

## Managing the Crises – Restarting the Process: The OSCE Mission to Moldova in 2004/2005

The main focus of the OSCE's work in Moldova throughout 2004 and 2005 was on two tasks: restarting the political settlement process in the conflict between the Moldovan government and the authorities controlling Moldova's breakaway Transdniestrian region and managing a multitude of smaller, but potentially destabilizing crisis situations.

### *A Look Back: The Breakdown of the Process in 2003*

The deadlock in the settlement process came in November 2003 after a last-minute decision by Moldovan President Vladimir Voronin not to sign the document known as the Kozak Memorandum. It had been brokered in late summer/early autumn 2003 by Dmitry Kozak, then Deputy Head of the Russian presidential administration, in response to a request from Chişinău.

The OSCE did not participate in these negotiations, which were conducted between Moldovan, Russian, and Transdniestrian representatives in parallel to the so-called five-sided negotiation process. The latter includes, in addition to Moldova and Transdniestria, the Russian Federation, Ukraine, and the OSCE as co-mediators. During autumn 2003, OSCE representatives met more than once with Mr. Kozak and Moldovan representatives to inquire whether the mediation efforts could be combined. However, the efforts remained separate until November 2003 when both Mr. Kozak and Moldovan authorities requested that the OSCE endorse the completed text of the memorandum. The OSCE was not able to do so, as several participating States had expressed serious reservations regarding some of its provisions, such as the lack of clarity on the proposed division of powers between the central and regional authorities, the *de facto* veto power of Transdniestria in the Senate until at least 2015, and the absence of a satisfactory multinational guarantee system.<sup>1</sup>

### *Restarting the Process – First Attempt*

In the light of strong opposition from within Moldova and the limited support for this proposal in the international arena, President Voronin finally decided

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<sup>1</sup> See OSCE Press Release, 24 November 2003, at: <http://www.osce.org/item/7932.html>.

not to sign the Kozak Memorandum. As a result, the settlement process was deadlocked.

During the first part of January 2004, the OSCE Mission consulted with Moldovan and Transdniestrian negotiators and with co-mediators from the Russian Federation and Ukraine on the renewal of the political settlement negotiations. These consultations were continued within the framework of a mediators' meeting, organized by the Bulgarian OSCE Chairmanship in Sofia on 26-27 January 2004. At this meeting, the mediators decided to present to both sides the "Proposals and Recommendations of the Mediators from the OSCE, Russian Federation, and Ukraine on a Settlement of the Transdniestrian Problem", drafted by representatives of the mediators back in September/October 2003.<sup>2</sup>

The OSCE-initiated "Mediators' Document" laid out the possible delimitation of competencies between the Transdniestrian region and the central government. It was drafted as input for the work of the Moldovan-Transdniestrian Joint Constitutional Commission. The latter was established in May 2003, following an earlier initiative by President Voronin to settle the conflict by adopting a new constitution for Moldova, transforming the country into a federation.

Although the Joint Constitutional Commission did not convene again after the non-signing of the Kozak Memorandum, and although the five-sided negotiation process also remained blocked, the Moldovan side continued at the beginning of 2004 to endorse the idea of a solution based on federal principles. In a document presented to the mediators in mid-February 2004 in response to the Mediators' Document, the Moldovan side even took large parts of the rejected Kozak Memorandum on board. The Transdniestrian side, however, did not show any readiness to compromise on what it had agreed to in accepting this Memorandum and even started to advocate the idea of a "contractual federation" – a solution actually rather resembling a confederation and therefore neither acceptable to Moldova nor to the OSCE.

The negotiation process thus remained effectively stalled and it took the mediators until the end of April 2004 to get the two sides back to the negotiation table. At the five-sided meeting held on 26-27 April 2004 at the Tiraspol and Chişinău offices of the OSCE Mission, the five participants agreed on a work plan for the political settlement negotiations up to the end of 2004, calling for monthly meetings in the five-sided format. The Moldovan and Transdniestrian negotiators also agreed to renew their regular bilateral contacts and to resume regular meetings of the expert working groups. However, the following meeting on 25-26 May did not produce any tangible results and the meeting on 23-24 June was marred by the absence of the Transdniestrian negotiator. Finally, the political settlement process collapsed totally after Transdniestrian authorities forcefully closed, in mid-July, the Moldovan

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2 For the full text of the document see: [http://www.osce.org/documents/mm/2004/02/2079\\_en.pdf](http://www.osce.org/documents/mm/2004/02/2079_en.pdf).

schools in Transdniestria that were teaching Romanian/Moldovan using the Latin alphabet. In reaction to this move, the Moldovan delegation suspended its participation in the political settlement negotiations and backed away from the idea of a federal solution.

