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**“The breakthrough crisis”  
of a quick solution Transnistria**

**A trilateral cognitive institutional approach  
of the crisis decisionmaking**

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## **Theoretical Background**

# **CRISMART and the Crisis Management Europe Research Program<sup>1</sup>**

### **Iulian Chifu**

With regard to NATO and EU expansion, effective and legitimate civilian crisis management and civil protection are becoming important items on the public policy agendas of individual nations as well as international organizations. Civilian crises can all too easily escalate into political crises or lead to the outbreak of violent domestic or international conflicts. The Crisis Management (CM) Europe program is a research project that aims to produce scientific knowledge that can be used to train practitioners to cope more effectively with national, regional and transnational crises.

Initiated in 1997 with a focus on the Baltic Sea Area, the CM Europe Program, directed by the Center for Crisis Management Research and Training (CRISMART) at the Swedish National Defense College, engages more than one hundred scholars from different parts of Europe and North America. The program systematically documents and analyzes specific cases of national and regional crises. It relies upon a contextually grounded process tracing method for case reconstruction and dissection derived from relevant literature in political science, psychology, and organizational sociology. In 2002, the Romanian research team joined this international research team and this book represents the tenth published CM Europe volume focusing on national crisis management.<sup>2</sup>

These case studies reflect an attempt to apply a scientifically informed, systematic, and “user friendly” methodology in a uniform fashion to a set of

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<sup>1</sup> The CM Baltic research program was originally established in 1997. In July 2000, it was re named the CM Europe program. All reports prior to July 2000 are therefore referred to as CM Baltic/Europe reports, whereas those after July 2000 are referred to as CM Europe reports.

<sup>2</sup> In addition, volumes focusing on Poland and Ukraine are forthcoming, and one on Kaliningrad is currently in progress.

cases focused on various policy sectors and countries. In this volume, we seek to compare the challenging events documented in the so-called “Breakthrough crisis” in order to examine the ways in which the governments and the societies from the Republic of Moldova, Ukraine and Romania perceived and have coped with this crisis. The general purpose of this type of research is to encourage scientists and researchers on the one hand and a wide circle of practitioners on the other to engage more deliberately and holistically in the field of crisis management. By way of such studies, we hope to encourage greater acceptance and more systematic use of theoretical tools and research methods in the field of crisis management in general and case studies more specifically. Moreover, the trilateral approach enable us to see differences of perceptions and of systems of decision-making in crisis in the three countries as well as patterns for the decision in crisis. This, we believe, will result in the production of new and useful knowledge and will create better conditions for civil crisis planning and crisis management, both in this trilateral region and elsewhere.

The original formation of a Romanian-Swedish original research group was undertaken in this spirit, with a group consisting of professionals from the spheres of academia and national security. The cross-disciplinary nature of the group helped bridge the gap between theorists and practitioners, allowing not only for the transformation of theory into practice, but equally important, the transformation of practice knowledge into theory. The Romanian research team, in particular, hoped not only to apply new crisis management research methods and insights gained during the project in future crises in Romania, but also to exchange experiences and strengthen contacts with corresponding crisis management institutions abroad, to enhance crisis management practices in Romania to the level of most developed EU and NATO countries, to create a more unified crisis management methodology for research on future crisis cases, and to develop new proposals and suggestions for national practices in the field of crisis management.

Thereafter, the Romanian CRISMART team, represented by the Conflict Prevention and Early Warning Center, took as an objective to multiply the knowledge and the methodology by training and using it in the relation with

the countries situated in its East – the Republic of Moldova, Ukraine, Georgia, Armenia and Azerbaijan. Taking profit of the old and well established think tank trilateral group, the Conflict Prevention and Early Warning Center proposed this project financed by the Black Sea Trust of the German Marshall Found as a step towards understanding the perception of the decision makers in the region on crisis, the way they react, in order to improve the trilateral relations and to show to the practitioners of one’s country which are the reactions of the others at their gestures and decisions.

### **Method<sup>3</sup>**

The basis for the comparative analytical approach applied in this volume, is presented in Stern et al. (2002) and Stern and Sundelius (February 2002). This method entails:

- a) Detailed reconstruction of the crisis events using available government documents and reports, mass media sources (broadcast and print), previous scholarly treatments and interviews with involved decision-makers, stakeholders, and citizens.
- b) Dissection of the case into a series of crucial occasions for decision – a series of pressing, “what do we do now?” problems that arise during the period of the crisis, challenging the coping capacity of decision-makers. The selection criteria for identifying decision occasions include:
  - The problems/dilemmas which most preoccupied decision-makers
  - Issues which were not emphasized by the crisis actors but which in retrospect had the potential to change the course of crisis development, or affect the management of the crisis
  - Problems that were recognized by decision-makers but coped with as “routine decisions”—problems that escalated at a later stage of the crisis, causing unforeseen problems
  - Episodes of particular pedagogical value – those that point to “best” or “worst” practices that are of interest beyond the particular case in question

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<sup>3</sup> This section borrows from Stern and Hansén (2000: 8-9).

- c) Thematic analyses of phenomena pertinent to crisis management (see the following sections on analytical themes and propositions)
- d) Comparing and contrasting findings with other cases documented in the CM Europe case bank and the international literature.

The trilateral cases will be compared with each other in order to explore the national crisis management style of each country. In addition, the trilateral findings will be juxtaposed, at the end of the work, that should include several crisis, with findings from other countries participating in the CM Europe research program. This is done in order to better illustrate the particular crisis management predicaments faced by transitional states (and new democracies) in Europe (Stern et al., 2002). With its greater focus on processes and less on structures, the CM Europe series adds to the rich literature available on transitional states (e.g. Miller, White and Heywood, 1998; Lawson, 1993; Elster, 1993; Pridham and Vanhanen, 1994). However, these volumes complement the conventional literature with examples taken from real life and extraordinary situations—when the structures are put to the test and societal hardship is a given.

A caveat of methodological character concerning the case studies in this volume should be brought up in this context. As described above, the approach provides the instruments to dissect a course of events in a very detailed way, unveiling processes on the institutional as well as individual levels. Although the politics of those countries are rapidly moving towards democratic consolidation and transparency, political life in the Republic of Moldova and Ukraine is still largely closed to the public and our researchers could not always pry open the ‘black box’ of decision making. That’s why the approach in Ukraine and Republic of Moldova are based on a limited number of interviews and much of the empirical material was derived from media sources and official documentation. Nevertheless, these in-depth case studies of crisis management experiences in this particular case will contribute to research on developing experience based capacity building within the field.



## CM Europe Analytical Themes<sup>4</sup>

The authors in this volume explore a number of set themes in relation to their empirical findings. The analytical themes serve as tools for the CM Europe analysts in their analysis of crisis management experiences and only a few of them will typically be applied to an individual case study. These themes have also been explored in previous CM Europe volumes focusing on national crisis management in the countries of Sweden (Sundelius, Stern and Bynander, 1997), Estonia (Stern and Nohrstedt, 2001), Latvia (Stern and Hansén, 2000), Russia (Porfiriev and Svedin, 2002), Poland (Bynander et. al. forthcoming), Slovenia (Brändström and Malesic, 2004), Bulgaria (Engelbrekt and Förberg, 2005), Lithuania (Buus et. al. 2005) and Iceland (Bernharðsdóttir and Svedin, 2004), and also in the EU (Larsson, Olsson and Ramberg, 2005). These themes are as follows:

- Crisis preparedness, prevention, and mitigation
- Leadership
- Decision units
- Problem perception and framing
- Value conflict
- Politico-bureaucratic cooperation and conflict
- Crisis communication and credibility
- Transnationalization and internationalization
- Temporal effects and crisis management
- Learning

**Crisis preparedness, prevention and mitigation:** This theme focuses on the extent to which crisis managers and their organizations are prepared to respond to extraordinary events. Have they experienced serious crises before? Have they cultivated an “it could happen here” attitude and prepared themselves psychologically for the rigorous demands involved in managing crises? Are there efficient and legitimate structures and plans in place for crisis management and are these easily adapted to a variety of

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<sup>4</sup> This section borrows from ‘CM Baltic/Europe Analytical Themes’ in Stern and Hansén (2000:9-13) and “Crisis Management Europe: An Integrated Regional Research and Training Program” by Stern and Sundelius (February 2002). This set of themes was first introduced in Sundelius, Stern and Bynander (1997).

situations? Are decision-makers able to identify potential threats and act quickly to prevent these threats from escalating? Are there windows of opportunity available in the crisis management structures and organizations studied that allow actors to limit the damage or contain the situation at lower levels?<sup>5</sup>

**Leadership:** This theme focuses on the leadership styles displayed by key actors during the given crisis situation. Leadership may be operative, in the sense of taking charge of crisis management activities and coordination. It may also be symbolic, in the sense of declaring and showing that the leading figures are participating in the crisis effort and empathizing with the victims of a crisis or those still at risk. Leadership may be concrete and personal or more abstract and distant. In deliberations, leaders may be hierarchical or collegial. Leadership should be seen as relational; as inextricably linked to those who are being “lead” and influenced by factors such as power, affect, culture, organizational structure, access to expertise, and context. Finally, leaders vary in their propensity to become involved in the details and the operative process, or to delegate and decentralize when it comes to critical decisions (see, for example, Bass, 1998; Gardner, 1995; Hermann and Hagen, 1998).

**Decision units:** This theme focuses on the question of how and where decisions are made in the complex institutional systems typically engaged in managing a national crisis. For example, crucial decisions may be made by a variety of decision-making groups ranging from a single individual to small groups to entire organizational networks. Decision-units can be located in different political/administrative and public/private systems and play different roles within those systems. Such units may be strategic or operative in nature and may be located at local, regional, national, or supra-national (e.g. EU or UN) levels. Decision units may also vary during a given crisis in terms of composition, mode of operation, and where they are placed, and it is not uncommon to see a certain shift of authority upwards (so called up-scaling) or downwards (down-scaling) in the escalation

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<sup>5</sup> On crisis prevention and mitigation, see e.g. Ender and Kim (1988), Waugh (1988) and Lund (1996). For more skeptical examinations of the potential for risk elimination and accident prevention, see Wildavsky (1988) and Perrow (1999).

process (see Snyder, Bruck, and Sapin, 1963; Hermann, Hermann, and Hagen, 1987; Rosenthal, ‘t Hart, and Kouzmin, 1991; Stern, 1999). Finally, what are the criteria for determining which individuals or organizations will be included in (or excluded from) the decisional ‘loop’ and the decision unit?

**Problem perception and framing:** This theme focuses on the subjective and socially constructed aspects of crisis management. All actors engaged in managing a crisis will act upon a perceived picture of events, one that might not necessarily be understood and interpreted the same way by all parties involved (Snyder, Bruck, and Sapin, 1963; Sylvan and Voss, 1998; Stern, 1999). While problem framing often takes place at a sub-conscious level (at least with “naive” decision makers), defining the problem entails the exertion of enormous influence on choices. In the act of identifying and framing a problem, many possible alternative interpretations and prospects of action are discarded, and the way forward is narrowed. Framing is influenced both by political considerations and cognitive processes, such as analogical (historical) and metaphorical reasoning, as well as social structures such as culture, information flows, and the organizational context (Vertzberger, 1990; Larson, 1985; Khong, 1992). There are important questions to ask when it comes to why actors frame problems in a certain way at critical junctures in a crisis.

**Value conflict:** This theme focuses on potential tension and conflict among different values at stake in a crisis situation. An integral part of problem framing is identifying which values are perceived to be at stake in a given situation. Identifying these values is often a demanding analytical task, and it can be difficult for decision-makers to see the range of values involved in a complex issue if they do not engage in rigorous critical analysis (see e.g. Steinbruner, 1974:16-17; Keeney, 1992). Crises, by definition, present a serious challenge to fundamental values, including the preservation of human life, national sovereignty/autonomy, economic well-being, democracy, rule of law, and so forth. More parochial values, such as the personal and political future of individuals and careers, also influence the decision making process. Good crisis performance makes careers; poor performance can “break” them. Due to the stress of balancing values that are sometimes in competition with each other, decision-makers often face

painful dilemmas and tragic choices (Janis and Mann, 1977). Decision-makers may choose to ignore value conflicts or to accept them, which tends to generate unbalanced policy-making. They may choose to procrastinate and hope for better times, or they may seek to resolve the conflict and find a solution that protects those values at stake.<sup>6</sup> These dynamics influence the decision-making process and eventually the crisis process itself. How do different crisis actors cope with the very real and tangible dilemmas that occur when value conflicts emerge in a crisis situation?

**Political and bureaucratic cooperation and conflict:** This theme focuses on the issue of patterns of convergence and divergence as well as parochialism and solidarity among actors and stakeholders during a crisis. There are a number of well-documented dynamics that tend to create and exert pressures towards cooperation and solidarity in a crisis (e.g. the “rally around the flag” effect, leader attentiveness, and “groupthink”).<sup>7</sup> However, there are also a number of countervailing tendencies. Crises are often perceived as threatening situations that sometimes lead actors to engage in defensive and antagonizing behaviors. Following failures or setbacks, for example, actors often engage in “blame games” to decide who is to be held accountable for a particular problem. A crisis presents not only problems but also opportunities, and actors are often likely to end up competing with one another for credit for one or more particular outcomes. Moreover, situation and contextual factors are often influenced by personal relationships and by the strength of national cultural norms opposing opportunism in critical situations (see Rosenthal, ‘t Hart, and Kouzmin, 1991; Stern and Verbeek, 1998; Allison and Zelikow, 1999).

**Crisis communication and credibility:** This theme focuses on the relationship between crisis managers, the media, and elite/mass publics (see e.g. Edelman, 1988; Nohrstedt and Tassew, 1993; Nordlund, 1994; Pearce, 1995; Regester and Larkin, 1998; Boin et. al., 2005). In democratic polities, maintaining credibility and legitimacy with the media and the public is an essential task of successful governance in crisis and more normal situations alike. Crisis managers enter crises with varying degrees of credibility and

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<sup>6</sup> On value conflicts, see George (1980) and Farnham (1998: 26-39).

<sup>7</sup> See, for example, Rosati (1981) and Janis (1982).

may gain or lose over the course of the crisis. Actors vary considerably in their approach to crisis communication. Some take a defensive/closed stance, which can easily antagonize the media and cost credibility. Others take a more proactive/open stance and seek to maintain the initiative in providing information and establishing friendly relations with the mass media. Actors also vary considerably in ways in the degree to which they coordinate crisis communication and in the information strategy and tactics developed. Similarly, some actors closely monitor how their messages are being received and act to correct problems, while others – focusing on other aspects of crisis management and distracted by stress – are oblivious to growing credibility problems. There are a number of recurring credibility “traps” – the creation of a perceived gap between words and deeds, expectations and performance – that can cost crisis management dearly, as can neglecting the symbolic aspects of crisis management (Boin et. al., 2005; Hansén and Stern, 2001; Stern 1999; 201-202).

**Transnationalization and internationalization:** This theme focuses on the tendency of crises to spill over national boundaries in a world that is increasingly interdependent—politically, economically, socially and ecologically. While some crises may arise within a single country, many actual and potential threats do not respect national borders. Infectious diseases, natural disasters, financial disturbances, and terrorism are just a few examples of such “borderless” threats. For this reason, coping with contemporary crises often requires transnational collaboration – ad hoc or institutionalized, bilateral or multilateral – in order to deal with these cross-border threats (‘t Hart, Stern and Sundelius, 1998; Buzan, Weaver, and De Wilde, 1998; Steinbruner, 2000; Buzan, 1991). Since crises often have international repercussions, actors participating in international affairs during times of crises may also attempt to exert influence upon the decision-making processes of countries which are not their own (Cf. Zielonka and Pravda, 2001; Keohane and Milner, 1996). In turn, the international sphere may become an arena for rallying support of certain new policies and regulatory tools (Haggard, Levy, Moravcsik, and Nicolaidis, 1993).

**Temporal effects:** This theme focuses upon sequencing and synchronicity – temporal effects that may have a profound effect on how a crisis is managed. Sequencing refers to the path-dependent nature of crisis decision-making. Choices made early in crises tend to constrain the possibilities for

later action and steer crisis management along a particular trajectory that may be difficult to change later (e.g. see Levy, 1991; Sundelius Stern, and Bynander, 1997; Billings and Hermann, 1998). Often feedback – especially negative feedback – from earlier decisions will necessitate additional decisions, which, together, form a sequence. Synchronicity, in turn, refers to the tendency of simultaneous events to influence each other via psychological and organizational mechanisms such as “availability”, opportunity cost, cumulative stress, and distraction (Snyder, Bruck and Sapin, 1963; Haney, 1997; Stern 1999). Synchronicity may appear within a single crisis (when multiple problems must be solved at the same time), between two simultaneous crises (as in the case of Hungary/Suez in 1956 and Watergate/War in the Middle East in 1973), or between a crisis and other highly prioritized coincident activities such as elections, state visits, crucial legislative negotiations, etc.

**Learning:** This theme focuses upon the extent to which actors are capable of analyzing their experiences and using the conclusions drawn as a basis for change. As noted above in the section on problem framing, actors may attempt to use “lessons” from past experiences (encoded as historical analogies or as experientially-based “rules of the thumb”) as a guide for current action. Similarly, actors may respond to positive or negative feedback regarding performance during a crisis, by drawing lessons and modifying beliefs and practices. Actors commonly attempt to reflect upon crisis experiences after the fact, draw lessons for the future, and formulate reform projects on the basis of interpretations of crisis experiences. Crises present considerable opportunities for learning, but post-crisis learning attempts are often undermined or even derailed by a variety of typical social and psychological dynamics that may result in distorted collective memories of the crisis in question (Porfiriev and Svedin, 2002; Lagadec, 1997; Stern, 1997b; Levy, 1994; Breslauer and Tetlock, 1991; Lebow, 1981).

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## **Rising high unrealistic expectations and cutting the bridges back**

**Iulian Chifu**

### **1. Early warning signs**

On the 8<sup>th</sup> of August 2006, in a bilateral meeting, President Vladimir Voronin proposed to his counterpart, President Vladimir Putin, **to address the problem of finding a solution for the Transnistrian issue on a bilateral bases**, with negotiations between the two parts, in a so-called “package” that would solve, at the same time, all the issues related to the frozen conflict. The idea was that Russia could obtain more in bilateral negotiations than by supporting the separatist regime in the Eastern districts of the Republic of Moldova.

This move **made a huge change in the situation** by putting aside the 5+2 official format of negotiations, but, at the same time, excluding the separatist non-recognized authorities from the discussions. The side effect was that the balanced format away, Russian Federation used its high strategic weight and its capabilities in applying a solution through which the Republic of Moldova’s interests were not defended and attracted Chişinău away from the support of its partners and mediators – EU, US and Ukraine – those who could make a balanced result. Moreover, Vladimir Voronin found himself in a position of a new format, so called 2+1, where the initial advantage of not having Igor Smirnov and the unrecognized separatist authorities as partners were annuled , with the costs of a huge reservation from the other members of the official format, including both of its neighbors, Romania and Ukraine.

On the 22<sup>nd</sup> of June 2007, at the official visit of President Voronin to Moscow, the entire world gets knowledge of **the existence of bilateral negotiations between Russia and the Republic of Moldova outside the 5+2 format based on a “package deal”** proposed by Chişinău. The activity of the two countries and the very often visits proved to be more than

“consultations”, “exchange of views”, they were in fact real negotiations outside the official format.

On the 19<sup>th</sup> of December 2007, President Vladimir Voronin stated that **“the Transnistrian issue is solved economically and practically, in the minds of the principal participants in the process, and that in the next short period the problem will be officially closed”**. This statement created a huge feeling of insecurity and uncertainty in Romania, in Ukraine and in the society of the Republic of Moldova since Chişinău never presented the form of the “package deal” and was far from having a sum of understandings in the 5+2 format.

Moreover, such a clear and strong statement was rising the level of expectation of the public very much and deprived Chişinău from a way out, burning the way back, creating an excess of vulnerability for the authorities of the Republic of Moldova in front of the Russian counterparts, even more important than the ones already assumed by the consistent symbolic signals offered before, by tensioning the relations with Romania, basically breaking the relation with NATO, creating ambiguity in the relations with the EU and GUAM partners.

## **2. The “breakthrough crisis”**

**The crisis was there**, unavoidable, officially confirmed in terms of a solution without any transparency and official knowledge of the steps forward known by the EU, US, Romania and Ukraine and without involving all those parts in the process.

**The end of the crisis was on the 6<sup>th</sup> of June 2008** when the meeting between Voronin and Medvedev at the CIS summit **was not a trilateral one and no document was signed**. The diplomatic world acknowledged that there was no time for a solution until the elections in March 2009 and that **the window of opportunity for a “quick solution” in the Transnistrian issue was out of the question**. The project was still on the table, but the favorable moment was lost and, due to the begin of the electoral period, it proved to be impossible to achieve.

The **secondary crisis** born now was how to get out of the **high expectation** period without provoking **excessive loss of support** for the existing officials from Chişinău, since the elections were too far away for maintaining the idea of a possible, imminent solution in Transnistria. The secondary crisis was accentuated by both the unilateral declaration of independence of Kosovo and its recognition by some of the Western states, as well as by the use of “this precedent” by the Russian State Duma in relation with the breakaway regions from Georgia, as well as by the counter-posing of the situations in Georgia and Republic of Moldova (with a possible “betrayal feeling” and unspoken accusations from Georgia, Azerbaijan and the West).

The moment when **everybody knew that the crisis had stopped was when Georgia was attacked, on the 8<sup>th</sup> of August 2008**, consecrated on the **12<sup>th</sup> of August by the official declaration of Tiraspol** in this respect. Only in the most optimistic dreams the reintegration possibility was still on the table, as long as the conflictual situation was there. Moreover, the use of Transnistrian separatist territory and the troops located there moved over night from a the stage of a figure existing on the chessboard to a zone with a real strategic and geopolitical value for Moscow.

The crisis was to be managed in Romania by **the President and the Ministry of Foreign Affairs** – as **Executive branches** responsible with the foreign affairs and security matters - as well as by **the Supreme Council of Defense of the Country**, the institution responsible for the decision-making during crisis, in security and strategic issues.

For the Romanian decision makers **this was a crisis** because it filled up all the conditions for a crisis:

1. It was a **sudden change of the existing situation**.
2. It represented a **threat to the basic values**: in the vicinity, a solution to the Transnistrian issue, to this frozen conflict, without a clear transparent knowledge of the situation, could represent a **threat to the security of Romania** – if the solution would be obtained with the sacrifice of the sovereignty of the Republic of Moldova, with **the control of the foreign policy, security options or defense solutions by a foreign state - Russia - or by a third actor** - the separatist regime

from Tiraspol with a veto right –, a threat to **the viability of the neighbor state**, to **the stability of the region** and to **the control of the trans-border trafficking**.

3. It introduces a sense of **emergency** – the very quick resolution of the issue in a period in which the 5+2 format was practically blocked made the sense of an emergency in terms of knowing what the proposed solution was, a solution that could be achieved and signed, and what costs would there be for Chişinău in the case of such a solution.
4. The institutions asked to solve the problem were in an acute situation of **uncertainty** due to the absence of the transparent discussions on the future solution, the negotiations taken outside the 5+2 format, the absence of the instruments for the official authorities of the Republic of Moldova on the ground for a reintegration, as well as a dead-end position for the authorities from Chişinău at the dawn of the general elections.

### 3. The context of the crisis

#### Transnistrian issue

The Transnistrian conflict is one of the frozen conflicts from the fall of the Soviet Union period that took place in the Eastern districts of the Republic of Moldova. The difference there was that the conflict had no ethnic bases, but the format of negotiations – lease in 1994 to Russia, as responsible in the post soviet space – was similar: the “two parts”, including the separatist one, Russia as guarantor and a mechanism for negotiation under an organisation where Moscow had veto power – in this case, OSCE. The other characteristic was the presence of Russian troops on the separatist side and, in this particular case, a huge storage of ammunitions and weapons secured by another component of the Russian army. The separatist got Russian passports and their leaders were already Russian citizens, representatives of the Russian special services. This 2+2 format replaced the previous original 4 side format containing Romania, Ukraine, Russia and the Republic of Moldova, established after the short war.

On the 8<sup>th</sup> of May 1997, the Memorandum “On the basis for the Normalisation of Relations between the Republic of Moldova and Transnistria (TMR)” was signed in Moscow. The concept of a “common



state” was then introduced for the first time by the Russian Foreign Minister Yevgeny Primakov. Because of a rather dubious meaning of this very term, further negotiations were blocked by attempts of interpreting and defining the legal sense of it, and therefore, they have never even reached the point of discussing a division of competences between Moldova and the “Transnistrian Moldavian Republic”. This step brought back Ukraine, excluded from the original format, as “guarantor” of the negotiation process, together with Russia.

In June 2002, a new approach to conflict settlement was articulated in the so-called “Kyiv Document”, and under the pressure exercised by the three mediators, Moldova rejoined the negotiations. This document proposed a federal structure as the main basis for Chişinău – Tiraspol relations; it outlined divided and shared competences, new federal institutions, and a system of international guarantees. However, the incompatible positions of the “two parties” made any serious progress impossible (over six months, only four of forty-two articles were discussed).

In 2003, some new factors at the international, European and regional level gave hopes for a substantial advance in the resolution of the Transnistrian problem. They included: more international attention to this conflict; the involvement of the EU (related, perhaps, to the appearance of its Security Strategy and the first three EU civil/military missions deployed in Bosnia-Herzegovina, Macedonia and Congo). Taken together, these developments have also had a stimulating effect on the discussions between Chişinău and Tiraspol.

On the 16<sup>th</sup> of November 2003, the positive trends mentioned above were reversed by the unilateral Moscow initiative known as the “Kozak Memorandum” (the full name of the document is “Memo on the Basic Principles of the State Structures of the Unified State”). The international community, including the OSCE and the CoE, expressed strong disapproval towards the document and the very initiative, which hadn’t been coordinated or discussed with any other party (except the RM). Acute protests made by Moldova’s political opposition and civil society, together with an overtly negative reaction by the powerful international organisms, forced President Voronin to withdraw his support for this project, and

eventuated in a previously unbelievable consolidation of Chişinău's central authorities and society, united for the first time in ten years by their resistance to the Russian proposal.

