders with the EU: membership for states in the post-Soviet space was not only a possibility, it had become a reality.

The enlargement was not without problems. Some of the new members faced fiscal issues of inflation or mounting deficits immediately upon entry into the EU. Several of the new members did not introduce the Euro right away, and some still do not

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<sup>84</sup> The European Union Explained. Enlargement: Extending European Values and Standards to more countries. European Commission. [http://europa.eu/pol/pdf/flipbook/en/enlargement\\_en.pdf](http://europa.eu/pol/pdf/flipbook/en/enlargement_en.pdf) Date Accessed: 11.13.14.

<sup>85</sup> Ibid.

operate on the Euro today. In the next round of enlargement, two more states from the Eastern Bloc, Bulgaria and Romania, were admitted in to the Union. This enlargement took place in 2007, and these two countries were the poorest the EU had ever admitted.<sup>86</sup> The most recent enlargement of the EU saw Croatia admitted in 2013, rounding out the number of post-Soviet and Eastern Bloc members to nine (ten including East Germany, which is now Germany after reunification.)

While there are definitely pockets of resistance to European Union membership in the region, several states, including Moldova, have been working diligently to meet the high standards of economic stability and democratic functionality mandated by the *acquis communautaire*. These pockets of resistance continue to pose problems for aspiring member states. The Transnistria conflict, though “frozen” for quite some time, is no exception. *De facto* states and secessionist conflicts are absolute deal-breakers for EU membership, and Moldova has been working since the ceasefire to overcome its biggest obstacle to membership.

### **European Ambitions and Dangling Carrots**

Moldova has been expressing European ambitions since the declaration of its independence from the Soviet Union in 1991. The idea that peace and prosperity would result from further integration with Europe was founded in the recognition of the peace and prosperity enjoyed by her member states for decades prior. The EU also recognized the opportunity for increased influence in the post-Soviet space and began working with several of these newly independent nations, Moldova included, shortly thereafter.

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<sup>86</sup> Ibid.

In 1998, the European Commission ratified a Partnership and Cooperation Agreement (PCA) with Moldova which was designed to encourage the most basic fundamentals of the *acquis communautaire*. The agreement was signed on November 28, 1994, and provided for “a basis of cooperation with the EU in the political, commercial, economic, legal, cultural and scientific areas.”<sup>87</sup> The plan was to be in place for the next 10 years to facilitate Moldova’s transition toward more European ideals.<sup>88</sup> This advance toward Europeanization, developing a functioning market economy, creating a more democratic system of government and elections, improving the condition of civil society and the respect for human rights, and elevating the judicial system to European standards would take quite some time, and the EU was aware. Moldova’s accession into the Union would not be the topic of conversation for years to come.

In 2005, it became apparent that one of Moldova’s neighbors, Romania, was being considered for membership in the next enlargement. This would result in Moldova sharing a direct border with a member state. This would present a new challenging opportunity for Moldova and increase aspirations for membership.<sup>89</sup> The PCA was set to expire and, though it was limited, Moldova had made progress. The Transnistria conflict was still an issue and had made zero progress toward a resolution. But the fact still remained: Moldova was about to be an EU neighbor. This would need to be addressed in a way that not only benefited Moldova, but also the EU and her members as well.

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<sup>87</sup> Republic of Moldova official website: European Integration. <http://www.moldova.md/en/europa/> Date Accessed: 11.2.14.

<sup>88</sup> Amy Verdun and Gabriela E. Chira. “From neighbourhood to membership: Moldova’s persuasian strategy towards the EU,” *Southeast European and Black Sea Studies*, 8:4. (December 2008). p. 433.

<sup>89</sup> *Ibid.* p. 431.

In 2004, a new effort was begun by the EU to help Moldova further improve its conditions toward a European goal. “It is in the European interest that countries on the EU’s borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organized crime flourishes, dysfunctional societies (...) all pose problems for Europe.”<sup>90</sup> Recognizing the need to become involved in the states on the prospective new borders of the EU with the forthcoming 2007 enlargement, which would see admittance of Bulgaria and Romania, the EU began developing its new initiative for the region: the Eastern Neighborhood Policy. The new ENP would allow neighboring states to work with the EU via ENP Action Plans to “achieve the closest possible political association and the greatest possible degree of economic integration...[building] on common interests and on values - democracy, the rule of law, respect for human rights, and social cohesion.”<sup>91</sup>

The ENP Action Plans were long documents addressing each individual country’s particular issues regarding each sector of concern, from economics to security, democracy and rule of law to civil society, even environmental, infrastructure, and energy concerns. The overall goal of the ENPs was to demonstrate a firm commitment to the basics of *acquis communautaire* by way of benchmarks to be attained over a period of three to five years. The support of the EU was also demonstrated via allocated financial support, economic integration by way of access to EU markets, travel liberation through

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<sup>90</sup> Nicu Popescu, “The EU in Moldova: Settling Conflicts in the Neighbourhood,” *Journal of Foreign Policy of Moldova*, 12. (2005). p. 5.

<sup>91</sup> European Neighborhood Policy. EEAS (European External Action Service). European Union. [http://www.eeas.europa.eu/enp/index\\_en.htm](http://www.eeas.europa.eu/enp/index_en.htm) Date Accessed: 11.14.14.



the issue of Shengen visas to 3.2 million citizens of the Neighborhood,<sup>92</sup> and technical and policy support.<sup>93</sup> This biggest issue taken with the ENP and its action plans was the absence of demonstrated prospective Association Agreements upon successful implementation of the plans. They were often seen as “dangling carrots” to achieve increased influence on the part of the EU in the region with no guarantee of membership based on the outcome of the plans.

### **The ENP: Action Plans with Little Action**

On February 22, 2005, Moldova signed its ENP Action Plan with the EU. Set in the context of a “strategic partnership,”<sup>94</sup> Moldova was in need of support in order to implement the necessary democratic institutions, the fundamentals for a functioning market economy, respect and protection of human rights, a strong, fair, and transparent judiciary, and to resolve internal *de facto* state conflict with Transnistria. Moldova’s Action Plan includes frequent mentions of the Transnistria conflict and the need for a multilateral approach to resolution and it stresses the importance of democratic ideals as a factor of potential stabilization. The EU had been working with the OSCE prior to the Action Plan being put into place. Included in the “New Partnership Perspectives” section of the plan was a commitment to “Continuing strong EU commitment to support the settlement of the Transnistria conflict, drawing on the instruments at the EU’s disposal, and in close consultation with the OSCE. The EU is ready to consider ways to strengthen

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> EU/Moldova Action Plan. European Neighborhood Policy. [http://eeas.europa.eu/enp/pdf/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/action_plans/moldova_enp_ap_final_en.pdf) Date Accessed: 9.29.14.

further its engagement.”<sup>95</sup> It also notes under the “Priorities for Action” section that “particular attention should be given to sustained efforts towards a viable solution to the Transnistria conflict,”<sup>96</sup> first in a list of ten priorities.

Moldova’s Action Plan stresses the importance of democracy and the rule of law, which is immediately followed by a section on “cooperation on foreign and security policy, conflict prevention and crisis management.”<sup>97</sup> In this section, there is a clear demonstration of the importance of continued cooperation between the EU, the OSCE, Moldova, and Transnistria. The EU pledges its help regarding the Transnistria conflict while continuing to respect and retain the territorial sovereignty of Moldova “within its internationally recognized borders.”<sup>98</sup> Part of this attempt had begun previously with the “5 + 2” negotiations organized by the OSCE. This was an attempt to involve all interested parties: Moldova, Transnistria, Russia, Ukraine, and the OSCE (the “five”) with the EU and the United States acting as observers (the “plus two”), in a settlement resolution negotiation.<sup>99</sup> The Action Plan suggested furthering this approach, as well as working to encourage Russia to follow through on an earlier promise to withdraw its 14th Army,<sup>100</sup> who have been acting as “peacekeepers” along the disputed border since the early 1990s.

There is also special attention paid to the potential security threats which arise on the border of Transnistria and Ukraine and Transnistria and Moldova. The Action Plan

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<sup>95</sup> EU/Moldova Action Plan.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Andrey Devyatkov. “Russian Policy Toward Transnistria: Between Multilateralism and Marginalization,” *Problems of Post-Communism*, 59:3. (2012). p. 57.

<sup>100</sup> EU/Moldova Action Plan.

also committed to working with EUBAM, the European Union Border Assistance Mission to Moldova and Ukraine, to further combat instability on Moldova's borders.<sup>101</sup>

The plan is quite lengthy and also considers economic, rule of law, human rights, trafficking, and other factors. The significant focus on the Transnistria conflict signifies the importance of its resolution. In order to advance Moldova into a functioning democracy ready for EU membership consideration the conflict would need to be addressed. The PCA formed the basis for the Action Plan, though "new partnership perspectives" were introduced, and they included "Continuing strong EU commitment to support the settlement of the Transnistria conflict, drawing on the instruments at the EU's disposal, and in close consultation with the OSCE. The EU is ready to consider ways to strengthen further its engagement."<sup>102</sup>

In the early sections of the Action Plan the Transnistria conflict is briefly addressed. Under the heading "Priorities for Action," which "sets out a comprehensive set of priorities in areas within the scope of the Partnership and Cooperation Agreement,"<sup>103</sup> it is the first item listed: "sustained efforts towards a viable solution to the Transnistria conflict."<sup>104</sup> Further down, a preface to the cooperative efforts requested by Moldova and Ukraine to strengthen the shared border, which will be discussed in the "EUBAM: Securing Borders in Effort to Stabilize" section of this chapter: "progress towards a system of efficient, comprehensive state border management on all sectors of the

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<sup>101</sup> EU/Moldova Action Plan.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

Moldovan border including the Transnistrian sector.”<sup>105</sup> Under section “2.1 Political dialogue and reform,” and under the heading, “Democracy and the Rule of law,” the first item, “(1) Strengthen the stability and effectiveness of institutions guaranteeing democracy and the rule of law,” it is stated: “In the context of the efforts for a settlement of the Transnistria issue, ensure constitutional and legislative reform in line with European standards, continuing to draw on the expert cooperation and advice of the Venice Commission<sup>106</sup> and the EU, and ensuring a democratic and stable constitutional framework both for citizen and state institutions in (a re-united) Moldova.”<sup>107</sup> Under the heading, “Co-operation on foreign and security policy, conflict prevention and crisis management,” there are two separate items listed in regard to section (13) “Strengthen political dialogue and co-operation on foreign and security policy issues.” The first, “Continue and develop political dialogue and cooperation with the EU on Transnistria, regional and international issues, including within the framework of Council of Europe and OSCE,”<sup>108</sup> alludes to support for continued efforts of the “5 + 2” negotiations. The second item is more general, demonstrating a need for preventative action in order to avoid further conflicts from arising: “Work with the EU to make multilateral institutions

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<sup>105</sup> Ibid.

<sup>106</sup> “The Venice Commission aims to disseminate and to develop the constitutional justice, particularly through the exchange of information.” “On 22 June 1996, the Constitutional Court [of Moldova] joined the European Commission for Democracy through Law of the Council of Europe, known as the Venice Commission. Becoming a full member of this prestigious international organization contributed to the expansion of judicial cooperation with other similar institutions to consolidate democracy, protect human rights and fundamental freedoms and promote the values and principles of the constitutional justice. The Venice Commission, established in 1990, plays an important role in restoring the rule of law in Europe, being an advisory body of the Council of Europe on constitutional problems and issues. The Commission is internationally recognized as an independent court.” <http://www.constcourt.md/pageview.php?l=en&id=218&idc=54> Date Accessed: 2.14.15.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

and conventions more effective, so as to reinforce global governance, strengthen coordination in combating security threats and address related development issues;”<sup>109</sup> This item encourages Moldova to work with the institutions outside of the EU (like the OSCE) to progress toward stability.