This change of position on the Moldovan side, which had officially endorsed the Mediators' Document during the meeting in June, makes some of the provisions in this document inoperative. However, in the view of the OSCE Mission, the document still contains a useful proposal for a specific division of powers between national authorities in Chişinău and regional authorities in Tiraspol, which could be used in working out a lasting political settlement providing a special status for the Transdniestrian region within an independent, sovereign and territorially integral Moldovan state.

### *Managing the Schools Crisis*

Relations between Tiraspol and Chişinău had been strained for months during 2004 and the political settlement negotiation process was constantly disrupted by a series of, at times, potentially explosive disputes over conflicting powers or overlapping jurisdictions of local administrations. For example, the presence of Moldovan government institutions in the Transdniestrian-controlled right-bank city of Bender remained a constant source of friction. As early as February, Transdniestrian authorities attempted to eject Moldovan police from the building they share in Bender with the Transdniestrian militia. City authorities also pressed for the removal of Moldovan penitentiary facilities located in the city. The most disruptive development, however, was the closure, mentioned above, of the Moldovan schools in Transdniestria that had taught using the Latin script.

The plight of Moldovan schools in Transdniestria has figured prominently on the agenda of the OSCE Mission and the OSCE High Commissioner on National Minorities since early 1993. After consolidating their *de facto* control over the localities on the left bank, the Transdniestrian authorities had reintroduced the use of the Cyrillic alphabet, in keeping with Soviet policy that considered Moldovan (essentially Romanian) written using the Cyrillic alphabet to be a different language from Romanian. However, six out of the 39 Moldovan schools in the Transdniestrian region continued to offer instruction in the Latin script, to which Moldova returned in 1989 in accordance with the Moldovan Ministry of Education curriculum. Undeterred by the local authorities' constant intimidation, teachers have been educating more than 4,000 children in their native language as best as they can.

The unstable situation has left Moldovan parents in a quandary. If they enrol their children in one of the schools that offer a Moldovan curriculum based on the Latin script, they risk being threatened by the regional security service, placing their jobs in jeopardy. Sending their children to one of the 33

Transdniestrian schools that teach their native language in Cyrillic is, however, hardly an appealing alternative: The schools follow an outdated curriculum with textbooks mostly from the Soviet period. As nowhere – not even in Transnistria – are there any institutes of higher learning that teach Romanian using the Cyrillic alphabet, the Transnistrian authorities' insistence on the Cyrillic script deprives Moldovan children in the region of their right to pursue advanced education in their mother tongue.

Since 1994, the start of every school year has been marked by uneasiness and uncertainty about whether the schools would be allowed to re-open. Accordingly, the OSCE Mission supported by the High Commissioner's office has stepped up its year-round mediation efforts every summer in order to keep the schools running.

In 2003, experts from the High Commissioner's office and the OSCE Mission were able to broker a comprehensive, breakthrough agreement that would have changed the status of the six Moldovan schools from public to private education institutions, financed by central Moldovan authorities. However, radical circles within the Transnistrian leadership refused to compromise and backed off from the compromise solution that had already been agreed upon.

On 15 July 2004, Transnistrian militia stormed the Moldovan school in Tiraspol, destroying parts of the building, removing the furniture, textbooks and archives, and announcing confiscation of the facilities and other school property. Transnistrian authorities also declared the Latin-script schools in Bender and Ribnita closed, disconnecting their power, water, and gas supplies. Finding themselves surrounded by security forces, students and their parents and teachers took it upon themselves to guard their schools day and night.

To defuse the potentially explosive situation, members of the OSCE Mission with some help from their colleagues in the Secretariat took turns monitoring the schools in Bender and Ribnita from sunrise to sunset, seven days a week. Under the watchful eyes and in the face of interference by Transnistrian security forces, they delivered food and drinking water to the besieged children in the Moldovan orphanage in Bender, who managed to hold out for more than a month despite unbearably unhygienic conditions.

Meanwhile, the Mission continued to pursue talks with local authorities on the terms of withdrawal of the militia and the reopening of the schools – to no avail, as the authorities adamantly refused to enter into any negotiations. On 29 July, Transnistrian militia also stormed the school in Ribnita.