Stormy events of late 2004 – early 2005, related mainly to presidential and parliamentary elections in Ukraine, Romania and the Republic of Moldova, have changed the regional context of the Transnistrian conflict and created a new window of opportunities for its eventual resolution. Ukrainian proposals, first presented schematically at the GUAM Summit in Chişinău on 22 April, and then developed into the so-called “Yushchenko Plan” on May 2005, although criticised for obvious flaws and dubious points, they have been accepted as a framework for developing a new approach to conflict settlement, based on the idea of democratisation of the Transnistrian region as a cornerstone of its further reintegration into the Republic of Moldova.

Over June – July 2005, Ukrainian proposals have been further developed and supplemented by a number of important legal acts and documents adopted by Moldova's Parliament and Government. Focusing on the processes of democratisation and demilitarisation, these documents provided convincing arguments for **well advanced democratisation to precede the first local elections**, which had to be prepared and carried out under the international (OSCE) aegis. Only in this case did the elections have a clear prospect of being internationally recognised and for the first time, bringing to power legitimate local authorities to represent the Transnistrian region in further negotiations concerning status problems, division of competences, etc. At this point, the format of negotiations won two new members, as “observers”, the EU and the US.

### **Russian troops**

At present military forces on the territory of Eastern districts of the Republic of Moldova include troops that are subordinated either to the regime of the “Transnistrian Moldavian Republic” – like the Transnistrian army, Transnistrian ministry of internal affairs, Transnistrian ministry of state security - , or represent Russia – the Operational Group of Russian

Forces (OGRF), also the units of guardians of ammunition stocks and other units.

**The Operational Group of Russian Forces**, as well as the 14th Army heavy equipment in Transnistria, are subject to limitations set by the Conventional Armed Forces in Europe Treaty (CFE). The process was initiated first in 1990 and then in 1992 at the CSCE Ministerial in Stockholm, where Russia committed itself to withdraw from the Republic of Moldova. In 1994, after 9 rounds of negotiations – process begun in 1992, after the Snegur-Eltsine agreement that replace the 4 sides format of negotiations with a bilateral one -, Moscow and Chişinău signed an agreement for the retreat of troops and equipment in a period of 3 years. In 1997 the troops were still there.

At the OSCE Istanbul Summit in December 1999, Russia accepted deadlines for the withdrawal or destruction of all CFE-related equipment by 2001, and the withdrawal of troops by the end of 2002. The OSCE Porto Ministerial (2002) extended the deadline for the withdrawal of the remaining troops and the remaining equipment to the end of 2003. Regrettably, the commitments mentioned above have not been fulfilled as well. Moreover, according to Ambassador’s Hill report to the OSCE Permanent Council, on the 5-th of February 2004, Transnistrian authorities had, in several instances, failed to honour a signed agreement on the destruction of ammunitions on site.

Approximately 1,400 members of the Russian military are still present on this territory. Thus a major question of **the official status of the Russian military based on this territory, in particular in regard to international law**, as well as the question of perspectives of the CFE Treaty in the region, remains open.

Another military force on the territory of Eastern districts of the RM is a **peacekeeping structure established by the ceasefire agreement of July 1992**. The peacekeeping force is under the supervision of the „Joint Control Commission“ which also oversees key security and administrative operations in the Security Zone. There are strong doubts that a peacekeeping force composed of representatives of the „conflicting parties“

complies with the idea of „traditional peacekeeping“, which makes the issue even more complicated. In addition, Russia has staffed its peacekeeping forces with troops from the OGRF, establishing in such a way **the inappropriate link between the Russian military and the peacekeeping forces.**

The situation was getting even more complicated because of other **paramilitary structures**, either functioning under the umbrella of the regime of the “Transnistrian Moldovan Republic” or formed by some officers and military personnel formerly attached to the 14th Army, who remained in Transnistria after demobilisation and established their „own private armed militias“, possibly interacting with the Transnistrian troops from the local ministry of internal affairs. Such militias, according to the NATO Parliamentary Assembly Sub-Committee on Democratic Governance 1-4 March 2004 Mission Report, **could be responsible for the trafficking of small arms and other weapons.**

### **International context**

Some international changes occur that rose the concerns that the crisis could develop in a secondary crisis with huge implications for the security and stability of the region, with direct impact upon Romania. First, Russia had signaled for some 4 years that she was back. The leadership of President Putin made the economy boom, based on the rise of the international oil price. EU proved to have entered for good in a fatigue crisis, both for the enlargement and for the integration process of the member countries – the rejection of the Constitutional Treaty and the rejection of Lisbon Treaty after that.

The NATO summit planned to take place in Bucharest was prepared to realize the global role assumed by the Alliance, but also to solve the lack of capabilities and means of the Alliance in Afghanistan because of the low budget of the Army in the European countries. Last but not least, the system of security in Europe was at stake since the ABM Treaty was suspended by the US, before launching the Missile Defense, the CFE Treaty was not observed and was put under question by Moscow who wanted a new deal, a new European conference on security that would grant her a special status.

## The ups and downs of the bilateral Chişinău-Bucharest relations

### The issues of the bilateral relations

Romania is concerned with one issue related to the perception of the societal security in the Republic of Moldova and Ukraine and the programmes of enforcing and increasing societal security in its neighbour countries. This is linked to **ethnic Moldovenism**<sup>1</sup>.

The normative and administrative-institutional stipulations in order to introduce and support a state-building image, built on **ethnic Moldovenism**, by imposing this identity belonging to the Soviet heritage and attempting to separate the majority of inhabitants of the Republic of Moldova from their natural identity, the Romanian language and critical historical vision of the past, is considered to be **a security threat to the Romanian society**. The reasons are as follow:

- The succession to the principality of Moldova claimed by the Republic of Moldova is raising problems because **a regional identity of Romania**, that of Moldovans, is raised at the level of **a national identity in the Republic of Moldova and** even at the level of an **ethnic identity**, different from the Romanian one. This means that there are claims related to the territory and people leaving in the province Moldova of Romania (already expressed in 1994, at the Congress “Casa Noastra Republica Moldova”, and reiterated in 2001, during the elections, by the Communist Party).

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<sup>1</sup> “**Moldovenism**” is the theory of the existence of a Moldovan ethnicity and Moldovan language that is different from Romanian ethnicity and language. It was used by the Russian Empire and USSR to justify the annexation of territories that were part of feudal Moldova and Romania. In the view of the promoters of this idea, “Moldovans,” in comparison with “Romanians,” were formed under a strong Slavic cultural influence. In the former SSRM this policy was applied using all the instruments of the soviet political regime, such as maximum possible isolation from the neighboring Romania, physical extermination of some social segments, forced Russification, premeditated change of the ethnic structure and implementation of Romania-phobia, including by using the education system. This instrument is highly exploited in political confrontations in the Republic of Moldova; despite the deficiencies of the democratization process, “Moldovenism” in its Stalinist version is slowly eroding.

**This revisionism** is creating problems with both of the Republic of Moldova's neighbours, Romania and Ukraine, each of which incorporated parts – larger than the one included currently into the Republic of Moldova – of the former principality of Moldova. Moreover, the original “game” has been accentuated by recognizing a “**Romanian minority**” in the Republic of Moldova and by pronouncing claims of discrimination of a “Moldavian minority”, not recognized and not represented in Romania.

- Applying Soviet means in a country that was supposed to join the EU, **falsifying the census by imposing the “Moldavian identity”** and the name of the language, “Moldavian”. The “Moldovan” was never considered by non-Soviet experts an ethnical identity, different from the Romanian one, but at most a regional identity. Also, the language is the same, displaying less differences (mainly confined to the pronunciation and to regionalisms used in the whole region of Moldova, including the one in Romania, clarified as regionalisms since hundreds of years in the dictionaries of Romanian) than those existing between dialects of the same language, yet alone between different languages.
- Actions incompatible with EU values, provisions that contradict the human rights, sanctioned in particular by the CoE, the EU and the Venice Commission, by **imposing an “official identity” through administrative means** and sanctioning the alternative self-identification “Romanian” as criminal offences, by the means of the law on the “Concept of national policy”. The provisions were never applied, but the law was not withdrawn.
- **blocking the electoral rights**, part of the fundamental political rights, lately with the law on election that prevents **citizens with double citizenship** – legal in the Republic of Moldova – to have access to public positions, at the national and local level, and to be elected. Other sectorial laws are preventing double citizenship owners to occupy public servant positions, juridical and administrative positions in the state. This **refers specifically to the Romanian second citizenship**, as shown by the debates in the commissions of the Parliament, and could be applied only to this second citizenship, since the phases of regaining the Romanian citizenship are published in the Romanian Official Monitor. The parliamentary debates showed that it is not the case of the Russian,

- Ukrainian, Bulgarian, Israeli, German, American and other citizenships owned by the citizens of the Republic of Moldova.
- creation of a **wave of pressures for illegal migration** on the basis of **political discrimination**: even if Romania was the subject of repeated false claims of having granted citizenship status to numerous inhabitants of the Republic of Moldova, the total number of new citizens coming from the Republic of Moldova is slightly more than 100.000, in the last 17 years, far less than new citizens in Spain, Italy or even Bulgaria. The policy of the Romanian state **is not to depopulate** the Republic of Moldova from its Romanian majority, but on the contrary, to stabilize them on the left bank of the Prut river, by offering them a personal guarantee for their future and for the free move in the EU, through Romanian citizenship, a guarantee that they request. Since there are more than 700.000 persons to request Romanian citizenship and more than 500.000 files already registered by the Romanian authorities, in spite of the **low level of admission of those requests** (a bit more than 100 the last years), applying the law and blocking political access to elected positions by the owners of double citizenship is a discrimination that is considered one of those for granting the political asylum.

Since any person that has requested the Romanian citizenship can obtain the asylum and the citizenship very quickly just by arriving in Romania and filing for **political asylum**, claiming the discrimination in the Republic of Moldova, this could announce a huge number of immigrants. Moreover, if the politics of **forced identification as “Moldavian”**, speaking “Moldavian language”, with a “Moldavian history” continues, this will further entice the Romanian majority to flee the Republic of Moldova and **to file for political asylum and Romanian citizenship, this time directly in Romania.**

This is not even on the best interest of the authorities of the Republic of Moldova that will remain depopulated by the highly educated, younger and active part of its majority population. The same trend could come from the maintenance of the rules of **teaching the minorities in Russian**, and not in their native language and culture, or by introducing Russian as a second official language, in an environment where the natural circulation of this language is creating troubles in the consolidation of the identity of the Republic of Moldova as a state.



On the contrary, an open Declaration of conciliation that will support the fact that both of the identifications as **“Moldova citizens”** - inhabitants of the Republic of Moldova - and **Romanian ethnic** for the majority is acceptable and everybody could identify oneself as she/he wants, according to European rules, this would enable the population of the Republic of Moldova to **give up their quest for Romanian citizenship** (because they can be openly Romanian in their own country), would ease the tensions between self-identified Romanians and Moldovans, and would **consolidate the identity of the majority and the relations with Romania**, but also with Ukraine, the other big neighbour. The conclusion of a need for a **Declaration of conciliation** is embraced also by the Republic of Moldova’s counterparts.

Out of respect for Ukraine, Romania thinks that the separation between the minority declared Romanian and the one declared Moldavian should be erased, since the difference is not an ethnical or national one, but a difference between a national and a regional self-identification, or one between an ethnic identity and a civic one (because of the residence in the same country). Since Ukraine wants to join the EU and NATO and since it is one of the countries that suffered from Soviet policies of divisions, Romanian authorities think that, in principle, it should act this way.

Another issue concerns the Bessarabian Church, the Orthodox Church in line with the Romanian Orthodox Church, established in parallel with the existing soviet period, Russian Church. The officials from the Republic of Moldova rejected the formal recognition of the Bessarabian Church but were forced to reconsider after several trials at the European Court of Human Rights. The official authorities of the Republic of Moldova still act as if the Russian Church would be the official one.

The bilateral treaty between Romania and the Republic of Moldova represents another issue. The document evolved in several forms representing the evolution of the bilateral relations, beginning with a “brotherhood and reintegration agreement draft” and ending with a “bilateral friendship document”. Since the document was used in order to obtain some kind of recognition for the Moldovenism theory, Romania



dropped out the document as being unnecessary in today's relations. Chişinău insisted in having a formal bilateral basic Treaty and an explicit border Treaty, blocking even the signature of the small traffic Treaty that would enable the persons residing near the border region to freely cross the Romanian/EU border.

### **Ups and downs**

The ups and downs of the bilateral relations in time were connected to two types of behaviors: the strategic choice and need of assistance from the West or the East (linked to political leadership or to the international context) and the need for a negotiation with Russia – the authorities of the Republic of Moldova believed that for preparing a good negotiation with Moscow, they need to prove their new orientation by quarrelling with Romania and by frozen bilateral relations.

In 1989-1993, with a pro-Romanian leadership and the emotion of the liberation from the Soviet Empire, the relations were as close as possible, preparing the “reintegration”/unification of Romania until 1991, then the “friendship and reintegration Treaty” was prepared with the relations quantified as two independent states. On the 6-th of March 1994, after the elections that brought to power the Agrarian Party, the theory of Moldovenism came in the forefront with a new Constitution and one year of frozen bilateral relations. The change in the position of President Snegur in 1995, with the proposal for the revision of the Constitution didn't help changing the trend until the end of the mandate.

Between 1997-2001 the relations were mostly pragmatic and friendly, with the new Alliance for Democracy and Reforms. But from 2001, the Communist party came in power with the program of joining the Russia-Belarus Union, introducing the Russian language as an official language and the return to centralized economy and nationalization of the companies privatised by Western investors. This behavior lasted until November 2003, when the last minute changes in the agreement for solving the Transnistrian issue, the so-called Kozak Memorandum, was dropped by president Voronin basically after President Putin enter his airplane to come to Chişinău.

The change of the trend was also supported by the so-called “orange revolutions” held in Georgia, Ukraine and the change of leadership in Romania. This made president Voronin and the Communist party revise all his policy and return to the European integration process as a target, to the democratization and reforms for the electoral campaign 2005, where he was supported in his change of orientation towards the West based on the support of all “orange leaders”, including the Presidents of Romania and Ukraine, both his neighbors, Traian Băsescu and Viktor Yushchenko. The same trend and process enabled him to get a second mandate as President of the Republic of Moldova.

But even this trend changed beginning with 2006 and old attacks to its Romanian neighbors began at the same time with the new launch of the negotiations for Transnistrian settlement in a bilateral direct process with the Russian Federation. A new wave of bilateral attacks started but, this time, Romania was already member of NATO and the EU and had also learnt its lessons from the previous big bilateral crisis from 2001-2002 which enabled it to avoid any public and press exchange of words that could harm the bilateral relations and the faith of the Romanian/Moldavian majority in the Republic of Moldova.

### **Romanian decision making system in Foreign Relations and Security matters**

The constitutional and legal stipulations acting at the time of the crisis clearly present Romania’s position towards Romanian minorities outside its borders, in particular towards the Romanian majority within RM’s population. The latter is actually considered a second Romanian country in the Council of Europe and therefore, relations between the two states are special, with respect to this historical basis. Even Romania’s national security strategy, the country’s most important document approved in Bucharest for drawing security priorities, has the same opinion and demands special considerations for Romanians outside its borders (Romanian Parliament, 2000).

The essential matter was and is an overlap of competencies and the large number of institutions involved in foreign policy and relations with RM. In this regard, Romania has a President with foreign policy attributes (who

draws the general framework for the country’s foreign policy), the Parliament (with its foreign policy commissions and ability to ratify all international treaties and agreements) and the Government led by the Prime Minister (including the Romanian Ministry of Foreign Affairs as a specialized foreign policy organization). Also under the Prime Minister, there is the Office for Special Relations with RM, whose role is to coordinate the interrelation agencies and inter-ministerial committees with the RM, as well as the Directorate for Relations with Romanians from Everywhere.

An important issue is the fact that several institutions formally participate in the foreign affairs decision process. The overlapping effect of attribution is doubled; on the one hand there are many possibilities and reaction instruments with different stages of intensity, but on the other hand there are conflicts of opinion and uncoordinated reactions.

In the security matters, the institutional framework made the Supreme Council of Defense of the country, under the authority of the president, responsible for the decision-making process on security matters.

#### **4. The moments of the crisis**

##### **21<sup>st</sup>-22<sup>nd</sup> of July 2006,**

At the Sankt-Petersburg, informal CIS summit, Vladimir Voronin convinced Vladimir Putin to have a meeting in Moscow. It was the first after the refusal of the President of the Republic of Moldova to sign the „Kozak Memorandum”, on the 25-th of november 2003.

##### **08<sup>th</sup> of August 2006**

Vladimir Voronin proposed to Vladimir Putin to find a solution to the Transnistrian conflict in a bilateral dialogue Chişinău – Moscow, based on a „package deal” supposed to set all the issues at the same time.

##### **17<sup>th</sup> of September 2006**

The Electoral Commission from Tiraspol announced the results of the “referendum” with 77,63% participation and 97% responding “Yes” to the

question “Do you support the course for independence of the Transnistrian Moldavian Republic and the future reunification with the Russian Federation?”

### **10<sup>th</sup> of December 2006**

Igor Smirnov was declared the winner (82,4%) of the „Presidential” elections in Tiraspol, all the other competitors obtained only 14,1%.

### **31<sup>st</sup> of January 2007**

The Supreme Soviet from Tiraspol canceled its own laws „regarding the Moldavian Confederation” and „regarding the principles of the mechanism of elaboration and approval of the project of Constitution of the federative state, created by Transnistria and the Republic of Moldova on a contractual bases”, approved in 1993 and 2003. Evghenii Șevciuk stated that any change of status should be realized through referendum.

### **10<sup>th</sup> of February 2007**

Vladimir Putin’s statement at the Munich Conference. It shows the will of Russia to be a superpower again with a sphere of interests outside its territory recognized by everybody.

### **11<sup>th</sup> of April 2007**

Vladimir Voronin presented in a close circle, with the participation of the Democratic Party and the Christian Democratic Popular Party, the key elements of the „package deal”, proposed for the negotiations with the Russian Federation. The bases was dissolving both of the parliaments, in Chișinău and Tiraspol and anticipated (in November 2007) the common parliament, with a reserved percentage for the separatists.

### **07<sup>th</sup> of June 2007**

During a phone discussion with the High Representative of the EU for Foreign Policy and Security, Javier Solana, President Vladimir Voronin told the European official that the Transnistrian settlement would be reached in the existing 5+2 format.

### **18-19<sup>th</sup> of June 2007**

Presidents and high officials from 25 states and 8 international organizations (UN, EU, NATO, CoE etc.) attended the GUAM Summit in Baku. The President of the Republic of Moldova, Vladimir Voronin didn't attend this summit.

### **19<sup>th</sup> of June 2007**

During the Council for cooperation EU-Republic of Moldova, President Vladimir Voronin, announced the support for replacing the peacekeepers from the region with civilian observers.

### **19<sup>th</sup> of June 2007**

The EU representative for the conflict in the Republic of Moldova, Kalman Mizsei, declared that the negotiations in the 5+2 format should resume as soon as possible and that the „package deal” is a good compromise solution.

### **22<sup>nd</sup> of June 2007**

At the official residence from Novo-Ogareovo, Moscow, Vladimir Putin and Vladimir Voronin discussed for three hours Chişinău's proposals from the „package deal” for solving the Transnistrian conflict.

### **29<sup>th</sup> of June 2007**

Romanian Prime Minister Călin Popescu-Tăriceanu met president Vladimir Voronin in Chişinău and stated that Romania was offering a wide support to the Republic of Moldova in the process of European integration.

### **14<sup>th</sup> of July 2007**

The Russian President, Vladimir Putin, signed the decree notifying the suspension of the participation of Russian to the CFE Treaty. According to the Treaty, the suspension acts 6 month after the notification.

### **04<sup>th</sup> of September 2007**

At the annual meeting of the Romanian Diplomacy, Romanian Foreign Minister, Adrian Cioroianu, stated that Bucharest was against any unilateral solution imposed in Kosovo because Romania considered that a risk of repeating the scenario in Transnistria.

**01<sup>st</sup> of October 2007**

The Ministry of Foreign Affairs of the Republic of Moldova issued a statement underlining that the CFE Treaty would be ratified only after the complete evacuation of the Russian troops from its territory.

**08<sup>th</sup> of October 2007**

The Reintegration minister of the R.M. send the Transnistrian “MFA” the proposal to begin the implementation of President Voronin’s initiatives from the “package deal”.

**26<sup>th</sup> of October 2007**

The Romanian Orthodox Church adopted a decision to create 7 new canonic high constituencies, including the one for Dubasari and the entire Transnistria, based in Dubasari.

**12<sup>th</sup> of November 2007**

Vladimir Voronin accused Romania of imperialism and involvement in the internal affairs of his country through the financement of the political parties and the media, claiming that Bucharest policy is to “transform Moldavians into Romanians”.

**13<sup>th</sup> of November 2007**

Chişinău refused to take part of the reunion of the „parties”, mediators and observers at the permanent meeting on political problems in the negotiation process for solving the Transnistrian issue in a 5+2 format in Madrid..

**12<sup>th</sup> of December 2007**

The Russian MFA announced that the Russian Federation had suspended itself from the CFE Treaty.

**12<sup>th</sup> of December 2007**

Two employes of the Romanian Embassy in Chişinău have been declared persona non grata. The Ambassador of the Republic of Moldova in Romania, Lidia Gutu, was retired to Chişinău for consultations.

### **19<sup>th</sup> of December 2007**

Vladimir Voronin stated that the Transnistrian problem is already solved from the economic point of view and practically solved in the minds of the principal participants in the negotiation process.

### **15<sup>th</sup> of January 2008**

Vladimir Voronin presented in Bruxelles, in details, the plan for solving the Transnistrian Conflict, and received guarantees from the President of the European Comision, Jose Manuel Durao Barosso that the EU will support the process financially. Vladimir Voronin told the EU that Romania is harming the process and tentioning the bilateral relations with Chişinău and asked for help.

### **21<sup>st</sup> of January 2008**

After meeting th Patriarch of the Russian Church, Alexei the II-nd, Vladimir Voronin stated that Romania’s activity of creating its own canonic sructures in the Republic of Moldova is an aggression.

### **25<sup>th</sup> of Janury 2008**

During the reunion with the foreign diplomats from Chişinău, Vladimir Voronin stated that the solution for the Transnistrian issue is the principal problem for the Republic of Moldova in 2008.

### **17<sup>th</sup> of February 2008**

Kosovo declared its independence, soon recognized by a number of EU and NATO states.

### **13<sup>th</sup> of March 2008**

The State Duma of the Russian Federation declared that, after that, Russia had the right to defend its citizens from Abkhazia and South Osetia that are against Georgia’s accession to NATO. The recomendation for recognising the independence of separatist regions was not extended to Transnistria.

### **17<sup>th</sup> of March 2008**

Serghei Lavrov, Russia’s Foreign Minister, told Igor Smirnov, during his visit in Moscow, that all Russian political efforts for solving the

Transnistrian issue are based on the international principles and laws and on the principles elaborated by OSCE. Igor Smirnov agreed to negotiate directly with Vladimir Voronin.

### **2-4<sup>th</sup> of April 2008**

At the NATO summit in Bucharest, in the final declaration, NATO stated the support for the sovereignty integrity and independence of Republic of Moldova, Georgia and Azerbaijan and the future accession to NATO of Ukraine and Georgia.

### **11<sup>th</sup> of April 2008**

Working meeting between Vladimir Voronin and Igor Smirnov in Bender, the first meeting ever between the separatist leader Smirnov and a President of the Republic of Moldova. Smirnov presented to Vladimir Voronin the project of the friendship and collaboration Treaty between the Transnistrian Moldavian Republic and the Republic of Moldova.

### **08<sup>th</sup> of May 2008**

The Parliament of the R.M. approved, in the first lecture, the National Security Conception. Its basic principle was „permanent neutrality”. The Army of the Republic of Moldova should be reduced to a professional army used only in international peace keeping operations.

### **14<sup>th</sup> of May 2008**

In Bruxelles, Marian Lupu, the President of the Parliament of the Republic of Moldova met Evgheni Şevciuk, the speaker from Tiraspol.

### **27<sup>th</sup> of May 2008**

Javier Solana, the High representative of the EU for foreign affairs and security issues, met president Voronin. The final statement mentioned the importance of resuming, as quick as possible, the negotiations in the 5+2 format.

### **6<sup>th</sup> June of 2008**

At the informal summit of the CIS chiefs of state, in Sankt Petersburg, the President of the Republic of Moldova, Vladimir Voronin, met the Russian President, Dmitri Medvedev. The expected trilateral meeting with Igor



Smirnov and the conclusions of any agreement for solving the Transnistrian issue did not occur.

### **23<sup>rd</sup> of July 2008**

During a press conference, President Voronin stated that „the neutrality is an internal problem of each state and doesn’t rely on any international organization”, meaning that the idea of guarantees for the neutrality was abandoned by the Republic of Moldova, an essential part of the package deal.

### **08<sup>th</sup> of August 2008**

The separatist MFA of Transnistria issued a declaration asking for a firm intervention of Russia for stopping the Georgian aggression. Transnistria announced that the volunteers for helping South Ossetia in the war would not be stopped by the authorities of Tiraspol.

### **11<sup>th</sup> of August 2008**

The separatist MFA from Tiraspol asked the Republic of Moldova to “firmly and quickly” condemn Georgian’s aggression against “the Republic of South Ossetia”.

### **12<sup>th</sup> of August 2008**

The separatist MFA issued a communique accusing Chişinău of „a trial to diminish Russia’s role in solving the Transnistrian conflict, following Georgia’s exemple and creating the conditions for the use of force. The seapartists announced a moratorium on all contacts with Chişinău until the condemnation of Georgian’s aggression against South Ossetia.

