

# Peacebuilding and Conflict Prevention in Moldova: the role of the EU

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Authors:

**Roxana Cristescu**

[roxana.cristescu@cmi.fi](mailto:roxana.cristescu@cmi.fi)

**Denis Matveev**

[denis.matveev@gmail.com](mailto:denis.matveev@gmail.com)

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## **Civil Society Dialogue Network**

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## 1. Overview: The Moldova-Transdnistria Conflict

The conflict on the banks of the river Nistru/Dnestr has avoided fatalities from military action since the war in 1992, but it is by no means a conflict that concerns only local political elites. Although little direct violence has resulted since 1992, there have been few sustained results towards a peaceful settlement between the Republic of Moldova and Transdnistria.<sup>1</sup> The conflict has had a significant impact on the population on both sides including hampering socio-economic development. Of key importance is the conflict's place in the broader geopolitical bargaining processes between Russia, the European Union (EU) and the United States of America (USA), with Ukrainian and Romanian participation – a process that has included the future of Moldova and the Transdnistrian conflict as one of the issues, notably since 2003.

### *Political Dimensions*

Numerous attempts have been made to find common ground between the key political protagonists – the Republic of Moldova and Transdnistria – by the official mediators, which include the Organisation for Security and Co-operation in Europe (OSCE), Russia and Ukraine,<sup>2</sup> and by the more recent observers in the official '5+2'<sup>3</sup> process – the EU and the USA. However, the parties, mediators and observers have not been able to find common ground on the shape of an acceptable political solution, most notably since the collapse in 2003 of the Russian-mediated negotiations, which produced the Kozak Memorandum. In fact, starting with the Moldova-Transdnistria ceasefire agreement in 1992, the official peace process had been comparatively dynamic and produced a number of relatively concrete proposals, some of which reflect a basic consensus on the broad parameters of a settlement.<sup>4</sup> However, this has not yet led to tangible progress towards settlement of the conflict, but has rather allowed for the generation of around 150 bilateral agreements between the sides,<sup>5</sup> most

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<sup>1</sup> In this paper, 'Transdnistria' refers to the territory administered by authorities in the city of Tiraspol, which have managed the territory as a de facto state since the unilateral declaration of independence in 1990, but without international recognition. The only internationally recognised status for Transdnistria and its authorities is that of a negotiating party alongside the Republic of Moldova in resolving the conflict between them. The people living in Transdnistria hold Moldovan, Russian, Ukrainian and other internationally recognised passports, with most also holding Transdnistrian passports as internal identity documents. The spelling 'Transdnistria' chosen by the authors is the one used by the OSCE, as a midpoint between the Romanian/Moldovan language toponym 'Transnistria' (across the river Nistru) and the Russian language toponym 'Pridnestrovie' (by the river Dnestr). Other toponyms are presented in the paper in both forms, for example, the river 'Nistru/Dnestr', which is an accepted symbol for the conflict divide, even if on the one hand several Chisinau-controlled settlements in the security zone are located on the left bank and on the other hand Bendery/Tighina, which is for the most part under Transdnistrian administration, together with several more settlements are geographically on the right bank. Exception is made when quoting from, or referring to, formulations in source documents.

<sup>2</sup> The Russian Federation and Ukraine are also referred to as guarantor states since the Memorandum on the principles of normalisation of the relations between the Republic of Moldova and Transdnistria of 8 May 1997.

<sup>3</sup> The '5+2' format refers to Moldova and Transdnistria as conflict parties (2) and the OSCE, Russia, Ukraine, the EU and USA as mediators and observers (5).

<sup>4</sup> The Russia-Moldova ceasefire agreement (1992); Organisation for Security and Cooperation in Europe (OSCE) Mandate and Terms of Reference: CSCE Report No.13: Joint Statement of the Presidents of the Russian Federation, the Republic of Moldova and Ukraine; Primakov Memorandum; Odessa Agreement on Confidence-building Measures; Kiev Statement on Normalisation; Kozak Memorandum; Proposals and recommendations of the mediators from the OSCE, the Russian Federation, and Ukraine with regards to the Transdnistrian settlement (under the OSCE Bulgarian chairmanship); Ukrainian Plan; and Moldovan Package Proposals

<sup>5</sup> Interview with European diplomat, Brussels, April 2011.

of which are not respected by the parties. At present, the mediators and observers do have a common position on supporting the work of the sectoral groups constituted by officials from both sides, focused on solving socio-economic issues such as those relating to infrastructure (road and rail transport), health/social issues, law enforcement, education, humanitarian aid, economy/trade, agriculture and the environment.<sup>6</sup>

### *Key Aspects of the Conflict*

The current situation in relation to the status of Transdniestria is described by some in Chisinau as a 'de facto confederation'<sup>7</sup>, with a rather problematic, but nonetheless shared, responsibility for foreign trade and sporting and cultural representation (e.g., football, Eurovision). The officially stated positions of the conflicting parties regarding the status of Transdniestria form the key contradiction, which has deepened over the years. The Moldovan Government's aim of special autonomy for Transdniestria within the unitary state of the Republic of Moldova, and the Transdniestrian aim of converting what they see as de facto independence into a de jure, internationally recognised independence, are far apart. However, while the Transdniestrian position is clear, some analysts have noted that the "[Moldovan] Government is yet to define a coherent strategy that would put together the key external and internal factors and create preconditions for a sustainable settlement".<sup>8</sup>