In section 2.2 of the plan titled, “2.2 Co-operation for the settlement of the Transnistria conflict,” the issue is addressed in more depth, though there are little specifics as far as demonstrable calls to action. In fact, a majority of the responsibility is left with the OSCE, which has been operating in the region since the beginning of the conflict. While the EU demonstrates a willingness to support the efforts of the OSCE, there is little specificity. With regard to border controls, the EU does take action in 2005 with the establishment of EUBAM, which will be discussed in depth later in this chapter. Here are the specifics of Section 2.2:

- (16) Sustained efforts towards a settlement of the Transnistria conflict, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders, and guaranteeing respect for democracy, the rule of law, and human rights.
- Constructive participation of Moldova, together with the other party and mediators in the OSCE-led negotiation process aimed at reaching a settlement of the Transnistria conflict [5 + 2 negotiations between Moldova, Transnistria, Ukraine, Russia and the OSCE with the EU and the United States as observers];
  - Effective co-operation between the EU and Moldova towards a settlement of the Transnistria conflict within agreed formats, including consultation on post-settlement arrangements and guarantees as appropriate.

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<sup>109</sup> Ibid.

<sup>110</sup> As part of the cease-fire negotiated in 1992, the Joint Control Commission (JCC) was established “to monitor and implement the cease-fire agreement. Based in Bender, the JCC consisted of Moldovan, Transnistrian and Russian delegations assisted by a group of military observers, 10 from each of the parties. The JCC was authorized to take ‘urgent and appropriate measures’ in case the cease-fire was broken to restore the peace and re-establish law and order.” Bruno Coppieters, et. al. “*Europeanization and Conflict Resolution: Case Studies from the European Periphery*,” (Gent: Academia Press, 2004). 160.

- EU to further step up its involvement in supporting the OSCE and mediators in this process, assist the efforts of the Joint Constitutional Commission<sup>110</sup>, and to prepare engagement in post-settlement scenario;
- EU to continue its efforts to ensure the fulfillment by Russia of the Istanbul commitments<sup>111</sup> with regard to Moldova.
- Reinforce political dialogue between the EU and Moldova on the Transnistria conflict.
- Significant further progress with Ukraine on pending border questions along the Transnistrian border section; strengthen cooperation with Ukrainian administration including effective exchange of information about flow of goods and people across the common border. Active engagement in the trilateral talks Moldova - Ukraine - European Commission concerning measures to ensure proper management and control of Moldova's entire border with Ukraine, in particular the Transnistria section.<sup>112</sup>
- Support the active involvement of civil society and the promotion of democratic values and respect for human rights.

These parameters, while valuable and ambitious, lack a clear plan of action. There is great advocacy for the cooperation with the OSCE and clear identification of many of the issues to overcome. However, to be termed an "Action Plan," this presents little in the way of tangible action, and reads more like a statement of vague support from the EU.

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<sup>111</sup> The OSCE held a summit in 1999, where, in Item 19 of the Istanbul Summit Declaration, Russia committed to the complete withdrawal of its troops from Moldova: "We welcome the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002. We also welcome the willingness of the Republic of Moldova and of the OSCE to facilitate this process, within their respective abilities, by the agreed deadline. We recall that an international assessment mission is ready to be dispatched without delay to explore removal and destruction of Russian ammunition and armaments. With the purpose of securing the process of withdrawal and destruction, we will instruct the Permanent Council to consider the expansion of the mandate of the OSCE Mission to Moldova in terms of ensuring transparency of this process and co-ordination of financial and technical assistance offered to facilitate withdrawal and destruction." OSCE Istanbul Summit 1999, Istanbul Document 1999. <http://www.osce.org/mc/39569?download=true> Date Accessed: 1.21.14

<sup>112</sup> This is a preface to the request for what would eventually become EUBAM, as the difficulties along the Transnistrian border directly contribute to the instability of the region.

## **The OSCE: Working Towards Peace**

In the 1970s, during the tension and lack of discourse between the East and West of the Cold War, the Conference on Security and Cooperation in Europe (CSCE) was created to provide and encourage multilateral “dialogue and negotiation between East and West.”<sup>113</sup> Until the end of the Cold War with the collapse of the Soviet Union the CSCE functioned as a series of conferences which aimed at increasing peace, stability, and cooperation between states. Upon the collapse of the Soviet Union it was evident that the CSCE could provide even more assistance as an institutional body, and, during this conversion process, changed its name to the Organization for Security and Cooperation in Europe (OSCE) in 1994.<sup>114</sup>

The responsibilities and goals of the OSCE are wide-ranging, but all contribute to the larger idea of peace, stability, and cooperation between the nations of Europe. The OSCE factors into this study with regard to its efforts toward conflict prevention and resolution, which were major components of the ENP Action Plan between Moldova and the EU. The OSCE established its Mission to Moldova in 1993 in effort to assist in the peaceful negotiation of a “lasting political settlement of the Transnistria conflict, to consolidate the independence and sovereignty of the Republic of Moldova, and to reach an understanding on a special status for Transnistria. The Mission engages in diplomacy - mostly silent - to foster dialogue and defuse tensions.”<sup>115</sup>

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<sup>113</sup> OSCE: Who we are: History. <http://www.osce.org/who/87> Date Accessed: 1.3.14.

<sup>114</sup> Ibid.

<sup>115</sup> OSCE Mission to Moldova Factsheet. Organization for Security and Cooperation in Europe. <http://www.osce.org/moldova/85681?download=true> Date Accessed: 11.14.14.

One of the most active roles the OSCE has taken in the Transnistria conflict is the facilitation of its multilateral negotiations. In 2004, official negotiations began between Moldova and Transnistria, with the OSCE, Russia, and Ukraine acting as mediators. “Proposals and Recommendations” were published on February 13, 2004, illustrating the objectives of the talks, which aimed at reaching a peaceful political solution to the conflict. The talks and resulting report reflected the challenges to be addressed in order to progress toward a solution, and included focuses on several sectors needing attention: reuniting Moldova as a democratic state based on the rule of law, respect for human rights, a market based on free economic activity, respect for private property, and minimum standards for government provisions for the general welfare of the people.<sup>116</sup> There were also special provisions made for Transnistria in effort to appease some of the demands for independence.

The recommendations made regarding Transnistria were not ultimately accepted, but included a much larger degree of autonomy than had previously been agreed upon by Moldova. This included the establishment of “its own organs of authority and of government to the federal subject within the framework of the Constitution of the Federal State,”<sup>117</sup> and similar provisions, basically integrating the already established *de facto* government and its operations into the federal government of Moldova, adhering to the constitutional requirements of Moldova, and with ultimate power lying in the hands of the Moldovan government. This is where the disconnect begins and is the main reason

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<sup>116</sup> Proposals and Recommendations of the mediators from the OSCE, the Russian Federation, Ukraine with regards to the Transdnistrian settlement. CIO.GAL/11/04. February 13, 2004.

<sup>117</sup> Ibid.



Transnistria would ultimately walk away from negotiations. At this point, nothing but full independence would be acceptable.

In 2006, these negotiations expanded and became known as the “5+2” talks, which are discussions between Moldova and Transnistria, and include Russia, Ukraine and the OSCE as mediators and the United States and the European Union as observers. The “5+2” talks have been the primary vehicle for conflict settlement negotiations between Moldova and Transnistria, but have not always been fruitful. Negotiations, which began in 2005, were stalled in 2006 when official negotiations were discontinued by the Transnistrian side, who “refused to continue negotiations after the March introduction of new customs rules for Transnistrian exports, and thus no progress could be made including on these projects.”<sup>118</sup> These vital talks would remain stalled until September 22, 2011, when a formal renewal decision was made by all parties to resume the negotiation talks in the 5+2 format.<sup>119</sup>

The OSCE Mission to Moldova also works to help stabilize the region in ways besides direct negotiation between the various parties. Confidence-building measures attempt to help facilitate a greater cooperation between the people of Moldova and the people of Transnistria outside of basic government agreements. The Mission also works on arms control and disarmament, including attempts at reaching the agreements stipulated by the Istanbul Summit Declaration on the part of Russian forces in the region. Limited withdrawals of weapons and troops have been made, but much progress is

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<sup>118</sup> OSCE Annual Report 2006. April 23, 2007. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>119</sup> OSCE Mission to Moldova Factsheet.

needed in order to fulfill the agreements made. Human rights, democratization, freedom of the media, gender equality and anti-trafficking measures are also important focuses of the OSCE, but they will not be discussed in depth in this thesis as they do not fit into the focus of direct efforts to resolve the conflict in Transnistria.<sup>120</sup>

### **EUBAM: Securing Borders in Effort to Stabilize**

On November 7, 2005, following a joint request by the Presidents of Ukraine and Moldova, the EU activated a new effort in the efforts to stabilize the Transnistria conflict and to create cooperation between Transnistria, Moldova, and neighboring Ukraine. The European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) was developed in order to help facilitate border control activities through mutual cooperation of all parties. Much of the instability in the region had been perpetuated by the lack of formal control of the border between what is territorially Moldova and Ukraine. The separatist movement would be significantly less successful without the support of political and financial elites, not only in Transnistria, but also those in Moldova, Ukraine, and Russia who both support it and benefit from it: "...there are hopes that the EUBAM can also contribute to the peaceful settlement of the Transnistria conflict by reducing the illegal revenue which Transnistrian (but also Moldovan, Ukrainian and Russian) political and business elites derive from these illicit activities, and by creating the conditions for Transnistria to reintegrate Moldova's customs space."<sup>121</sup>

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<sup>120</sup> Ibid.

<sup>121</sup> George Dura. "15. EUBAM Moldova-Ukraine The EU Border Assistance Mission to the Republic of Moldova and Ukraine." *European Security and Defence Policy* (2009). p. 275.

Many of these elites, as well as local separatists on the ground, benefit from the illicit activities facilitated by a weak and poorly controlled border. These are exactly the conditions which lead to the request for EUBAM. As a *de facto* state, Transnistria is a “diplomatically isolated haven for transnational criminals and possibly terrorists.”<sup>122</sup> Lucrative illegal smuggling of contraband, such as untaxed cigarettes and drugs, the movement of arms to support the separatists should another hot conflict arise, and the trafficking of humans are a few of the biggest problems faced by the EUBAM staff.<sup>123</sup> The revenue provided through these illicit activities not only contributes to the Transnistrian economy, but helps fatten the pockets of the aforementioned elites. EUBAM seeks to close the holes in the border where these activities are taking place, better regulate the flow of goods through strengthened customs controls, and help encourage business relationships between Moldova and Transnistria which would alleviate the need for smugglers to work around the border controls.

Moldova had been complaining for quite some time about the lack of control by the Ukrainians of the Moldovan-Ukrainian border; that many exported Transnistrian goods were being allowed across despite not having the proper official documentation and customs stamps issued by Moldova.<sup>124</sup> The two parties held a meeting in Odessa, Ukraine, where they agreed on “mutual access to the markets of both countries and...on implementing joint border control.”<sup>125</sup> This would result in the request to the EU and

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<sup>122</sup> Daria Isachenko. "The EU border mission at work around Transdnistria: a win-win case?." *Societes Politiques Comparees* 21 (2010). p. 1

<sup>123</sup> Ibid. p. 2.

<sup>124</sup> Dura. EUBAM. p. 227.

<sup>125</sup> Ibid.

formation of EUBAM as a mutually cooperative between Moldova, Ukraine, and the EU to secure the border and to address many of the issues resulting from the lack of border controls by elevating the border and customs services to the level of European “best practice standards.”<sup>126</sup>

The Transnistria conflict makes EUBAM operations slightly trickier than they may be otherwise, were they dealing exclusively with two cooperative states. As stated previously, Transnistria and many elites reap great benefit from the lack of formality and strict control at the border. There must be careful consideration paid to the political climate of the region in addition to the security concerns which would typically come with attempting to regulate an illicit “black” market. Due, in part, to these political and security concerns, to keep the EUBAM staff safe and able to effectively work in the region, the EUBAM holds no executive powers, and may only request extended checks and re-examinations of cargo. They do, however, provide extensive training to the authorities of Moldova and Ukraine who are assigned to patrol the border, and also observe the quality of customs clearance and border checks.<sup>127</sup>

The official aims of the EUBAM are in an advisory capacity only and are as follows:<sup>128</sup>

- To work with Moldova and Ukraine to harmonize their border management standards and procedures with those prevalent in EU member states
- To help enhance the professional capacities of the Moldovan and Ukrainian customs and border guard services at operational level
- To develop risk analysis capacity

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<sup>126</sup> Ibid. p. 278.