## **5. Decision making occasions**

### **Resuming the negotiations in a bilateral format**

After the 2003 rejection of the Kozak memorandum by the President of the Republic of Moldova, Vladimir Voronin (subject of western pressure), several signs showed that bilateral Chişinău-Moscow relations were frozen. The blockage of the exports of wine and agricultural products made the Republic of Moldova adapt to a new market, the European one. Hostile movements in the Eastern districts of the Republic of Moldova were not

blocked by the so-called Russian peace-keepers. Together with the “orange revolutions” in Georgia, Ukraine and Kîrgîstan, the repressions of the unrests in southern Uzbekistan made Vladimir Voronin and his Communist party choose the European integration as a target of their political strategic orientation.

The first signs of an unfrozen relation with Russia came on 21-22 of July 2006 in Sankt Petersburg, at the informal CSI meeting, when Vladimir Voronin convinced Vladimir Putin to receive him in a first meeting after more than two years and a half. But the real change in the bilateral relations was the moment when President Voronin proposed Vladimir Putin, on the 8-th of August 2006, to resume the negotiations in Transnistria on a bilateral format. At this moment President Voronin put on the table the „package deal” which means that all the problems regarding the solution in the Eastern districts of the Republic of Moldova should be solved at the same time in one package of documents.

Vladimir Voronin convinced the Russian President that he could have more advantages in a Republic of Moldova reintegrated actor than in a breakaway region in its eastern districts. The meeting went further: the parts designated the representatifs to maintain the dialog and the negotiations. Chişinău was represented by Mark Tkaciuk, the councilor for internal policies of President Voronin and Vasili Şova, the Reintegration Minister, and Moscow was represented by Iuri Zubakov, deputy secretary of the National Security Council of the Russian Federation.

The background of this new line of proposals was the folowing:

- it helped President Putin to show himself as a providencial leader, that solved the separatist issue in the Republic of Moldova, and let President Voronin enter the history of his country by solving the reintegration.
- it solved the dilemma of having the retreat of Russian forces linked with the solution in the separatist region
- it put out of the deal the separatist leaders from tiraspol, especially Igor Smirnov, that were under an international ban regime in the EU and US.
- it gave Russia a bigger and recognized partner in the region, promoting its interests, instead of the unrecognized leadership in the separatist region.

- the deal was to eliminate from the stage the EU and US, observers in the 5+2 official process of negotiations, as well as the other participants in the process, avoiding their involvement like in the 2003 agreement –the Kozak plan.

The two players established together that those negotiations were just „bilateral consultations” between two members of the official format, in order to unblock the official process and to resume the official negotiations. In real terms, the process was still blocked (like it was for the whole period after the change of the format with the involvement of the US and EU as observers) and negotiations would have to last until reaching a solution in the bilateral form with a consecration afterwards in the 5+2 format, when everything was set .

Meanwhile, those secret negotiations were developed in a covered format, since all the other actors were playing as if nothing was going on: Russia and the separatist authorities were inaugurating on the 13-th of September a new center for issuing the Russian passports in the separatist region (under the activity of some NGO’s that were helping the locals get their Russian citizenship “restored”, like every “former Soviet Union citizen”). Both the separatist leader Igor Smirnov and Russia’s Ambassador in the Republic of Moldova, Nikolai Reabov participated at the inauguration.

After that, on the 17<sup>th</sup> of September, a so-called referendum (one of the many) was held in the separatist region where 77,63% of the electors participated and answered “Yes” to the first question which meant the support for the independence of the Transnistrian Moldavian Republic and the consequent reunification with the Russian Federation”.

On the 21<sup>st</sup> of September, after a visit to Moscow and a meeting with President Putin, Igor Smirnov stated that the separatists established a harmonizing process with the Russian legislation. Moreover, Smirnov asked Russia to increase the number of „peace-keepers” in the separatist region. Any effort for the reintegration of the region in the Republic of Moldova was „senseless”, according to Smirnov. In this same line, on the 13th of November, the „diplomatic delegation” of the separatists stated that, after

consultations with Moscow, the model of the bilateral relations between Russia and Tiraspol would be the one between the US and Taiwan.

At the same time, the criticism against the EUBAM mission at the border between Ukraine and the Republic of Moldova (including the separatist region) was criticised as „economic blockade” by both separatists and Moscow Minister of Foreign Affairs, Karasin, on the 18 of November. The document invoked for the „free economic activity of Transnistria” was the 8 May 1997 Memorandum „on the bases of normalisation of the relations between Republic of Moldova and Transnistria”, a document based on the „common state” approach introduced by Evgheni Primakov and refused by Chişinău as a base for any further discussions. A new „presidential election” was organised in the separatist region on the 10-th of December and Igor Smirnov won with 82,4% when all the other participants got only 14,1%.

In the official format 5+2, nothing was moving on. That’s why, the designated representatives from the Republic of Moldova and Russia had „consultation” on the 9-10 of November. The official statement named the meeting “moldo-russian consultations” and the issue was “the options for resuming as soon as possible the negotiations in the”5+2” format: The statement mentioned that the participants discussed about „the perspectives of a common bilateral search for a comprehensive stable solution model of the Transnistrian settlement”.

In all this period, Romanian officials and responsible for the Foreign Affairs policies felt that some things were moving and that **the bilateral „consultations”** between Russia and the Republic of Moldova were more than that, and had consultations in this respect with the EU and US. The official answers of Chişinău were in the framework of the normal bilateral relations and a continuous statement that the solution was to be reached only in the 5+2 format. The security issues were not at stake, at this point.

### **The revival of Russia as a superpower**

What really began to be a problem in the international relations and the balance of the region was the revival of Russia that began to claim a superpower role and became more and more aggressive in its positions. On the 4<sup>th</sup> of December, at the OSCE Summit in Bruxelles, the Russian Foreign

Affairs Minister, Serghei Lavrov, worn the NATO countries - that refused to ratify the Treaty on the Conventional Forces in Europe (CFE) until the retreat of the Russian troops from Georgia and the Republic of Moldova, according to the Istanbul summit OSCE final declaration – that the viability of the treaty could be questionable to Russia since it is not ratified.

On the 22<sup>nd</sup> of January 2007, the Russian president Vladimir Putin stated that Kosovo will represent a universal precedent for solving the similar frozen conflicts in the CSI space. And on the 10<sup>th</sup> of February, President Vladimir Putin has his famous declaration in Munich, at the Security conference, where he had a highly aggressive presentation claiming the superpower status for Russia as well as a new sphere of influence and the exclusive respect for its own interests.

### **Negotiations „under the table” exposed**

The real content of the negotiations was on the way of being exposed when some gestures warned that important changes happened in the Transnistrian conflict that the 5+2 format was not aware of. On the 31<sup>st</sup> of January 2007, the Supreme Soviet from Tiraspol vote for canceling the action of the two laws related to the relations between Tiraspol and Chişinău, the law „regarding the Moldavian Confederation” and the one „regarding the principles of the mechanism of elaboration and aproval of the project of Constitution of the federative state, created by Transnistria and the Republic of Moldova on a contractual bases”, the laws dating from 1993 and 2003. Evghenii Şevciuk stated that any change of status should be realized through referendum. Transnistria.

This change gave an important hint that huge changes occurred concerning the Transnistrian solution and gave also Chişinău the sense of seriousness of the negotiations with Russia. Then, on the 11<sup>th</sup> of April 2007, President Vladimir Voronin presented in a close cercle, with the participation of Iurie Roşca, president of the Christian-Democratic Popular Party and Dumitru Diacov, the president of the Democratic Party-both voting the reelection of Vladimir Voronin as president, in april 2005 - the key elements of the „package deal” negotiated with Russia including the dissolution of both the parliament in Chişinău and the Supreme Soviet in Tiraspol and anticipated elections in Novermber 2007 in the whole territory of the Republic of

Moldova for the common Parliament, with an over-representation of the separatists and the withdrawal of the Russian forces from the Eastern Districts of the Republic of Moldova.

It was the moment when everybody, including the Romanian diplomacy, learnt about the content of the package because of the alarm that the CDPP president gave to the whole world. From his point of view, the “package deal” proposed by President Voronin was against the Constitution of the Republic of Moldova (anticipated elections could not be provoked in such a way) and especially against the stipulations of the laws from 2005, that conditioned any step forward by the democratization and demilitarization of the East side of the Nistru river. At this point, it was just learning about the content of the proposal and not about the existence or the stage of the bilateral Chişinău-Moscow negotiations.

This moment launched a real sense of emergency and put the US and the EU under alert, because they were not consulted and did not count in the process. On the 7<sup>th</sup> of June, President Vladimir Voronin was forced to hold consultations with the representatives of the EU and US, including a phone conversation with the High Representative for Common Foreign Affairs and Security Policy of the EU, Javier Solana. Confronted with the direct concerns about negotiating outside the format and without consulting the observers in the process and the other members of the official format about the content of the proposal, Vladimir Voronin explained that it was just about consultations and efforts to have Russia on board for the resuming of the 5+2 negotiations.

In the official declaration about this exchange of views, Voronin told the public that he had explained Javier Solana that „any acceptable model for a solution of the Transnistrian issue would be reached only in the existing 5+2 format of the negotiations”. President Voronin had, at the same time, consultations with the US Ambassador, Michael Kirby and with the chief of the European Commission Delegation in the Republic of Moldova, Cezare de Montis.

At this point, the Romanian officials from the Ministry of Foreign Affairs had the conviction about the fact that the early warning signs were complitly true. Taking advantage of the precedent developments, in the 2001-2002 crisis of the bilateral relations, it became obvious that the continuation of the negotiations with Russia will bring back a worsening of the bilateral relations with Chişinău, with new attacks towards Romania and a revival of the Moldavianism with changes against the Romanian language and history as well as against those declaring themselves Romanians.

### **The game of pleasing EU and US**

Exposed with a lie and bilateral negotiations with Russia outside the official format, president Vladimir Voronin had to deal with his relations with the EU and the US. He was more concerned with the relations with the EU since the Action Plan in the ENP framework was poorly applied and critics were coming both from the domestic political scene and from abroad. That’s why some gesture should be made in terms of pleasing the Europeans and the Americans, without endangering the negotiations with Russia.

From the Romanian MFA point of view, it was also the moment where Vladimir Voronin crisis began. First, with the international community that he misslead about his separate negotiations with Russia and second with the domestic political class and civil society, shocked by the lack of transparency and kept in the dark about the new proposals from the „package deal”.

The first opportunity to please EU and US, and to support his own interests was on the 13<sup>th</sup> of June 2007, when the Republic of Moldova demanded the evacuation of the Russian troops and specially the request for changing the format of the contingent of the peace-keepers in the region, from a military Russian one into one of civilian observers, mostly a police multinational one (official propositon presented by the US on the 7<sup>th</sup> of June). This became a usual behavior any time when Chişinău wanted to prove the support for European/US efforts to change the situation on the ground that would enable Chişinău to solve the question in the Eastern districts of the Republic of Moldova. The same position was reiterated on the 19<sup>th</sup> of June at the Council for EU-Republic of Moldova Cooperation by President Voronin.

The vice-minister of the Republic of Moldova Minister of Foreign Affairs and European Integration, Eugenia Chistrugă, stated this position in Viena, at the extraordinary conference of the CFE treaty. Mrs. Chistrugă stated that the complete, ordered and transparent evacuation of the Russian troops from the transnistrian region will enable the authorities to begin the ratification procedures of the adapted CFE Treaty.

The reaction to this statement lasted only two days: on the 15-th of June, in a press conference in Tiraspol, Igor Smirnov asked Russia to increase its contingent of peace keepers because of „an accute situation in the region”. He strongly opposed any change of the peace keeping operation format, previosly proposed by EU and the US. He accused Chişinău of a tentative of „economic strangulation” of Transnistria and stated that Transnistria will not join the negotiations until the pressures on him will not be lifted.

### **Recognising the official negotiations**

After the exposure of the existence of the bilateral negotiations between Moscow and Chişinău, no tricks were possible anymore. Republic of Moldova ontinued with the signals of their path away from the West and from the subjects that could make Russia nervous – like the absence of President Vladimir Voronin from the 18-19 GUAM summit in Baku attended by the presidents and representatives from 25 states and 8 international organizations.

The EU continued to warn the Republic of Moldova and Russia about maintaining the negotiations into the official format. At the EU+Republic of Moldova Council, of the 19-th of June, the special representatif of the EU for the conflict in Transnistria, Kalman Mizsei, made the statement that the negotiations in the 5+2 format should resume as soon as possible, mentioning that „we know the plan of the package deal, proposed by the Republic of Moldova on bilateral bases to Russia, last year”, and claiming that this is a solid ground for future compromise. Through this statement, both parts were invitetd to continue the dialog in the official 5+2 format.

In this context, on the 22<sup>nd</sup> of June 2007 in Moscow, at the Novo-Ogareovo residence, Vladimir Putin and Vladimir Voronin met and discussed for 3 hours Chişinău’s proposals for a solution of the Transnistrian conflict, the



so-call „package deal”. This was the official consecration of the negotiations, accepted as such by both parts. It was also a negative answer to the requests of the EU and US to transfer the whole process in the official format. Chişinău was claiming that they needed to continue the process which proved to be successful and that, anyway, any decision was to be made in the 5+2 format. He promised the officials and diplomats from the EU states and the US of a constant consultation and communication of the evolution of this process.

The Romanian authorities took notice of the official acknowledgement of the existing bilateral negotiations and of the continuation of this process in spite of the warnings sent by the EU countries, the EU officials and the US representatives. It was the moment of an evaluation of the package and of the side effects or wrong developments of the negotiations that could lead to huge problems. The Romanian officials warned the EU about these possible developments, even though they prove to be very skeptical about the positive output since in Transnistria, on the ground, the development were far from supporting a real and dramatic change of situation in the reintegration process. After this warning, the EU officials tried to make President Voronin promise to avoid any signature on any paper (like he previously signed the Kozak original form) before having the agreement of the Western partners.

At the same time, Romanian authorities realised the danger of focusing on the reintegration process made to the EU integration process of the Republic of Moldova and the accomplishment of the commitments from the Action Plan. That’s why they warn both Chişinău and Bruxelles to continue the push for the reforms in the Republic of Moldova, with a special emphasis on the back tracks appeared in the domestic policies.

### **Romania-Republic of Moldova bilateral worsened relations**

The year 2007 began with an important change, the visa regime for the citizens of the Republic of Moldova. The level of voyages was, in 2008, of 2 millions per month, more than the Romanian consulate in Chişinău could take. In this respect, Romanian authorities rose the number of employees to help dealing with the enormous pressure on the office and prepared, at the same time, an alternative place for the Consulate, larger and more suitable

for the number of requests. In January President Bănescu went to Chişinău to talk to the people in front of the Consulate and proposed to the Chişinău authorities to help in opening two new consulates in Bălţi and Cahul, to deal with the amount of requests for the Romanian visa. The request was initially accepted, then, without any explanation, the agreement was retracted because the local authorities fear of the pressure for citizenship (recorded at some 800.000 requests).

This type of differences of view came to complement the very complicated period in bilateral negotiations with Moscow. Rumors came that the tourism companies and other officials in the Republic of Moldova helped solving the requests, with some money involved for the Romanian visas. At this point, several officials from Romania checked the way in which the procedures were observed and it was visible that a huge problem was rising, especially with the students and their relatives as well as with the business representatives.

In the same framework, the general consul of Romania in Chişinău was caught on the camera with alleged money received for visas from a tourism company and a big scandal followed in the media and through diplomatic channels. The consul was retrait, but the pressure on the Romanian employees working with visa continued since several attacks to the computer system blocked the automatic visa delivery (with identified IP's close to the Internal Ministry of the Republic of Moldova involved).

The decision-makers from Bucharest did their best in preventing any type of wrongdoing since Romania was also under the EU scrutiny for the anti-corruption system and all these successive attacks were received as direct threats to the successive monitoring reports done by the EU Commission in the framework of the CVM (Control and Verification Mechanism) for Romania and Bulgaria.

On the 29<sup>th</sup> of June 2007, the Romanian Prime Minister Călin Popescu-Tăriceanu had an official visit to Chişinău where he met President Vladimir Voronin and prime Minister Vasile Tarlev. He stated that Romania was offering the Republic of Moldova full support on its way to European integration. This was the policy towards the Republic of Moldova: in order

to avoid any attack regarding the involvement in internal affairs or blockages in their negotiations with Russia, the Romanian authorities established to offer all the needed help for humanitarian affairs and for European integration - money, know how, consultancy, support in the bilateral negotiations with the EU.

On the other hand, Romania was completely opposing a declaration of independence of Kosovo for two good reasons: the pressure from their neighbor, Serbia, and the need to maintain the support for the democratisation process and European integration in Belgrade and the possibility that such a precedent would be used in Transnistria. That's why Romanian Minister of Foreign Affairs, Adrian Cioroianu, stated his position against the unilateral declaration of independence in Kosovo and the consequent recognition by some states on the 4-th of September, at the annual reunion of the Romanian diplomacy.

### **Serious developments to an eventual bilateral solution**

The seriousness of the trend towards a bilateral solution for the Transnistrian issue was there. In spite of the fact that on the 14<sup>th</sup> of July the Russian President issued a decree of notifying the decision of „suspending” Russia from the CFE Treaty, the negotiations went on. On the 15<sup>th</sup> of August, the president of the Presidium of the Council for foreign Policy and Defense of Russia, Serghei Karaganov, declared for „Komsomoliskaia Pravda” newspaper that the integrity of the Republic of Moldova could be re-established, but the separatist region would have to have a special status of autonomy with Russian troops on its territory. „We have already reached a consensus in this respect with the Republic of Moldova”, said Karaganov. But the EU and especially the US were opposing it.

The statement showed two points, according to the Romanian authorities evaluation: first, the possibility of the package that would include the retreat of the Russian troops was no longer possible, a situation that put the whole negotiations at stake. Second, the questionable agreement that the authorities from Chişinău gave to the deal without the retreat of the foreign troops. In this moment it was unusual to see the big efforts that continued and the promises made to the public about a future solution in Transnistria.

These reserves were enforced on the 1<sup>st</sup> of October 2007, when the Foreign Affairs and European Integration Ministry of the Republic of Moldova stated again that a ratification of the CFE Treaty is not possible since the Russian troops are still on its territory. At the same time, on the 8<sup>th</sup> the same month, the minister for reintegration asked the authorities in Tiraspol to begin to work and to apply „the initiatives of President Voronin”, with a common working group for the timetable for the working reunions for each subject.

It was not a surprise that, in this respect, the statement made on the 12<sup>th</sup> of November by the president of the Republic of Moldova whom accuses Romania of involvement in the domestic affairs of its country through financing some parties and media. “Romania is the last empire of Europe and this country wants to transform Moldavians into Romanians”, he stated. These harsh accusations were part of the usual strategy of accusing Romania when negotiating with Russia. But it also gave a hint on the problems that Chişinău had in the negotiations with Russia.

On the 13<sup>th</sup> of November Chişinău refused to participate in Madrid at the reunion of the representatives of the 5+2 format, because the separatists were invited and accepted. At the same time, this refusal was a new sign for Moscow about the trust in the bilateral negotiations and the fact that Chişinău avoided any other form of negotiation. The second message was that the officials from the Republic of Moldova are still committed to bilateral negotiations with Russia and refused all the negotiations with Tiraspol representatives.

But the situation was further complicated and the escalation of the situation happen on the 12<sup>th</sup> of December. The same day Russian Federation announced the “self-suspention” from the CFE Treaty – meaning the rejection of any retreat of its forces from Georgia and the Republic of Moldova. The same day, two of the employees of the Romanian Embassy in Chişinău were declared persona non grata and asked to leave the country in 24 hours. At the same time Republic of Moldova’s Ambassador to Bucharest, Lidia Guţu, was recalled for consultation.

The idea was to diminish the Romanian representation on the ground, as a sign for good negotiations with Russia. Romania didn't react and avoid sending back any diplomats. In less than a week, on the 19<sup>th</sup> of December, president Voronin launched the big coup: The Transnistrian problem was already set from the economical point of view and practically solved in the minds of the principal participants at the process. He stated that it is a question of months to have everything set.

This raise of the game put the Romanian officials in a big dilemma. They assess that President Voronin was putting himself in a delicate position for the election, that he would need something to deliver and since the EU integration was down and the Transnistrian reintegration was not possible, he has to blame somebody. In this respect, Romania felt as a possible target for the blame game after the evident fall of the reintegration process.

### **The end of the game: Kosovo's independence**

As long as the magnificent march towards a final solution in Transnistria continued, in the declarations and diplomatic shows held by president Voronin, the window of opportunity for solving the transnistrian problem closed rapidly. After the retreat from the CFE Treaty, a new international event happened and put a fullstop to the negotiations: the kosovo independence.

On the 15<sup>th</sup> of January 2008 in Bruxelles President Vladimir Voronin presented in details his plan and obtained full support from the EU officials, including the technical and financial one, for his endeavour. He complained that Tiraspol didn't answer his proposals yet and had a huge complaint about Romania, who „tentioned the bilateral relations” at this particular moment. Except for the truth about who tentioned the bilateral relations, the gesture was expected in Bucharest and for the European leaders (except some lobby countries), this situation was not a surprise and no reaction was done after this observation.

A second attack, that was percieved by the Romanian officials in the framework of preparing the failure of the negotiations, did happen on the 21<sup>st</sup> of January 2008, after the meeting in Moscow with Russian Patriarch Alexii the II<sup>nd</sup>. Vladimir Voronin stated that the Romanian activity in

creating the Romanian Church in the Republic of Moldova (activity qualified as liberty of beliefs, according to the ECHR was a decision against the state of the Republic of Moldova).

On the 25<sup>th</sup> of January 2008 President Voronin stated, in front of the foreign diplomats accredited in Chişinău, that the solution of the Transnistrian question is the top priority of his country in 2008. His statement also mentioned that both the EU and Russia would support the solution.

On the 17<sup>th</sup> of February, Pristina declared the independence of Kosovo that was recognised in the next days by a number of European countries and the US. This put a huge question on the possibility of further negotiating the reintegration of the Republic of Moldova. On this matter, the Romanian Supreme Council of the Country established a special meeting and debated the evolution of the situation in the Western Balkans and in Transnistria, as well as measures to avoid Romania taking the blame from the stake raised by President Voronin and the unaccomplishing of the promises of reintegrating the country soon.

Russia further supported the image and perception of the public from the Republic of Moldova of a possible resolution in Transnistria when, on the 13<sup>th</sup> of March 2008, the State Duma of the Russian Federation has discussions on the subject “Concerning the stage of solving the conflicts in the CIS space and the request to the Russian Federation about recognition of independence of the Republics Abkhazia, South Ossetia and the Transnistrian Moldavian Republic”. The Duma stated that after the independence of Kosovo, there came a need of revision of the Russian policy towards those unrecognized territories taking in consideration the will of the local population. The State Duma considered that those countries established *de facto*, states and democracies and had all the reasons to claim the international recognition of their independence. If the resolution called for recognition in the Georgian separatist republics – „because of Georgia’s will to join NATO”, the separatist region of the Republic of Moldova does not get the same appreciation for the moment.

Moreover, in the meetings with the separatist leader Igor Smirnov, on the 17<sup>th</sup> of March 2008, Sergei Lavrov mentioned that “all the efforts made by Russian leadership for solving the situation in Transnistria are based on the

international law and the principles of OSCE, which can mean both the fact that the integrity of the Republic of Moldova is observed, but also that Russia kept the possibility of coming back on the subject using other documents accepted in time like the “common state” approach from 1997, a possibility to get back to the pre-existence of a “Transnistrian State” that agreed to join, in a confederative form, with the Republic of Moldova state. The options opened, the Russian Federation was still in the position of offering Chişinău the alternative to claim the continuation of the negotiation process according to the “package deal”.

At the same reunion, Igor Smirnov accepted to meet directly president Voronin for „bilateral negotiations”. This happened less than one month after, on the 11 of April 2008 in Bender. At the „workshop” of the two presidents, the perspectives of the solution in Transnistria have been discussed. Igor Smirnov gave President its own canonic Voronin a draft project of the „Treaty of friendship and collaboration between the Transnistrian Moldavian Republic and the Republic of Moldova”.

This gesture was analysed by the Romanian authorities, a new concrete sign that the solution was no longer possible since first, Voronin was sent to negotiate directly with Smirnov by Moscow and second, Smirnov was continuing his position of the pre-existence of his state, to be recognize as a first step before any type of „confederation”.

### **Erare humanum est, perseverare diabolicum**

As if they could not lecture these messages, the international trend and the signs that showed very clearly that any window of opportunity was closed, if it had ever existed, the authorities of the Republic of Moldova continued to rise the expectance of the public about a quick solution in Transnistria on one side and continued to adopt all necessary documents to prove their continuous commitment to the proposed solution. On the 8-th of May 2008, the Parliament of the Republic of Moldova adopted, in the first lecture, the National Security Conception, where the basic principle was the „permanent neutrality”, which changed over night the proposed draft of the Ministry of Foreign Affairs and European Integration into a weak, unsubstantiated and unclear document that could not answer to the question of how the Republic of Moldova will ensure its security. The same



document claimed that the armed force, based on professional officers, would be reduced to a minimum average and used only for the international missions. Nobody was set to defend the national territory and the evaluation of risks and threats was under-considered and misunderstood.

The signals of openness from the part of the Republic of Moldova continued in Bruxelles where, on the 14-th of May, the president of the Parliament of the Republic of Moldova, Marian Lupu, met the speaker of the Supreme Soviet from Tiraspol, Evgheni Şevciuc. In spite of the fact that the EU and US representatives insisted in coming back to the 5+2 format of negotiations, having in mind the risks that the Republic of Moldova was facing in the direct negotiations with Russia – like at the direct reunion on the 27<sup>th</sup> of May between president Voronin and Javier Solvana, in Bruxelles – all the hopes were put on the 6-th of June informal meeting of the chiefs of state from the CIS, where president Vladimir Voronin expected that he would sign with Igor Smirnov, under the auspices and guarantees of President Dmitri Medvedev, the „package deal”. Even if they met in the waiting room, the two „presidents” were invited separately and nothing happened.