As tension mounted, the international community stood fast in its position that Transnistrian authorities should agree to some kind of compromise. Condemning Transnistria's unilateral actions, OSCE participating States gave their unwavering attention to the crisis. Delegations called on the Russian Federation and Ukraine to bring their influence to bear on the Transnistrian leadership.

Senior staff of the OSCE Mission and special representatives of the OSCE Chairman-in-Office, the Russian Federation, and Ukraine engaged in intensive shuttle diplomacy between the Moldovan government and separatist authorities, pressing for a solution to the stalemate.

Finally, in late August, international pressure and the prospect of local upheavals started making an impact on the Transdniestrian authorities. They agreed to register the schools as private institutions for one year, which would enable them to teach according a Moldovan curriculum using the Latin script. Four of the six schools began the new academic year as planned on 1 September 2004, with the Ribnita school following suit in October. However, the pupils in Ribnita had to move into a former kindergarten as their school building remains confiscated by Transdniestrian authorities.

For the more than 500 children of the Tiraspol school, the transition was also difficult. For over five months, they had to travel long distances to attend schools in neighbouring villages while their building was undergoing repairs. The school finally reopened on 7 February 2005.

During 2005, the OSCE Mission continued to press for a lasting solution to the school question. Starting on 28 February 2005, the OSCE Mission hosted nine negotiation meetings of education experts from Tiraspol and Chişinău. On 1 July 2005, these negotiations led to permanent registration with local Transdniestrian authorities of the Moldovan schools that were temporarily registered in 2004. Although further negotiations will be needed to solve remaining questions like common curricula for disputed subjects as well as licenses and accreditations from local authorities, the schools started the academic year 2005/2006 on schedule.

#### *Other Crises Emerge: Railways and Farmers under Siege*

As a matter of fact, the school crisis was not the only crisis situation that required immediate attention and crisis management in 2004. In reaction to the closure of the schools, the Moldovan side not only pulled out of the negotiation process, but also suspended a temporary registration procedure that had enabled Transdniestrian enterprises to profit from Moldovan trade preferences. In reaction, the Transdniestrian militia blocked railway lines in Bender on 3 August. These lines linked not only Moldova with Ukraine and the port of Odessa, but also the northern and southern railway networks of Moldova proper. On 5 August, after reported telephone conversations between Ukrainian President Leonid Kuchma, Moldovan Prime Minister Vasile Tarlev, and Transdniestrian leader Igor Smirnov, Transdniestrian authorities lifted the rail blockade. However, Transdniestrian authorities immediately began to establish their own parallel railway administration structures.

Starting on 6 September 2004, Transdniestrian militia, supported by special forces, seized the railway installations in Bender and other localities

under Transdniestrian control. Two days later, Transdniestrian authorities announced they had completed the establishment of the separate “state” enterprise “Transdniestrian Railroads”. Previously, “Moldovan Railroads”, had operated as a single Moldovan state enterprise on both banks of the Nistru in spite of the 1992 conflict.

As in the case of the schools, the OSCE Mission monitored the railway crisis closely from its beginning, sending Mission teams out daily to monitor developments, gather additional information, and report. As a result, the Mission was able to inform the OSCE Chairmanship and the OSCE delegations in Vienna as well as interested media on the situation in an informed and objective manner.

Over the course of the summer, Transdniestrian authorities also increased their pressure on the seven localities on the left bank around Dubasari, but still under Chişinău control. Out of the combined 11,000 hectares of farmland belonging to these villages, 6,300 hectares are found on the Transdniestrian side. Particularly vulnerable are Dorotcaia and the small settlement Vasilievca, the latter actually being located deep inside Transdniestrian held territory. All of Vasilievca farmland and some 85 per cent of Dorotcaia land lay beyond the line of control in Transdniestrian territory.

The situation of the farmers working this land has never been easy since the 1992 conflict, but, since 2003, the Transdniestrian authorities – whose official position is that a border between the unrecognized Transdniestrian state and Moldova should run along the Nistru – have been squeezing them harder. Ditches were dug around the Transdniestrian checkpoints, which were set up at the line of control in the late 1990s, in order to prevent farmers from accessing their land. Unable to harvest their crops, they suffered serious losses.