<sup>127</sup> Ibid. p. 280.

<sup>128</sup> [www.eubam.org](http://www.eubam.org) Date Accessed: 11.14.14.

- To improve cooperation and complementarity between the border guard and customs services and with other law enforcement agencies
- To promote cross-border cooperation.

These goals are set not only in a security-increasing capacity, but also in a confidence-building capacity, to encourage cooperation between all parties involved: Moldova, Ukraine and Transnistria. Increasing the levels of legitimate trade cooperation between Moldova and Transnistria will promote stability and prosperity on both sides of the conflict, and move both sides closer to a resolution.

The ENP, the OSCE, and the EUBAM all seek to encourage, alongside many goals, a stabilization of the tensions between Moldova and Transnistria in an effort to reach a peaceful settlement to the conflict. The territorial integrity of Moldova is considered very important, but there is responsible acknowledgment of the disconnect between the two societies. The people of Transnistria have less of a connection to Romania or Moldova than the Moldovan population outside of the region, so a lot of the potential for progress lies within the improved relationship between the two. Confidence-building measures and a clear demonstration of respect are vital.

## **Chapter Four: Making Progress or Standing Still?**

Chapter Three discussed the creation of the ENP Action Plans, the cooperation encouraged by the Action Plans between Moldova and the OSCE in achieving the goals set out in the Action Plans, and the creation at the joint request of Moldova and Ukraine for the European Union Border Assistance Mission to Moldova and Ukraine. Each entity documented the progress made from its own point of view and published progress reports annually. In this chapter I consider the factors related to the Transnistria conflict and evaluated the progress made based on these reports.

### **Annual ENP Progress Reports**

In a November 22, 2005 “Communication to the Commission: Implementing and promoting the European Neighborhood Policy,” The Commission of the European Communities notes that “the Government of Moldova has made the ENP Action Plan the centerpiece of its reform strategy.”<sup>129</sup> This, of course, was not a unilateral effort and would require a substantial amount of support in order to be effective. The EU published progress reports annually documenting Moldova’s progress in meeting the goals articulated within the ENP Action Plan.

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<sup>129</sup> Communication to the Commission: Implementing and promoting the European Neighborhood Policy. November 22, 2005. SEC(2005) 1521. [http://eeas.europa.eu/enp/pdf/pdf/sec\\_2005\\_1521\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/sec_2005_1521_en.pdf) Date Accessed: 11.14.14.

I have chosen to focus on the following goals of the ENP Action Plan in evaluating the progress of the Action Plan efforts: (listed in order of appearance in the Action Plan with regard to the Transnistria conflict.)

1. Improve an open political dialogue between Moldova and the EU
2. Encourage progress with OSCE-organized 5+2 negotiations
3. Support the commitments made at Istanbul Summit regarding Russian tanks, troops, and arms withdrawals (no progress made)
4. Reinforce political dialogue between Moldova and Transnistria in effort to reach a peaceful settlement to the conflict.
5. Active involvement in civil society by encouraging a respect for human rights and the promotion of democratic values (confidence-building).<sup>130</sup>

\* Management and control of the Moldova-Ukraine border is also listed in the ENP, which resulted in the creation of EUBAM. While border issues are evaluated in the ENP Progress Reports, much of the information is duplicated in the EUBAM Progress Reports. For the sake of clarity in this thesis, I will keep the evaluation of EUBAM progress under the section titled “EUBAM Progress: and will base my evaluation off of EUBAM reports.

The first progress report was issued on December 4, 2006. At the beginning of the report it is acknowledged that the internal and external conditions of Moldova present a difficult challenge with regard to the implementation of the Plan. Limited progress was made in the first year of the Plan and “implementation of reform strategies remain(s) a

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<sup>130</sup> EU/Moldova Action Plan.

problem.”<sup>131</sup> The report notes that some progress was made via intensified political dialogue via bi-annual consultations between Moldova and the EU Political and Security Committee and the Council working group in Eastern Europe and Central Asia. The EU appointed a Special Representative for Moldova to observe in the 5+2 negotiations being facilitated by the OSCE. Part of the EU efforts also included the successful launch of EUBAM at the request of the Prime Ministers of Moldova and Ukraine. EUBAM progress will be specifically discussed in a later section of this chapter, but it is noted in the ENP Progress Reports as well.

Though the initial year of the ENP Action Plan did not show great gains in Moldova, it is obvious that the effort was there and that some, albeit limited, progress was present. This positive progress resulted in deeper commitments from the EU to further bolster Moldova’s efforts. An increased assistance package would come in 2007, the European Commission approved a grant designed to “address the looming financial gap.”<sup>132</sup> Progress for Moldova would not come easily, but the 2006 progress report shows indications of EU commitment and Moldovan efforts to reach European standards.

In 2007 Moldova cooperated closely with the EU on all questions related to the Transnistria settlement efforts. Authorities worked on improving confidence levels through joint confidence-building measures with the EU, the OSCE and EUBAM.<sup>133</sup> There was active cooperation on all regional and international issues with the EU, and Moldova cooperated closely with the EU on all questions related to the Transnistria issue

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<sup>131</sup> ENP Progress Report: Moldova 2006. December 4, 2006. SEC(2006) 1506/2.

<sup>132</sup> Ibid.

<sup>133</sup> ENP Progress Report: Moldova 2007. April 3, 2008. SEC(2008) 399.



settlement efforts, despite the stalling of the 5+2 negotiations in 2006. The EU also extended the EUBAM mandate through 2009.<sup>134</sup> No progress was made regarding the Istanbul Summit issues.

The progress made in 2007 is similar to that made in 2006: though the steps made were small, they were important, and demonstrated a fervent commitment by Moldova to continue to improve. Moldova's willingness to work toward achieving the results sought after via the ENP Action Plan was obvious, and was demonstrated despite the absence of cooperation from Transnistria. This type of participation would only continue to improve conditions in Moldova.

2007 also saw the publication of a new "Country Strategy Paper" for Moldova by the EU. It was to last from 2007 to 2013, and signified an even further commitment to increased relations and improved conditions in Moldova. The paper addresses the Transnistria conflict, but does not go into great depth as to what direct actions will be taken regarding the conflict. The conflict is discussed in the context of the European Security Strategy,<sup>135</sup> acknowledging "great importance to the resolution of the Transnistria conflict and [the EU] is actively involved in ongoing efforts to achieve a

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<sup>134</sup> Ibid.

<sup>135</sup> "The European Security Strategy (ESS), adopted by the European Council on 12-13 December 2003, provides the conceptual framework for the Common Foreign and Security Policy (CFSP), including what would later become the Common Security and Defence Policy (CSDP)...The ESS also calls for preventive engagement to avoid new conflicts/crises. Building security in the EU's neighbourhood (Balkans, Southern Caucasus, and the Mediterranean) is prioritised as is the goal of strengthening the international rules-based order through effective multilateralism. Furthermore, the ESS explicitly acknowledges the interdependence of various global security challenges, i.a. by linking security and development issues and highlighting the possible interplay between key threats. Finally, the ESS addresses the political implications of the new security environment. It states that the EU needs to be more active, more coherent and more capable. The importance of international cooperation and EU partnerships is also emphasised by claiming that none of the threats can be tackled by the Union alone. The conclusion reaffirms that these challenges also pose opportunities for the EU to become more active and more capable in the pursuit of a safer, more unified world." <http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy/> Date Accessed: 2.13.15.

settlement, amongst other things through an EU Border Assistance Mission on the Moldovan-Ukrainian border, including the Transnistrian section.”<sup>136</sup> The paper includes a stated commitment on the part of the European Community to “continue its current strong engagement in support of a settlement of the Transnistria conflict, in full respect of Moldova’s territorial integrity.”<sup>137</sup> The “Country Strategy Paper” is a clear demonstration of the EU’s support of Moldova in its efforts to liberalize and to settle the Transnistria conflict. However, like the ENP Action Plan, little specifics are included as to how these goals will be reached.

The progress reports of 2006 and 2007 saw little progress, but did acknowledge that there was, indeed, progress. The report in 2008 was less positive: “Nonetheless, Moldova made no or limited progress in the effective implementation of a number of reforms which constitute key priorities under the ENP Action Plan.”<sup>138</sup> It is noted throughout much of the report that the measures taken towards implementation of these reforms during 2006 and 2007 saw little to no monitoring by the government since implementation, which is likely the cause for the absence of progress in 2008. Moldova’s economy, which is largely agrarian, was also severely affected by a long-lasting drought, which contributed to the internal issues as well.<sup>139</sup> Despite these internal setbacks, Moldova was an active participant in regional and international issues, cooperating with the EU “on all questions related to the Transnistria settlement efforts.”<sup>140</sup>

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<sup>136</sup> European Neighbourhood and Partnership Instrument: Republic of Moldova Country Strategy Paper 2007-2013. [http://eeas.europa.eu/index\\_en.htm](http://eeas.europa.eu/index_en.htm) Date Accessed: 11.16.14.

<sup>137</sup> Ibid.

<sup>138</sup> ENP Progress Report: Moldova 2008. April 4, 2009. SEC(2009) 514/2.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

While limited or no progress was made in most sectors needing reforms, Moldova continued to cooperate with the EU on regional and international issues. For the first time in seven years the President of Moldova and the separatist leader of Transnistria conducted meetings. Though this was on an informal basis (the 5+2 talks remained stalled), progress was made. “Pursuing its confidence-building initiative put forward in autumn 2007, Moldova agreed with the separatist authorities to set up five bilateral working groups. The Government foresaw a specific allocation in the 2009 state budget to facilitate the settlement of the Transnistrian conflict.”<sup>141</sup> This cooperation between the two sides, though informal, marked very positive progress in a year which saw little.

Moldova experienced more internal issues in 2009, including disputed election results, which put a halt to many government activities. In response to street riots concerning the elections, law enforcement committed “serious violations of human rights and fundamental freedoms...before repeat elections allowed a stable parliamentary majority to be formed and a start was made on stabilizing the domestic and external political situation.”<sup>142</sup> These internal struggles had a negative impact in the implementation of the ENP reforms at the beginning of 2009: “EU-Moldova relations suffered for most of the year, before picking up again after the appointment of the new Government. Subsequently, political dialogue with the EU and the Moldovan authorities’

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<sup>141</sup> Ibid.

<sup>142</sup> ENP Progress Report: Moldova 2009. December 5, 2010. SEC(2010) 523.

<sup>143</sup> Ibid.

interaction with international institutions have increased.”<sup>143</sup> Efforts were stepped up during the last quarter of 2009 once the internal governmental issues were stabilized.<sup>144</sup>

The new government “was appointed on a strong European integration platform,”<sup>145</sup> which was a positive advance for Moldova. 2009 also saw two more informal meetings between Moldovan and Transnistrian leaders, and an agreement was reached to continue these regular bilateral meetings. Further cooperation was demonstrated with the “coordinated support [of] the two packages of EU sponsored confidence-building projects launched in 2009.”<sup>146</sup> Moldova also lifted the time limit restrictions on the legislation passed in 2007 which allowed Transnistrian-based companies to temporarily register in Chisinau in order to benefit from trade across the disputed border.<sup>147</sup>

The 2010 progress report starts out much more positively, given the resolution of many of the internal conflicts which had impacted progress in 2009. It is clearly demonstrated that the EU views Moldova’s progress as positive as well, as “negotiations on a future EU-Republic of Moldova Association Agreement were launched in January 2010, and negotiations since have been progressing at a very good pace.”<sup>148</sup> Association Agreements are typically seen as the next logical step to membership candidacy, something Moldova has been striving for since declaring its independence from the Soviet Union in 1991. The willingness of the EU to entertain the idea of a Moldovan

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<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> ENP Progress Report: Moldova 2010. May 25, 2011. SEC(2011) 643.

Association Agreement is a clear indication of the positive progress made in the context of the ENP. The Transnistria conflict, however, continued (and still does today) to present a challenge.

