

POLITICS

ONE STATE OR NO STATE?

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WHY A NEW PLAN TO BRING MOLDOVA AND TRANSNISTRIA TOGETHER IS BOUND TO FAIL – LIKE THE OTHERS BEFORE IT

WARNING

A new OSCE plan to end a decade long conflict between Moldova and the separatist TMR (Transnistrian Moldovan Republic – following the official Moldovan terminology) has provoked considerable anger in Chisinau, skeptical comments in Romania and was flatly rejected by self-appointed leaders in the breakaway Republic as well. Emotions were high during the past six months, with large rallies and inflammatory speech in the media. A cool-head look at the facts shows that the weaknesses of the proposed plan lie elsewhere than in the alleged challenge to the Moldovan constitutional unitary state. With TMR fully separated de facto, as it is now, there is no Moldovan unitary state to start with. The breakaway region, which proudly called itself 'the last Soviet Republic' at the beginning of the nineties, has won all direct armed confrontations with Moldova, managed to assert full control over its territory and has been effectively preventing people there from participating into country-wide elections and any other form of national life. TMR has secured its borders and its own custom taxes, and is keeping under arms a military and security force larger than that of Moldova. With passive help from Russia and, at times, Ukraine (which refused to back a trade embargo imposed by Chisinau), TMR managed to establish itself as a separate state, not recognized internationally but much more able than Moldova proper to tax its citizens and enforce rules. The relatively peaceful autonomous region of Gagauzia, the other area with a high concentration of ethnic minorities, is constantly destabilized by TMR's attempts to build a common front against the central government in Chisinau.

**Fig. 4. Armed to their teeth:
TMR's arsenal**

	1992	1994	2000
T64 tanks		120	115
Armoured carriers		160	130
Heavy guns	180	128	128

Source: IPP

The new Communist government, despite being pro-Russian and ideologically closer to the leadership of TMR, seems to have failed to find, like all the others before it, a middle ground solution to negotiate the return of the rebel province. Not all of this failure is to be blamed on Chisinau, however. There was no serious international pressure on the breakaway region: Russia respected to some extent its own commitments to retreat its army, but it clearly lacks the political will to use its leverage on local leaders to do their part. The demographics of the region indicate that about 25.5% of the population are Russians, 28.3% Ukrainians and over 40.1% Moldovans. Some 2,500 troops from the

Russian 14th Army are still based there, while much of their armament has gradually passed in the hands of the separatist government. Demilitarization agreements were therefore largely unsuccessful so far, the decade ending with roughly the same amount of weapons on the ground, even if some have changed hands.

Among succession wars of the former Communist world, the one in TMR is a particularly illustrative case for what is called 'benefits of ethnic war'. Although the region is ethnically mixed, with Moldovans making a relative majority (40%), a group of local oligarchs managed to 'privatize' it by force. This is not primarily an ethnic conflict, but a political and economic one¹. TMR and Russian speakers do not constitute an ethnic group, but a coalition of interests united by their opposition to the Moldovan party². Ethnicity is clearly not the dominant element of the local identities at stake, nor is the so-called 'historical link' with Russia or Ukraine a key to understand the nationalist resurgence in the region. Inflammatory statements about joining Russia or Ukraine are regularly traded by 'political entrepreneurs' in Tiraspol depending on their economic strategies.

Both parties perceive economic stakes as high, given that most of the industry, including weapons business (Moldova being, on behalf of TMR, among the top ten world arms exporters) is based in TMR. At the time of its split the region, with only 16% of the population, was producing roughly 40% of Soviet Moldova's GNP. The industrial capacity of the region accounted for over 33% of all industrial goods and 56% of all consumer goods produced in Soviet Moldova as a whole. Due to infrastructure advantages (railroads, highways, and rivers), availability of water resources, low seismological threats, proximity to Odessa seaport and Donetsk-Dniepr region, it became the recipient of considerable investment in Communist years and an attractive destination for Soviet internal migration. It was a favorite retirement area for the Red Army: much of the Russian-speaking population is formed of families of retired officers, like in the enclave of Kaliningrad.