The situation deteriorated further on 23 October 2004, following a Transdniestrian attempt to expand the checkpoint at Dorotcaia into a full customs post. Angry farmers and Moldovan police arrived on the scene to halt the expansion. In response, the Transdniestrian authorities deployed special forces with automatic rifles, prompting the Moldovans to send their own heavily armed rapid reaction unit. An escalation of the situation was prevented by a compromise under which the two sides withdrew, leaving the post as it was. However, the question of the status of the checkpoint could not be resolved. As a result, the situation remained unstable, and it remained virtually possible for the Joint Control Commission, the body overseeing the 1992 cease-fire agreement, to perform its regular work.

In April 2005, when the sowing season started, the conflict threatened to escalate again. On the morning of 6 April, two tractors from Dorotcaia tried to cross into Transdniestrian territory, but were stopped by Transdniestrian “border guards”. The tractors, however, refused to turn back and the situation slowly escalated. By midday, a crowd of angry farmers and Moldovan police were facing off against border guards, customs officers, and militia on the

Transdniestrian side. Assisted by members of the OSCE Mission, which has maintained daily patrols in the area since late March, the representatives of both sides decided to withdraw and to return to negotiations on this topic.

Again, the OSCE Mission was the only international organization monitoring the situation that was able to play the role of a neutral third party and provide objective reports of events on the ground. The presence of OSCE teams has also had a calming effect, as both sides know that they are, in effect, being watched by the international community. On several occasions, Transdniestrian customs have refrained from seizing tractors probably because of an OSCE presence.

Acting in its role as mediator, the OSCE Mission also arranged meetings on various levels, including between the Moldovan Minister of Reintegration, Vasile Sova, and the Transdniestrian chief negotiator, Valeriy Litskay. The mediators – the OSCE, Russia, and Ukraine – also raised the issue with Transdniestrian leader Igor Smirnov. It appeared during the course of these meetings that a temporary compromise might be reached that would allow the farmers to access their lands until the end of the year in return for a small tax. However, this deal has so far simply been ignored by the Transdniestrian side, which continues to hinder access.

As a result, the 2005 agricultural season proved to be almost a total loss for the farmers. Lacking income, they have become dependent largely on humanitarian aid. Thus, although the OSCE Mission was able to prevent the conflict spiralling out of control, a lasting solution is not yet in place. The Mission is therefore continuing to monitor the fields of Dorotcaia and to press Transdniestrian authorities until a solution can be reached that would allow the farmers to work their land and harvest their crops.

#### *Restarting the Process amidst Crisis*

While working hard to prevent a further escalation of the emerging crisis, the OSCE Mission also continued during all these weeks and months to promote dialogue between both sides. The Bulgarian and Slovenian OSCE Chairmanships supported these efforts. One of the first visits of Slovenian Foreign Minister Dimitrij Rupel in his capacity as OSCE Chairman-in-Office for 2005 was to Moldova. The Chairman-in-Office for 2004, Bulgarian Foreign Minister Solomon Passy, visited Moldova in June 2004. Bulgarian First Deputy Foreign Minister Petko Draganov made an emergency visit to the country in late July and, in September, former Bulgarian President Petar Stoyanov was named Special Envoy for Moldova of the OSCE Chairman-in-Office and entered into discussions with the leaderships of both sides to help ease the tensions.

However, overcoming the mutual distrust proved to be a difficult task. Following a mediators' meeting in Sofia on 11-12 October 2004, where the

three mediators expressed concern at the pause in the negotiation process and called for an immediate resumption of dialogue between Chişinău and Tiraspol, the Moldovan and Transdniestrian representatives accepted an invitation to hold consultations with the mediators in Varna on 8-9 November 2004. This was the first time for almost half a year that both sides had come together for a direct exchange of views on the current crisis and possible steps to increase confidence. However, apart from a commitment to achieve a final settlement of the conflict via dialogue, neither the consultations in Varna nor those in Odessa on 25-26 January 2005 provided any tangible results. The atmosphere between Chişinău and Tiraspol remained strained and the following 6 March parliamentary elections in Moldova further reduced the chances of restarting substantive negotiations between Tiraspol and Chişinău.

### *The Orange Revolution in Ukraine and New Initiatives in Moldova*

Following the change in leadership in Kyiv in the aftermath of the Orange Revolution and the confirmation of leadership as a result of the Moldovan parliamentary elections, new chances for progress in the political settlement process appeared. On 7 April 2005 at a meeting in Ljubljana, the mediators agreed on a series of steps to assist the timely resumption of negotiations and to invite the political representatives of Chişinău and Tiraspol to hold a meeting with the three mediators in Vinnitsa, Ukraine, on 16-17 May to discuss possibilities for resuming the Transdniestrian settlement process.