While Moldova was successful in electing a pro-European Prime Minister in 2009, there was still no resolution to the 2009 political stalemate between the various parties over the election of a President. This issue aside, the EU notes that “good progress overall in most areas of the Action Plan”<sup>149</sup> was made. Moldova continued to participate in Transnistria-related issues at a level that was satisfactory to the EU, and participation in the 5+2 meetings continued in an informal capacity. A Depute Prime Minister in Charge of the Transnistria Settlement was appointed and held frequent informal meetings with the Transnistrian negotiator.<sup>150</sup> Moldovan and Transnistrian authorities coordinated joint support for several EU-sponsored confidence-building projects and reactivated bilateral working groups to address sectoral dispute issues.<sup>151</sup>

2011 was a promising year for Moldova regarding the Transnistria conflict, as the 5+2 talks officially resumed. A formal invitation was extended for Moldova to “engage pro-actively in a pragmatic dialogue with Tiraspol<sup>152</sup> with a view to setting up effective mechanisms to implement confidence building activities and making tangible progress towards a comprehensive settlement of the Transnistrian conflict.”<sup>153</sup> This advance was seen as good progress by the EU, and several meetings took place over 2011. A major

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<sup>149</sup> Ibid.

<sup>150</sup> ENP Progress Report: Moldova 2010.

<sup>151</sup> Ibid.

<sup>152</sup> Tiraspol is the *de facto* capital of Transnistria.

<sup>153</sup> ENP Progress Report: Moldova 2011. May 15, 2012. SWD(2012) 118 final.

contributing factor to this progress was the election of a new leader in Transnistria, which “may have in the medium term a positive impact on the negotiating process.”<sup>154</sup>

The presidential election stalemate of 2009 was finally resolved in 2012 when the election of President Timofti provided some internal stability and allowed the Moldovan government to concentrate on the necessary structural reforms which would contribute to increased progress toward meeting European standards. This alone was viewed as positive progress by the EU.

2012 saw the Moldovan efforts to reach a settlement to the Transnistria conflict significantly increased, thanks in part to the cooperation of the new leadership in Tiraspol and the resumption of the formal 5+2 negotiations. Five meetings were held and several advances were made, including successful re-opening of freight-train routes through Transnistria - the result of the negotiations started in 2011.<sup>155</sup> Issues regarding the freedom of movement between Moldova and Transnistria, as well as reciprocity on the recognition of university diplomas earned in Transnistria were also discussed but not wholly resolved. These are small steps representing progress, but a “lack of shared vision on the basic parameters for a comprehensive settlement help up progress on all issues, and political and security issues were not addressed.”<sup>156</sup> Tension was also revived when discussion related to the removal of weapons, equipment, and foreign military troops was raised, and the onset of this tension revival resulted in the diversion away from detailed

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<sup>154</sup> Ibid.

<sup>155</sup> ENP Progress Report: Moldova 2012. March 20, 2013. SWD(2013) 80 final.

<sup>156</sup> Ibid.

negotiations. This meant there would be no change regarding demilitarization, which continued to be an issue for Moldova.

In 2013, a new political crisis took place in Moldova when the Prime Minister, accused of corruption, was removed by Parliament through a vote of no-confidence. This resulted in the collapse of the Alliance for European Integration, the coalition built out of the three non-communist parties in the government.<sup>157</sup> Despite this setback, good progress was still made “on significant and sensitive areas of the ENP Action Plan.”<sup>158</sup> The situation was somewhat stabilized with the election of a new government in May of 2013, but internal conflicts between parties remained and tensions ran high.<sup>159</sup>

These tensions factored somewhat into the progress of the 5+2 talks, which continued in 2013. The same “lack of shared vision on the basic parameters of a comprehensive settlement”<sup>160</sup> was still present in discussions over the Transnistria conflict, and some of the measures implemented by Transnistria during 2013 contributed to the rise in tensions between the two sides. Once again, the issue of language presented itself as a divisive issue, with Transnistria challenging area Moldovan schools which operated using Romanian (Moldovan) and the Latin script, making the operation of these schools more difficult than had been in the past.<sup>161</sup> Overall, however, communication between Chisinau and Tiraspol remained open and progress was considered positive.

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<sup>157</sup> Richard Balmforth and Alexander Tanas, “Moldovan parliament passes vote of no confidence in Filat government,” *Reuters*, 3.5.2013, date accessed 2.18.15, <http://www.reuters.com/article/2013/03/05/us-moldova-government-vote-idUSBRE9240FU20130305>.

<sup>158</sup> ENP Progress Report: Moldova 2013. March 27, 2014. SWD(2014) 93 final.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

It is evident after evaluating the ENP Action Plan progress reports that the EU views Moldova as a willing participant in enacting necessary reforms for further European integration. The Transnistria conflict is consistently addressed, and, though progress is noted year-over-year, a settlement to the conflict appears far off. A major problem with the ENP Action Plan is the lack of specificity with regard to measures to be taken by Moldova to implement the necessary reform and make the necessary progress. EU contributions are more or less in a supportive capacity, and, while there is some financial support, much of the tangible progress is made via external agencies, including the OSCE and the EUBAM.

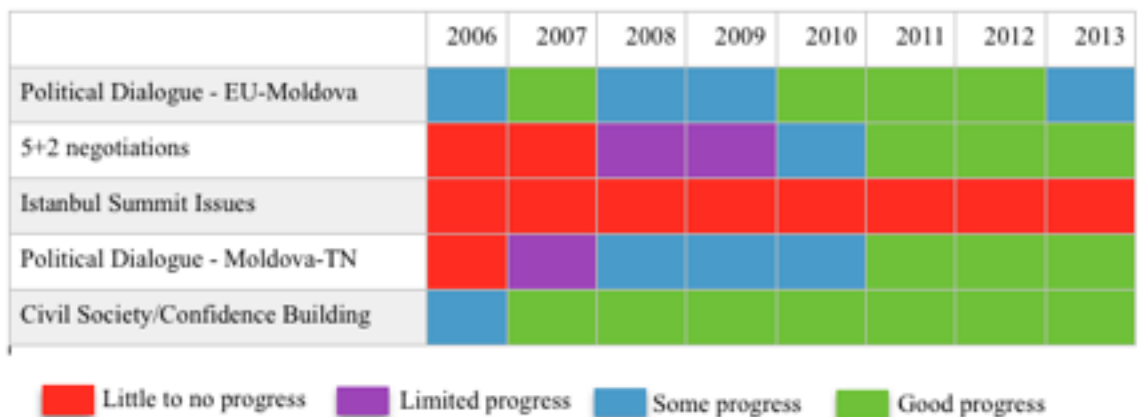


Figure 2: Progress of the ENP Action Plans. Source: ENP progress reports 2006-2013. Explanation of degrees of progress for Figures 2, 5, and 8 may be found in "Methodology and Structure" section of Chapter One.

Given the levels of tension existing in Moldova over the involvement of the EU and the levels of disagreement over whether or not the ENP was going to be beneficial, there has been progress in the key areas. In two of the six areas, "Some" to "Good" progress was consistently made. Improving the dialogue between Moldova and Transnistria, which relates directly to the resumption of the 5+2 negotiations, has shown



overall progress, though in some years it was limited. Considering the levels of tension in these sectors, I consider these levels of progress considerably positive. The most room for improvement clearly lies within the fulfillment of the Istanbul Summit criteria, which has seen zero progress. This will depend on cooperation from Russia, and, given the current political climate, will likely remain status quo.

### **Progress of the OSCE**

The OSCE has been a presence in Moldova since the late 1990s when it was known as the CSCE. For the purpose of this thesis, I will consider the progress reports issued since the signing of the ENP Action Plan<sup>162</sup> and how the OSCE contributed to the implementation of reforms within the Action Plan relating to the Transnistria conflict. The efforts of the OSCE focus directly on security and cooperation between the sides, and play a significant role in the 5+2 negotiations as a mediator. The 5+2 negotiations are high on the list of importance each year for the OSCE, as they are viewed as one of the most productive efforts toward reaching a settlement.

I have chosen to focus on the following goals of the OSCE in evaluating the progress of efforts in Moldova: (listed in order of appearance in the OSCE Mission to Moldova Factsheet.)

1. Productive participation of all parties in 5+2 negotiations
2. Confidence-building measures
3. Assist the Joint Control Commission (JCC)
4. Resolution to Istanbul Commitments (no progress made)

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<sup>162</sup> Reports issued between 2006 and 2013.

Much of the work of the OSCE in 2006 on the Transnistria conflict focused on the attempt to resume the 5+2 negotiations, which, after new customs regulations were introduced by Moldova pertaining to Transnistrian exports, Transnistria refused to participate in.<sup>163</sup> The OSEC, in conjunction with the other mediators, Ukraine and Russia, and the observers, the EU and the United States, attempted to unblock the resulting stalemate to no avail.<sup>164</sup> Separate attempts were made by the various actors in April, May, and November, but there was no progress made. There was, however, agreement facilitated by the OSCE and the JCC regarding the access of land in Transnistria which was owned by Moldovan farmers. The farmers were granted access to the land via a bilateral agreement.<sup>165</sup>

The OSCE continued its work in the role of an observer alongside the JCC, and continued to assist in regulating disputes between the two sides.<sup>166</sup> No withdrawals of Russian weapons, equipment, or troops were made in 2006, resulting in a withdrawal of funding by the Netherlands and the Czech Republic.<sup>167</sup> The 5+2 stalemate and the lack of progress made on the withdrawal of Russian forces in the region as stipulated in the Istanbul Summit agreement are seen as representing little progress on the part of the OSCE.

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<sup>163</sup> OSCE Annual Report 2006. April 23, 2007. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

In 2007, more attempts were made by the parties of the 5+2 talks to encourage resumption. Four meetings between the mediators and the observers took place and one informal meeting between all participants occurred once, in October, concentrating on “finding ways to restart formal settlement negotiations, which have nonetheless failed to resume.”<sup>168</sup> There was relief of some tensions along the disputed border by cooperative efforts between the OSCE and the JCC with the removal of a Moldovan police post and a Transnistrian militia post.<sup>169</sup> There was still no progress made regarding the reduction of Russian armaments or withdrawal of Russian troops in the region. Because the 5+2 negotiations continued to remain stalled, the progress made by the OSCE during 2007 was minimal, but there are clearly demonstrated efforts by all parties except Transnistria to continue the implementation of reforms.

2008 did not see a restart in official 5+2 negotiations, but did, however, see meetings in a “3+2” capacity between Russia, Ukraine, the OSCE, the EU and the United States, where discussions were held regarding possible attempts at resuming the 5+2 format.<sup>170</sup> Consultations in the 5+2 format were held, informally, in April, again in July, and twice more in October and November, but no official resumption of talks could be reached.<sup>171</sup> Another informal 5+2 exchange took place late in the year in Vienna, and “provided an opportunity to exchange views on the possibilities for expanding the scope of the joint Moldovan and Transnistrian working groups on confidence-building measures

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<sup>168</sup> OSCE Annual Report 2007. March 31, 2008. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>169</sup> Ibid.

<sup>170</sup> OSCE Annual Report 2008. April 1 2009. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>171</sup> Ibid.

and to discuss issues related to the free movement of people and goods between the banks of the Nistru/Dniestr.”<sup>172</sup> Both of these issues would be talked about between the Moldovan President and the Transnistrian leader in a meeting in December. Though no tangible progress was made, the willingness of the two parties to conduct a meeting in which the Transnistria issues was discussed is viewed as positive progress.

During 2008, the OSCE was able to encourage non-conflict related cooperation between the two sides, and “facilitated joint Moldovan and Transnistrian working groups that discussed cooperation in the fields of health, infrastructure development and the environment.”<sup>173</sup> Though this cooperation did not have a direct affect on the settlement process, the willingness of the two sides to come together on these types of important issues signaled positive progress. There remained no progress on the issue of withdrawals of Russian equipment, weapons, or troops from the region in 2008.<sup>174</sup>

In 2009, following the two-years long stalemate of the 5+2 talks, and with the OSCE under Greek presidency, Greek Ambassador Charalampos Christopoulos vowed to renew the focus of the OSCE on the peaceful settlement of the Transnistria conflict. On a visit to Moldova in February, he reiterated this intent: “Together with the OSCE Mission here on the ground, the Greek Chairmanship will work with both sides toward reaching a genuine settlement. This settlement should be negotiated freely and peacefully; it should confirm Moldova’s sovereignty and territorial integrity and also earn the support of the Transdnistrians by guaranteeing them real autonomy that is properly respected, with real

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<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

rights.”<sup>175</sup> This declaration, however, did not equate to a settlement; in fact, the 5+2 talks remained stalled, despite the best efforts of the OSCE. Informal meetings continued, but were less than fruitful.