The Romanian authorities, together with the European ones, evaluated that this was the last chance for having common elections in 2009, accepting that the Parliament would fully support the „package deal” stipulations(which contradicted the constitution and the laws from 2005). The first signs that president Voronin understood the fact that his package was not a solution appeared on the 23<sup>rd</sup> of July 2008 when President Voronin publicly acknowledged that his idea of an international „guaranteed neutrality” (understanding by that an international guarantee of security for the RM, as he searched in 2002 with the „Stability Pact for the RM”) but even the international „recognised guarantee” was not possible. He stated that the „neutrality is declared by one country and is its internal problem, not by an international one”. With this statement, one of the key points of the „package deal”, requested by Russia, fell down from the negotiation table.

Anyway, on the 8<sup>th</sup> of August events in Georgia closed the whole story of this trial since the so-called “Foreign Affairs Ministry” of Transnistria supported the Russian and separatist Ossetian side, offered volunteers in the



war (8<sup>th</sup> of August) than claimed that it had problems with observers and guarantors in his 5+2 process that didn't condemn Georgia's actions (11 of August) and suspended any relations with Chişinău because of its European position of Georgia and the trial “to diminish the Russian stance in the process on Transnistria” fact that offered “the conditions for the use of force in Transnistria”.

At this point, any attempt to continue the game of the „quick solution” by the authorities of the Republic of Moldova was subject to the lack of credibility internationally, first, but also at the domestic level. Moreover, the Romanian authorities assessed that President Vladimir Voronin was in a desperate search for „a way out” trying to show to everybody that everything in his capacity for a solution has been made, any compromise was addressed, but the result is negative because of the „other part”. Since the European integration was in a very bad shape, the Action Plan was not complete in spite of the prolongation of one year, and the new negotiations were not yet prepared, when Ukraine was already negotiating and Association agreement with the European Union.

In these conditions, for avoiding a new electoral campaign with the anti-Romanian trend or the blame on Romania for the lack of solution in Transnistria, Romanian authorities were pushing for viable and consistent commitments by the EU referring to the Republic of Moldova. Unfortunately, the authorities from Chişinău didn't realise the need to change the subject and to cope with the big expectation in the Transnistrian issue, and arrived in the position that they feared the most, in a 2+1 format of negotiations prepared by Russia, instead of the official 5+2 format. This equalised the position of the Republic of Moldova legitimate authorities with the separatist ones from Tiraspol, with Russia as a unique mediator. This game of the ”negotiations under the table”, outside the official format, gave enormous costs to Chişinău in both the perspective of the parliamentary elections and in the perspective of a solution in Transnistria. Even the position of shifting the priorities between the reintegration of the country and the European integration was not acknowledge officially by Chişinău, so that a new sign from Burxelles could help the current officials and offer them a way out.

## **6. Thematic analysis**

### **6.1. Preparedness, prevention and diminishing the effects of the crisis**

The existence of the previous crisis in 2001-2002 in the bilateral relations between Romania and the Republic of Moldova was already assessed and the lessons learnt from that moment are still present in the behavior and procedures of reaction in the case of the direct attacks. First, Romania did not react to these attacks, on the contrary, in one occasion, President Bănescu tried to take the defense of President Voronin that „has to deal with tremendous problems in Transnistria and with the dependence of its country of resources from Russia”.

The Romanian authorities also act for avoiding the effects of these reactions by first avoiding escalating the declaration game and second, trying to find „a way out” for President Voronin with consistent solutions and statements taken by the EU for the road ahead for the Republic of Moldova.

Taking in consideration the lessons learnt from the previous crisis, 2001-2002, the only institution that had the decision and reaction was the Romanian Ministry of Foreign Affairs and no other body was involved. On two occasions, the Romanian President was requested to support, based on his authority, the reaction, once when he went to Chişinău to calm the requests for visas, that pressed the Romanian mission and to discuss directly with the people waiting for their turn, at the Romanian Consulate. In the security matters, the Supreme Council of the Country assessed the situation once after the Kosovo independence and consecutive recognitions and twice during the Georgian crisis. The reactions of Romania were coordinated through the decisions of those reunions.

The Romanian position was coordinated directly with Brussels, including at the moment when President Voronin addressed directly the presidency of the EU for claiming the misbehavior of Romania. A reaction was directly prevented, in spite of the pressure of some EU member states that found a moment to put pressure on Romania, for different other reasons. The prevention of such an attack worked, even if some additional contacts, consultations and position sharing with the Baltic states representatives – especially Lithuania –, with Poland and Sweden, with suitable explanations why Romania refused to sign the bilateral treaty, for instance, in the form sent by Chişinău, would be necessary.

## **6.2. The leadership and the decision units: MFA and the President**

Responsible for the reactions on the accusations of the Republic of Moldova, alerting the EU about the sudden moves and risks that such moves outside the 5+2 format could mean, was the Romanian MFA. It was the same institution responsible to deal with the declaration of *Persona non grata* in the Romanian Embassy and with the set up of the Romanian Consul.

In several cases, the Romanian President played the essential role: at the moment of the visa crisis, when he visited Chişinău and talk to the people in front of the Consulate, when he warned through the process of consultation and information sharing the EU countries and EU Council and Commission about the separate negotiations between Chişinău and Moscow, outside the 5+2 format and the assessment of the risks of such a move, when he warn through the same system about the perspectives in Georgia and the future war and when he payed the visit, right after the Russian-Georgian war in South Ossetia, to Chişinău, Kiev, Tbilisi, Baku and Ankara, with a clear message and a package for the consultation with the Wider Black Sea Region States, with the threats and opportunities that this moment gave to all of the countries in the region. Last but not least, he had an important balanced position at the 1-st of September EU extraordinary Council.

Being very volunteer and a good decision maker in times of crises, he did well, even though some of his statements during this very period, specially when they were improvised positions in the talk show or responses to the set up questions, rised some question and proved some human personal reaction that passed over the normal diplomatic and well thought positions. The Romanian MFA has to give explanations about an unfortunate statement, cut by the newspaper who printed it, that rose problems in Kiev (being commented as a support to Putin's alleged statement in the NATO summit – Nato-Russia Council, claiming that Ukraine is an artificial state that would broke into peaces).

In another occasion, another Presidential statements, altered by the media, created reactions in Chişinău. In another moment, the balanced and nuanced position of Romania after the Russian-Georgian war was seen and comented as „betrai” of the unity of the „New Europe”, or as „a deal with Russia”. Since the visit around the region happent one week after the 8 of

August events in Georgia, and president Bănescu did not join baltic states, Polish and Ukrainian leader to support President Saakashvili days after the Russian attack in Georgia.

### **6.3. Framework of the crisis: perception and problem framing**

Taking advantage of the previous experience with the Republic of Moldova, Romania had two major problems with the crisis: first, the missperception of the Republic of Moldova that in order to prepare good and fruitfull negotiations with Russia, it had to quarell with Romania; second, the anti-Romanian feeling rose and exploited by the Chişinău authorities for this purpose.

What was new was a letter addressed by the Republic of Moldova authorities to all the EU member states and to the EU headquarters in Bruxelles acusing Romania of unfair play and blockages in the negotiations with the Republic of Moldova that harmed the reintegration process, as well as the repeated declarations in the same blame game framework, that were repeated by the Minister of Foreign Affairs, Andrei Stratan, his deputy minister Valeriu Ostalep and the Ambassadors of the Republic of Moldova to EU states, whom were instructed to do the same. Fortunately, except for a few states that knew less about the current situation on the ground or were directly interested, no serious harm to Romanian position in the EU came from these repeated claims by the Chişinău authorities.

Last but not least, the security situation was framed in the sense that after the unilateral declaration of independence of Kosovo, Romania was expecting that Russia would take advantage of this and use it as „precedent” to the frozen conflicts and the recognition of the separatists regions from Georgia and the Republic of Moldova. The fact that the statement was made in that sense helped Romania in consolidating the „moral bases” in this discussion but put its US and EU partners that recognized Kosovo’s independence in a bad position. Moreover, since Romania was right about the anticipation of Russian behavior, the costs of the recognition of the Kosovo independence are now felt by several leaders of those countries.

Romania had another perception that was put on the table in the consultations with the other countries: Republic of Moldova’s position of negotiating directly with Russia made her in the position of theoretically,

solving the problem, as a „model” oposed to the one in Georgia, but at the same time, since this proved to be just a game, it came for the Republic of Moldova with additional costs, outside those infliged by Russia when it put „the parts” to negotiated and assessed the 2+1 format: puting the Republic of Moldova in a direct oposition to Georgia position and harming the credibility of the country, seen as a „separate and selfish actor” that let the other members of GUAM work alone for their future in NATO and EU, by its direct, bilateral, negotiations with Moscow.

In the security field, Romania perceived the security of the Republic of Moldova as directly linked to its own. It is not indifferent for the Romanian establishment if the solution in the Republic of Moldova gives a viable democratic state, able to join the EU or a no man’s land with Russian troops forever stationed there, a country controled by the separatist regime through veto powers. At the same time, there is a true concern about maintaining the idea of neutrality and avoiding the security sector reform in the Republic of Moldova together with the trial to concede the security of the country to somebody else. The lack of a true security solution for the Republic of Moldova rose the concern on the impact on the security of all its neighbours – Romania, Ukriane, NATO and the EU – and about the lack of seriousness for the European goal of the Republic of Moldova without an assumed security solution.

#### 6.4. The conflict of values

The most important conflict of values is the one between the **low level of fulfilling of the commitments taken through the Action Plan** by the Republic of Moldova and **the need to support Republic of Moldova to enter the EU** as soon as possible for the sake of its citizens, in majority Romanian ones, with relatives in Romania. In this conflict of values, Romania chose to defend Republic of Moldova’s road to the EU in spite of the unfair attacks, the lack of performance, the set backs in democratic behavior, the communist authorities promoting through administrative means the Moldavianism.

The second conflict of values is between **the anti-communist fundamental stance** of the Romanian authorities and **the need to support indirectly the communist authorities** in the Republic of Moldova, since they govern the

countries in this period. The president Traian Băsescu was the one who supported President Vladimir Voronin in spite of his ideological orientation and his repeated attacks towards Romania, and this support was assumed including in front of the domestic political class and public opinion. The Romanian public had the maturity of realising the need of this gesture, in order not to punish the citizens of the Republic of Moldova, especially the Romanian majority, and did not challenged this official position of the Romanian authorities and nobody from the political class questioned this position.

### 6.5. Lessons learnt

One of the most important lessons learnt from this crisis is **the need for strong conditions** for a sustainable reform in the relations with the neighbour states and the need to wisely invest the European funds in real reforms with results, in functioning institutions and in stable democratic environment.

The second lesson learn is the one related to the need to have **a credible and sustainable orientation** towards the EU and the democratic values of a country before opening the incentives and dividends of the access into the common market, as well as **a suitable „stick” tool** that can act directly any time one country fails to fulfill its commitments.

The third lesson learn is **to find suitable tools** for linking a country where the EU invest trust and money for a democratic transformation to the convergent agreed common positions in the Foreign Affairs, security matters and defense options. An additional mechanism of consultation for the choices of the country with the EU should be also put in place to avoid any surprises.

Last but not least in the order of importance is the need to go on with the democratic changes, the market reforms and integration together with **the Security Sector Reform** of a country from our vicinity. Conserving the old Soviet security system can overthrow all the efforts in the other fields over night and spoil the achievements and the funds invested. At the same time, the country in question **should offer a sustainable solution for its own security** before proceeding with the changes in the domestic system.

The Eu presence and deals with a country that does not have a solution for its own security could lead to a false message of support and this could mislead the investors.

## 7. Conclusions

The breakthrough crisis was anticipated by the Romanian authorities and well managed through the experience and lessons learnt from the previous crisis in its relations with the Republic of Moldova. All anticipated moves proved to develop that way in the real life.

The reactions of the Republic of Moldova authorities put Romania in the bad position of losing its legitimacy to support the European cause of Chişinău's and its way towards the EU since, on the other way, Chişinău attacked Romania.

At the same time, the anticipation and the communication of the steps to the EU partners, as well as the side effects of those steps taken by the Republic of Moldova put Romania in a good position of being recognized as an actor that knows the region and the expected developments. On the other hand, there is a discrepancy between Romania's will of being involved in the region and the pression from some EU members countries to take the responsibilities, on the one side, and the lack of direct means for this purpose, on the other side.

The road towards **a sustainable and correct solution** in the Eastern districts of the Republic of Moldova could be reached only through **solid and stable steps** like the ones included in the confidence building procedures, with the negotiations in the 5+2 format and contacts with the separatist authorities from the region, but specially through direct actions on the ground, work done with the local authorities and with the individuals, building a way of life consistent with the RM reintegration.

Another important point for a way towards a sustainable solution should be made through **stable reforms and democratization** of the regions of the Republic of Moldova under the legitimate authorities, but also through **a real integration process**, in the official framework and legislation, of **the**

**Gagauz autonomy.** All these could play **the role of soft power**, of the natural force of attraction of the Republic of Moldova, as well as the force of the example of a better life for the citizens of the Republic of Moldova.

**The step by step approach, consolidated and supported by a clear Security Sector Reform and a cohesive and consensual solution inside the political forces of the Republic of Moldova is the road towards achieving the reintegration of the country, with the help of the democratization and institution building, as well as with the EU perspective, rather than bilateral miraculous processes of negotiations or the reintegration target at all costs.**



## **“The breakthrough crisis”- as a limited crisis for Ukraine’s unstable political establishment**

### **Oleksandr Sushko**

The Ukrainian approach towards newly appeared developments regarding “The breakthrough crisis” and the related Moscow-Chișinău talks launched in July 2006 were determined by the following circumstances:

1. Domestic developments in Ukraine in the year 2006, which directly or implicitly had an impact on Ukraine’s position and policies regarding Transnistria (March parliamentary elections followed by long-term attempts to create the “Orange” coalition, which finally failed in July, opening the path towards the creation of a new government under the leadership of Victor Yanukovich (Party of Regions) – “Anticrisis coalition” and the new government were formed in July-August).
2. Ambitions to continue the implementation of the Yushchenko Plan (of 2005) which proved to be unrealistic in terms of timeframe (very short transitional period etc.) however remained actual with its specific priorities such as an urgent need for democratization of the Transnistrian region, internationalization of mediation and peace-keeping activity, and gradual reintegration of the legal space of RM including Left Bank.
3. Ukraine’s commitments in the 5+2 format, and the desire to play an important role in it, which was questioned by the de-facto suspension of 5+2 meetings after the introduction of the new customs regime between Ukraine and RM in March 2006.
4. Implementation of EUBAM and the experience obtained by such a form of cooperation in the triangle EU-Ukraine-RM
5. Appearance of new persons on the stage, influencing the decision making process. In particular, the appointment of the new Ukrainian Ambassador of the Republic of Moldova, Serhiy Pirozhkov and new special representative for Transnistria, deputy foreign minister Andriy Vesselovsky, strongly pro-western diplomat, fully committed to continue a close cooperation with the European Union and the United States on Transnistrian solution.

In addition to the abovementioned factors, Ukraine's policy on Transnistrian issue during the "Breakthrough crisis" should be analyzed taking into account these main dimensions:

1. The legacy of the Orange Revolution, determined Ukraine's ambition to provide a qualitative alternative (on the basis of European values) to Russian influence in post-soviet area;
2. Ambition of Ukraine to pursue a role of regional leader;
3. Substantial connection between Ukraine-RM and Ukraine-EU relations, reflected in the EU-Ukraine Action Plan;
4. Seeking for efficient methods to secure the interests of ethnic Ukrainians living in the RM (including Transnistria).

### **Was the "Breakthrough crisis" a crisis for Ukraine?**

In order to understand the logic behind the behavior of Ukrainian political elites regarding the Breakthrough crisis, it is important to refer to the dominant perceptions of the events that took place since the summer of 2006. **For Ukrainian authorities, it was rather a continuation of the crisis that took place in 2005-early 2006, connected to the failure of the initial Yushchenko Plan implementation (failed timeframe and forthcoming suspension of talks within newly established 5+2 negotiation format).**

The overall positive assessment of Ukraine's Plan was followed by its different interpretations. Referring to the Plan the RM Parliament adopted in the June-July 2006 legislation, with the frames of Constitution stipulating a special status for Transnistria. However, this legislation was totally refused by Tiraspol and strongly criticized by Russia as not corresponding to the logic of negotiations and "previously achieved agreements".

The establishment of EUBAM and, especially, new customs regime between Ukraine and the Republic of Moldova in March 2006, on the one hand, led to substantial progress at the border in customs issues and created legal framework for Transnistrian enterprises to access foreign markets. On the other hand, unwilling of Transnistrian authorities to accept new customs regulations challenged the progress of 5+2 negotiations and finally led to its suspension. Tiraspol de-facto introduced self-blockade, calling for

international (meaning Russian) support, accusing Ukraine and RM with blocking the economy of the region and provoking “humanitarian catastrophe”.

In the Spring of 2006 Ukraine’s government was under strong and permanent attack by not only Russia and Transnistria, but also domestic opposition (Party of Regions, Communists), which used this case on the eve of March 2006 parliamentary elections to accuse President Yushchenko, Primer Minister Yekhanurov and foreign minister Tarasyuk of violating human rights of Transnistrian population (a substantial part of which are ethnical Ukrainians). In terms of domestic developments the **attempts to attack new customs regime in Spring 2006 generated a feeling of crisis** and pushed again active debates concerning Ukraine’s policy towards Transnistrian “frozen conflict” (see “*Ukraine’s initiatives and commitments*”)

It took several months to normalize the situation on borders, but in the Summer of 2006 the negotiations were blocked and the whole process of finding a solution in Transnistria was brought into a stalemate. Under these circumstances, Ukraine’s role in the Transnistrian process was limited to the continuous calls to resume negotiations in 5+2 format, consultations with Russian MFA, the EU Special representative on Transnistria, RM officials and representatives of Tiraspol authorities.

When the first signals of the “Breakthrough crisis” emerged after the direct discussions between presidents Voronin of RM and Putin of RF, for Ukrainian authorities it was just a part of a wider crisis indicated by the inability to proceed with Yushchenko’s plan. Anyway, the new elements became obvious some months later, when the details of the “package approach” were disclosed.

For the Ukrainain decision makers **this was a crisis, but not a separate one** – connected to a deeper context of the Transnistrian agenda:

It was a **change of the existing situation**, as Ukraine found itself removed from the real negotiation process. The 5+2 format has been blocked several months before, however the negotiations were resumed without Ukraine,

OSCE and 2 observers (the EU and USA) which were previously included into the process due (in particular) to Ukraine's initiative.

It represented **a threat to the basic values**: as for post-Orange Ukraine the transparency of international relations, especially in the vicinity became an important principle. Removal of Ukraine and the West from the real solution posed a threat to direct a whole process into the shadow, where a sustainable solution based on European balanced principles could not be achieved.

**Uncertainty** was there; as the parties released only general information - it was not clear how far could Moldova's leadership go with concessions in order to ensure Moscow's guarantees of RM's reintegration.

On the other hand, in **Ukraine, decision makers did not feel the sense of the vital emergency**. Different sources indicated at that time that despite promising rhetoric of president Voronin, in reality the parties (RM and RF) were quite far from full-fledged consensus, so the chances of a fast solution (as Ukrainian official stressed referring to their sources) were quite small.

Therefore, **for Ukraine the breakthrough crisis was a crisis, but in a limited sense, as it was considered an element of a wider crisis connected to the dead end of the 5+2 format and the devaluation of Ukraine's stake in the process of Transnistria solution after the year 2005.**

### **Specific concern of Ukraine: GUAM membership of the Republic of Moldova challenged**

Ukraine's concerns regarding the crisis were mostly similar to those of Romania, the EU and the USA. However, there were some specific concerns, and **GUAM membership of the Republic of Moldova was the most important of them.**

GUAM was and is a testing case of Ukraine's capacity to perform a role of regional leader. After the Orange revolution Ukraine paid special attention

to strengthen GUAM as a regional organization committed to promote democratic values, as well as security and economic cooperation.

The Republic of Moldova experienced different “cycles” regarding its standing towards GUAM. It is obviously proven by history that the Republic of Moldova’s interest in GUAM is strongly determined by the context of its current relations with Russia. Each example of “warming” relations with RF coincided in time with a diminished interest in GUAM regardless of the current GUAM agenda. On the other hand, reviving activity of the RM in GUAM was usually the reflection of the growing crisis in the relations with Moscow. It was the 2001-2003 period, when newly elected president Vladimir Voronin demonstrated evident skepticism and even ignorance towards GUAM. Rhetoric of that time was concentrated on the stressing on “economic pragmatism” instead of security component of GUAM (which was the top priority at the establishment of organization back in 1997).

Breakthrough crisis brought no exemption from the rule indicated above. However, this time it was not about the traditional informal decline of the RM’s activity in GUAM, but about the **possibility of full withdrawal of Moldova from GUAM as an integral part of political “package”, negotiated with Moscow**, in combination with insurances of permanent neutrality of the state.

Last time President Voronin took part in a GUAM summit was in May 2006 in Kyev, when the statute was signed and the name of organization was reformulated as the “Organization for Democracy and Development – GUAM”. In 2007 President Vladimir Voronin ignored the GUAM summit in Baku (18-19 June) attended by the presidents and representatives from 25 states and 8 international organizations. The official explanation was that at the same time Voronin had appointed meetings in Brussels (EU-Moldova Council)

2008 GUAM summit took place in Tbilisi in June, and RM was represented there by minister of interior and deputy foreign minister. The contrast was especially evident due to the presence of Presidents of Lithuania and Poland at the summit – countries which are not GUAM full members.

RM is the only member country that had not ratified a Statute of GUAM signed back in 2006.

In his interview to Russian daily newspaper “Kommersant” on March 12, 2007 Persident Voronin said, answering the question on GUAM: “There should be a benefit from the participation in any organization. There is no interest if there is no benefit. There are unclear perspectives regarding GUAM. If there is no economic interest, we don’t need it as a counterweight to somebody”. It is clear that the meaning of “somebody” was Russia. It is not a secret that Kremlin considers GUAM as a purely anti-Russian project and tries to undermine it by any available means. Therefore the crisis of Moldova’s participation in GUAM was evidently the component of the “Breakthrough crisis”. The future of RM’s role in this organization remains unclear posing by this a specific threat to Ukraine’s regional priority.

## **Ukraine’s initiatives and commitments**

In 2005-2006 Ukraine issued its own plan of Transnistrian solution (Yushchenko’s Plan) and committed itself to some substantial (practically suggested by the West) policies aiming better border management, counter-trafficking and ultimately – searching for a sustainable solution on Transnistria’s “frozen conflict”. Following those plans and commitments (as well as debates around them) determined the very substance of Ukraine’s policies in these areas.

### **1. “Seven points” Yushchenko Plan**

The seven-point proposal, known as “Yushchenko Plan”, issued in April 2005 stipulated the following:

1. „Ukraine proposes to the Administration of Transnistria to create conditions for the development of democracy, civil society, and a multiparty system“;
2. „Elections to be held soon to Transnistria’s Supreme Soviet, the representative body of the Transnistrian region of Moldova, on the basis of a legal status of Transnistria“;
3. „The European Union, OSCE, Council of Europe, Russia, the United States [listed in that order] to participate alongside Ukraine in

monitoring the free and democratic elections to Transnistria’s Supreme Soviet“;

4. „Ukraine supports the intentions of the European Union and the United States to contribute to the solution to the problem of Transnistria“;
5. „The existing peacekeeping format to be transformed into an international mechanism of military and civilian observers under OSCE aegis“;
6. „The Administration of Transnistria to allow an international monitoring mission, with the participation of Ukrainian specialists, to military-industrial enterprises in the region“; and
7. „Ukraine is prepared to consent to short-term monitoring of the Ukraine-Moldova border by OSCE teams from Ukrainian territory, with a view to checking the movement of goods and people. We call on Transnistria to take similar steps.“

The United States, the EU and the RM and Tiraspol itself welcomed the initiative and expressed some level of agreement with the project, despite some criticism also emerged (Socor, 2005)<sup>1</sup>.

Further efforts of Ukraine within the period of 2005-2007 were aimed to fulfill this initiative with some modifications caused by changing political dynamics.

## 2. EUBAM

EU Border Assistance Mission to Moldova and Ukraine (EUBAM) was established as a reaction to the joint letter of the presidents of Moldova and Ukraine dated June 2<sup>nd</sup> 2005, calling for additional EU support for improving border management capabilities, including customs, along the entire Moldova-Ukraine border. On October the 7<sup>th</sup> 2005, a Memorandum of Understanding on the Border Assistance Mission was signed between Moldova, Ukraine and the EU. According to the Memorandum of Understanding, the Mission is an advisory, technical body with no executive powers.

Its **aims** are:

- to assist Moldova and Ukraine to harmonise their border management standards and procedures with those prevalent in EU member states;

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<sup>1</sup> [http://www.jamestown.org/edm/article.php?article\\_id=2369652](http://www.jamestown.org/edm/article.php?article_id=2369652).

- to assist in enhancing the professional capacities of the Moldovan and Ukrainian customs official and border guards at operational level;
- to improve risk analysis capacities;
- to improve cooperation and complementarity between the border guard and customs services between each other and with other law enforcement agencies.

More than 40 recommendations have been put forward to Ukrainian and Moldovan services in the Initial Assessment Report and other EUBAM documents. They include, among other things:

**Structural Issues:** A major effort is required in all services to actively promote information exchange. Information technology is a key element, but equally important is an institutional willingness to exchange information. This is the only way to be one step ahead of organised criminals who adopt increasingly sophisticated methods. Good information exchange cuts across almost every aspect of a modern system of border management.

**Risk Analysis System:** Building up a modern Risk Analysis System in order to deploy resources effectively to preview the threat of illegal activities. This is a major area of focus in the Assessment Report and one of the objectives set out in the Memorandum of Understanding.

**Investigatory Powers:** Both services need to have investigatory powers (currently these are only enjoyed by the Moldovan Customs Service). This will provide information for risk analysis; improving risk analysis should improve targeting, result in more detections and thereby create a virtuous circle.