At the Vinnitsa meeting, the Ukrainian side presented a new plan for the settlement of the Transdniestrian problem. A first Ukrainian initiative on tackling the issue had been presented by Ukrainian President Victor Yushchenko at the 22 April GUUAM<sup>3</sup> summit in Chişinău. This initiative comprised seven principles for the Transdniestrian settlement process: (1) the creation by Transdniestrian authorities of conditions for the development of democracy, civil society, and a multi-party system; (2) the holding in the near future of free and democratic elections to the Transdniestrian Supreme Soviet; (3) the monitoring of these elections by the European Union, the OSCE, the Council of Europe, Russia, the United States, and other democratic countries including Ukraine; (4) support for EU and US efforts in facilitating a Transdniestrian settlement; (5) the transformation of the current peacekeeping operation into an international mission of military and civil observers under the aegis of the OSCE and the expansion of the number of Ukrainian military observers in the region; (6) the admission by Transdniestrian authorities of an international monitoring mission, including Ukrainian experts, to military-industrial enterprises in the Transdniestrian region; and (7) the agreement of Ukraine to the presence on its territory of a short-term OSCE

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3 Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova. Uzbekistan has since left the group.

monitoring mission with the goal of verifying the movement of goods and persons through the Ukrainian-Moldovan border.

The last point has effectively been modified by a joint letter of Ukrainian President Yushchenko and Moldovan President Voronin to the President of the European Commission, José Manuel Barroso, and EU High Representative Javier Solana. In this letter, dated 2 June, both presidents requested technical assistance, capacity building, and the establishment of a border monitoring operation by the European Union. The EU replied positively to this request on 19 July 2005 and deployed an assessment mission to Moldova and Ukraine at the end of August. Following this assessment, further preparation went ahead swiftly, and an EU Border Assistance Mission (EU BAM) was officially launched on 1 December. The EU BAM consists of 69 experts in customs services, policing, and border policing from European Union member states and has an initial mandate of two years. It is tasked with working closely with the OSCE to promote co-ordinated action between the governments of Moldova and Ukraine and assist them in areas involving border, customs, and fiscal matters. It will assist and advise on matters concerning cargo control and auditing and passenger trafficking, including revenue collection and accounting procedures, both at the frontier and at inland police or customs stations.<sup>4</sup>

On the settlement process as such, Ukraine put forward more concrete ideas in the so-called “Yushchenko Plan”, which was officially handed over to the two sides at the Vinnitsa meeting. According to this initiative, the settlement of the Transdnistrian conflict should be achieved in three stages. In the first stage, the Moldovan parliament should adopt a law on the basic principles of the status of the Transdnistrian region and free, transparent, and democratic elections to the Transdnistrian Supreme Soviet should take place under international control. In the second stage, a more detailed law on the special legal status of the Transdnistrian region should be worked out by a committee of the Moldovan parliament to which members of the newly elected Transdnistrian Supreme Soviet should also be attached. In the third stage, the parties, together with the future guarantor countries – Russia and Ukraine – as well as the OSCE, with the assistance from the United States of America and the European Union, are to work out an agreement regarding the guarantees of Moldova’s compliance with this law. According to the Ukrainian plan, the law would enter into force after such an agreement has been reached.

Another topic discussed in Vinnitsa was the question of a possible enlargement of the negotiation format. The Moldovan side put forward an initiative to invite representatives of the European Union and the United

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4 Cf. Memorandum of Understanding between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and Ukraine, Palanca, 7 October 2005.

States to the next meeting. The EU has indeed constantly increased its attention to Moldova in recent years and, on 16 March 2005, appointed Dutch diplomat Adriaan Jacobovits de Szeged as EU Special Representative for Moldova in order to “strengthen the EU contribution to the resolution of the Transnistria conflict in accordance with agreed EU policy objectives and in close coordination with the OSCE”.<sup>5</sup> Likewise, the US State Department has signalled its readiness to send its Special Negotiator for Eurasian Conflicts, Ambassador Steve Mann, to the Transdniestrian settlement talks.