Despite no formal resumption of the 5+2 talks, some progress was made between the two sides with the help of the OSCE, especially regarding the continuation of the joint Moldovan and Transnistrian working groups established in 2008. The groups continued their cooperation on issues of health, the development of infrastructure, and the environment, and expanded the focus to include discussions to resume the normal functioning of railway lines and improved economic and trade policies.<sup>176</sup> Progress was also made in conjunction with the JCC on improved freedom of movement of people, goods and services,<sup>177</sup> as well as improved “cooperation between the Moldovan and Transdnestrian law-enforcement structures in the Bender area’ and increasing the effectiveness of the military observers.”<sup>178</sup> Again, there were no withdrawals of Russian weapons, equipment, or troops as per the Istanbul Summit.

From 2006 to 2010, “informal” meetings of the 5+2 were the status quo, and five took place in 2010 where freedom of movement was again discussed. Kanat Saudabauev, the 2010 OSCE Chairperson, considered these talks to have produced “some positive dynamics in the Transdnestrian settlement process.”<sup>179</sup> However, progress was made, and the result was regular meetings between the Moldovan Deputy Prime Minister and his

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<sup>175</sup> OSCE Annual Report 2009. April 21, 2010. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> OSCE Annual Report 2010. March 31, 2011. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

Transnistrian counterpart if effort “to resolve issues affecting the daily lives of people on both banks of the Dniester/Nistru River.”<sup>180</sup> One of these issues was solved with the official re-opening of the passenger railway service running from Chisinau-Tiraspol-Odessa. This contributed to the simplification of railway transport regulations of goods being exported by Transnistria as well.<sup>181</sup> An extension of the 2006 agreement allowing Moldovan farmers access to their Transnistrian-controlled land was also agreed upon despite formal negotiations. These advances are all incredibly positive and would lead to the resumption of official talks in 2011.

2011 presented quite positive progress, as the official 5+2 negotiations resumed with full cooperation of all parties.<sup>182</sup> The importance of this progress is noted in the 2011 report’s Message from the Secretary General, the Report of the Chairmanship-in-Office, and the report from the Office of the Secretary General. The gains made toward bilateral cooperation between the sides are expressed in positive notes throughout the report. Ambassadors from 19 different permanent delegations to the OSCE participated in discussions aimed at “fostering confidence-building measures between the sides and the protection of human rights with the political leadership from both banks of Dniestr/Nistru River”<sup>183</sup> in order to progress the conflict settlement process.

The resumption of the 5+2 talks was the most notable progress from 2011, and it lead to the strengthening of reform objectives from the informal negotiations of the past

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<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> OSCE Annual Report 2011. March 30, 2012. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>183</sup> Ibid.

few years. Further progress was made concerning rail traffic through Transnistria, the access to Transnistrian controlled land for Moldovan farmers was again extended, and the restoration of telecommunication services was discussed.<sup>184</sup> There was also a renewed focus in confidence building on both sides by way of improved monitoring and increased human rights education. This effort was complimented by the participation of international organizations and a visit by 20 OSCE Ambassadors to a “three-day Human Rights Summer School for young people and civil society.”<sup>185</sup>

If 2011 seemed promising, 2012 only served to bolster the positive feelings toward the OSCE’s work in Moldova and Transnistria. A change in Transnistrian leadership in 2011 was probably responsible for the change in attitude toward Transnistrian participation in the 5+2 talks. A meeting between the Moldovan Prime Minister, Vladimir Filat and the Transnistrian leader, Yevgeny Shevchuk in Rottach-Egern, Germany seemed to send “a clear message that negotiators should continue in their work on finding a special status for Transdniestria based on the sovereignty and territorial integrity of the Republic of Moldova.”<sup>186</sup>

The long-discussed agreements regarding the re-opening of freight rail traffic through Transnistria were signed, opening up more trade possibilities for both Transnistria and Moldova.<sup>187</sup> Human rights efforts continued on both banks of the River, and the OSCE Mission to Moldova began working closely with the OSCE Office of the

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<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> OSCE Annual Report 2012. March 18, 2013. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>187</sup> Ibid.

Special Representative on Combating Trafficking in Human Beings, extending their work into Transnistria as well as part of increased confidence-building efforts.<sup>188</sup> Overall, the progress in 2012 is largely positive.

2013, the twentieth anniversary of the OSCE Mission to Moldova, presented new challenges for the OSCE and for the region near and including the post-Soviet space. In the Message from the General Secretary in the 2013 report, Lamberto Zannier, OSCE Secretary General, notes, “The re-emergence of mistrust and divisions threatens to undermine security in our region, as does instability in neighboring regions.”<sup>189</sup> The Transnistria conflict was featured in the 2013 report as an example of the OSCE’s efforts toward “facilitating resolution of the protracted conflicts” in the region, a “top priority for the Chairmanship.”<sup>190</sup> Ironically, Ukraine was the 2013 OSCE Chair, and made a profound statement regarding the conflicts the OSCE aimed to stabilize or resolve:

We are convinced that the so-called protracted conflicts continue to represent a serious threat to our regional stability. Helping the parties to find a political solution should remain the highest priority for the OSCE, the Chairmanship and for all participating States. Tested and proven instruments the OSCE has in stock, such as dialogue facilitation, mediation, preventative diplomacy and non-military confidence-building measures, as well as capacity- and peace-building activities, must be used in conjunction with meeting the immediate needs of people in conflict-affected territories. This would help create an atmosphere of trust and confidence between people, communities and nations, and pave the way for sustainable resolution of conflicts.<sup>191</sup>

The Chairmanship encouraged continued participation on all sides in continued 5+2 talks toward reaching a sustainable resolution to the Transnistria conflict. The year was,

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<sup>188</sup> Ibid.

<sup>189</sup> OSCE Annual Report 2013. March 31, 2014. <http://www.osce.org/node/66000> Date Accessed: 12.9.14.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.



unfortunately, not without incident. Tensions rose in the Security Zone, and a number of violent incidents occurred, which required the Chair's engagement to diffuse.<sup>192</sup>

Five rounds of 5+2 negotiations were held in 2013 and the OSCE counted the progress made in these negotiations as positive. Similar efforts toward confidence-building and improved human rights conditions continued through 2013, including the successful Human Rights Summer School. Overall, no significant changes toward a resolution of the conflict were made, but relations between Moldova and Transnistria seem to be improving and cooperation is at least happening in many important areas.

The following figures illustrate the frequency of official (O) and unofficial (U) meetings between parties involved in the 5+2 negotiations (Fig. 3), as well as the staff and budget allocated to the OSCE efforts in Moldova (Fig. 4).

	2007		2008		2009		2010		2011		2012		2013	
	O	U	O	U	O	U	O	U	O	U	O	U	O	U
<b>OSCE</b>	0	5	0	5	0	3	0	5	1	1+4	5	0	5	0
<b>Moldova</b>	0	1	0	2	0	3+1	0	5+X	1	1+4	5	0	5	0
<b>Transnistria</b>	0	1	0	2	0	3+1	0	5+X	1	1+4	5	0	5	0
<b>Ukraine</b>	0	5	0	5	0	3	0	5	1	4	5	0	5	0
<b>Russia</b>	0	5	0	5	0	3	0	5	1	4	5	0	5	0
<b>EU</b>	0	5	0	5	0	3	0	5	1	4	5	0	5	0
<b>US</b>	0	5	0	5	0	3	0	5	1	4	5	0	5	0

Figure. 3: Meetings Between 5+2 Participants. Source: OSCE Progress Reports 2007-2013.

<sup>192</sup> Ibid.

In Fig. 3, where there are two numbers listed in a format x+y, multiple meetings are represented. For example, in 2009, there are 3 unofficial meetings between the 5+2, and 1 unofficial meeting between Moldova and Transnistria. When X is noted (in 2010) the number of meetings was kept confidential by the parties.

YEAR	BUDGET (IN EURO)	TOTAL BUDGET PERCENTAGE	INT'L STAFF	LOCAL STAFF	TOTAL STAFF
2006	1,622,500	1%	13	0	13
2007	1,868,800	1.11%	13	34	47
2008	1,956,400	1.19%	12	37	49
2009	1,960,100	1.24%	13	39	52
2010	2,083,900	1.36%	13	42	55
2011	2,020,600	1.37%	12	40	52
2012	2,072,900	1%	13	40	53
2013	2,125,200	1%	14	43	57

Figure 4: OSCE Mission to Moldova Budget and Staff. Source: OSCE Progress Reports 2006-2013.

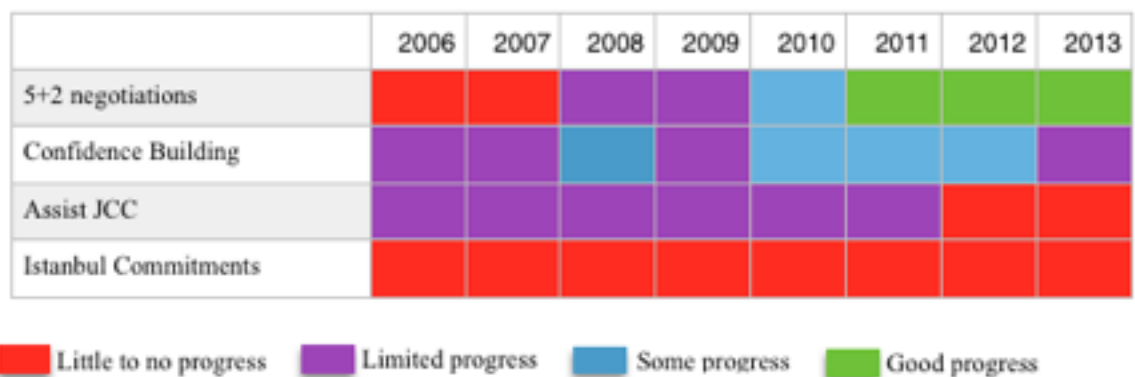


Figure 5: Progress of OSCE Mission to Moldova. Source: OSCE progress reports 2006-2013. Explanation of degrees of progress for Figures 2, 5, and 6 may be found in "Methodology and Structure" section of Chapter One.

The most important focus of the OSCE with regard to the Transnistria issue is the role it plays in the 5+2 negotiations. These are, perhaps, one of the most vital aspects of the process of conflict resolution, and, though the progress seems limited, there were significant gains made through unofficial talks when the level of tension is considered. The activities of the JCC seem to have leveled off at a good place, as they were not mentioned in the 2012 or 2013 report, resulting in a designation of “Little to no progress” in the chart above. This designation is not necessarily negative, especially when the efforts are aimed at stabilization and control. Once a certain level of stabilization and control is reached, maintenance is key. The OSCE was able to make incremental progress in three of the four areas. Again, zero progress has been made toward the criteria agreed upon in the Istanbul Summit.

### **Progress of EUBAM**

The European Union Border Assistance Mission to Moldova and Ukraine launched in 2006, less than one year following the joint request made for such a mission by the leaders of Moldova and Ukraine. Within six months, “60 EU experts and around 40 local staff”<sup>193</sup> had been assigned to work in the region, and a budget of four million Euro had been allocated through the Rapid Reaction Mechanism of the EU budget.<sup>194</sup> When second eighteen-month phase was launched the same year, the budget was increased by sixteen million Euro, bringing the total budget to twenty million. The staff

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<sup>193</sup> EUBAM Annual Report: 2005/2006. June 18, 2007. [http://www.eubam.org/files/Report\\_Engl\\_2005-2006.pdf](http://www.eubam.org/files/Report_Engl_2005-2006.pdf) Date Accessed: 12.9.14.

<sup>194</sup> Ibid.

was also increased to over 100 experts.<sup>195</sup> The OSCE also works closely with EUBAM to encourage peaceful cooperation in the region, serving on the EUBAM Advisory Board and attending the monthly coordination meetings held between Moldova, Ukraine, and EUBAM.<sup>196</sup>

I have chosen to focus on the following goals of EUBAM in evaluating the progress of efforts in Moldova: (Listed in no particular order. Some related goals have been combined by the author in the interest of brevity.)