Unlike Kaliningrad, however, where negotiations are carried out between the European Union on behalf of the Baltic States and Russia, TMR was always low priority on the Western agenda. Competing Russian and Ukrainian interests, as well as the ability of the TMR leaders to play ones against the others, have produced the current stalemate. While Moldova is a formal democracy, with elections held regularly and power changing

The conflict in TMR is an economically-motivated 'ethnic' conflict, perpetuated by local oligarchs in order to retain access to public resources

¹ Overall agreement among independent analysts on this point: 'despite being known as the Transdniester conflict ... it is not so much regional as rather of an ideological, power-political, economic and in part ethnic nature' (Gottfried Hanne, *Der Transdnistrien-Konflikt, Ursachen Entwicklungsbedingungen and Perspektiven einer Regulierung. The TransTransdnistriaian Conflict: Origins, Determinant Conditions and Prospect of Settlement*, Bericht des Bundesinstituts für Internationale and Ostwissenschaftliche Studien, No 42/1998, October 1998; and 'among the most important reasons for the proclamation of the Dniester republic, in September 1990 was the prospect of Romanian-Moldovan unification' (Pal Kolsto, *Irrendentism and separatism: Moldova, in Russians in the Former Soviet Republics*, Hurst and Company, London, 1995, p.143-161)

²*Spiraling to Ethnic War: Elites, Masses and Moscow in Moldova's Civil War*, in *International Security*, vol. 21, #2, 1996, pp.108-138

hands, TMR has organized only ‘popular consultations’, to the effect that the same leaders have dominated the past decade. Regular Moldovan elections are not permitted in the separatist region, and those attempting to vote in other sections have been arrested.

Fig. 5. State building at a glance

	Moldova	TMR	Găgăuzia
Founding Acts	Declaration of Independence – August 27, 1991	Declaration of Independence – September 2, 1990	Declaration of Independence – August 19, 1990
Economic profile	Mainly rural, traditional food-processing industry and largely successful agriculture, but the right bank (83% of the whole territory of RM) has disproportionately small share of country's economic potential – 60%	Mainly urban, industrial dominated and strong memories of the former military-industrial complex units, left bank has 15% of the country's territory, 11% of the population but over 40% of its economic potential	Mainly rural, traditional agricultural grain and wine-growing capacities, with 4% of the whole population, but with only 3.1% of the Gagauz ethnics on its territory (territorial autonomous unit of Gagauzia, since 1994)
Reforms	IMF and World Bank; incomplete liberalization	Unreformed; state ownership in industry and state capture by oligarchs	In favor of collective ownership and mixed economy, but also active as entrepreneurs and private farmers after 1995
Symbols	Returned to Romanian language (although called Moldovan), flag, school curricula, and largely embraced a pro-European orientation	Retention of USSR, and later claiming to be attached to Russia, Belarus and Ukraine, keeping their ‘own’ symbols: flag, coat-of-arms, anthem, largely fearful of ‘Romanization’	Claimed to restore the Gagauz as a local language, but due to the scarcity of resources and teachers, Russian is overriding presently
Elections	Pluralist, 4 successful political cycles after 1990: Democrats – 1991/93 Agrarians – 1994/98 Democrats – 1998/01 Communists – 2001/..	Igor Smirnov President since the beginning. Elections regularly reconfirm him. No free media or right to campaign.	Pluralist, but with a weak party-basis
Form of Government	Parliamentarian republic, though President Voronin still keeps its political job as the Prime Secretary of the CPM-government party	Presidential and personal. High emphasis on security forces.	Regional autonomy, with highly devolved competencies, operates however as a semi-presidential republic (with a Bashkan as a head of state, General Assembly as a Parliament and a regional government appointed).

Over time, TMR's ambitions grew from a ‘minimalist’ agenda – a limited degree of autonomy under the shelter of a Free Economic Zone (1989-1991) – to a loose confederate arrangement (after the end of 1992 war), followed by a softening (1994-1996), and a new radicalization (after the 2001 elections in TMR). External support and Moldova's weakness are to account for this buildup.

Romania needs a full-fledged, stable state at its eastern border – and so does the EU

The apparent lack of solution to the TMR issue is jeopardizing the existence of Moldova as an independent state – and therefore is of great importance to Romania as well. Romania needs Moldova to become a full-fledged state, able to defend its borders against traffickers and other criminals and become an economic partner, not only a recipient of aid. Moldova must also get to normal politics, by graduating from the identity politics where it was stuck during the past decade, and which indirectly involves Romania. In view of Romania's accession to NATO, Moldova has become even more

important to Russia as the NATO Eastern border. TMR is the only enclave in which Russia succeeded to implement its 1993 Doctrine and 2000 Foreign Policy Concept, which define the active involvement of the Russian state 'to defend the rights of the Russians outside of the territory of their Homeland' as a cornerstone.