Although Ukraine and the OSCE supported this Moldovan initiative, no consensus could be reached among the participants on a meeting in the enlarged format. The mediators met again in Bratislava, Vienna, and Chişinău over the following months and held separate talks with the Moldovan and Transdniestrian representatives at the beginning of August, but the questions on how, in which capacity, and with what kind of rights and obligations the Special Representatives of the EU and the US could join the talks could not be agreed upon.

Following further consultations, these issues were finally resolved at a meeting of the three mediators with the political representatives of the Moldovan and Transdniestrian sides in Odessa on 26-27 September. In a document signed at the end of the meeting, the five participants welcomed the future participation of the EU and US as observers in the negotiation process, agreed to a Protocol defining the rights and obligations of the observers proposed by the OSCE, and decided to hold the next round of negotiations in the new “5 plus 2” format on 27-28 October in Chişinău and Tiraspol. The status of an observer differs only marginally from that of a mediator – the only practical difference being that observers do not sign the protocols of the “5 plus 2” meetings – and this enables the EU and the US to participate fully and effectively in the negotiation process.

Thanks to the successful consultations in Odessa, the formal negotiation process could restart after a break of over 15 months on 27-28 October with meetings in Chişinău and Tiraspol.

In the meantime, important steps had been taken by the Moldovan parliament with reference to the Ukrainian settlement plan.

#### *The Moldovan Parliament and Its Implementation of the Yushchenko Plan*

In a 10 June special session, the Moldovan parliament unanimously adopted a declaration “on the Initiative of Ukraine Regarding the Settlement of the Transdniestrian Conflict”, together with appeals for the demilitarization and democratization of the Transdniestrian region.<sup>6</sup>

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5 Council of the European Union, Brussels, 23 March 2005, 7023/05 (Presse 53) at: [http://ue.eu.int/uedocs/cms\\_Data/docs/pressdata/en/misc/84338.pdf](http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/misc/84338.pdf).

6 *Monitorul Oficial al Republicii Moldova*, No. 83-85 (1682-1684), 17 June 2005, pos. 385.

In its declaration, the parliament welcomed the Ukrainian proposal as an important step towards the strengthening of Moldova's territorial integrity. The parliament noted, however, that the Ukrainian plan did not cover a number of important areas. These included the withdrawal of Russian troops, the demilitarization of the Transdnistrian region, its democratization, and the establishment of control over the Transdnistrian section of the Moldovan-Ukrainian border. Furthermore, the parliament criticized a number of provisions of the Ukrainian proposal, such as the Transdnistrian participation in the implementation of Moldovan foreign policy and the establishment of a conciliation committee. Both provisions would, in the opinion of the Moldovan Parliament, infringe on the sovereignty of the Republic of Moldova. The parliament insisted on resolving the conflict within the framework of the Moldovan Constitution through dialogue with a new, democratically elected, Transdnistrian leadership.

In its "Appeal Regarding the Principles and Conditions of Demilitarization of the Transdnistrian Zone", the parliament set a number of conditions for the demilitarization of the Transdnistrian region, such as the complete withdrawal of Russian troops and ammunition and the transformation of the current peacekeeping operation into an international mechanism of military and civilian observers, under an OSCE mandate. The parliament also demanded that Transdnistrian military units be disbanded, their armaments and equipment disposed of by an international mission of military and civilian observers, and that personnel from these Transdnistrian military units be retrained.

In its "Appeal on Promoting the Principles of Democratization in the Transdnistrian Zone of Republic of Moldova", the parliament stressed that the organization of free and democratic elections in Transdnistria would be impossible unless a "large-scale and comprehensive process of democratization" under international control and monitoring were first implemented. This should include the dismantling of the Transdnistrian "ministry of state security", the reform of the Transdnistrian judicial system, the release of the remaining prisoners of the so-called "Ilascu Group", and the removal of impediments to the free activity of Moldovan political parties, the mass media, and non-governmental organizations in the region. The appeal also called for democratic elections in the region to be organized by an OSCE mandated International Election Commission that would start its work at least five months before elections and for a limitation of participation in these elections to citizens of the Republic of Moldova only.