1. Enhance professional capacities and decrease corruption of customs agents and border guards
2. Improve knowledge of EU border control standards
3. Improved cross-border cooperation between Moldovan and Ukrainian services.
4. Facilitating improved trade relations and increasing legitimate trade
5. Full demarcation of border

2006 was the Mission's first year, and much of the focus was on on-the-job training for the border control guards and customs officials on both sides in order to ensure European standards were being practiced. This would ensure the strengthening of the legitimacy of the border, even in the Transnistria section, and aimed to control some of the black market existing there, which often provided financial support to the separatists. Institutional capacity building was another focus of 2006, and resulted in a complete reorganization of the Moldovan Customs Service, "aiming at introducing an

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<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

organizational structure capable of driving the progress towards European Best Practices.”<sup>197</sup>

The “Green Border,” which is the border between Moldova and Ukraine not including the Transnistria section, required full demarcation, which became a central focus of the Mission in 2006 and would continue in subsequent years. Management of the Transnistria border was also a top-of-mind focus. During 2006, however, “with the support of EUBAM, the Ukrainian State Border Guard Service (UASBGS) have made great strides in improving their management of the ‘TN’<sup>198</sup> segment of the Moldova-Ukraine border.”<sup>199</sup> This is viewed as very positive progress, as the ‘TN’ segment of the border was the most highly trafficked area experiencing criminal smuggling activities.<sup>200</sup> The full demarcation of the border and improved cross-border cooperation between Moldova and Ukraine would continue to cut down on illegal activities and provide a climate for negotiations for improved relations between Moldova and Transnistria.

2007 was a strong year for EUBAM, which was able to address many structural issues concerning border controls, as well as encourage greater cooperation between the sides and increased transparency of border activities.<sup>201</sup> Thanks to the cooperation between EUBAM and the OSCE regarding communication and negotiations between Moldova and Transnistria, 380 Transnistrian companies had registered with Moldovan authorities, and were experiencing greater ease of exporting of goods to Moldova across

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<sup>197</sup> Ibid.

<sup>198</sup> Transnistria.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> EUBAM Annual Report: 2007. June 18, 2008. [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar\\_2007](http://www.eubam.org/en/knowledge/eubam_pubs/ar_2007) Date Accessed: 12.9.14.

the controlled border.<sup>202</sup> Customs processes had been improved and controls strengthened.<sup>203</sup>

The Mission was extended in 2007 to 2009, signifying confidence on the part of the EU that the EUBAM was accomplishing its goals. “Organised criminal activity, including smuggling of goods and people, especially across the Transnistrian segment of the border, and the persistent challenge of corruption are still present,”<sup>204</sup> all of which represented the work still to be done. But the Mission through 2007 had succeeded in increasing oversight at border crossings and reducing the instance of smuggling undocumented and unregulated goods such as cigarettes.<sup>205</sup> Capacity building, risk analysis capacity, integrated border management, anti-corruption efforts, and confidence building between the two sides would continue to be at the center of the Mission’s objectives.<sup>206</sup>

Improved relations between Moldova and Transnistrian companies wanting to conduct business with Moldova were a major focus in 2008. EUBAM was clearly encouraging this, “by the end of 2008, 498 companies from the Transnistria region of Moldova had registered with the State Register Chamber of Moldova in order to enjoy these [trade] preferences.”<sup>207</sup> There were also efforts made to make transportation across the border easier, and negotiations began which were focused on “the resumption of

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<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> EUBAM Annual Report 2008. February 10, 2009. [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar\\_2008](http://www.eubam.org/en/knowledge/eubam_pubs/ar_2008) Date Accessed: 12.9.14.

railway traffic through the ‘TN’ region of the Republic of Moldova...Reflecting the customs implications, EUBAM was requested to be present at the consultations.”<sup>208</sup> These advances signal not only a greater degree of cooperation between the two sides, but an acknowledgment by the Transnistria side that trade with Moldova is beneficial.

2008 was overall a positive year, and this did not go unnoticed by the EU. “Both Moldova and Ukraine showed increasing commitment towards European integration, including closer cooperation with EU law enforcement agencies. The EU enlargement experience indicates that this process requires legal and technical harmonization of border management, as well as confidence building with European partners through closer international cooperation.”<sup>209</sup> The efforts of the OSCE and of EUBAM were moving Moldova closer to achieving the goals set forth in the ENP Action Plan, though more progress would be needed in order to reach a resolution to the Transnistria issue.

In 2009, Moldova and Ukraine requested an extension of the EUBAM for another two years, through November, 2011.<sup>210</sup> This request was granted, due mostly to the positive progress made in the first three years by EUBAM, but also because there was still much work to be done. Moldova and Transnistria had reached a new level of cooperation through the efforts of EUBAM, and the increased trade allowed from these positive advances was beneficial to both sides. 2009 saw the number of registered companies from the ‘TN’ sector rise to 596.<sup>211</sup> The border had become more secure and

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<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> EUBAM Annual Report 2009. June 17, 2010 [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar\\_2009](http://www.eubam.org/en/knowledge/eubam_pubs/ar_2009) Date Accessed: 12.9.14.

<sup>211</sup> Ibid.

was seeing less illicit activity than in years past. Relations between Moldova and Ukraine were also significantly stronger than they had ever been.<sup>212</sup>

Border demarcation had continued successfully along the Moldovan-Ukrainian border, and new efforts to demilitarize and professionalize areas of the border had become an additional focus of EUBAM.<sup>213</sup> Corruption continued to be a problem on both sides of the border and led to new anti-corruption training sessions and increased undercover agent training in order to combat the issue.<sup>214</sup> Increased border management led to a decrease in illegal meat smuggling across the Transnistrian border sector.<sup>215</sup>

The progress of EUBAM thus far was viewed as increasingly positive by the EU, and, in 2010, a EUROPOL<sup>216</sup> mobile office was set up at the EUABM Operational Centre to assist in combating criminal activity and smuggling along the border.<sup>217</sup> The EUROPOL center was to be operated by EUBAM, and was the first one to be set up by the EU outside of EU territory.<sup>218</sup> There were also evaluations made at two Moldovan Border Crossing Points (BCP) based on the Schengen evaluation model, whose standards meet the EU *acquis*. “The idea idea of the request [made by the Director General of the

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<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> EUROPOL is the European Union’s law enforcement agency whose main goal is to help achieve a safer Europe for the benefit of all EU citizens. This is done by assisting the European Union’s Member States in their fight against serious international crime and terrorism. Large-scale criminal and terrorist networks pose a significant threat to the internal security of the EU and to the safety and livelihood of its people. The biggest security threats come from terrorism, international drug trafficking and money laundering, organised fraud, counterfeiting of the euro currency, and people smuggling. <https://www.europol.europa.eu/content/page/about-europol-17> Date Accessed 2.3.15.

<sup>217</sup> EUBAM Annual Report 2010. April 13, 2011. [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar2010](http://www.eubam.org/en/knowledge/eubam_pubs/ar2010) Date Accessed: 12.9.14.

<sup>218</sup> Ibid.



Border Guard Service of the Republic of Moldova] was to conduct a pre-evaluation of two international BCPs as a preparatory step for subsequent evaluation visits by EC (European Commission) experts in the context of ongoing dialogue on the visa liberalization regime between the Republic of Moldova and the EU.”<sup>219</sup> The results were promising: Moldova had already implemented some of the necessary controls to meet EU requirements and was well on its way to continue the trend.

Trade relations across the border continued to improve over 2010 and by the end of the year 681 ‘TN’ businesses were registered in Chisinau. This was beneficial to the Transnistrian economy, especially in the wake of the global financial crisis, as 2010 showed “a steady growth in trade volume.”<sup>220</sup> Another success story coming out of EUBAM in 2010 was the resumption of passenger rail between Chisinau to Odessa, running through Transnistria. The train began running on October 1 and, in Transnistria, border police and customs agents perform checks of the cars and passengers. No major issues had occurred since the resumption of the rail system.<sup>221</sup>

Border demarcation continued, and 120 km of the border was “preliminarily marked.”<sup>222</sup> This effort would continue and would help further strengthen controls and border regulations. Public outreach and confidence-building measures also continued in 2010, with EUBAM field offices participating in local festivals and organizing approximately 10 shows where representatives traveled throughout the region spreading

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<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

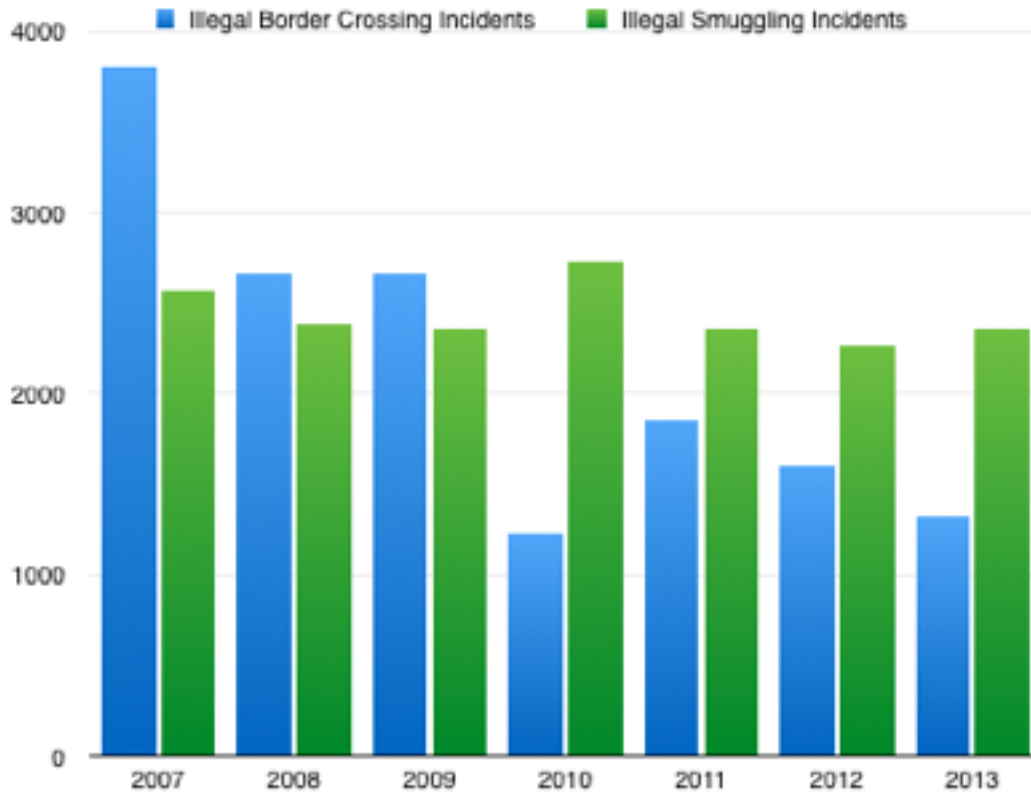


Figure 6: Border Incidents. Source: EUBAM Progress Reports 2006-2013.