THE ISSUES ON THE TABLE

The TMR problem would have been solved long ago if at crucial moments both Russia and Ukraine had not acted ambiguously. President Kuchma is an active proponent of the settlement of TMR conflict on the principle of "acquired status" acceptable for all conflicting parties³. Currently, the Ukrainian–Moldovan border accounts for 60% of all trespassers. In 2001, Ukrainian frontier troops seized at this border over 4,000 units of ammunition, i.e. nearly half of all ammunitions seized throughout the Ukrainian frontier, and 83% of all narcotic drugs seized by Ukrainian border and customs officers⁴. Ukrainian authorities declined however an initiative coming from Chisinau on border control against illicit trafficking. It appears that Kiev see the Moldovan economic blockade against the separatist regime as creating 'instability' in the region. On its part, the Russian Federation, though committed formally to withdraw its weaponry and military personnel in accordance with the Istanbul OSCE Declaration, blames the responsibility for non-honoring commitments on TMR alone, implying that it has no leverage on its leaders.⁵ But the TMR leaders have important allies in the Russian Duma. The status quo enables them to control a considerable part of smuggling and illegal production, including weaponry.

In spite of the vigorous mediation process of the guarantor state, the involving parts have seriously considered only two plans since 1993. The first one is known as *the Primakoff plan*, published in June 2000, aimed at legalizing the existing 'realities' of the separateness of parts. The plan did not provide any specific measures of conflict resolution and, by manipulating the slogan "common state" coined by Moscow, it promoted the idea of creating all the necessary conditions for a "TRM" state recognition. The Primakoff plan also lacked any substantive inventory of measures that would increase the level of integration of the parts, while dismantling the separatist regime's military potential. It included, however, separate provisions to allow TRM to preserve its military potential, and a strong Russian military presence in the region under the framework of the peacekeeping operation.

The second plan is known as *the OSCE Mission Plan of 1996/2000*. It aimed at restarting negotiations over the TMR issue by changing the

³ Statement by H.E. Mr. Borys Tarasyuk, Minister for Foreign Affairs of Ukraine in the general debate of the 55th session of the UN General Assembly 18 september 2000, New York

⁴ Center for Peace, Conversion and Foreign Policy of Ukraine, *Ukrainian Monitor*, Policy Paper #13 (July 2002)

⁵ Interview with Igor Ivanov, Basa – Press, October 7, 2002

principles and mechanisms applied in earlier mediation and conflict resolution efforts. The Plan attempted inter alia to:

- (1) Enhance participation of the OSCE and the international community in negotiation and resolution of the conflict by transforming the status of the Mission of OSCE from "observer" into "security guarantor" and main intermediary.
- (2) Preserve the existing security zone and ensure strict compliance by all parties with the principles of the 1992 Agreement and with the decisions of the Unified Control Commission.
- (3) Develop and implement measures to consolidate security and mutual trust through complete transparency on the armed forces and military-industrial complex. The first step in this direction would be to perform an inventory of the armed forces and military-industrial establishments of the parties, applicable to the entire territory of the Republic of Moldova. The plan's proposals are roughly synthesized in Fig. 6 below.

Though it was well-intended, the OSCE plan strengthened Russia's regional role and created a political crisis in Chisinau. But the status quo is not an option either

The plan consists of two distinct parts: first, Moldova's federalization; second, a Russia-Ukraine-OSCE mechanism to arbitrate and guarantee the settlement. The document lists Russia, Ukraine and the OSCE – in this order – as guarantors of the agreement's observance, once it is signed. It also empowers them to mediate any differences between Moldova and TMR in the post-signature period, thus excluding Western countries, EU or the neighbouring Romania. The tripartite group would oversee the implementation of the Moldova-TMR agreement, which in turn would enjoy precedence over Moldova's federal constitution and legislation and over those of the federation's units. The draft agreement would thus place a federalized Moldova under joint oversight by Russia, Ukraine and the OSCE (OSCE decisions and actions are subject to Russia's veto power within the organization itself). Russia receives the largest share through double representation and a recognition of the de facto situation – i.e. that it is Russia only which has some leverage on TMR.

This plan was rejected by the separatist region and denounced in violent terms by the political opposition in Chisinau. So far, the plan succeeded in creating a political crisis, being perceived as a signal that all the main cards are held by Moscow, this time officially and with Western approval. However, the good intentions behind this plan are undeniable, as the status quo is only perpetuating the small TMR 'rogue' state and keeps on hold Moldova's attempts to complete its state-building. The status quo is therefore not an option.

The main problem with the OSCE plan is that it is utterly unrealistic, regardless of its point-by-point merits or flaws. The main objectives are correct: to reunite Moldova and TMR as one polity, within the framework of a federal democratic state. In order to hold free and fair elections in TMR the region should be demilitarized first, if it is to give any chance to candidates that are not backed by the army or security forces. Demilitarization of the breakaway region is clearly in strict dependence on the strategy for conflict settlement.