On 22 July 2005, the Moldovan parliament adopted a Law on the Basic Principles of the Special Legal Status of the Settlements on the Left Bank of the Nistru (Transdnistria), which was based on these three documents as well as the Yushchenko Plan.<sup>7</sup> The law, which draws heavily on provisions of

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<sup>7</sup> *Monitorul Oficial al Republicii Moldova*, No. 101-103 (1700-1702), 29 July 2005, pos. 478.

the Law on the Special Legal Status of the Gagauz Autonomous Region in southern Moldova, stipulates that an “autonomous territorial unit” with a special legal status – Transnistria – will be created that will be a component part of the Republic of Moldova, with its own symbols, a constitution, its own legislative organ – the Supreme Soviet – and its own, not yet specified, executive organs. Transnistria shall decide questions of its legal, economic, and social development in the interest of the whole regional population. Its constitution and regional legislation shall not contradict the Moldovan Constitution and other Moldovan legislation. Transnistria shall also have the right to maintain, in accordance with Moldovan legislation, its own foreign contacts in the economic, scientific-technical, and humanitarian spheres. The courts of the region, the regional prosecutor’s office, security service, and department for internal affairs shall become part of the unified national Moldovan structures. Official languages of the region shall be Moldovan written using the Latin script, Russian, and Ukrainian. The first two shall be used by Transnistrian enterprises, institutions, and organizations for internal documentation and for correspondence with national authorities. Changes to the law may only be adopted by a three-fifths majority and the concrete division of competencies shall be regulated by a law on the special status of Transnistria.

At the same time, the law stipulates that negotiations on the division of competencies and the final status of the breakaway region will be conducted only after demilitarization and democratization have occurred, including the holding of democratic elections to the Transnistrian Supreme Soviet under an OSCE mandated International Election Commission. Until then, negotiations will be carried out only on the demilitarization and democratization of the Transnistrian region as specified by parliament on 10 June.

Following the adoption of the law, the Moldovan government adopted two decisions presented as internal guarantees for Transnistria on 30 July.<sup>8</sup> The first decision obliges the relevant government department to present by 1 October 2005 draft laws and decisions on basic guarantees for the Transnistrian population with respect to property rights, salaries, pensions, stipends, and social and medical benefits as well as the preservation of professional positions and the recognition of length of service for Transnistrian “state” apparatus employees. In addition, access for these persons to comparable positions within the whole territory of Moldova shall be guaranteed. Exempted from this, however, would be the leadership of the Transnistrian militia, “customs” and “border services” and the employees of the central apparatus of the Transnistrian “ministry of state security”. The proposed guarantees are intended to enter into force on the day the future law on the special legal status of Transnistria enters into force.

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8 *Monitorul Oficial al Republicii Moldova*, No. 104-106 (1703-1705), 5 August 2005, pos. 858 and 859.

The second government decision re-establishes, although with modifications, the regulations for the temporary registration of Transnistrian enterprises, which had been abolished during the 2004 summer crisis. However, this decision will take effect only from the day of the entering into force of a recent Ukrainian government decision, which limits the import of a great variety of goods from Moldova to Ukraine to a number of customs points at the Moldovan-Ukrainian border outside the Transnistrian region.

#### *Increasing Confidence and Security – New OSCE Initiatives*

Another pressing issue for the OSCE in Moldova remains the presence of foreign troops in the Transnistrian region as well as the high degree of militarization in the region as a whole. After the 1999 Istanbul Summit, where the Russian Federation committed itself to withdrawing its troops by the end of 2002, the OSCE Mission to Moldova was mandated with ensuring the transparency of the removal and destruction of Russian ammunition and armaments and with co-ordinating financial and technical assistance to facilitate their withdrawal or destruction on-site.

Since 1999, the OSCE Mission has facilitated, observed, and verified the destruction of over 500 heavy weapons as well as the withdrawal of more than 1,300 troops, 22,000 tons of ammunition, and eleven trains with military equipment. Some 40,000 small arms and light weapons are also supposed to have been destroyed, but this information has not been able to be verified by the OSCE Mission. However, the withdrawal process came to a complete standstill in 2004 and a further 20,000 tons of ammunition as well as some remaining military equipment are still to be removed. Theoretically this task could be completed within less than six months and the OSCE Mission and other OSCE officials have continued to press for a timely renewal of the process. Achieving further success in this field will be one of the main tasks for the Mission in 2005/2006.

During the first half of 2004, the OSCE Mission worked out a set of 14 agreements on confidence and security building measures (CSBMs), which were aimed at reducing the high degree of militarization of both sides and increasing trust between them. They were presented in June 2004 to the Moldovan and Transnistrian leaders by the OSCE Chairman-in-Office. At a meeting in Vienna on 14-15 December 2004, the three mediators agreed that the Mission would prepare a second draft of the CSBM package incorporating the comments and suggestions of Russian Federation and Ukrainian military experts. On 21 June 2005, the mediators agreed on the revised version of this package and handed it over to the various parties on 12 July.