**Infrastructure:** Most border crossing points require infrastructural work to increase their capacity. One of the key needs is IT and communications equipment, but some of the requirements are more basic, such as a proper lighting. This is to ensure proper, effective border control in a safe environment for citizens and operators.

**Working practices:** Even with the available resources in terms of manpower and equipment, border control is not as competent as it could be. While there are some exceptions, for most of the parts the controls carried out do not meet EU standards.



Training: There are some training gaps which need to be addressed. In particular, EUBAM sees a need for more expertise in the identification of false documentation (especially documents required from EU states) and linguistic skills.

**Illegal activities on the border:** The issue of illegal border crossings has to be urgently addressed and supervision should be stepped up. The Mission welcomed the measures taken by Ukraine’s authorities to increase control of the green border by the deployment of more staff and the surmount physical obstacles. EUBAM further recommends the use of trained mobile teams to target illegal crossings.

### 3. The New Customs Regime

With a Joint Declaration on December 30 2005, the prime ministers of Ukraine, Jury Yekhanurov, and the Republic of Moldova, Vasile Tarlev, committed themselves to introducing a new customs regime on the basis of practical recognition of the integrity of Moldova’s customs territory. According to the new regulations, all Transnistrian economic agents are obliged to register in Chişinău in order to conduct trade across the Ukraine-Moldova border. A similar regime had already existed before, from May 2003 to August 2004 but had been cancelled after Moldova suspended the issue of licenses in retaliation for Transnistria’s attempt to close down Chişinău-governed schools on the left bank of the Nister River. Ukraine then gave Transnistrian enterprises permission to trade without Moldovan customs stamps.

The Joint Declaration of 30 December 2005 was a new step ahead. EU’s support for the new customs regime was evident for the Ukrainian diplomats involved in the negotiations with Brussels on different levels. Implementation of the new regime was initially scheduled for January 18 2006. Due to a lack of preparatory work on the Moldovan side and strong pressure from Transnistrian lobbyists in Kyiv on the eve of implementation, however, the Ukrainian government postponed it without setting a new date. Additional consultation made it possible to solve most of the technical problems and the new customs regime was finally implemented on March 3<sup>rd</sup> 2006.

Nevertheless, Transnistrian authorities, supported by Russia, immediately blamed Ukraine for blocking the border to prevent Transnistrian business from having any kind of legal foreign trade possibilities and by that set an economic pressure on Tiraspol to change its political position in favor of reintegration with the rest of Moldova. Transnistrian authorities organised a real border blockade, impeding all cargo and even local trains from crossing the border. Tiraspol continued such a policy till May 2006, after which self-blockade was substantially relaxed.

On March 14 2006, the European Union sent out a strong message in response to Tiraspol's attempts to establish a blockade and presented the new customs regime as the cause of a "humanitarian catastrophe" in the region.

We call on the self-proclaimed Transnistrian authorities not to block this registration. We condemn any efforts by the self-proclaimed Transnistrian authorities to impede the free flow of international trade, which harms the interests of Transnistrian economic agents, which are thus deprived of their export possibilities. The EU expresses her hope that in the future the conditions will be put in place for Moldova to grant all registered Transnistrian companies access to the trade preferences for the EU that other Moldovan companies now enjoy.<sup>2</sup>

According to an EUBAM official, "the new customs regime in place since March has created a step-change in the effectiveness of the border control system. There is more transparency about import and exports flows to and from the so-called Transnistria".<sup>3</sup>

## **Ukrainian decision making system in Foreign Relations and Security matters**

According to the Ukrainian Constitution the President of Ukraine is a key figure to manage and coordinate the state's policy in emergency and crisis cases, being responsible for security and defence policy.

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<sup>2</sup> Council of the European Union, Declaration by the Presidency, Brussels, 14 March 2006 <[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/cfsp/88802.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/88802.pdf)>.

<sup>3</sup> The European Union Border Assistance Mission to Moldova and Ukraine Press Pack, June 2006., p. 11, press-release of 11.05.2006 [ww.tvlink.org/pdf/EUBAM\\_press\\_pack.doc](http://www.tvlink.org/pdf/EUBAM_press_pack.doc)

President implements his power in different cases either directly or via decisions of The National Security and Defence Council of Ukraine (being a Chairman of NSDC and having an authority to appoint and dismiss most of the NSDC members)

### **President’s direct authority**

The powers of the President of Ukraine are stipulated by , which defines the rights and responsibilities of the President as Head of State, the election procedure, and provides for the possibility of his/her dismissal from office and termination of his/her powers.

President is due to prevent any actions of the legislative, executive and judicial branches of power that directly or indirectly infringe the fundamental Law of Ukraine. With the aim of fulfilling this duty the President is vested with corresponding authorities. He is empowered to suspend decisions of government bodies and veto laws passed by the Verkhovna Rada.

President is **the Guarantor of state sovereignty and territorial integrity of Ukraine**. In these terms his powers are stipulated by Article 102 of the Constitution of Ukraine and impose on him the duty of making decisions and acting in order to defend and consolidate the state sovereignty, to secure the integrity and inviolability of Ukraine’s territory within the limits of the existing borders.

According to Article 102 of the Constitution of Ukraine, as the Guarantor of citizens’ rights and freedoms, the President is empowered to revoke acts of government bodies and branches of power in order to protect citizens’ rights and freedoms.

Presidential powers within domestic policy are stipulated by Article 106 of the Constitution of Ukraine. According to the Constitution and the laws of Ukraine the President of Ukraine issues decrees and orders, which are binding on the territory of Ukraine. President cooperates with all branches of power, appoints and dismisses Government officials and executive authorities, attends the Government’s meetings and has his/her

representatives in the Constitutional Court of Ukraine and the Verkhovna Rada.

In terms of **foreign policy** the Presidential powers are stipulated by Article 102 and 106 (items 3, 4 and 5) of the Constitution of Ukraine. The President, as Head of State, acts on behalf of Ukraine, represents Ukraine on the international scene, negotiates and signs international treaties and is in charge of foreign policy of the state.

President is **the Commander-in-Chief** of the Armed Forces of Ukraine according to Article 106 of the Constitution of Ukraine. In the event of an armed aggression against Ukraine, the President makes decisions on the use of the Armed Forces of Ukraine. President heads the National Security and Defense Council of Ukraine.

President submits to the parliament nominees for the position of MFA, MOD and Security Service of Ukraine (SSU) Chairman which gives him control over these bodies (in emergency and crises cases as well). If parliament doesn't agree on nominee for SSU Chairman, President can appoint him (or other person) for the position of Acting Chairman.

### **Authority of the National Security and Defence Council of Ukraine**

In accordance with article 107 of the Constitution of Ukraine, the The National Security and Defence Council of Ukraine (NSDC) is the coordinating body in matters pertaining to national security and defense under the President of Ukraine.

The NSDC of Ukraine coordinates and supervises the activities of executive bodies in the sphere of national security and defense. The President of Ukraine is the Chairman of the NSDC of Ukraine.

In terms of rank and position, the membership of the National Security and Defense Council of Ukraine shall include the Prime Minister of Ukraine, Minister of Defense of Ukraine, Head of the Security Service of Ukraine, Minister of the Interior of Ukraine, and the Minister of Foreign Affairs of

Ukraine. The President of Ukraine appoints the other members of the National Security and Defense Council of Ukraine.

Decisions made by the National Security and Defense Council of Ukraine are being implemented through the Degrees issued by the President of Ukraine. NSDC decisions are binding for the Cabinet of Ministers (government) and other central and regional executive bodies.

The principles and tasks of the NSDC activity are developed and determined in details by the Law of Ukraine “*On National Security and Defense Council of Ukraine*” adopted on 05.03.1998 and the Concept (basis of public policy) of National Security and Defense of Ukraine, approved by the Verkhovna Rada of Ukraine in 1997. The Law defines functions and authorities of the Council in peaceful time as well as at wartime, its membership and structure, order functioning, members’ functions etc. The Concept covers those spheres of vital activity of the society that are under influence of the national security policy.

Authorities of Verkhovna Rada (Parliament) and the Cabinet of Ministers are rather limited in crises situations. However they can block President’s and NSDC decisions if the ruling coalition and the president belong to different political forces.

### **Authority of the Parliament**

Article 85 of the Constitution. The authority of the Verkhovna Rada of Ukraine comprises:

- 22) confirming the general structure and numerical strength, and defining the functions of the Armed Forces of Ukraine, the Security Service of Ukraine and other military formations created in accordance with the laws of Ukraine, and also the Ministry of Internal Affairs of Ukraine;
- 23) approving decisions on providing military assistance to other states, on sending units of the Armed Forces of Ukraine to another state, or on admitting units of armed forces of other states on to the territory of Ukraine.

## Authority of the Cabinet of Ministers

**Article 116** of the Constitution. The Cabinet of Ministers of Ukraine:

- 1) ensures the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy of the State, the execution of the Constitution and the laws of Ukraine, and the acts of the President of Ukraine;

**With regards to the Breakthrough crisis, however, abovementioned mechanisms were not fully activated.** In particular, the situation was not put on the formal agenda of NSDC sittings. Most of the decisions and efforts were made on the level of Ministry of Foreign Affairs (in consultations with the President's Secretariat), without the involvement of top level emergency decision making mechanisms. The reason of this, on the one hand, was that for Ukrainian authorities the events analysed **have not been perceived as full fledged crisis threatening vital security interests of the country** (as described in *Was the "Breakthrough crisis" a crisis for Ukraine?*). On the other hand, at that time political forces and leaders were preoccupied by strong domestic political crises in Ukraine (see next chapter).

## Political developments in Ukraine affecting its foreign policy<sup>4</sup>

**In Ukraine the events of the Summer of 2006 in the bilateral relations of RF and RM were in focus of limited number of politicians, diplomats and experts, professionally involved in Moldova-Transnistria related issues.** The main reasons for a declined interest were domestic developments in Ukraine after the parliamentary elections took place, on March 26, 2006.

In order to understand the connection between overall political developments and some specific policies (such as the policy on Transnistria) one should refer to Constitutional changes introduced in 2006 followed by parliamentary elections and further developments that led to establishment of Anticrisis coalition in July 2006.

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<sup>4</sup> Author's analysis prepared for Freedom House "Nations in Transit" 2006 and 2008 reports were in some parts used in this chapter.

Beginning with January 1<sup>st</sup>, 2006, a new constitutionally mandated model of governance was introduced in Ukraine, following earlier constitutional amendments approved by the Parliament on December 8, 2004. The new model stipulated a substantially stronger role for the Parliament and government and limitations on the president’s powers. At the same time, the new model introduces a risky “dual executive” approach that lacks an efficient system of checks and balances. This dual executive led to creation of de-facto divided government preoccupied by the internal fight for real power and incapable of implementing sustainable policies. Therefore, despite the fact that the new wording provides a more pluralistic and democratic model of power than what was previously enshrined in the Constitution from 1996 to 2005, the overall system of national governance may lead Ukraine further away from the principles of good governance and efficient checks and balances.

This trend became visible during April–July 2006, when political parties failed to create a democratic and sustainable government based on a majority coalition. The political forces that supported the Orange Revolution in 2004 reconfirmed their credibility during the parliamentary election in March, securing a majority of seats in the new Parliament, but the lack of trust between President Yushchenko (leader of the Our Ukraine bloc) and former prime minister Yulia Tymoshenko (whose Bloc of Yulia Tymoshenko [BYT] took the lead among the “Orange” part of the political spectrum with 22 percent of votes) made it impossible to create a sustainable coalition despite long-term official negotiations and informal consultations.

***Parliament of 5<sup>th</sup> convocation elected on March 26, 2006***

	Party/Bloc	% Votes	Number of Seats
1	Party of Regions	32.12	186
2	Bloc of Yulia Tymoshenko	22.27	129
3	Our Ukraine	13.94	81
4	Socialist Party of Ukraine	5.67	33
5	Communist Party of Ukraine	3.66	21

Ultimately, the three “Orange” forces - Our Ukraine, the BYT, and the Socialist Party - signed a late June coalition agreement and stipulated the appointment of Yulia Tymoshenko as prime minister and the representative of Our Ukraine as Speaker of the Parliament. However, after unofficial talks some days later, the Socialist Party changed its position, and party head Oleksandr Moroz was appointed Speaker of the Parliament on July 6, with support from the largest fraction in the Parliament, the Party of Regions. The Socialists withdrew their signatures in the coalition agreement with the BYT and Our Ukraine and created the Anticrisis Coalition together with the Donetsk-based Party of Regions and the leftist Communist Party of Ukraine. The unexpected shift of the Socialist Party towards an alliance with the Party of Regions, led by Viktor Yanukovich, opened a way for the political group to return to power after it was thrown out of the government in the dawn of the dramatic events of late 2004.

On August 4<sup>th</sup>, the Parliament appointed Viktor Yanukovich, leader of the Party of Regions, as prime minister of Ukraine. Prior to the formation of the new government, the president, future prime minister, and Speaker of the Parliament signed the so-called Universal of National Unity, an informal consensus-based memorandum with a list of national policy priorities, including fast accession to the World Trade Organization, closer cooperation with NATO, and integration into the European Union. Later, the president, who initiated the document, accused his counterparts of ignoring its provisions.

With the president and prime minister belonging to different political camps, the formation of Yanukovich’s government posed the challenge of “cohabitation.” This was the first time that Ukraine had experienced this particular political phenomenon in the country’s history, and the Constitution and existing laws provided insufficient mechanisms to deal with it. This inconsistency in national governance was clearly indicated in the different positions taken by the president and prime minister on the issue of Ukraine’s hypothetical NATO membership. President Yushchenko urged the government to submit an application to join NATO’s Membership Action Plan. However, while in Brussels in mid-September 2006, the prime minister refused to do so, arguing that the Ukraine public was not ready for



NATO membership for the time being – indicating by this lack of joint consolidated position of Ukraine on international arena.

In 2007, political actors focused their energies on power struggles and pushed legislative reforms from which they stood to benefit (such as the draft law the Cabinet of Ministers adopted in January that introduced further limits to the president’s power), instead of advocating for sustainable policy and reforms. Furthermore, at the outset of 2007, continuous attempts by the ruling coalition (Party of Regions, Socialist Party of Ukraine, and Communist Party of Ukraine) to strengthen its position within the Parliament by recruiting “hesitating” members of Parliament (MPs) from the opposition (Bloc of Yulia Tymoshenko [BYT] and Our Ukraine Bloc by President Yushchenko) also disrupted political processes. The coalition gained a victory in March when the Party of Industrialists and Entrepreneurs, led by Anatoly Kinakh, left Our Ukraine Bloc and joined the ruling coalition. Kinakh later became the minister of economics. At the same time, in a move considered an indication of political corruption by the opposition, a group of BYT MPs also joined the coalition. Founders renamed the group the Coalition of National Unity.

Leaders of the coalition declared it their aim to gain a constitutional majority, or 300 votes, by summer. The president responded by issuing a decree on April 2, 2007, announcing the dissolution of the Parliament (Verkhovna Rada) and scheduling pre-term elections for May 27, 2007. This launched the “active phase” of the political crisis as Yushchenko’s opponents immediately challenged the legitimacy of his decree. Furthermore, accusations of corruption disabled the Constitutional Court, the independent arbiter assessing presidential decrees dissolving the Parliament. The duties of the Constitutional Court were suspended by the president.

The next two months were marked by permanent debates, negotiations, and ambivalent decisions that led to a “compromise” that dissolved the Parliament. The final presidential decree on this issue set September 30 as the date for early parliamentary elections. These events demonstrated that major political actors did not follow constitutional norms, but rather played with legislative gaps and manipulated the law.

Throughout the crisis, the Cabinet of Ministers led by Viktor Yanukovych continued its work, but permanent disputes with the president's secretariat proved that the system of checks and balances did not work efficiently.

The political forces that supported the Orange Revolution in 2004 gained again a small victory in the early parliamentary elections of September 30, winning a slim majority in the new Parliament (228 MPs out of 450). The election, however, did not solve the political crisis as such but provided the potential for consensus on further constitutional and legal transformations, if the majority coalition could be sustained.

And on December 18<sup>th</sup>, a new government of Ukraine was formed, replacing Victor Yanukovych's government, with the newly established Coalition of Democratic Forces (Block of Yulia Tymoshenko and Our Ukraine – People's Self-Defence) - led by Prime Minister Yulia Tymoshenko. The pace of governance remained largely stagnant even after the formation of the Coalition of Democratic Forces.

***Parliament of 6<sup>th</sup> convocation elected on September 30, 2007***

	Party/Bloc	% Votes	Number of Seats
1	Party of Regions	34.37	175
2	Bloc of Yulia Tymoshenko	30.71	156
3	Bloc "Our Ukraine–People's Self-Defense"	14.15	72
4	Communist Party of Ukraine	5.39	27
5	Lytvyn's Bloc	3.96	20

The new parliament also failed to sustain its fragile majority due to evident personal conflicts between the President and the Prime Minister. This conflict finally led to the collapse of the coalition in early September 2008 and President Yushchenko decided to dissolve the Parliament on October 8<sup>th</sup>, 2008, scheduling new pre-term elections in December.

## **Personal dimension of decision making changes**

Obstacles, which did not allow the implementation of the Yushchenko plan within its ultimate timeframe, limited the capacity of Ukraine to take a lead in the Transnistrian solution. Since the summer of 2006 Ukraine is mostly concentrated on its commitments regarding the EU and, in particular, EUBAM, considering relations with the Republic of Moldova as one of the milestones in the EU-Ukraine cooperation in regional and international affairs. In these circumstances the role of officials appointed to specific positions became more important.

In 2005 the key communication persons on the positions responsible for Transnistrian solution were Ukraine’s ambassador to the RM, Petro Chaly and President’s special envoy on Transnistria Dmytro Tkach. However, in 2006 President has changed persons in these important posts.

**New ambassador of Ukraine to the Republic of Moldova, Serhiy Pirozhkov** was appointed in 2006, indicating high importance of RM for Ukraine: before this appointment Pirozhkov served a Deputy Secretary of National Security and Defense Council and director of the National Institute for International Security Problems (operating under auspice of the National Security and Defense Council).

Ambassador Pirozhkov, high-weightier of the Ukrainian diplomacy, demonstrates serious interest towards the Transnistrian issue, he is a frequent guest to Tiraspol and other places on the left bank, while the visitors from Tiraspol regularly attend meetings and official receptions in Ukrainian embassy (sometimes irritating officials of Chişinău). His close contacts and relations with separatist leaders make him the main communicator in the informal triangle Kyiv-Chişinău-Tiraspol. Serhiy Pirozhkov represents long-lasting approach of Ukrainian diplomacy aiming the support and consolidation of Ukrainian community on both banks of Nistru river by promoting education and cultural events. He argues for continuation of traditional position of Ukraine on the issue of citizenship – considering the increase of Ukrainian passport holders in Transnistria as a mean to strengthen Ukraine’s positioning in the region.

At the breakthrough crisis, ambassador Pirozhkov proved to be one of the most reliable sources of insider's information from Chişinău. It was the Embassy of Ukraine, which suggested Kyiv not to overestimate the chances for a fast solution in Transnistria under the existing circumstances, which finally proved to be true.

Pirozhkov and his staff have personally done a lot to strengthen the consolidation of the Ukrainian minority in Transnistria, taking initiative out of Russia. The indication of the success was, in particular, a decision (October 2008) of the local authority to set the monument of Ukrainian Hetman of late 17-early 18 centuries, Ivan Mazepa in the city of Bender – the figure of this Hetman is still an extremely irritating one for Russia as he conducted an alliance with Swedish king Charles the 12<sup>th</sup> to fight against the Russian tsar Peter the 1st in 1709. All attempts to honour the memory of Mazepa are treated in Russia as anti-Russian demarches.

However, taking into account officially declared objective to support re-integration of the RM, support of the current leaders of Ukrainian community is to be considered controversial, as those leaders (such as Volodymyr Bodnar) openly support Transnistrian separatism and argue against the territorial integrity of the RM.

**New Special Representative of Ukraine's President on Transnistria, Andriy Vesselovsky** was appointed on March 30, 2006, and held this position until the summer of 2008, when he was appointed a Ukrainian ambassador to the EU. Being in the capacity of Special Representative of Ukraine's President on Transnistria, Vesselovsky held, at the same time a post of deputy foreign minister responsible for Ukraine's European integration. This fact indicates rather high priority demonstrated by Ukraine in the issue of Transnistria solution (his predecessor Dmytro Tkach was not a deputy foreign minister), and also strong connection between RM-Transnistria policy of Ukraine and its European integration policy.

Vesselovsky promoted close cooperation and coordination between Ukraine and the EU on Transnistria. He represents a generation of western-oriented intellectuals at diplomatic service of Ukraine. His opinion and recommendations were the core element of MFA of Ukraine decision

making on Transnistria in the period of “Breakthrough crisis”, keeping Ukraine in the practical alliance with the West.

## **Ukraine’s steps during the crisis period**

### **30<sup>th</sup> of August, 2006.**

Kyiv, Ukraine Consultations between Russia and Ukraine on the Transnistrian problem. From the Russian Foreign Ministry, special ambassadors V.Keneaikin and V. Nesterushkin, from Ukraine – the president’s special representative and deputy foreign minister Andriy Vesselovskiy, discuss their approaches regarding negotiations, in the presence of observers with participation from the Republic of Moldova and Transnistria.

### **22<sup>nd</sup> of September, 2006**

Moscow, the meeting between Russia’s deputy foreign minister G.Karasin, and Ukraine’s deputy foreign minister A.Vesselovskiy at Russia-Ukraine consultations regarding Transnistrian problem. According to the official release, there was an exchange of opinions on relations between Republic of Moldova and Transnistria, prospects for further negotiation (5+2 format) were discussed.

### **15<sup>th</sup> of October 2006**

The GUAM Parliament assembly at the session did not manage to approve measures to fight „aggressive separatism”. It was decided that the GUAM Commission for political and juridical problems will prepare its recommendations for the fourth session of Parliament to be held in March 2007 in Kyiv.

### **17-18<sup>th</sup> of October 2006**

Odessa, Ukraine. Consultations between Russian, Ukrainian and OSCE mediators and observers from US and the EU took place, regarding Transnistrian settlement. On the 18<sup>th</sup> of October, the observers and mediators had separate meetings with Republic of Moldova and Transnistria representatives.

The mediators and observers expressed their availability for reaching a viable solution in the Transnistrian problem. The Transnistrian part underlined the importance of respecting the mutual agreement regarding external economic trade, according to the Memorandum of the 8<sup>th</sup> of May 1997, which regulates the relations between Moldova and Transnistria.

### **20<sup>th</sup> of March 2007**

The meeting in the 3+2 format that took place in Vienna. A call to restore contacts between Moldova and Transnistria was launched during the negotiation process. OSCE, Russian and Ukrainian mediators and US and EU observers manifest their concern regarding the lack of dialogue between the Republic of Moldova and Transnistria.

### **29<sup>th</sup> of March 2007**

In Moscow took place the political consultations between Russian Foreign vice-minister, and Ukrainian Foreign vice-minister, Andriy Vesselovskiy. During the meeting regional security problems were discussed.

### **23<sup>th</sup> of April 2007**

Ukrainian Foreign minister, Arseniy Yatseniuk, said in Kyiv that Ukraine considers the settlement of Transnistrian conflict to be a priority for the GUAM peacekeepers. Yatseniuk promised that Ukraine would consider every part involved in the conflict.

### **11<sup>th</sup> of May 2007**

Andriy Vesselovskiy and Valerii Nesterushkin noticed at the meeting the necessity of the “5+2” negotiation format to be resumed.

### **22<sup>nd</sup> of May 2007**

The Supreme Soviet's delegation led by Evghenii Şevciuk, is heading to Moscow on celebrating Transnistrian Days suffered a body search at the Ukrainian customs, on its way to Odessa's airport.

### **29<sup>th</sup> of May 2007**

The meeting between Valeriu Liţkai and Andriy Vesselovskiy, Ukrainian Foreign deputy minister and presidential special envoy on Transnistrian

problem has been held. The parties got to an agreement that will allow the dialogue and constructive decisions.

Transnistrian part express its concern about Moldavian Government Decision no. 301 (custom control from Moldova on the imports from Transnistria ) from the 17th March 2007 and with regard to its possible result on the situation in the area.

### **3<sup>rd</sup> of June 2007**

Serghei Pirojkov, the new Ukrainian ambassador in the Republic of Moldova visited the Tiraspol's State University named after T.G. Shevchenko. As a result of his meeting with the University rector, Stepan Beril, he decided that a cultural centre should be opened at the University.

### **04<sup>th</sup> of June 2007**

Valerii Lițkai, Transnistrian „foreign minister” met Serhiy Pirozhkov, Ukrainian ambassador to the Republic of Moldova. They talked about the current situation and previous agreements. The Transnistrian part expressed its concern about Moldavian Government Decision no. 301. S. Pirozhkov said that it is necessary to hold consultations between all parts involved. He also said that Ukraine intends to protect the rights of its economic agents.

### **7<sup>th</sup> of June 2007**

Victor Yushchenko, Ukraine's President, during his meeting with Andrei Stratan, MAEIE of R.M., stated that Ukraine's position remains unchanged – Kyiv sustains a peaceful solution based on Republic of Moldova's sovereignty and integrity. Ukraine's President underlined the necessity of bilateral discussions and Ukraine's interest in „development on all directions for a collaboration between Moldova and Ukraine, on the level of cultural and humanitarian understanding”. Yushchenko suggested that the minority rights should be protected. During the press conference, after the meeting, Andrei Stratan denied the possibility of signing separate documents between Republic of Moldova and Russia on CIS summit on 10th June 2007 in Sankt-Petersburg.

**25<sup>th</sup> of June 2007**

Istanbul. Vladimir Voronin had a meeting with Viktor Yushchenko, and restated the Moldovan authorities' interest in the resume of negotiation in the „5+2” format. The head of the state mentioned Ukraine's contribution to Transnistrian settlement and his gratitude to Viktor Yushchenko.