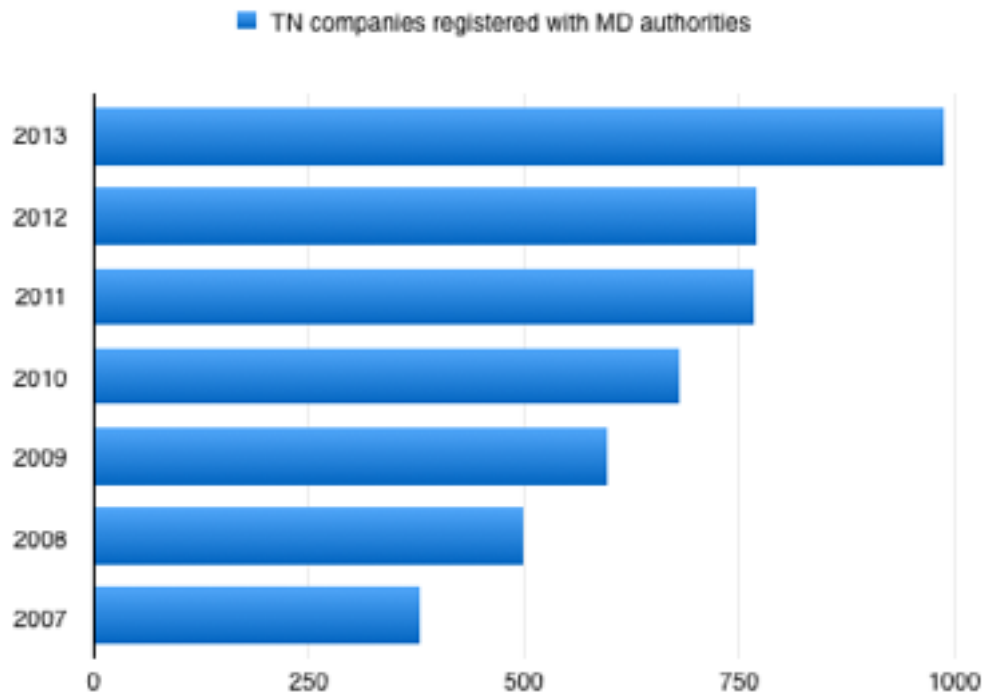


Figure 7: Transnistrian Companies Registered with Moldovan Authorities.. Source: EUBAM Progress Reports 2006-2013.

information about the mission and answering any questions the public may have had.<sup>223</sup>

In 2011 another extension of the Mission was granted, this time for four more years, again indicating the progress made by the Mission since its inception. In the Forward by the Head of the Mission in 2011, Udo Burkholder, he states, “I believe that this fact reflects the good reputation of the Mission in the two host countries, and the professional and productive cooperation with the Mission’s partners.”<sup>224</sup> More progress was made regarding the Mission’s contribution to attempted settlement of the Transnistria conflict in the way of confidence-building and further discussion of increased railway operations. Border demarcation also continued, as this is one of the most important factors of securing the border: first it has to be clearly marked and agreed upon.

EUBAM continues to improve on border-crossing and customs training and operations in order to extend the professional capacity of all agents working the border.<sup>225</sup> This has been an ongoing effort and has lead to faster and easier border crossing experiences for both people and commercial entities trying to cross the border. Continued improvements will, of course, contribute to confidence in society, further legitimizing the Mission’s work in the area.

In addition to the ongoing initiatives addressed by EUBAM, 2011 also saw the first discussions of a new goal, which would further advance Moldova towards EU standards: an Integrated Border Managment (IBM) system. “In both countries [Moldova and Ukraine] the implementation of IBM is an integrated part of their visa dialogue with

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<sup>223</sup> Ibid.

<sup>224</sup> EUBAM Annual Report 2011. May 29, 2012. [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar\\_2011](http://www.eubam.org/en/knowledge/eubam_pubs/ar_2011) Date Accessed: 12.9.14.

<sup>225</sup> Ibid.

the European Union.”<sup>226</sup> EUBAM is an important part of this effort, as they will assist in the implementation of all IBM systems when the time comes.

2012 saw continued efforts in the way of strengthened border controls, improved training and operations by police and agents at border crossings and customs checkpoints, and increased cross-border cooperation. Border demarcation also continued, and over 430 km of the Transnistrian segment was demarcated or, at the very least, preliminarily marked for demarcation by the end of 2012.<sup>227</sup> There were also increases, again, in the number of Transnistrian businesses registered in Chisinau, bringing the total to 769 companies.<sup>228</sup> Negotiations to resume freight-rail made progress as well, likely bolstered by the success of the resumption of passenger rail across the Transnistria region. The implementation of IBM stipulated tasks also continued in an effort to reach compliance.<sup>229</sup>

The progress made in 2013 was quite similar to that in previous years. Border demarcation efforts are close to being concluded; at the end of 2013, just over 15 km of the Transnistrian sector was left to be demarcated.<sup>230</sup> Cooperation between Moldova and Transnistrian businesses continued to occur, and, “as of 13 December, 2013, nearly one thousand businesses from the left bank [Transnistria] are able to benefit”<sup>231</sup> from formal registration with Chisinau. This access to the European market had resulted in an increase

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<sup>226</sup> Ibid.

<sup>227</sup> EUBAM Annual Report 2012. April 16, 2013. [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar\\_2012](http://www.eubam.org/en/knowledge/eubam_pubs/ar_2012) Date Accessed: 12.9.14.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

<sup>230</sup> EUBAM Annual Report 2013. June 26, 2014. [http://www.eubam.org/en/knowledge/eubam\\_pubs/ar\\_2013](http://www.eubam.org/en/knowledge/eubam_pubs/ar_2013) Date Accessed: 12.9.14.

<sup>231</sup> Ibid.

in trade with the EU and a decrease in trade with Russia. In 2013, “almost half of the exports were to the EU, while only one third of the goods were exported to Russia.”<sup>232</sup>

The EUBAM has always worked closely with the OSCE and, in 2013, was invited to provide technical support in the 5+2 talks. “Upon request of the OSCE Special Representative on the Transnistrian conflict, EUBAM delivered a presentation on the Mission activities, including support to confidence building initiatives in the areas of customs and transport.”<sup>233</sup> At this meeting, issues of foreign trade were discussed within the context of a future Deep and Comprehensive Free Trade Agreement (DCFTA) with the EU<sup>234</sup>, which would come with the Association Agreement that would be signed in 2014.



Figure 8: Progress of EUBAM. Source: EUBAM progress reports 2006-2013. Explanation of degrees of progress for Figures 2, 5, and 8 may be found in “Methodology and Structure” section of Chapter One.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

EUBAM is committed to stabilizing the border between Moldova and Ukraine and to reaching a peaceful settlement of the Transnistria conflict. Confidence building, improved and increased trade relations and opportunities between the two entities, and increasing the capacity for travel and the movement of goods across the border are all central to this effort. Much of the progress made in these areas has been due to the efforts of EUBAM and the successes of these efforts in facilitating a more functional relationship between the leaders of Moldova and Transnistria.

## Chapter Five: Conclusion

### The ENP: Was it Enough?

The EU has been aware of the European ambitions existing in many of the post-Soviet states, including Moldova, for quite some time. As the EU enlarges eastward its borders have the potential to become much less stable. The accession of Romania in 2007 resulted in a shared border with a state experiencing an internal secessionist conflict. Though the conflict was “frozen” and did not present many legitimate threats of violence directly to the EU, it was unsettling. With the ENP and the Action Plans created out of it, an attempt was made to improve conditions, encourage prosperity, and contribute to stability. The efforts on the parts of the states participating in the ENP and the Action Plans were real, but the challenges were difficult to overcome. Heavy Russian influence, weak economies, minority resistance to European integration, and the existence of several *de facto* states, like Transnistria, would need much more than broadly articulated benchmarks with little specificity or widely active EU support.

Where the ENP falls short is with the specific steps to be taken to achieve the goals set forth. The goals are there, and they are admirable, but how is the poorest state in Europe, Moldova, supposed to rise to European standards with limited help from the EU? The EU did contribute some funding to support some of the initiatives, and, of course, funded the EUBAM Mission, and several other international organizations were able to contribute funds as well, but funding alone is not enough. There need to be clear,

demonstrable, and attainable goals, set in small, manageable increments as well as consequences for Transnistria if advances in the peaceful settlement of the conflict are not made in order for Moldova to experience the greatest degree of success via the ENP and its Action Plan.

I view the Action Plan as a good general road map, but not as a truly effective method of demonstrating advances toward European standards or towards settling the Transnistria conflict. There are no measurable benchmarks where achievement can be clearly demonstrated. There are only vague parameters where “good” or “little” progress can be seen, but even the definition of “good” progress is not defined in the Plan. I see little value to the Action Plan and its progress reports with regard to the advancement of Moldova’s European ambitions or towards resolving the conflict with Transnistria. There are few articulated incentives. Increased access to the European market given the degree of progress attained, increased political inclusion, even in a minor capacity, could both help advance Moldova’s European progress. The issue of incentive is especially a problem when it is considered that, regardless of the amount of progress made by Moldova over the course of the Action Plan, there is no promise of European Union membership waiting at the end.

### **OSCE and EUBAM: Is Action on the Ground More Effective than Lofty Goals?**

The most demonstrable and effective progress was made by the OSCE and by EUBAM. The OSCE facilitated what was perhaps the most productive activity between Moldova and Transnistria: the 5+2 talks. Despite being “stalled” from 2006-2010, the talks were able to yield enhanced degrees of cooperation between the two parties once



they resumed. Even during the “stalled” years, the informal talks resulted in some positive progress and increased cooperation between the two sides. While there are still clearly areas of dispute, the relations between the two sides can continue to improve if the 5+2 talks can continue to occur.

EUBAM had some of the greatest successes, and was able to improve controls along the newly (mostly) demarcated border. This allowed for greater movement, and regulation of the movement, of goods between Moldova and Transnistria - an economic benefit for both sides. There was also the important resumption of passenger rail across the disputed border, and the possibility of freight rail resumption in the near future. The active confidence-building initiatives, which involved the citizens on all sides: Moldova, Transnistria, and Ukraine, continue to improve relations between the actors, and encourage the implementation of other initiatives, such as improved security at border crossings and improved professional capacities of customs agents. EUBAM’s successes were demonstrable, and continue to improve conditions at the border.

The work of both the OSCE and of EUBAM set out to make effective changes over time, and year-over-year the focus mostly remained the same. As long as there were continued degrees of improvement in the same areas, the progress over time would be significant. This is the reason for much of the repetitiveness of the progress reports and the subsequent evaluation thereof. No single large and immediate initiatives were undertaken because the goal was long-lasting progress rather than immediate, fragile results.

## **Crimea: A New Conflict Fast-Forwards Association Agreements**

Many scholars and analysts have accused the EU of using initiatives such as the ENP and ENP Action Plans as “dangling carrots” over the heads of the states on its periphery, encouraging the implementation of liberal ideals and democratic institutions as a demonstration of a commitment to European standards based on an empty promise of possible EU integration in the future. This certainly seemed to be the case with Moldova until recently, when the eruption of a hot conflict between Ukraine and Crimea garnered international attention, and the support of the Crimean secessionist movement by Russia.

While the conflict in Ukraine is considered an ethnic one, and the conflict in Transnistria is largely political, though it masquerades as somewhat ethnically-based, there are many similarities between the two, especially the two largest points of contention between the majority and the secessionist minority: European integration and Russian influence. The Ukrainian conflict, which occurred in a region that has been wrought with tension for some time, was triggered by the offer of an Association Agreement by the EU to Ukraine.

In late 2013, when Ukrainian President Viktor Yanukovich, in a demonstration of intent to strengthen ties with Russia, abandoned a commitment to sign an Association Agreement with the European Union, a move which precedes membership, peaceful protests began in the capital city of Kiev.<sup>235</sup> In January of 2014, the clashes between protesters and the Ukrainian government turned violent, and the secessionist movement

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<sup>235</sup> BBC News: Europe. “Ukraine crisis: Timeline.” Last modified: 11.13.14. <http://www.bbc.com/news/world-middle-east-26248275> Date accessed: 2.19.15.

of Crimea began to gain ground.<sup>236</sup> By the end of February, Yanukovich had fled and pro-Russian fighters began seizing control of administrative buildings in Crimea.<sup>237</sup> In March, Crimea held a secession referendum, opting to join with Russia, and Russian President Vladimir Putin signed a bill to “absorb Crimea into the Russian Federation.”<sup>238</sup> The conflict continued, spreading eastward into the city of Donetsk, and has yet to be resolved.<sup>239</sup>

This presented an unsettling situation for the EU, and would need to be addressed quickly. Western countries throughout Europe and including the United States began imposing sanctions on Russia in the wake of Russia’s interference and support in Crimea. Fighting continued, but on June 27, 2014, the EU signed Association Agreements, often seen as the next step to accession into the EU, and Deep and Comprehensive Free Trade Agreements with the governments of Ukraine, Georgia and Moldova.<sup>240</sup> These Agreements are designed to further integrate the countries signing them into the EU via continued implementation of liberal ideals and democratic institutions and more beneficial economic opportunities. Keeping up the necessary reforms will not be easy for the three countries, each facing many internal issues, and each dealing with a separatist conflict within its territory.