What is the incentive for the TMR leaders to allow a democratization process that may end with their loss of power? Informal evaluations show that Moldovan communists would win, as the region is not ethnically homogenous. The TMR leaders have time on their side, as well as the indecisiveness of the international community, their large armed forces and docile security 'organs', and the decision by Russia and Ukraine not to allow any serious pressure on them, like the recent Moldovan trade embargo. The only thing running against them is the fact that the region will not be granted international recognition, as all the state actors are committed to stick to the principle of borders inviolability – but they can easily do without it, as they have been over the past decade.

EUROPE SHOULD STEP IN

How can a settlement be reached if TMR has the upper hand in the disputes with Moldova, and no international force is there to ensure some equilibrium (unlike in Bosnia or Kosovo, there was no UN or NATO intervention)? It took Croatian victories and NATO bombing to create the equilibrium needed for concluding the Dayton agreement. Kosovo and Macedonia were first disarmed, even if not completely, and only then proceeded to the ballot box. In all these cases the first problem solved was the instrument to impose real negotiations and preserve the settlement. But these are costly, and nobody seems likely to invest in solving the TMR issue.

It is unrealistic to expect free and fair elections in TMR before full demilitarization – under international supervision

The basic distinctions between the TMR and Bosnia-Herzegovina cases derive from the passive and condescending stance of the West in the first case and the active involvement of international community (UN, OSCE, USA and others) in the second, applying a full range of international principles and mechanisms.

This is why the OSCE plan solves nothing and sheds a bad light on international negotiators, who are knowingly or unknowingly endorsing the idea of a legitimate Russian sphere of influence in the 'near abroad'. In the *Country Strategy Paper 2002-2006*, the European Commission considers that „since Moldova is located directly on the border of an enlarged EU, instability and poverty in this country are a matter of concern for the EU”. The Commission should act on its words and step in, encouraged by the quasi-successful Macedonian experiment, as the missing link to balance the parties. True, it still does not have troops of its own. But it is likely to have them in the near future. Russia has always showed its support towards a European defense initiative, regarding it much more warmly than it sees NATO. A force formed of Russians and European peacekeepers could be envisaged.

This is to postpone the solution until such troops are organized, which might take a couple of years. But nothing important is likely to change meanwhile. Furthermore, the OSCE should use this time to encourage Russia and Ukraine to enforce Moldova's trade embargo, and thus make life a little less rosy for the TMR oligarchs. In other words, the international mediators should create a situation in which both parties have real incentives to sit at

the negotiating table. And when they are finally there, disarm first and begin democratic federalization afterwards.

Fig. 6. Settlements for Bosnia and TMR compared

Dayton-Paris Agreement (1995)[†]	Agreement on the principles of peace settlement of the military conflict in TMR region
Elaborated under aegis of the representatives of UN and OSCE in the spirit of the United Nations Charter and the Final Helsinki Act	Elaborated by Moscow according to its strategic interests and simply incorporated into the OSCE conflict settling machinery
Imposed by UN, OSCE and other countries for signing by the parties involved in the conflict	Imposed by one side implicated in the conflict (Russian Federation) for signing by another side (Republic of Moldova)
Represents a developed framework of principles, rules and mechanisms oriented to termination of military conflict, creation of necessary conditions for starting a political dialogue as well as for unification of the former conflicting parties. It gives responsibility in various areas to many international and local organizations.	Concerns exclusively cease fire, creation of a security zone and Unified Control Commission (UCC). Does not concern neither principles of settlement nor political dialogue, nor creation of necessary conditions for it. The main task of UCC is observing the security zone.
Determines hierarchy of authority and a mechanism of decision acceptance in military and political fields. Provides the consent of the parties to pursue the decisions of the high international authorities (14).	Imposes acceptance of the UCC decisions only on the basis of the consent between the parties, which has led to its inefficiency
Provides measures to consolidate the credibility and transparency, to impose the decisions and responsibilities on the parties [‡] .	Does not provide measures to impose the decisions or responsibilities on the parties etc.

[†] The Dayton-Paris Agreement includes a Framework Act on the Peace Settlement in Bosnia – Herzegovina; the Agreement on military aspects of process of the peace Settlement; the Appendix on the status of the NATO forces; the Agreement on transitive measures to implement the Plan of peace settlement; the Agreement on regional stabilization; the Agreement on borders; the Agreement on elections.

[‡] The parties have agreed to subordinate their actions to the decisions of UN Security Council, Arbitration Tribunal, Commission for Human Rights, Commission for Refugees, Commission for Protection of Historical Monuments