The package of proposed CSBMs centres around an Agreement on the Reduction of Forces, Armaments and Equipment and a Document on Confidence and Security Building Measures. Both propose a menu of potential

measures that could be implemented quickly, facilitate increased contact between the sides, and achieve concrete demilitarization results. The agreement proposes a reduction rate of 20 per cent every year for heavy military equipment and ten per cent every year for personnel, beginning one year after signature. It is suggested that the parties review this after three years to agree upon the final goal of the military reduction process. This could be total demilitarization, but the process could also end in a smaller but unified Moldovan army. The package further includes proposals for increased contacts, monitoring of weapon-manufacturing facilities, joint training on peace support operations, joint disaster relief operations, and common procedures for eliminating surplus ammunition and small arms. Some of the measures could be implemented without reference to other measures or protocols. Others are interlinked and would need to be implemented *en masse*. The entire package represents an overall regime of risk reduction. Almost all the proposed measures are based upon existing CSBMs that have proved successful in the region, such as the Treaty on Conventional Armed Forces in Europe, the Dayton Peace Accords, the Vienna Document 99, the OSCE Best Practice Guide on Small Arms and Light Weapons, and the OSCE Document on Stockpiles of Conventional Ammunition

### *In Lieu of a Conclusion: The Need for Dialogue*

After a summer of constructive work and hope in 2003 and one of crisis and escalation in 2004, the summer of 2005 was marked by new initiatives, but also by profound disagreement. The reaction of the Transnistrian side as well as of the Russian Federation to the idea of inviting EU and US representatives to the talks has been cautious at best. The Moldovan Law on the Basic Principles of the Status of Transnistria was backed by a broad consensus inside the country, but met by a great deal of scepticism and even outright rejection west and east of Chişinău.

These fundamental differences in positions and perceptions on both sides of the Nistru will not be easy to overcome. At the same time, it would be irresponsible to slow down efforts in promoting dialogue between the parties. Although an escalation of the mutual crisis that struck the region after autumn 2003 was prevented, sustainable solutions have not been found and the potential for disruption and escalation remains. At the same time, both sides have remained virtually without any functioning forum for discussion and dialogue for a long time. Neither the Joint Control Commission nor the political settlement talks were fully functional over the last year. Although the change of government in Ukraine and the heightened interest of the EU in the settlement process have provided new initiatives and new impetus for talks, and although the restart of the formal negotiation process with the participation of the EU and the US gives hope for progress, important questions

remain open as this contribution goes to print. This concerns not only the question of Transdnistria's future status, but also the solution of the crisis in Dorotcaia, the possibility of truly transparent and democratic elections in Transdnistria, and the possible consequences of the EU border monitoring operation for the settlement process.

While continuing the pursuit of a comprehensive political settlement of the Transdnistrian conflict, one has to keep in mind that the political factors which lay at the heart of the conflict in the late 1980s and early 1990s, have long since disappeared. There are no historical, ethnic, religious, or other reasons for conflict between the populations on the left and right banks of the Nistru. The major reasons for the continuing division of the country are rather the economic interests of the elites. Leading political and particularly economic circles in the region appear to have grown accustomed to the status quo of a divided Moldova, with an unrecognized and unregulated region on the left bank. These circles have found ways to make money out of the current situation, and appear to fear that change – in the form of a settlement and reunification of the country – might threaten their continued economic well being.

At the same time, the majority of the population on both sides of the river suffers under the consequences of the unresolved conflict. Without a lasting political settlement, there will be continuing political instability in the region. This instability may remain at relatively low levels for a long time, but that cannot be guaranteed. And this instability will inevitably hinder Moldova in its aspiration for integration into larger European political, economic, and social developments.

Moreover, the continued existence of an unrecognized entity unavoidably prevents reliable implementation of generally accepted international agreements, standards, and practices. States in the region and the international community have no basis for promoting effective control, implementing international agreements, and enforcing generally accepted standards in Transdnistria. These considerations alone argue compellingly for reaching a settlement, not only to integrate Transdnistria with Moldova as a necessary first step toward regional and European integration, but also to ensure implementation of internationally accepted norms and agreements.