**12<sup>th</sup> of July 2007**

Alexandr Chaly, Deputy Head of the President's secretariat stated in Kyiv that the situation of Transnistrian settlement will be discussed at Viktor Yuschenko's visit in Moldova.

**10<sup>th</sup> of September 2007**

Vasile Şova, Reintegration minister had a meeting with the Ukrainian abassador in Moldova, Serghei Pirojkov. The parties talked about the Transnistrian settlement and negotiations in the 5+2 format. The parties exchanged opinions regarding Moldavian-Ukrainian colaboration and border transparency, with EUBAM support.

**19<sup>th</sup> of September 2007**

Ukraine's Foreign vice minister, Andriy Vesselovskiy and Russian special ambassador Valerii Nesterushkin discused in Moscow about the resume of negotiation process regarding Transnistrian settlement.

**30<sup>th</sup> of September 2007**

Pro-Russian parties of Ukraine won at polling station at the Ukraine's Embassy in RM. 70% of Ukraine citizens voted for Viktor Yanukovich Party of Regions 10% – for Progressive-socialist party of Natalia Vitrenko. Yulia Tymoshenko's block gained 5%, pro-presidential „Our Ukraine” – 4%.

**16<sup>th</sup> of November 2007**

Andriy Veselovskiy, in his brief at Kyiv stated that informational consulation regarding Trasnistrian settlement in 5+2 format will be resumed. He said that this format was going to a change.



### **29<sup>th</sup> of November 2007**

Igor Smirnov met Ukrainian ambassador, Serhiy Pirozhkov. One of the main theme was bilateral cooperation for humanitarian area, especially teaching in Transnistria in the Ukrainian language.

### **20<sup>th</sup> of December 2007**

Tiraspol. Ukrainian cultural centre visited by Serhiy Pirozhkov, Ukrainian ambassador to Moldova..

### **17<sup>th</sup> of January 2008**

Ukrainian Foreign minister, Volodymyr Ogryzko and OSCE president, Ilkka Kanerva, said that the negotiation process in 5+2 format must be unblocked. The parties suggested that an international mission should be created with Russian, Republic of Moldova and Transnistria’s participation.

### **29<sup>th</sup> of January 2008**

The meeting between Valerii Lițkai and Ukrainian ambassador, Serhiy Pirozhkov. The parties talked resuming of full-fledged political consultations. Ukrainian part initiated the common examination regarding demarcation of the Transnistrian segment of Ukrainian border.

### **02<sup>nd</sup> of April 2008**

Ukraine’s joining NATO is a strategic objective and a priority to Ukraine’s foreign policy, said the ambassador Serhiy Pirozhkov. But today’s problem is represented by the Transnistrian settlement. Ambassador underlined the fact that the conflict must be solved as soon as possible. Ukraine as a guarantor-country is doing everything possible so that the negotiation process in 5+2 format to be resumed. In the diplomat’s opinion, the Transnistrian settlement will be done based on “Republic of Moldova’s integrity, taking into account interests of people who live on both banks of Nister”.

## **Yanukovych's return to power in 2006: how it affected the decisions of Ukraine**

Political shift of RM's president Voronin to close cooperation with Russia in the Summer of 2006 coincided in time with the return to power of Victor Yanukovych in Ukraine as a Prime Minister. Maybe this fact was one of those which returned Voronin to the path of seeking concessions with Putin's Russia.

Yanukovich was preoccupied to revive Ukraine's relations with Moscow. As he told the Russian government daily Rossiiskaya Gazeta "Ukraine-Russia ties will run on an altogether different track than under the "orange regime". We need to stop quarrelling with our neighbors and learn to have respectful discussions ... The new government is not going to foster anti-Russia sentiments in Ukraine". In return, the chairman of the Russian duma's International Affairs Committee, Konstantin Kosachyov, underlined Moscow's cautious approach not to raise hackles in the West. He commented: „Yanukovich stands for a balanced foreign policy of Ukraine. Russian-Ukrainian relations now have a chance to overcome the crisis and start gradual development.“ The emphasis of Russian politicians was on the „de-ideologization“ of Russian-Ukrainian relations and their pragmatic development.

Yanukovich tried to create a change in Ukraine's relations with Russia, especially at the political and diplomatic level. He was not enthusiastic about the regional groupings such as the GUAM group (Georgia, Ukraine, Azerbaijan and Moldova) or the Community of Democratic Choice.

On the eve of the 2006 March elections, the Party of Regions supported the Kremlin-staged theatrical show under the title of "Rendering Humanitarian Assistance to People of Transnistria". At that time Yanukovych's key foreign policy advisers negatively assess the existing customs regime although in their official statements they declared their readiness to continue to conduct the EU- and US-backed policy on that issue. Political analysts close to Yanukovych's camp argued at that time that Ukraine made a mistake by introducing new customs regime in March 2006: "Instead of backing up their compatriots, Ukraine's authorities participated in the so-called "blockade" of Transnistria: blocked the Transnistrian railway, limited

the activity of Transnistria and Ukraine’s economic agents in spite of incurred losses” (Kulyk, 2006)<sup>5</sup>.

RM’s leadership had some concerns regarding changes of power in Kyiv. Even though the officials of Chişinău did not express their position over the political crisis in Ukraine, the Moldovan leadership hoped that the new government would continue the policy of the previous one on the trade embargo over Transnistria. But Viktor Yanukovich remembers that Moldova was one of the first CIS countries not to recognize his victory in the presidential election of 2004, while the leader of Transnistria, Igor Smirnov, on the second day after the elections congratulated him with the victory... I suppose that the trade embargo over Transnistria, established by Moldova and the previous Cabinet of Ukraine, will not last long. Moldova hoped that Ukraine would continue seeking accession to the EU and thus maintaining the current trade regime over Transnistria.

However, after returning to power, Yanukovich reconsidered his position regarding customs regulations. After new government of Ukraine formation in August 2006, customs regime remained in force. The tightened controls on its border with Transnistria also remained intact. The government also joined the EU in declaring illegitimate a referendum on independence held by the Transnistrian administration in the Autumn of 2006.

At the same time there was no evidence for the RM that Ukraine had enough power in Transnistria (comparable to Russia’s power) to rely on.

Due to the uncertainty in 2007 and 2008 (new pre-term parliamentary elections are to be held in December 2008) we can foresee further balancing of RM leadership between Russia, Ukraine and the EU (with specific stress on Russia) in order to secure if not “breakthrough” - at least positive neutrality of Moscow on reintegration of the RM.

**Anyway we may assume that political developments in Ukraine were among the factors determining President Voronin to seek understanding and support in Moscow.**

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<sup>5</sup> <http://www.eurasianhome.org/xml/t/expert.xml?lang=ru&nic=expert&pid=808>

## Conclusions

Lesson learned by Ukraine from the “Breakthrough crisis” are following:

- 1. Ukraine has not enough positive incentives and levers** to be a unilateral “agenda-setting” actor for the parties of Transnistrian conflict. Both Chişinău and Tiraspol do not see Ukraine as a real guarantor of possible solution and even proper mediator. Level of confidence between the major players is rather low. Therefore, the best solution for Ukraine is to proceed with collective activities: being a leader of GUAM, at the same time strongly connected with the EU.
- 2. Lost of dynamics (from Ukraine’s and the EU sides) after 2005 led to emergence of vacuum of initiative and influence**, which was immediately filled by Russia. At the same time Russia isn’t necessary eager to transform its evident impact into the fast-track positive and sustainable solution of Transnistrian problem. **Russia is more likely rather to manipulate with the hypothetical opportunity of finding solution than to try to achieve a solution in real practice.** After Georgian crisis (August 2008) Russian policy towards the RM is aimed to demonstrate difference between “bad case” of Georgia (aspiring to join NATO) and relatively “good case” of Moldova (preferring to keep permanent neutrality). As a reward for the RM, Russia may not necessary guarantee the solution, but at least avoid unilateral recognition of Transnistria’s “independence”.
- 3. The foreign and security policy of the Republic of Moldova remains unstable, vulnerable and dependent on conjuncture** (electoral, economic etc). Moldova’s European ambitions can be easily challenged by Russia. At the same time Ukraine didn’t secure yet its credibility to sustain as a permanent **center of gravity** for those nations in the Eastern Europe, which see their future in the EU (for Republic of Moldova in particular).

# **Playing with the statehood and the future of the Republic of Moldova as an apprentice wizzard**

**Oazu NANTOI**

## **1. Introduction**

The Transnistrian conflict represents a direct threat to the Republic of Moldova's statehood and at the same time it is a cross point of interests of different actors. Some of these interests, such as those of the EU and the USA, coincide with those of the Republic of Moldova and are objectively oriented towards a viable settlement of the conflict. The interests of other actors, of Russia first of all, are in an obvious conflict with the sovereignty principle and territorial integrity of the Republic of Moldova. This conflict of interests, overlapped with the political processes from the Republic of Moldova, Ukraine, etc can provoke situations that can result in serious consequences.

In this sense the situation of 2003 is significant, when President Vladimir Voronin tried to solve the Transnistrian conflict by inviting the Russian Federation to be the only mediator between Chişinău and Tiraspol. The document known as the Kozak Memorandum was secretly drafted, without informing the Moldovan society, OSCE, EU and the USA. The perspective of signing it on the 25th of November 2005 provoked a wave of indignation in the Moldovan society, alarmed the USA, OSCE and EU.

Some experts consider that the signing of the Kozak memorandum would have ended in a civil war in the Republic of Moldova and a serious destabilisation of the situation in the region. Only thanks to rapid external intervention, at the last moment, Vladimir Voronin renounced signing this document. His relationship with Vladimir Putin was damaged. In return, the Republic of Moldova was not involved in violent and destructive scenarios. Nevertheless, in the interior of the Moldovan society, Vladimir Voronin, after these events, created for himself the image of an unpredictable

politician, that for the sake of reaching a political goal is ready to break even the stipulations of the Constitution of the Republic of Moldova.

The extension of the EU and the geographical proximity of the Transnistrian conflict to the eastern border of the EU represented a justification of a more active involvement of the EU in the Transnistrian issue, including in the negotiation process. As a result, after the consultations from 25-26 of September 2005 in Odessa, the „pentagonal” format was extended and was transformed in the 5+2. The USA and EU had obtained the status of „observers” within the negotiation process. As a result, EU had designated a special representative that spoke in the name of EU, in the communication process with the other participants at the 5+2 format, and as well represented EU’s position.

It is worth mentioning that the „pentagonal” format of the negotiation process (the Republic of Moldova and Transnistria - „parties” in the conflict; OSCE, Ukraine and Russia - „mediators”) does not reflect the essence of the conflict and was imposed by Russia, after signing in Moscow, on may 8th 1997, the Memorandum on the normalization of the relations between the Republic of Moldova and Transnistria, not allowing the settlement of the conflict. Or, when EU and USA obtained a status within the 5+2 format, this format became a mutual control mechanism, a mechanism of non admission of „surprises” such as the 2003 Kozak Memorandum.

In the summer of 2006, public opinion in the Republic of Moldova observed, that the President of the Republic of Moldova, Vladimir Voronin, managed to re-establish the direct dialogue with Vladimir Putin. Moreover, in the lack of transparency circumstances, rumours started to circulate in Chişinău that Vladimir Voronin once again wants to reach a solution to the Transnistrian conflict based on a „package agreement” with Vladimir Putin. This step made by Voronin meant that, in general, the situation of 2003 was repeated, when, hidden from the public opinion of the Republic of Moldova and neglecting the existence of the 5+2 negotiation format, a confusing scenario had been plotted.

The following text is an analysis on the crisis of the civil society of the Republic of Moldova and its government, represented by the president of the PCRM (The Party of Communists from the Republic of Moldova) Vladimir Voronin and the communist majority in the parliament. The chronology, if this crisis is framed between August 2006 (re-launching the dialogue between Vladimir Voronin and Vladimir Putin) and August 2008, when the military operation of Russia in Georgia and the behaviour of the Tiraspol regime destroyed all the illusions of the possibility of reaching the „package agreement”.

The created situation after this initiative of Vladimir Voronin and Russia’s reaction, meets all three elements of a crisis situation.

**Uncertainty** - the lack of any true information regarding the essence of the negotiated issues; the mass propaganda campaign, initiated by the Chişinău government, really a creation of illusions regarding the possibility of reaching a rapid and miraculous settlement of the issue, the lack of any univocal reaction of Russia towards Chişinău’s offer.

**Limited time available** - the civil society, being uninformed on the essence of the negotiated issues, was in a situation when it was difficult to react promptly to the threats that could come as a consequence of Chişinău’s policy.

**Important values at stake** - in the electoral campaign of 2005, the political parties consolidated against the threat of intervention of the Russian Federation in the political process. This temporary consolidation for avoiding the risk of the intervention of the Russian Federation played its role, also did the re-election of Vladimir Voronin, with the votes of the non-communist MP’s, as a president of the Republic of Moldova. Or the re-launching of the secret negotiations between Vladimir Voronin and Vladimir Putin annihilated this partnership between the power and the opposition and the civil society. Moreover, in the circumstances when the Russian Federation did not give up the idea of creating a new state instead of the Republic of Moldova, one composed of Transnistria and the rest that is left from the Republic of Moldova, these secret negotiations had become a real threat to the Constitution of the Republic of Moldova.

## 2. Context

The analysis of the events that happened over the last couple of years proves the existence of an interesting competition between the participants of the 5+2 negotiation format. This set of interests differs substantially from those declared by the participants of the negotiation process and this fact determines the uncertainty regarding the unfolding of the events, as well as the risks and challenges of a crisis situation. Or, in the situation where the negotiation process in this format was stopped in February 2006, the analysis of the crisis situation needs the evaluation of the interaction between the actors involved the Transnistrian issue, depending on their position towards the perspective of re-establishing the territorial integrity of the Republic of Moldova.

### *Domestic Evolution in the Republic of Moldova*

After the parliamentary election on the 6th of March 2005, CPRM obtained 56 mandates (out of 101), which were not sufficient for the re-election of Vladimir Voronin as President. Here we need to be mentioned that during the electoral campaign, Chişinău's officials had shown nervousness in relation with the Kremlin's attempts to interfere in the development of the campaign. On this background there took place the closeness between CPRM and CDPP, which jointly had accused the „Democrat Moldova” electoral block of collaboration with Russia. In the same manner, the threat of destabilization of the situation because of Russia had served as a justification for the voting of Vladimir Voronin as a president of the Republic of Moldova, on April 4<sup>th</sup>, 2005. This change in the behaviour of the political parties from the Republic of Moldova created an unprecedented situation, when some of the decisions in the Parliament were voted unanimously. First of all, this referred to the Transnistrian problems as well. So, on June 10<sup>th</sup> 2005, the parliament of the Republic of Moldova passed the Declaration through which the notions of „democratization” and „demilitarization” of the Transnistrian region were defined. At the defining of the draft law on the basic principles of the special legal status of the localities from the left bank of Nistru, passed unanimously on July 22, 2005, participated not only opposition party members but also experts representing the civil society.



The Government formed by CPRM after the elections on the 6th of March was supposed to come in front of the Parliament with a program of reunification of the country. This program, after being passed by the Parliament, and taking the political responsibilities of the CPRM, should have become a law for the executive power, including for the president of the country. In reality, the stipulations of the Parliament of Iushenko's Plan, were not critically analysed and the political responsibilities were not assumed by the CPRM.

The unanimity phase, as well as the illusion phase regarding the capacity of the President Voronin to conform to the democratic rule of law norms were over by the end of 2005. After this the CPRM fraction from the Parliament had re-become a docile voting machine and the expectances of the opposition and the civil society regarding correct dialogues with the power vanished.

After being reinstalled in power, in the situation when his personal power was not threatened by anyone, Vladimir Voronin re-started the insistent efforts to re-establish the direct dialogue with Russia's President Vladimir Putin. The idea of reaching a „package” agreement with the Russian Federation regarding the settlement of the Transnistrian issue appeared on this background. There is information that the leaders of a parliamentary fraction were familiarized with the content of the presidential proposals. Or, the society as a whole was totally uninformed and these opinions were not faced with the opinion of the expert community.

All ideas, initiatives and actions implicated in the relations with the Transnistrian issues were monopolized by the president of the country and his entourage. This means that presidents Vladimir Voronin took the entire political responsibility for his initiatives. Only once, on April 11<sup>th</sup>, 2007, President Vladimir Voronin tried to consult the opinion of the “constructive opposition”, of the leaders of CDPP and DPM, regarding the key issues of the “package” agreement. This step made by President Vladimir Voronin was dictated from one side by his trust in the possibility of reaching rapid solutions to the conflict.

From the other side, the scenario of a rapid settlement of the conflict supposed including the anticipated dissolving of the Parliament. Initiating these consultations, President Voronin wanted to prevent possible strong reactions from the opposition, proving at the same time the absolute incompetence regarding the essence of the conflict and especially the role of Russia in these issues. Moreover, CPRM established rigid control over the mass-media of the Republic of Moldova, especially the public TV channels. Using this leverage, Vladimir Voronin maintains the myth of settlement of the Transnistrian issue based on his efforts, amongst the Moldovan society.

As a consequence, the opposition, as well as the civil society, is totally lacking the possibility of informing the citizens of the Republic of Moldova regarding the idea of a “package agreement”. Moreover, all the critics are called “unionists” etc. This means that the society in general is uniformed and manipulated by the regime created by Vladimir Voronin.

### *Ukraine's behaviour*

Ukraine is an extremely important actor in the Transnistrian issue. First of all, this results from the geographical situation of the territory controlled by the Tiraspol regime. Unlike Abkhazia and South Ossetia, Transnistria does not have common borders with Russia and is situated between Ukraine and the rest of the territory of the Republic of Moldova. In exchange, the Tiraspol regime controls 452 km out of the 1222 km of the Moldo-Ukrainian border. For the economical survival of Transnistria, in both legal aspect as well as the aspects regarding smuggling fluxes, Ukraine's attitude is crucial. Moreover, all external trips of the representatives of Tiraspol authorities including those whose entries in EU member states and USA are banned, are possible from the territory of Ukraine especially from the Odessa airport.

At the same time, a part of the political class from Ukraine does not lose the opportunity to mention that Transnistria was part of the Autonomous Soviet Socialist Republic of Moldova - ASSRM, created on the 12<sup>th</sup> of October, 1924 on the territory of the Soviet Ukraine. In the language of this category of politicians, this means that “the Stalinist regime, arbitrarily tore apart

Transnistria from the national territory of soviet Ukraine” when on August 2<sup>nd</sup> 1940, decided the creation of ASSRM, placed on the left bank of Nistru. As a result, this segment of the political class from Ukraine is not enthusiastic about the perspective of Chişinău’s authorities taking over Transnistria.

The new administration of Kiev, formed as a result of the events known as the “orange revolution”, announced his intentions to play a more active role as a regional power, including the settlement of the Transnistrian conflict. On April 22<sup>nd</sup> 2005 in Chişinău, the GUAM meeting took place, occasion in which Victor Iushenko announced “the seven steps” in the settlement of the Transnistrian conflict. As a result, on May 16<sup>th</sup>, 2005 in Vinnitsa, the document known as “the Iushenko plan” was presented. In general, this Plan supposes the democratization of the Transnistrian region; unfolding of the election in local public power under international control; creating in this way local power bodies, recognized by the international community and organising later negotiations between these bodies and the central authorities in Chişinău, in order to reach a solution to the Transnistrian conflict.

It is necessary to mention that the Republic of Moldova conformed to the stipulations of this plan in what was related to the adaptation of the law on the basic principles of the legal status of the localities from the left bank of Nistru (Transnistria) on the 22<sup>nd</sup> of July,2005. The later behaviour of the Kiev officials, in their relations with the Transnistrian issue, proved that in Kiev there were several power centres and, at the same time, this problem was on the agenda of the dialogues between Russia and EU.

The first acknowledgement can be exemplified by the evolution of the situation in the customs controls issue of those 452 km of Moldovan-Ukrainian border controlled by the Tiraspol regime. On 26<sup>th</sup> of May, the Government of Ukraine adopted the Decision No. 400 and the Ordinances no. 164r and 165r. After these official decisions of the Ukrainian government, that were supposed to come into force within 45 days, the economic entities of Transnistria should have conformed to the new customs rules, formulated by Chişinău’s government. Otherwise, the

Ukrainian customs officers would not have approved the passage of goods from and into Transnistria, through the territory of Ukraine.

But on the 14<sup>th</sup> of July 2005, the “official visit” of Igor Smirnov to Kiev took place- here he met the president of Ukraine, Victor Iushenko. Following this meeting, probably, the official decision of the Government of Ukraine remained unapplied and the economic entities from Transnistria continued to perform export/import operations through the Ukrainian border, without being registered as economic entities of the Republic of Moldova. It needs to be mentioned that the consolidation of an economic group in Transnistria can be explained only by the fact that this region was used for the realization of some illegal economical activities, smuggling, first of all, at a large scale.

The second ascertainment can be exemplified by the launching, on December 15<sup>th</sup>, 2005, of the common declaration of the presidents of Russia and Ukraine while, at first, the Kiev administration had taken the entire initiative regarding the conflict settlement, the Common declaration of those two presidents, stated, among other things, that “Russia and Ukraine will coordinate their practical moves, oriented towards a faster and stepped of the all inclusive and final settlement, by political and exclusively peaceful means, through the negotiation between the Republic of Moldova and Transnistria”. This means that President Iushenko was forced to accept the “coordination of the practical moves” with Russia.

Here we need to add that Ukraine, regardless of the evolution of the negotiation process, consequently promoted the policy of consolidation of the Ukrainian ethnic factor in Transnistria. This manifested including through offering the Ukrainian citizenship to the Ukrainian ethnics from Transnistria. In the circumstances when the Constitution of Ukraine does not permit multiple citizenships, this category of persons will not be able to be involved in the reintegration process of the Republic of Moldova, not having the possibility to be citizens of the Republic of Moldova. .

The fact that Ukraine and the Republic of Moldova were included in the EU vicinity policy had created a new situation for the political class of Ukraine. Because, from this moment, the behaviour of Ukraine in relationship with

Transnistria should take into account the position of EU. It is obvious that this situation made possible the appearance, on June 3<sup>rd</sup> 2005, of the joint letter of the presidents of Ukraine and the Republic of Moldova, regarding the creation of the international customs control in the Transnistrian segment of the Moldovan-Ukrainian border. This step proved that the position of EU, at that moment, became more important for Kiev’s administration, than the position of Russia and different internal interest groups.

We can conclude that the behaviour of Ukraine in relation with the Transnistrian issue mostly depends of the evolution of the internal political situation. Or, at this moment there exist several opinions that the quality of this internal confrontation affects the perspective of approach of Ukraine to NATO and EU. From this results that the Transnistrian issue is not a top priority for the political class from Ukraine and it is not likely that Ukraine will truly get involved in the settlement of the Transnistrian issue, based on the common approaches with EU and the Republic of Moldova.

### ***Russia’s behaviour***

The phase of the efforts made by the leadership of the Republic of Moldova to reach a “package settlement” in the dialogue with Kremlin, coincide with the end of the second mandate of president Putin and with the phase of continuous growth of the prices of the energetic resources exported by Russia and with the radicalization of the behaviour of the Russian Federation on the international arena.

The end of the second mandate of Vladimir Putin gave birth to a wave of speculations regarding his behaviour. Some even considered that he would follow the example of Alexander Lucashenko, to change the Constitution and that he would accept the third mandate. Other considered that he will be satisfied with the status of head of the GazProm Empire. It is obvious that even at the end of the second mandate, Putin remains an important figure in the power hierarchy of Russia.

As it is known, Russia chose the path of sterilization of the rule of law structures and of the political democracy, and the realization of the

operation “The Successor”. For this, at the beginning, in Russia, the conditions were created step by step, so that the function of ‘prime minister’ would be as protected as possible. The trust of the population in Vladimir Putin was used in this regard. In the beginning, conditions for the consolidation of a mega party like “Edinaya Rossia” were created. Vladimir Putin “accepted” becoming the president of this political group without formally being its member. In parallel, in order to have a controlled “pluralism”, he assured the creation of a political clone named “Spravedlivaya Rossia”.

Both of these political formations use the word “Rossia”, which reflects the exploiting of patriotic feelings for political reasons. In reality, in a multi-ethnic and multi-confessional society, with a fresh memory of those two wars from Chechnya, with multiple existing problems in the Caucasus and in the circumstances of the afflux of millions of immigrants for the Asian zone of the former USSR, this policy of Kremlin generated xenophobic feelings, street nationalism and the appearance of neo-fascist groups. In Russia, tens of persons were killed on the streets because of their skin color or their “Caucasian” look. In other words, Putin’s group fed with intention the “velicorussian chauvinism” and the xenophobic feeling in order to manipulate the society more effectively.

Putin’s group reacted negatively to the events in Georgia and Ukraine named “colored revolutions”. In their perception, these were operations of the western secret services that plotted to surround Russia with political enemy regimes, in order to later start the realization of a similar scenario in the interior of Russia and its further destruction. This perception led to the consolidation of the state’s control over nongovernmental organizations.

In Russia, the number of the nongovernmental organizations financed from abroad was dramatically reduced. In parallel, the power created some youth organizations (“Nashi” - “Ours”) using the control of the power over this social segment. In the perception of the authors of this scenario, the risk of involvement of the youth from Russia in an eventual “colored revolution” was annihilated. The Kremlin ideologists also used this youth organization to create similar organizations in Crimea and in the Transnistrian region of

the Republic of Moldova, in support of the local separatist and pro-Russian authorities.

In the last instances, the realisation of the operation “The Successor” proved that in the Russian Federation, the political liberties were annihilated by the Putin regime and that in Russia was enthroned a political regime where the political democracy elements and the rule of law plays a purely decorative role and insures achieving the goals established by Vladimir Putin’s group.