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<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> Naftali Bendavid and Laurence Norman, “The EU Signs Pact with Ukraine, Georgia, Moldova,” *The Wall Street Journal*, June 27, 2014, <http://www.wsj.com/articles/eu-signs-pacts-with-ukraine-georgia-moldova-1403856293> Date Accessed 2.9.15.

The conflict in Ukraine raises concerns regarding Moldova's territorial integrity. Minority dissenters in Gagauzia and Transnistria may look at the secession and subsequent annexation of Crimea as a hopeful possibility of successful secession from Moldova. Transnistria reacted very positively when Russia annexed Crimea: "the Pridnestrovian Moldovan Republic is very encouraged by a decree of the President of the Russian Federation Vladimir Putin 'On the recognition of the Republic of Crimea'...The return of Crimea to Russia is a highly just decision based on the consolidated position of the people of Crimea and of all Russians."<sup>241</sup> The official statement went on to note a similar election in Transnistria in 2006 which yielded nearly the exact same results as the referendum held on Crimea, when "more than 97 per cent of voters supported independence, to be followed by Transnistria's free accession to Russia; more than 78 per cent of voters took part in the voting."<sup>242</sup> While this election and its results were not recognized by anyone outside of Transnistria, including Russia, there may likely be another similar situation emerging soon enough. The presence of fighting and Russian troops in neighboring Ukraine prompted NATO, United States, and EU officials to "repeatedly warn(ed) of Russia's threat to Moldova's territorial integrity."<sup>243</sup>

Since the onset of the Crimean conflict, Moldova has seen some political back-and-forth between pro-European parties and pro-Russian parties in the most recent election, the results of which were, for some time, undecided. In early 2014, pro-European parties were able to emerge with a narrow majority in parliament, however, the

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<sup>241</sup> Svetlana Suveica, "Crisis in Ukraine: A Quest for Moldovan Territorial Integrity," *Sudosteuroopa*, 62:2. (2014). p. 212.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid. p. 214.

strongest party in parliament would be the Socialist Party (PSRM), who had developed close ties with Russia.<sup>244</sup> The third-largest group would be the Communist Party, who had been successful in the past of adopting some policies seen by Moldovans as favoring Russia.<sup>245</sup> The count as of January 12, 2014 was the probable pro-European alliance 56 seats and the Socialist and Communist parties a combined 45 seats out of the 101-member parliament.<sup>246</sup> This was no guarantee of a pro-European majority coalition, as the same parties were unable to remain united in 2013, when the aforementioned collapse of the government resulted from the crumbling of the pro-European coalition, the Alliance for European Integration. By the end of November in 2014, the “pro-European parties failed to agree on key government positions,”<sup>247</sup> including on a prime minister. In early 2015, the coalition became even more shaky when differences between two of the three coalition parties emerged.<sup>248</sup> This still did not give the Socialists and the Communists enough votes to hold a majority and form a government, but it did give pause to some pro-European members. However, in a positive move for the pro-Europeans, the fragile parliament approved a new prime minister, described as pro-EU, businessman Chiril

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<sup>244</sup> Andrew Gardner. “Pro-EU parties ahead in Moldova,” *European Voice*, 1.12.14. Date Accessed 2.28.14 <http://www.europeanvoice.com/article/pro-eu-parties-ahead-in-moldova/>.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> “Moldova Approves Pro-European Gov’t Amid Uncertainty,” ABC News, 2.18.15. <http://abcnews.go.com/International/wireStory/moldovas-leu-currency-25-percent-amid-uncertainty-29044039> Date Accessed 2.28.15.

<sup>248</sup> Radio Free Europe/Radio Liberty, “Moldovan Parties Form Minority Government,” 1.23.15. Date Accessed 3.1.15. <http://www.rferl.org/content/moldova/26809974.html>.

Gaburici, who stated that “forging ever closer ties with Europe would be a top priority for his government.”<sup>249</sup>

A pro-EU government will not be able to solve the Transnistria conflict or create stability alone. Greater active assistance from the EU will be necessary for the success of these Agreements, to further advance these fledgling democracies toward full European standards, to build prosperous economies, and to stabilize the separatist conflicts and solve the problem of the existing *de facto* states, this much is obvious. I would suggest greater political support of pro-EU candidates by the EU. When looking at the case study of Moldova and the efficacy of the EU’s efforts to help resolve the Transnistria issue as a road map for how to handle Crimea, or even South Ossetia and Abkhazia in Georgia today, it is evident that more direct interaction and involvement from the EU must accompany the Association Agreements if they are to be effective.

EUBAM and the OSCE, both actively at work on the ground in Moldova, focused on implementing policy and structures for improved functionality, building confidence within civil society, and raising the standards by which government agents are held to through training. These proved to be some of the most positive results producing efforts over the decade since the ENP Action Plan was signed. The OSCE is active in Ukraine and in Georgia as well, and, in cooperation with EUBAM was able to strengthen the border, improve security, and encourage greater communication between the sides in the Transnistria region.

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<sup>249</sup> Alexander Tanas. “Moldovan parliament approves new pro-EU prime minister,” Reuters. 2.18.15. Date Accessed 3.1.15. <http://uk.reuters.com/article/2015/02/18/uk-moldova-politics-idUKKBN0LM0ZF20150218>.

On March 3, 2015, the European Commission launched a commission on the future of the ENP. The joint consultation paper “Towards a new European Neighborhood Policy” suggests that perhaps it is time to reevaluate the approaches taken in the Neighborhood in the past. Given the recent and seemingly widespread shift in interest increased association with Russia in several of the neighborhood states, the Commission suggests that the ENP should be revised to “consider the reasons for this and examine ways to fit better the aspirations on both sides...It should also be considered how the EU should best respond to crises and conflict situations, including the protracted ones, taking into account the sources of influence and pressure on our partners that determine their political positions, including towards the EU.”<sup>250</sup> Commissioner Johannes Hahn stated in a discussion announcing the future of the ENP that

The new ENP must respect the views and experience of our partners; it must not be condescending, patronizing or even preaching. We must ensure that we develop a real partnership of equals on the basis of shared interests, while always promoting universal principles...Recent developments in the region have increased the challenges we all face: from economic pressures to irregular migration and security threats. We need a strong policy to be able to tackle these issues. We also need to understand better the different aspirations, values and interests of our partners. This is what the review is about if we are to have a robust political relationship between our neighbours and us.<sup>251</sup>

These efforts should be continued in Moldova, and should be implemented in Ukraine and Georgia to put these countries in the best positions to meet the rigorous requirements of the new Association Agreements. Greater active EU involvement in the Neighborhood

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<sup>250</sup> Joint Consultation Paper: *Towards a new European Neighbourhood Policy*. March 3, 2015. JOIN(2015) 6 final. <http://ec.europa.eu/enlargement/consultation/consultation.pdf> Date accessed: 3.4.15.

<sup>251</sup> European External Action Service official Facebook page. Posted 3.3.15. <https://www.facebook.com/EuropeanExternalActionService?fref=nf> Date Accessed 3.4.15.

will benefit the efforts to liberalize and stabilize the region, especially with regard to conflict resolution. In a report released in early 2015 by Bertelsmann Stiftung, this suggestion is supported:

The EU, together with its Delegations, can play a vital role in organizing post-conflict platforms to ensure inclusive transition processes. It can strengthen its role in mobilizing and/or supporting other international efforts for peace and post-conflict reconstruction. Finally, the EU should not shy away from more direct interventions and mediation in emerging conflicts where the circumstances favour such options. After all, the EU played a crucial role in the 2004 Orange Revolution, in the 2008 war in Georgia, in the 2013 Serbia-Kosovo Agreement. These need not be isolated cases.<sup>252</sup>

Perhaps with a new approach to the Neighborhood which incorporates greater EU involvement in assisting the states in transition, as well as the consideration of the concerns of those not in favor of further European integration, in time, stability may be achieved and a resolution to several conflicts reached.

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<sup>252</sup> Bertelsmann Stiftung. "The EU neighbourhood in shambles: Some recommendations for a new European neighbourhood strategy." 2015. <https://www.bertelsmann-stiftung.de/en/publications/books-and-studies/search-all/> Date Accessed: 3.4.15.



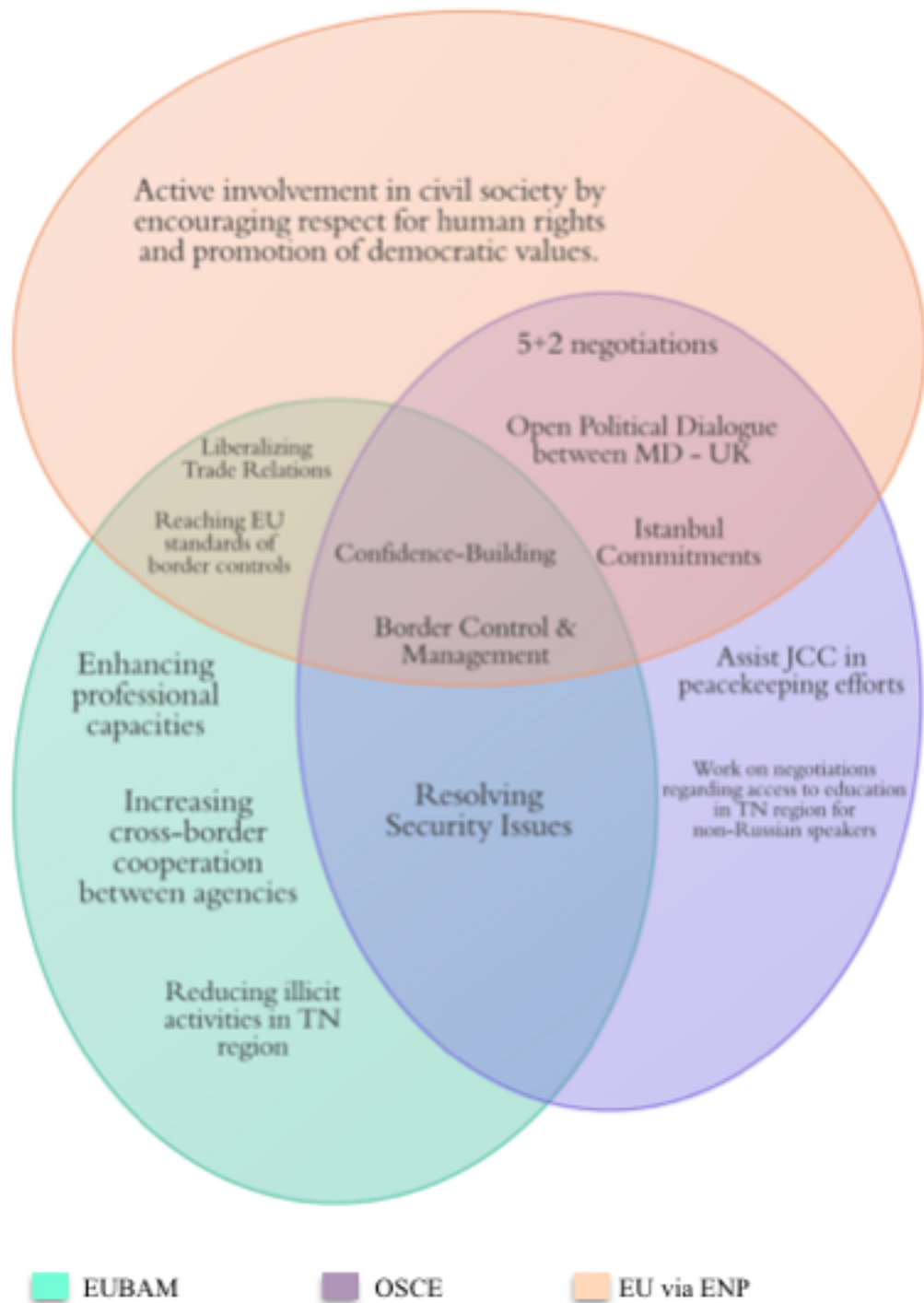


Figure 9: Working Together to Make Progress. This Venn Diagram shows some of the important ways the EU via ENP, the OSCE, and EUBAM have worked together towards common goals. Source: ENP Action Plan, OSCE Mission to Moldova and EUBAM Mission 2006-2013.

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