On the external level, Vladimir Putin’s Russia positioned itself more and more openly against the “monopole world” headed by the US. The enlargement of NATO provoked an extremely negative reaction in the Kremlin. Russia could not oppose the integration to NATO of the Baltic States and former Warsaw pact countries. The perspective of NATO perspective for Georgia and especially for Ukraine represent for the Putin administration accomplishing the surrounding of Russia with enemy and aggressive countries. In this sense, Putin’s speech at the Conference on the security issues in Munich, on February 11 2007, represented an element of turn over - Putin’s Russia decided to counterattack towards the US. In this context, Russia’s policy towards Iran can be also included.

On July 14<sup>th</sup> 2007, Vladimir Putin signed the Decree regarding the introduction of the moratorium over the respect of the provisions of the Treaty on the Conventional Armed Forces in Europe. This step meant that Russia perceives the behaviour of Boris Yeltsin’s Russia as a series of shameful give-ups and humiliation in relations with the West and now, when Russia became powerful, the moment for revenge appeared.

### *The US and the EU*

US showed interest towards the Transnistrian conflict over several years, in its direct capacity but also in the collective organizations like OSCE, UN and NATO. It is enough to mention that almost all the heads of OSCE mission to the Republic of Moldova, which started its activity in 1993, were Americans. The main preoccupation of the American diplomacy was related to the illegal presence of Russian Federation troops on the territory of the

Republic of Moldova. In this regards, US used several occasions to ask for the evacuation of these troops. Other aspects of the Transnistrian issues, such as the internal organization of the Republic of Moldova after the settlement of the Transnistrian issue, preoccupied the American diplomacy less.

So, on the 2<sup>nd</sup> and the 3<sup>rd</sup> of July 2002 in Kiev, the idea of settlement of the conflict by the “federalization” of the Republic of Moldova was launched. The American diplomacy directly supported this idea, which in the last instance could not be realised, but also was not supported by the society of the Republic of Moldova. Anyway, an unofficially recognized information tells that in the night of the 25<sup>th</sup> of November 2003, the US directly and actively intervened in blocking the signature on the Kozak Memorandum. It can be supposed that this firmness from the side of the US was determined by the fact that this document was supposed to legalize, for at least 20 years, the Russian military presence in the Republic of Moldova.

After the terrorist attacks of the 11<sup>th</sup> September 2001, and especially after the beginning of the military operation in Iraq, US became more distanced from the Transnistrian issue. Nonetheless, after the consultation on 25-26 September 2005 in Odessa, the US became observer in the negotiation process. Moreover, during 2008, US initiated the trials to extend over the Transnistrian zone the “Millennium Challenge” program, wishing to contribute, in this way, to the “opening” of the Transnistrian regime.

But, these attempts of the US do not coincide with the vision of Chişinău’s officials. They consider that these programs can be launched in Transnistria only when obtaining some political concessions of the Tiraspol regime. Moreover, since the US was involved in activities in Iraq and Afghanistan and was counting on Russia’s collaboration in relation with Iran, there were no reasons to place the Transnistrian issue in the top list of the problems discussed with Russia. At the same time, Putin’s Russia sees the US as a strategic adversary and promoter of the ideology of the “monopole world”. As a result, any problem approached by the US automatically creates an adversary reaction from Russia. That’s for saying that US, at least at this moment, is not involved plenary in the Transnistrian issue.



EU became an active actor in the Transnistrian issue in 2003, when Brussels acknowledged that after the accension of Romania to the EU, the Republic of Moldova will become a neighbour country of the EU and the Transnistrian conflict will be at a distance of one hundred kilometres from the eastern border of the EU. This meant that EU had more reasons to be preoccupied with the Transnistrian conflict than Russia, which is several thousand kilometres away from Transnistria, separated from it by the territory of Ukraine. On February the 27<sup>th</sup>, 2003, EU and the US introduced interdictions of circulation on their territory for a group of persons from the Tiraspol administration. In May the 15<sup>th</sup>, 2003, after the visit of the “troika” in Kiev, the Protocol between the State customs Committee of Ukraine and the Customs Department of the Republic of Moldova was signed after the application of the stipulations by which the economic entities from Transnistria started to register in Chişinău.

On February 22, 2005 the Action Plans between EU-Moldova and EU-Ukraine were signed and EU started regional actions the Transnistrian issue. These plans foresee coordinated actions in order to establish an efficient control over the border between the Republic of Moldova and Ukraine border. The EUBAM provoked furious reaction in Tiraspol and a categorically negative one in Moscow. EU named its Special Representative for the Transnistrian conflict. As a result of the policy promoted by the EU, including the asymmetric trade regime offered to the Republic of Moldova, the economic companies from Transnistria registered in Chişinău and export more and more goods on the EU market. It can be concluded that EU become more and more an efficient and important actor in the settlement of the Transnistrian issue.

### **3. Chronology of the Conflict**

#### **21<sup>st</sup> -22<sup>nd</sup> of July 2006**

Saint Petersburg Informal CIS Summit was a good occasion for Vladimir Voronin to tell Vladimir Putin about his intention to relaunch the direct dialog with Kremlin, on the Transnistrian issue. The interruption in communications between Putin and Voronin was caused by Voronin’s last minute refusal to sign the „Kozac Memorandum” on the 25<sup>th</sup> of November 2005.

**08<sup>th</sup> of August 2006**

At a bilateral meeting between Putin-Voronin, that took place in Moscow, the President of the Republic of Moldova suggested Putin to find an idea to bring the Transnistrian conflict to an end. Voronin's idea was that Russia would get much more from an agreement with Chişinău than supporting the existent Transnistrian government. Mark Tkaciuk, president Voronin's adviser and Vasile Şova, Reintegration minister were assigned to do the negotiations with Iuri Zubakov, the deputy secretary of Russia Security Council.

**13<sup>th</sup> of September 2006**

A comment was launched by Russia's Foreign Ministry in which Kiev and Chişinău are accused of "blocking" Transnistria and recognizing the 17<sup>th</sup> September "referendum", although other states and international organizations said they will not recognize the "referendum".

**17<sup>th</sup> of September 2006**

The Tiraspol, the Central Electoral Commission, announced that 77.63% "RMN" citizens took part at the "referendum" and almost 97% of them answered "YES" at the first question.

The questions suggested at the "referendum" were:

1. Do you support the Independence of Transnistria and its additional annexation to Russian Federation?
2. Do you consider renouncing at the independence and the reintegration into the Republic of Moldova?

**19<sup>th</sup> of September 2006**

The comment from Russian's Foreign Ministry was released - in it the "RM's" "referendum" is qualified as an "act of direct democracy".

**9-10<sup>th</sup> of November 2006**

Moscow. Republic of Moldova-Russia consultations<sup>1</sup> took place, regarding Transnistrian issue resolution. Presidential counsellor Mark Tkaciuk, Vasile

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<sup>1</sup> During this analyses, there were at least seven departures of Reintegration minister, Vasile Şova and presidential counselor, Mark Tkaciuk out of Moscow, but most of them were not presented to the press.

Șova, the minister of Reintegration and V. Sturza, Ambassador of the Republic of Moldova in Russia negotiate with the Russian special Ambassadors V.Keneaikin and V.Nesterușkin. They focused on issues about the same theme held in Odessa on 17-18 October. They talked about the perspective of seeking in the future, a model for a sustainable solution in Transnistria.

### **10<sup>th</sup> of December 2006**

Igor Smirnov is declared winner (82.4%) of the 10-th of December 2006 presidential elections in the separatist region. His opponents gathered only 14.1% all-together.

### **22<sup>nd</sup> of January 2007**

Vladimir Putin considers Kosovo to be a real precedent for the regional conflicts in the CIS area.

### **09<sup>th</sup> of February 2007**

Russian Defense minister Serghei Ivanov, said that Russia will not evacuate its troops from Transnistria, despite the "CFE Adapted Treaty". This statement was made during the Russia-NATO meeting, in Sevilla.

### **10<sup>th</sup> of February 2007**

Putin's speech at the Munich Conference, when he severely criticized the US.

### **05<sup>th</sup> of April 2007**

Republic of Moldova does not want the Transnistrian issue to dominate its bilateral relations with Russia, said Vladimir Voronin during his visit to Moscow. The foreign minister, Andrei Stratan stated: „Our bilateral meetings with the Russian President allowed us to progress in every acute problems that we have”.

### **11<sup>th</sup> of April 2007**

Vladimir Voronin presented to the leaders of CDPP and DPM the key elements of the “package” agreement that should be reached in direct dialogue with Vladimir Putin. They foresaw, inclusively the dissolval of

both Parliaments, from Chişinău and Tiraspol and the call, in November 2007 for anticipated election on the entire territory of the Republic of Moldova, under the circumstances of preliminary evacuation of the Russian Federation troops. Iurie Rosca, the leader of CDPP published the information about this meeting in the “Flux” newspaper. This was the first “leak of information” for the public opinion from the Republic of Moldova on the essence of the negotiations with the Kremlin.

### **04<sup>th</sup> of May 2007**

On the occasion of the 10<sup>th</sup> ‘anniversary’ of the ‘Memorandum regarding the normalisation of the relations between Republic of Moldova and Transnistria’ (8<sup>th</sup> of May 1997), Russian Foreign Ministry launches a statement. Russia’s position is that the future solution will be decided, based on a mutual understanding between „the parties”.

### **7<sup>th</sup> of June 2007**

During a meeting with Andrei Stratan, the Minister of Foreign Affairs of the Republic of Moldova, Viktor Yuschenko, Ukraine’s President, stated that Ukraine’s position was unchanged - Kyiv supports a peaceful solution based on Republic of Moldova’s sovereignty and integrity. The Ukrainian President underlined the necessity of bilateral discussions and Ukraine’s interest in „development the cooperation between Republic of Moldova and Ukraine, on the level of cultural and humanitarian issues. Yuschenko suggested that the minority should be protected”. During the press conference, after the meeting, Andrei Stratan denied the possibility of signing separate documents between the Republic of Moldova and Russia at the CIS summit on the 10<sup>th</sup> of June 2007 in Saint Petersburg. He mentioned that, at the base of negotiation should be the „Yuschenko plan” and the Moldavian Parliament’s laws from 2005.

### **07<sup>th</sup> of June 2007**

Consultations between the Republic of Moldova, EU and US representatives regarding the Transnistrian problem. During the conversation on the telephone with the EU High Representative for Security policies, Vladimir Voronin told Javier Solana that „the accepted solution for

Transnistrian settlement will be found in the framework of the 5+2 format of negotiations”. Vladimir Voronin had also consultations with the US ambassador in Chişinău, Michael Kirby and the chief of European Commission delegation in Republic of Moldova, Cezare de Montis.

### **8<sup>th</sup> of June 2007**

Igor Ivanov, secretary of Security Council of the Russian Federation, said that „Kosovo sets out a dangerous precedent that will influence the future conflict resolution”.

### **10<sup>th</sup> of June 2007**

The presidents of Russian Federation and the Republic of Moldova meet in Saint Petersburg and discuss about the development of the bilateral cooperation and the perspective of Transnistrian settlement. They also talked about the Moldovan wine industry on the Russian markets.

### **13<sup>th</sup> of June 2007**

Republic of Moldova requests the evacuation of Russian troops and the modification of peacekeepers contingent in region, said the vice-minister for Foreign Affairs, Eugenia Chistruga, in Vienna. She supports a transparent and full evacuation of troops and weapons from the area and she promised that the national procedures for ratification of the adapted CFE Treaty will be concluded at this moment.

### **17<sup>th</sup> of June 2007**

Transnistrian Militia occupied Corjova election centre (Dubassari suburb) and thwarted the attempts to held the local elections in the East bank for the Parliament in Chişinău (as in the rest of the territory of the Republic of Moldova). The Reintegration minister of the RM expressed his regrets through a statement.

### **19<sup>th</sup> of June 2007**

Luxembourg. Vladimir Voronin had a meeting with the EU Special Representative for the Foreign and security policies, Javier Solana. The

parties discussed about Transnistrian settlement on the eve of Vladimir Voronin's visit to Moscow, on the 22<sup>th</sup> June 2007.

### **22<sup>th</sup> of June 2007**

Moscow. At the Novo-Ogareovo residence, Vladimir Putin and Vladimir Voronin discussed during three hours Chişinău's proposals for the Transnistrian „package deal”. Normally, if Russia would have accepted the Republic of Moldova's proposals, Moscow should have given a sign.

### **26<sup>th</sup> of June 2007**

Russia and NATO did not reach a compromise regarding the CFE Treaty, said NATO General Secretary, Jaap de Hoop Scheffer. The impediment is represented by Russia's failure to evacuate its troops from Georgia and Republic of Moldova.

### **29<sup>th</sup> of June 2007**

Vladimir Voronin had an informal meeting with Russian Ukrainian, EU, US, European Commission Ambassadors, CoE and OSCE representatives in Chişinău. The head of the state informed the diplomats about the current situation of the Transnistrian settlement and his discussion with Vladimir Putin on this theme and others. Vladimir Voronin stated again that the negotiation in 5+2 must resume and he announced the future visit to Republic of Moldova of the Russian Development and Commerce Minister, Gherman Gref.

### **14<sup>th</sup> of July 2007**

Vladimir Putin signed the Decree on Russia's retreat from the CFE Treaty.

### **19<sup>th</sup> of July 2007**

Russian Foreign minister's declaration on the 15<sup>th</sup> anniversary of the Agreement on the peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova. The peacekeeping operation is a success and the mission's format is the appropriate one and it must not be modified.

### **23<sup>rd</sup> of July 2007**

On local TV, Vladimir Voronin mentioned the fact that peacekeepers are not necessary in the Security area. During the period of reintegration there should not remain any person in uniform - neither Russian, Ukrainian, nor European - in this region. He mentioned that the peacekeepers' issue has been discussed by Republic of Moldova and Russia. Also, Voronin suggested that Transnistria should take part in the Executive of the country as is the case with the Gagauz autonomy.

### **31<sup>th</sup> August 2007**

Igor Smirnov does not share the optimism of the Republic of Moldova regarding the rapid perspective of the settlement of the Transnistrian issue. He says that Transnistria is ready to come to the negotiation table in the 5+2 format, if there are guarantees that Republic of Moldova will not exercise any pressure. Smirnov underlined that Transnistria will fight for its Independence.

### **01<sup>st</sup> of October 2007**

The MFAEI of the Republic of Moldova issued a declaration, stating that Moldova will ratify the CFE Treaty only after the full evacuation of the Russian troops from its territory. In the press release was expressed the regret on the fact that the calls for abstention from unilateral actions, launched during the extraordinary conference on the CFE Treaty, held on 12-15 of June in Vienna, were ignored.

### **02<sup>nd</sup> October 2007**

Piotr Denisenko, the head of the Central Election Committee of Transnistria met Igor Smirnov and told him the results of his visit to Moscow, where issues related to the elections in Transnistria were discussed, as well about the formation of the election committee.

### **04<sup>th</sup> October 2007**

Vladimir Voronin gave an interview to the “Komsomoliskaia Pravda v Moldove” newspaper, in which he presented his point of view regarding the

Transnistrian problem. Voronin said that the Russian peacekeepers did their job and now it's time for them to be replaced with an international mission of civil observers. He suggested demilitarisation and disarming and a set of confidence building measures. Talking about Russia's role he said that Russia proposed the conflict's resolution, but with the respect of Moldova's territorial integrity. In his meeting with Putin, the Russian president said that his country is interested on a final resolution of the Transnistrian conflict in an open and transparent atmosphere. Vladimir Voronin said that he will talk more of this on 5 October on his meeting with Putin in CSI summit at Dushanbe.

### **06<sup>th</sup> October 2007**

Dushanbe. During CSI summit, Voronin had a meeting with Russian president Putin. There is no information regarding the discussed issues.

### **08<sup>th</sup> October 2007**

The Ministry of Reintegration of the Republic of Moldova transmitted to the Transnistrian MFA the proposal to start applying President Voronin's initiatives, exposed in the interview in the "Komsomolskaya Pravda v Moldove" newspaper. The Ministry of Reintegration proposes the form of the joint working group for the formation of the agenda and topics of the meetings of the joint working groups of experts, in order to launch the practical application of President Voronin initiatives.

### **11<sup>th</sup> October 2007**

Evghei Shevciuk, commenting the recent package deal launched by the President Vladimir Voronin, proposed to the Parliament of the Republic of Moldova to ratify the previously signed documents by the presidents of the Republic of Moldova and Transnistria and afterwards, to monitor their implementation. Inclusively, Evgheni Shevchiuk proposed to the Parliament of the Republic of Moldova to change the Law of 22<sup>nd</sup> of July 2005 on the basic principles of the special juridical status of the left bank of Nistru.

### **18<sup>th</sup> of October 2007**

During the working session of the Government of the Republic of Moldova, in order to realize in practice the recent initiatives of President Voronin,



working groups were established in order to write and to implement these projects.

### **2<sup>nd</sup> of November 2007**

Piotr Denisenko, the head of the Central Election Committee of the “Moldavina Transnistrian Republic”, declared that for the elections of December the 2<sup>nd</sup>, for the State Duma of Russia 24 voting points will be opened in the separatist region. The heads of the electoral committee will be representatives from the Russian Embassy in the Republic of Moldova.

### **08<sup>th</sup> of November 2007**

The Foreign Minister of the Republic of Moldova recommended the Russian officials to abstain themselves from opening of the voting sections in Transnistria for the State Duma elections from December the 2<sup>nd</sup>.

### **12<sup>th</sup> of November 2007**

Vladimir Voronin accused Romania of imperialist interests and interference in internal affairs of his country, by financially supporting political parties and the mass media. “Romania is Europe’s last empire that wants to change the Moldovans into Romanians”, said Voronin.

### **26<sup>th</sup> of November 2007**

Moscow. Evgheni Shevciuk, „Obnovlenie” party president of the separatist region, signed with the member of the General Council Presidium of the “Edinaia Rossia” party, Konstantin Kosarev, the agreement on the interparty collaboration.

### **26<sup>th</sup> of November 2007**

At the indication of the Prime Minister Vasile Tarlev, the working groups, created to realize in practice the initiatives of the president Vladimir Voronin regarding the Transnistrian issue, are schedule to present in 3 days the drafts proposals to the Ministry of Economy and Commerce and to the Ministry of Reintegration. The prime minister mentioned that the Ministry

of Reintegration together with the representatives of Transnistria are to elaborate the mechanisms of interaction in order to realize the projects.

### **29<sup>th</sup> of November 2007**

The Russian Embassy in the Republic of Moldova issued a press release on the elections for the State Duma of the Russian Federation. It states that on the territory of the Republic of Moldova, the voting will be organized in the premises of the Embassy, but in Transnistria - on the territory of the Russian military units. This categorically contravenes to the realities. The voting sections were opened in buildings that have nothing in common with the Russian military units.

### **02<sup>th</sup> of December 2007**

About 47, 7 thousand Russian citizens from the Republic of Moldova participate in the elections for the State Duma of Russia. For “Edinaia Rossia” voted 83,58% of them. The Transnistrian officials affirm that in Transnistria in the elections participated about 45 thousand voters.

### **06<sup>th</sup> of December 2007**

The Ministry of Foreign Affairs and European Integration-MFAEI of the Republic of Moldova issued a declaration regarding the declarations of the Russian Minister of Foreign Affairs, Serghei Lavrov, made in an interview for the German newspaper “Frankfurter Allgemeine Zeitung”. Denying the affirmations made by Lavrov, the MFAEI stated that “by the end of 2001 the Russian Federation had evacuated from the territory of the Republic of Moldova only a part of the conventional armament, and especially the weaponry regulated by the CFE Treaty”. “The other two components of the conventional military forces, about 20 thousand tonnes of ammunitions and more than a 1000 military, continue to stay without any official base on the territory of the Republic of Moldova”. In this regard, “it is obvious the inconsistency of the other affirmation, that is repeated for propaganda reasons by some officials of the Russian Federation, according to which the agreement signed on July 21, 1992 in Moscow serves as a legal basis for the Russian military presence in the Transnistrian region of the Republic of Moldova”. Moreover, the interdependence between the evacuation of the

military troop process and the one of political regulation of the Transnistrian issue, is groundless.

### **06<sup>th</sup> of December 2007**

Brussels. Vladimir Voronin and NATO Secretary General, Jaap de Hoop Scheffer, discussed the present status of the Transnistrian issue settlement process, including the initiatives of the Chişinău leader regarding the confidence building between Chişinău and Tiraspol. In this context, Vladimir Voronin mentioned that there is an important necessity for making important changes in the National Security Conception of the Republic of Moldova, in order to reflect the initiatives of Chişinău regarding the united future armed forces between Chişinău and Tiraspol.

### **12<sup>th</sup> of December 2007**

Russian Foreign Ministry released a statement of Russia’s self-suspension from the CFE Treaty.

### **18<sup>th</sup> of December 2007**

Evghei Shevciuk informed about the decision the Russian leadership to offer 640 million Russian rubblesto the separatist region as an aid for “the compatriots from abroad”.

### **19<sup>th</sup> of December 2007**

Vladimir Voronin declared that the Transnistrian issue is solved from the economical point of view and practically, solved in the minds of the participants to the process. “The following months will prove how much I was right in this estimation” - declared Vladimir Voronin.

### **15<sup>th</sup> of January 2008**

Brusseles. Vladimir Voronin presented his plan for solving the Transnistrian conflict and asked for an EU financial support. The president of the European Commission, Jose Manuel Barosso assured Chişinău that EU will grant all the financial help needed in order to solve the Transnistrian

conflict. Vladimir Voronin mentioned that Tiraspol has not yet answer to his initiatives regarding common problems. Voronin notified EU about “tensions” between Moldova and Romania.

### **21<sup>st</sup> of January 2008**

After the meeting with Russian Patriarch, Alexii the II-nd, Vladimir Voronin discribed as an aggressive activity “the intention of Romania to create, in Moldova its own religious structures. The so called Bessarabia Metropole and its structures is an aggressive Romanian policy against sovereignty of Republic of Moldova”.

### **22<sup>nd</sup> of January 2008**

Vladimir Voronin and Vladimir Putin have noticed positive changes in bilateral relations.

### **25<sup>th</sup> of January 2008**

At the traditional meeting with foreign diplomats, the President of the Republic of Moldova announced that the Transnistrian issue is the main concern for Chişinău in 2008. „Our dialogues in Brussels and our meetings at the highest level shows about the fact that we manage to discover the cardinal link for understanding the given situation” - said Vladimir Voronin.

### **25<sup>th</sup> of Janury 2008**

The Republic of Moldova Foreign Minister, Andrei Stratan, informed EU Ambassadors in Chişinău about the results of Voronin`s visit to Moscow and his meeting with Vladimir Putin. The subject was the Transnistrian problem, about resuming the negotiation process in the 5+2 format and Voronin`s initiative regarding confidence building between Chişinău and Tiraspol. In Moscow it was underlined that the Transnistrian problem can be solve only with respect of Republic of Moldova`s integrity and sovereignty, and also its neutral status.

### **31<sup>st</sup> of January - 01 of February 2008**

The delegation composed by the Minister of Reintegration Vasile Sova, President`s adviser on political matters, Mark Tkaciuk and the head of the

International Treaties Department of the MFAEI, Dumitru Solcan, went to Moscow. The reason was “the continuation of the consultations, regarding the agreements reached by Vladimir Putin and Vladimir Voronin. They discussed the perspectives of restarting the negotiation process in the 5+2 format. The Russian side was represented by the deputy secretary of the Security Council, Iuri Zubakov, the Ambassadors with special missions V. Nesteruskin and V.Keneaikin and the deputy director of the II-nd Department for the CIS countries Nikolai Fomin.

### **12<sup>th</sup> of February 2008**

Moscow. During the negotiations between Viktor Yushenko and Vladimir Putin they decided that the collaboration between the two Foreign Ministries should be more intense for the Transnistrian settlement. The parties talked about the negotiation process in the 5+2 format. The expert groups of those two countries will focus on the Transnistrian settlement based on the common approaches.

### **14<sup>th</sup> February 2008**

The interview of the director of the II<sup>nd</sup> Department for the CIS countries of the Russian MFA, V. Sorokin, appeared. It was dedicated to the bilateral relations and the perspective of the Transnistrian settlement. The Russian side guarantees the change of the tonality in Chişinău’s declarations, regarding the “truly strategic partnership”. He expressed the dissatisfaction regarding the new customs rules for the economic entities from Transnistria. The existence of “systemic contradictions between the parts in conflict” and the repeated formulas like “common state” and “special juridical status”, are guaranteed with certainty”, says the official. It gives the hint that the confidence building could be reached if Republic of Moldova would recognize Transnistria as an equal part.

Sorokin denied the existence of any plans of settlement of the conflict prepared by Russia. At the same time, in the interview, the “Kozak Memorandum” is mentioned as a document created jointly with the parts in conflict and that takes into account the main ascertainment, made by the OSCE in 1993, about the impossibility of finding a stable formula of the

conflict within the limits of the unitary state, without a special status, coordinated for Transnistria.

### **17<sup>th</sup> of February 2008**

the Independence of Kosovo is proclaimed. This act divided the international community. The Republic of Moldova did not recognize the independence of Kosovo.

### **17<sup>th</sup> of February 2008**

The Transnistrian Foreign Ministry announced an Action plan linked to the proclamation of Kosovo's Independence.

### **21<sup>st</sup> of February 2008**

“The self proclamation of Kosovo's independence will influence many European countries' situation, but the timing of Russia and Republic of Moldova's negotiations regarding Transnistria will not be changed”, said the assistant of Russian president, talking about the meeting between Putin and Voronin on the eve of the CIS summit. „Regarding the Transnistrian settlement, Putin univocally stated his availability for a more honest relation with leaders from Republic of Moldova and Transnistria in finding a solution”. Prihodiko said that Putin was very pleased with the development of the collaboration.

### **21<sup>st</sup> of February 2008**

“I think that we can move further with our bilateral relation in our common problem of Transnistria” - said Vladimir Voronin at the beginning of his meeting with Vladimir Putin.

### **02<sup>nd</sup> of March 2008**

The press service of the Russian Embassy to Moldova announced the results of the elections for the President of Russia on the territory of the Republic of Moldova. According to this data, 49 386 Russian citizens went to polls, 87, 24% (43.086) of them for Dmitri Medvedev. 46 thousands of the voters went to the 23 voting sectors opened in Transnistria.

### **06<sup>th</sup> of March 2008**

Russia’s Foreign Ministry sent to the CIS Executive Committee an official note in which it stated that the Russian Federation, due to changed circumstances, does not feel forced to respect the CIS Council decisions, „regarding regulation and measures for the Abkhazia - Georgia conflict” from 19, January 1996. By this decision, the trade, transportation and any other relations with Abkhazia were banned.

### **12<sup>th</sup> of March 2008**

In Moscow took place the working meeting between Abkhazia, Transnistria and South Ossetia presidents. They talked about the international situation, especially about the independence of Kosovo. They all agreed that the recognition of Kosovo’s independence sets out a new situation in the matter of international relations. The presidents of Abkhazia, Transnistria and South Ossetia underlined that the acknowledgement of their independence is a necessary step that marks the end of former URSS and the fair settlement of all conflicts.

### **13<sup>th</sup> of March 2008**

In the State Duma of the Russian Federation took place some hearings “on the status of settlement of the conflicts in the CIS area and the demand to the Russian Federation regarding the recognition of the independence of the Republic Abkhazia, Republic South Ossetia and of the Moldovan Nistran Republic”. The State Duma declared that after the unilateral proclamation of the independence of Kosovo, there is necessary for the Russian Federation to correct its policy towards Abkhazia, South Ossetia and Transnistria, coming from the will expressed by the local population.

The State Duma considers, that Georgia’s will to join NATO is its sovereign right, but remarked that Russia has the right to respect the wish and to protect its citizens that prevail in number in Abkhazia and South Ossetia. Those citizens expressed their disapproval against Georgia’s intention to join this organization. The deputies of the State Duma had an unanimous opinion, that the direction of the Georgian officials towards full integration

in NATO deprives Georgia of the possibility to consolidate its territorial integrity.

### **28<sup>th</sup> of March 2008**

NATO issued the Declaration regarding the CFE Treaty. In response, Russia said that its troops existing in Transnistria have nothing to do with the Treaty and this situation will be solved following the internationally accepted mechanisms for „frozen conflicts”.

### **07<sup>th</sup> of April 2008**

At the initiative of the Republic of Moldova, a phone conversation between Vladimir Voronin and Igor Smirnov took place. They discussed about the situation created by the Transnistrian settlement. The Transnistrian part confirmed its willingness to continue the consultation based on equal status of “the parts”, rejecting any pressure or unilateral decision that brings the stability in the area. They also talked about the Treaty regarding possible partnerships between Republic of Moldova and Transnistria and the initiatives regarding the development and consolidation of confidence building measures.

### **11<sup>th</sup> of April 2008**

Bender. The working meeting between President Voronin and Igor Smirnov took place. They talked about the Transnistrian settlement. Smirnov handed Voronin the draft Treaty regarding friendship and collaboration between Transnistrian- Moldovan Republic and the Republic of Moldova.

### **08<sup>th</sup> of May 2008**

The Parliament of the Republic of Moldova voted in the first lecture, the National Security Conception. The basic principle, which stands at the basis of the entire Conception, is “the permanent neutrality of the R.M”. The military contingent of the Republic of Moldova, formed on a contractual basis, will have only the role to participate in different international peacekeeping operations.



**18<sup>th</sup>-20<sup>th</sup> of May 2008**

A delegation of the Russian Federation visited Chişinău, led by Evgheni Mironov, the head of the Supreme Chamber of Russian's Parliament. Mironov stated that the Transnistrian settlement depends on “the parts' will” and that Russia is always ready to help in solving this problem. Mironov also said that the evacuation of Russian troops will take place after the settlement of the conflict.

**27<sup>th</sup> of May 2008**

Vladimir Voronin had a meeting with EU Commissioner for Foreign Affairs, Benita Ferrero-Waldner. He said that he intends to have an important meeting with the Russian President about the Transnistrian issue at the CIS summit on 6-7 June in Sankt-Petersburg.

**29<sup>th</sup> of May 2008**

Igor Smirnov had a meeting with the President of the Russian State Duma Commission for CIS affairs, Alexei Ostrovski. „Our visit purpose is simple- to find a compromise for reaching a positive result” - said Ostrovski. “We think that the desire to solve the problem must be expressed by Chişinău and Tiraspol, when „the important players”, like US and EU are not ready to acknowledge Transnistria's independence. In Tiraspol, Alexei Ostrovski said that Vladimir Voronin is ready to agree with Moldova's federalisation, on the official status of the Russian language and on Transnistria's *veto* right regarding the Foreign Policy of the Republic of Moldova. Alexei Ostrovski's affirmations were afterwards denied by president Voronin's advisor, Mark Tkaciuk.

**6<sup>th</sup> June of 2008**

During the informal CIS summit in Sankt-Petersburg, Vladimir Voronin had a meeting with the Russian president, Dmitry Medvedev. They talked about the development of the perspectives for the collaboration between the Republic of Moldova and Russian Federation in different areas of interest. The interest on bilateral interaction and traditional friendship relations was reiterated. Dmitry Medvedev noticed the progress in bilateral relations and

that opportunities in the bilateral collaboration could be identified. Vladimir Voronin and Dmitry Medvedev talked about commercial, economic and humanitarian collaborations and also about the Transnistrian issue.

### **06<sup>th</sup> of June 2008**

The President of the Republic of Moldova, Vladimir Voronin, had a meeting in Sankt Petersburg with his homologue from Ukraine, Viktor Yushenko. The president of the Republic of Moldova and the President of Ukraine proved to be optimistic towards identifying solutions for all the existing problems on the agenda. A separate subject was the Transnistrian issue where both presidents agreed on the strong need to identify a sustainable political solution to the conflict, based on the principles of sovereignty and territorial integrity of the Republic of Moldova.

### **10<sup>th</sup> of June 2008**

The president of the Russian Federation, Dmitry Medvedev decorated with the friendship medal Grigorii Maracutsa, the special representative of the Supreme Soviet of the “Moldavian Nistrean Republic” for inter-parliamentary relations. The decoration is handed for “the development of the inter-parliamentary collaboration between the states participating in “For friendship and rights of nations” inter-parliamentary General Assembly”.

### **18<sup>th</sup> of June 2008**

Iuri Zubakov invited Igor Smirnov to a meeting with the Russian president, Dmitri Medvedev. „Both parties should prepare this meeting as an efficient and useful one. It must become an impulse for solving all of our present problems” - said Iuri Zubakov.

### **09<sup>th</sup> of July 2008**

During the press conference in Tiraspol, Igor Smirnov confirmed the information regarding his meeting with Dimitry Medvedev. “The questions will not be new” - said Igor Sminov. Transnistria is ready to take part on the negotiations but only as an equal part. The proposals for “Jukov-Smirnov” protocol and Transnistria’s participation to national Russian programs will

be discussed. Igor Smirnov also said that in present, in Transnistria live about 120 thousands Russian citizens. “All decisions will be made respecting the results of the referendum from September 2006, in which Transnistrians vote for the Independence from the Republic of Moldova” - said Igor Smirnov.

### **23<sup>th</sup> of July 2008**

On a press conference, President Voronin said that the „declaration of neutrality is an internal problem that concerns each and every country and not international organisations“. This means that Moldova abandons the idea of a “package agreement” with Russia and international guarantees for its neutrality.

### **11<sup>th</sup> of August 2008**

The Transnistrian MFA stated that the actions and the declarations of some states and international organizations, participant at the 5+2 format, that justify “the aggression and genocide of the entire nation” and accused Russia with the responsibility for the war in Georgia, force the Transnistrian side to think about their possibility to continue the function of “mediator” and “observer”. “Regarding that fact, we ask Republic of Moldova to immediately condemn Georgia’s aggression against South Ossetia” - said the “Transnistrian Foreign Minister”.

### **12<sup>th</sup> of August 2008**

Transnistrian Foreign Ministry issued a press release regarding the contacts with Chişinău. The Republic of Moldova’s authorities were accused of “diminished Russia’s importance” in the conflict settlement, following Georgia’s example, and though creating the possibility for the use of force. Transnistria disapproves the fact that Moldovan officials have not yet condemn Georgia’s aggression towards South Ossetia. Under such these circumstances, the Transnistrian part declares the introduction of a moratorium on contacts between the officials of the “Moldovan Nistrrian Republic and of the Republic of Moldova, until the decisive and non conditional condemnation of Georgian’s aggression in South Ossetia.

#### 4. Decision Occasions

The specific of the described crisis consists in the fact that the leadership of the Republic of Moldova initiated the policy of settlement of the Transnistrian conflict based on a “package deal” with Russia, based on a totally wrong approach and without informing the other participants to the negotiation process - OSCE, EU, Ukraine and the US. In this context, the modest the capacities of the civil society to react were totally annihilated.

At the same time, the series of the events, related to this crisis unfolded on several plans. From one side, several meetings took place at different level within the bilateral dialogue with Russia. At the same time the Russian Federation made official declarations that were contradictory to the expectations of the Chişinău officials. More than that, the Russian Federation during the period of the crisis performed a series of actions that defied the sovereignty and the territorial integrity of the Republic of Moldova and contributed to strengthening the positions of the anti-constitutional regime from Tiraspol.

Moreover, during the analysed period, Russia made a series of actions that proved, defying its own previous international commitments, as a regional power that would fully control the CIS area and at the same time wish, first of all, to eliminate the US and NATO influence in this zone.

The bilateral dialogue took place at several levels. At the same time it is obvious that in the Russian Federation take place the process of concentration of power in the hands of a small group headed by Vladimir Putin. From these considerations, Vladimir Voronin made a maximum effort to dialogue directly with Vladimir Putin. After the meeting between the presidents of the Republic of Moldova and Russia, on June 22, 2007 at Novo-Ogarevo (Putin’s residence) that lasted over 3 hours, no one could state that the President of Russia is misinformed by his entourage, corrupted by the Tiraspol regime, for instance, about the essence of the Chişinău’s position.

As a result, the lack of a clear reaction from the Kremlin on the “package agreement” represented a very clear signal for the leadership of the Republic of Moldova that Russia does not intend to accept Chişinău’s

proposal. The lack of a reaction from Moscow meant that Russia want at least to annihilate the European and the Euro-Atlantic vector of the Republic of Moldova. At the same time, the game played by Russia at the highest level (Putin, Medvedev), in terms of an “interested dialogue”, proved that Russia intended to realize its own scenario, related to the Transnistrian issue, that has nothing in common with the expectations of Chişinău. This warning signal (the lack of reaction) was ignored by the leadership of the Republic of Moldova, a fact that contributed to the aggravation of the crisis.

A separate place in the chronology of the crisis is the position of the Ministry of Foreign Affairs of Russia. So, by the comment of the Russia’s MFA from May 4, 2007, on the occasion of 10<sup>th</sup> anniversary from the signing in Moscow (May 8, 1997) of the Memorandum on the normalization of the relations of the Republic of Moldova and Transnistria, Russia reconfirmed its position that the “settlement” of the Transnistrian conflict would be realized by the creation of a confederation (joint state) between the Republic of Moldova(the region under the control of the legitimate authorities) and Transnistria.

On July 19, 2007, less than a month after the historical “meeting” in Novo-Ogorevo the same MFA of Russia released a declaration on the occasion of the occasion of 15<sup>th</sup> anniversary of the signature of the Agreement on the stopping of the armed conflict in the eastern rayons of the Republic of Moldova by the presidents of the Republic of Moldova and Russia, on July 21, 1992. Despite the fact that the “package deal” proposed the replacement of the military peacekeepers with civilian observers, the MFA of Russia declared that there are no premises for changing the format of the peacekeeping operation, imposed by Russia in 1992.

During the crisis, the Russian Federation organized a series of actions that obviously challenged the sovereignty of the Republic of Moldova. It is obvious that, for instance, the “referendum” of September 17, 2006, organized in Transnistria, was inspired from Moscow. On the background of aggressive hysteria, unleashed in Transnistria, the Tiraspol regime declared that 97% out of those who participated in the “referendum” voted in favour of the independence of Transnistria from the Republic of Moldova with the

consecutive integration in Russia. Even though that this “referendum” as well as the announced results represents a flagrant falsehood, on September 19, 2006, the MFA of Russia issued a commentary, through which this anti-constitutional act was qualified as a “direct democratic act”.

The Russian Federation challenged the International law, the norms and the sovereignty of the Republic of Moldova, organizing in Transnistria the elections for the State Duma of Russia (December 2, 2007) and the presidential elections (March 2, 2008) like on the territory of the Russian Federation. In both cases, according to the decision of the Central Election Committee of Russia, on the territory of the eastern rayons of the Republic of Moldova (Transnistria) were opened voting sections like if it was the territory of Russia. If in the case of the elections for the State Duma, the MFAEI of the Republic of Moldova had a negative reaction, then regarding the organisation of the presidential elections from Russia in Transnistria, the Chişinău officials preferred to keep the silence.

The chronology of the conflict proves that both in Moscow as well in the centers of other conflict zones several “summits” of the leaders of the separatist regimes took place. These meetings, during several years were synchronized with the GUAM meetings. Through them, Russia proved that it is capable, manipulating the separatist regimes that it controlled, to create obstacles for the efficient functioning of the GUAM. A totally special signification had the letter of the Russian MFA of March 6, 2008, through which the CIS member states were informed that Russia withdraws from the decision of January 19, 1996 mentioning that the CIS member states commit not to have relations with the Abkhazian separatist regime.

These actions of Kremlin proved that the separatist regimes from Georgia and the Republic of Moldova are perceived as efficient instruments of reaching the geopolitical interests, that are incompatible with the sovereignty and the territorial integrity of Georgia and the Republic of Moldova, and that the so-called CIS is a dead organization, that has the goal to cover the neo imperial ambitions of Kremlin.

A separate place in the conflict chronology plays Russia’s actions from which results that it perceives the international engagements taken during

Boris Yeltsin’s presidency as univocal yielding, humiliating for Russia. The aggressive anti American and anti occidental speech of Vladimir Putin during the conference on security matters in Munich on February 10, 2007 was followed by Putin’s Decree of July 14, 2007, through which Russia declares moratorium over respecting the provisions of the CFE Treaty provisions.

Despite the efforts of the Occident to save this treaty as a key element of the security on the continent, Russia consequently followed the path of its destruction. If we remember Russia’s commitment regarding this Treaty, it referred exclusively to the evacuation of the military potential from the territory of the Republic of Moldova (Transnistria), and then it is clear the Russia’s policy of “overthrowing of the monopole world” categorically contravenes the expectations of the leadership of the Republic of Moldova for the reintegration of his country, based on a “package deal” with Russia.

This series of events abundantly offered arguments for a change of the attitude of the Chişinău officials vis a vis the idea of a solution based on the “package deal”. The lack of competences of the government, as well the lack of dialogue in the society, led to the fact that all the occasions of taking the decision for changing the strategy of reintegration of the country were missed by the leadership of the Republic of Moldova, under the circumstances when the voice of the civil society was annihilated.

## **5. Analytical Themes**

The series of events related to the efforts of the leadership of the Republic of Moldova for settling the Transnistrian conflict, in a direct dialogue with Russia can be analysed through the following aspects:

### **Preparation, prevention and limiting the effects**

The capacity of the Republic of Moldova to prevent or diminish the extraordinary negative effects related to the crisis of the Transnistrian conflict is determined by the efficiency the state structures are functioning, based on a coherent and exhaustive juridical framework and not the least, by the mobilisation and consolidation of the society in front of the incoming risks. Moreover, the society is capable to avoid negative effects only when

the state's actions are based on a correct perception of the problem and correct appreciation of the interest and the role of each actor, involved in the Transnistrian issue. Or, in the case of the Republic of Moldova none of these conditions are met.

The Tiraspol regime, in several instances proved that it is capable anytime to use different provocations in the security zone. This happened during the summer of 2004, when it tried to close the Romanian schools from the left bank of Nistru that are subordinated the Chişinău Government. In the summer of 2007, using brutal force, in several occasions the normal election process held in the Corjova village was blocked. In this situation the Republic of Moldova powerless appealed to the OSCE mission to Moldova and the international community.

More than that it was ascertained that the Tiraspol regime is more efficient in obtaining confidential information from the state structures of the Republic of Moldova than has the possibility Chişinău institutions in their officially recognize territory. The Republic of Moldova is totally unprepared to face provocations involving paramilitary troops from Transnistria, realized based on some scenarios elaborated by the secret services from Russia.

The Transnistrian issue is at the end of the list of problems of the public opinion from the Republic of Moldova and is not perceived, at least before the events in Georgia, as a direct threat to the security of the people. The Public Opinion Barometer (POB) realized by the Institute for Public Policies in April 2008 proved that only 1 % out of those polled are worried about the perspective of a war in the region and only 3,6 % considers the reintegration of the country a primary problem.

### **The Leadership**

In the case of the Republic of Moldova, after coming into power in February 2001, the Communist Party-PCRM created a system of taking the decisions that does not observe in essence the Constitutional provisions and the general norms of a democratic rule of law. All the initiatives, decisions and actions are monopolized by one power center - the President of the Republic of Moldova, supported by his close entourage. With a docile and



comfortable majority in the Parliament (71 seats out of those 101 in 2001-2005 and after the 2005 elections - 56 ) Vladimir Voronin doesn't take the effort to play the separation of the competences, the consultation with the parliamentary faction, the information of the Parliament on important issues of the country of the consultation on issues on national importance, including on the Transnistria issue ones.

In the process of launching his initiatives, including the “package deal”, President Voronin infringed the provisions of the Constitution of the Republic of Moldova. He imposed an authoritarian and non transparent style of management of the situations related to the Transnistrian issue. This non transparent system of decision making does not allow the critical evaluation of the problems and allows President Voronin to manipulate the public opinion, avoiding any political responsibility for the lack of any progress in the matter of the country reintegration.

### **Decision units**

At this moment, in the Republic of Moldova there exists just one institution for taking the decisions. We are talking about the President of the Republic of Moldova apparatus. The ministry of Reintegration has a purely executive role. In the mass media of the Republic of Moldova in several occasions it was stated that an important role is played by the presidential advisor Mark Tkaciuk. The rest of the state structures, like the Parliament, the Government, or the National Security Council etc, are isolated from the Transnistrian conflict problem and are not prepared to face the crisis situations that could occur.

### **The framework of the crisis**

In the Republic of Moldova there is a juridical framework that should grant the coherent functioning of the state structures in the crisis situation and the adequate decision making mechanisms. Despite the fact that the Russian Federation committed an act of aggression towards the Republic of Moldova, in the first half of 1992, and until nowadays refuses to withdraw its military potential, in the Republic of Moldova the issue of adopting laws on the siege or the war status is not discussed.

The society in general is totally uniformed regarding the scenario and solutions proposed by the negotiators on the Transnistrian issue. In November 2003, when the signature of the Kozak Memorandum was prepared, the civil society and the opposition political parties informed themselves with regard to the content of this document from the Internet, from the Russian sources some ten days before the date it was expected it signature. This permitted the civil society and the opposition political parties to react in order not to admit the signing of the Kozak Memorandum which was harming the statehood of the Republic of Moldova.

The prompt reaction of the society together with the external intervention lead to the avoidance of a serious destabilization of the situation which would have followed after the adoption of the Kozak Memorandum. Or, in the case of the “package deal”, this was not published and there are no real information regarding the essence of the issues discussed with the Kremlin. In the society there are no public debates regarding the essence of the conflict and the potential ways of its settlement. The society is not psychologically ready for the crisis situations. In the situation when the media and the public space of the Republic of Moldova is dominated by Russia, amongst the ethnic minorities from the Republic of Moldova is present a pro Russian and pro Transnistrian spirit.

Summing up these key elements of the crisis chronology, we can conclude that all of them were in evident contradiction with the expectations of the Chişinău’s officials and, at the same time, there were enough arguments in favour of renouncing of the dangerous idea of signing a “package deal” with the Kremlin administration.

### **The conflict of values**

In the case of the Transnistrian issue, there are three aspects of the conflict of values.

The first one refers to the conflict between the neo-imperial policy and the policy of “tacit annexation” promoted by the Russian Federation and the aspiration of the citizens of the Republic of Moldova from both banks of Nistru, related to the perspective of existence of the state of Republic of Moldova.

The second one is related to the incapacity of the Republic of Moldova leadership, that declares the issue of the country reintegration a national priority, to ensure such a level of respect for the human rights and functioning of the rule of law, on the left bank of Nistru, that would make the part of the Republic of Moldova controlled by its legal authorities attractive for the population on the left bank of Nistru.

The third aspect is related to the conflict of aspirations of the citizens of the Republic of Moldova and the interests of the international network of the organized crime who, in partnership with the corrupted politicians from the Republic of Moldova and Ukraine, are interested in the conservation of the *status quo* in the separatist region for the indefinite use of the Transnistrian zone for smuggling.

### **The communication crisis and credibility**

The communication crisis and the lack of credibility is determined by the fact that the Republic of Moldova fails to solve the issue at several occasions, when in the local media these moments were presented as decisive steps for the rapid and inevitable reintegration of the country. The lack of communication between the factors of decision and the society from the right bank of Nistru is amplified by the lack of dialogue with the population from the zone controlled by the Tiraspol regime. None of the governments from Chişinău acknowledged the importance of this dialogue (through TV and Radio).

As a result of this policy, the citizens of the Republic of Moldova from the left bank of Nistru (about 60% of the total population of Transnistria) are excluded from the process of finding a solution to the Transnistrian problem. Since the first stages of the Transnistrian issue, none of the governments from Chişinău did not even try to tackle this problem that enables the heads of the Tiraspol regime to present themselves as “representatives of the entire population of Transnistria”.

### **Transnationalisation and internationalisation**

The perseveration of the leadership of the Republic of Moldova to obtain a “package deal” with the Kremlin and solving the Transnistrian issue,

ignoring the 5+2 negotiation format, provoked suspicions and dissatisfaction from the other interested actors. The President Vladimir Voronin and the Minister of Reintegration were forced to demonstrate some efforts that they inform the EU, the US and Ukraine regarding the essence of the issues discussed with Kremlin.

This strategy of Chişinău created an extremely dangerous situation for the Republic of Moldova, in the circumstances when Kremlin started to insist on the negotiation process, named 2 (Moscow-Tiraspol) + 1 (Chişinău). Only after the acknowledgement of this risk, the leadership of the Republic of Moldova hide back under the umbrella of the 5+2 negotiation format, which represents a protection shield for the state. As a result, the internationalization of the conflict settlement efforts, in spite of the fact that it does not promise immediate results, represents an efficient instrument of prevention of the crisis from a bad solution of the conflict and an important protection of the Republic of Moldova's interests in the negotiations involving Russia.

### **Lessons learnt**

We can state that the society of the Republic of Moldova in general, as well as the official bodies of the Republic of Moldova did not acknowledge the risks related to the attempts of solving the Transnistrian issue through a "package deal" with the Kremlin. The only exception represents a group of independent experts that in several occasions made efforts to warn the public opinion regarding the imminent risks of such a strategy. Since the most efficient mass media are controlled by the government, these efforts did not have a significant impact.

The political opposition from the Republic of Moldova is divided and some of the opposition parties look to obtain the support of Moscow in the forthcoming parliamentary elections in 2009. As a result, the actual society is incapable to learn from the events that took place between 2006 and 2008. Since the plans of Russia towards Ukraine are unknown, due to the chronic political instability in this country, this incapability of the society of the Republic of Moldova to learn from the crisis can have serious consequences.

Since the Republic of Moldova cannot count on the NATO protection, the multi-dimensional consolidation of the relations with EU represents an acute need for the Republic of Moldova for diminishing of the risks related to the Transnistrian issue and to avoid the crisis situations. Therefore, the Europeanisation of the Republic of Moldova / in terms of reforms, institution building and adopting EU legislation - should be the first priority of any government, in front of the hypothetical quick solution over night in Transnistrian issue.

## 6. Conclusions

- The crisis was provoked by the incompetence of the Republic of Moldova leadership, that began with the wrong premises that it is possible to solve the Transnistrian issue based on a “package agreement” with the leadership of Russia;
- As a result of these efforts the other participants to the negotiation process (OSCE, Ukraine, USA and EU) were marginalised, but the Republic of Moldova remained unprotected towards Russia’s policy;
- The crisis proved that the Moldovan state is totally unprepared to avoid, or to react adequately to this type of crisis situations. The Republic of Moldova does not function as a rule of law, in fact, the political democracy is mostly mimed;
- The Moldovan society is wrongly informed and manipulated as a result of the disrespect, in the Republic of Moldova, of the Constitutional stipulations regarding the freedom of the mass-media. The dialogue between the oppositions and power, power and civil society is missing. As a result, the Moldovan society is not capable of reacting adequately in crisis situations;
- The Transnistrian conflict, as well as the interests promoted through it, represents an imminent threat to the statehood of the Republic of Moldova. Without its settlement, it is useless to talk about the existence of the Republic of Moldova as a sovereign and viable state, with firm perspectives of existence;
- The Russian Federation, during the crisis, annihilated any collaboration of the Republic of Moldova with NATO, obtained the sterilization of the National Security Concept of the Republic of Moldova. The leadership of the Republic of Moldova during this crisis promoted an anti-Romanian

aggressive policy with the goal of demonstrating its loyalty to Russia, which categorically contravene to the pro-European declarations of Chişinău;

- The Russian Federation did not renounce on the idea of creating, instead of the Republic of Moldova, within its present borders, a different pseudo-state, constituted of two equal in right subjects - Transnistria and the rest of the territory of the Republic of Moldova. By this, Russia want to block any European and Euro Atlantic perspective for the Republic of Moldova, to legalize for an indefinite period its illegal military presence on the territory of the Republic of Moldova;
- Prevention of crisis situations in future and diminishing the risks is possible only by the strengthening of the rule of law and political democracy in the Republic of Moldova. The efficient partnership with EU, NATO and the USA represent an efficient tool to avoid future crisis situations, creation of the premises for a viable solution for the Transnistrian conflict with the liquidation of the illegal foreign military presence on the territory of the Republic of Moldova.