The key aspects of the conflict that would need to be resolved to the mutual satisfaction of the conflict parties, taking into account the needs and concerns of the populations on both sides, include: the status of Transdniestria; the distribution of powers between Chisinau and Tiraspol (including regarding foreign trade); the format of the peacekeeping operation; guarantees for owners of privatised assets, specifically, and the Transdniestrian business sector, generally; responsibilities for foreign debt accumulated by each side; guarantees related to major future foreign and security policy decisions; and the socio-cultural orientation of any sustainable common state including language and history policy. The presence of the Russian military, both as peacekeepers and as the Operational Group of Russian Forces, which guards the Cobasna/Kolbasnoe weapons and ammunition storage facility, is another key source of contention. The Moldovan Government's position, which is often reiterated publically, is that this presence is in breach of the Conventional Forces in Europe (CFE)-II Treaty and, thus, constitutes an illegal presence of a foreign military on Moldova's territory. The position of the Transdniestrian authorities is that the Russian military presence is the key security guarantee for the Transdniestrian population in a situation of unresolved conflict. The Russian position, especially after Russia's suspension of participation in the CFE Treaty in July 2007, has been to accept the possibility of a conversion of the military peacekeeping format, but only when a political solution is found and the Transdniestrian side no longer demands its presence.<sup>9</sup>

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<sup>6</sup> These are referred to as Working Groups by the Moldovan Government, as Expert Groups by the Transdniestrian authorities and Confidence Building Working Groups by the international community. The education and military/security groups have not met since the time they were originally proposed by Moldovan President Voronin in October 2007.

<sup>7</sup> Interviews, Chisinau, March 2011

<sup>8</sup> Interview with analyst, Chisinau, May 2011

<sup>9</sup> For the most recent Russia-Ukraine presidential declaration on Transdniestria from May 2010, see: President of Russia (website), *Joint Statement of the Presidents of the Russian Federation and Ukraine on Transdniestrian Settlement*, (in Russian), [online], accessed 7 June 2011, available at [http://news.kremlin.ru/ref\\_notes/561](http://news.kremlin.ru/ref_notes/561); for the joint declaration of Medvedev, Voronin and Smirnov from March 2009, see: Ministry of Foreign Affairs of The Russian Federation, Information and Press Department (website), *Joint Declaration Adopted Following Talks between President of the Russian Federation Dmitry Medvedev, and President of the Republic of Moldova Vladimir*

### *Impact of the Conflict*

The impact of the conflict on the socio-economic situation on both banks of the Nistru/Dnestr has been identified by experts as a key factor slowing the development of Moldova-Transdnistria<sup>10</sup> and exacerbating the levels of poverty and labour emigration. Among the sectors that have been significantly affected by the lack of a resolution of the conflict are: road, rail and energy infrastructure; the banking sector; education; civic documentation and telecommunications. The foreign investment that could be available in connection with the 9<sup>th</sup> Pan-European Transport Corridor and other international transport corridors cannot currently be accessed without a joint agreement from Chisinau and Tiraspol, as these corridors pass through the right-bank of Moldova and Transdnistria.

The completely separate banking sectors and telecommunications sectors create significant additional costs for the population and barriers for co-operation between economic agents.<sup>11</sup> “Real cooperation exists only in a very limited number of areas and the gap is growing wider, as the sides have learnt to ignore the issues and concerns of the other side.”<sup>12</sup> The lack of a mutually acceptable agreement on how Transdnistrian enterprises conduct export operations from a customs and transport point of view has led to significant commercial losses as estimated by the Transdnistrians,<sup>13</sup> although the Moldovan side states that such losses have been balanced by the financial gains made by Transdnistrian enterprises from preferential access to EU markets. The overall lack of harnessing of economic growth opportunities has led to underdevelopment, poverty and mass emigration on both banks.

### *Parliaments and Political Parties*

The shift in 2008 from a parliamentary majority, presidency and government dominated by the Party of Communists of Moldova to a loose, centre-right coalition called the Alliance for European Integration<sup>14</sup> signalled a shift in the approach of the Moldovan Government to the resolution of the Transdnistrian conflict issue. A less ideological and more pragmatic approach was adopted,<sup>15</sup> and more status given to those dealing with Transdnistrian conflict resolution, first through the creation of a Vice Premiership for Reintegration and more recently through the creation of a cross-ministerial Reintegration Commission to ensure coordination

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Voronin and Head of Transdnistria Igor Smirnov, Barvikha, 18 March 2009, [online], accessed 7 June 2011, available at [http://www.in.mid.ru/bdomp/brp\\_4.nsf/e78a48070f128a7b43256999005bcbb3/01d19d444863edd5c325757e00524650!OpenDocument](http://www.in.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/01d19d444863edd5c325757e00524650!OpenDocument). It should be noted that in both of these declarations, the ‘settlement first, troop withdrawal second’ approach was supported by all parties involved.

<sup>10</sup> See outputs of Project IMPACT: Denis Matveev et al. (eds), *Moldova-Transdnistria: Working Together for a Prosperous Future*, (Chisinau: Editura cu Drag, 2009), accessed 8 June 2011, available at <http://www.cisr.md.org/reports.html>; and Elena Gorelova and G. Selari, *Costs of Transdnistrian Conflict and Benefits of its Resolution*, [online], accessed 7 June 2011, available at <http://www.cisr.md.org/pdf/Report%20ENG%20Master%20Draft%20vGS.pdf>

<sup>11</sup> See: Gorelova and Selari, *Costs of Transdnistrian Conflict and Benefits of its Resolution*.

<sup>12</sup> Interview with analyst, Chisinau, May 2011

<sup>13</sup> See, for example: RIA ‘New Region’, *In Tiraspol they Think that Moldova Makes Money on Selling Transdnistria European Economic Preferences*, (in Russian), [online], accessed 7 June 2011, available at <http://www.nr2.ru/pmr/202636.html>

<sup>14</sup> Consisting of the Liberal Democrat Party of Moldova, the Liberal Party, the Democratic Party of Moldova and, until the 2010 election, also the Our Moldova Alliance; see: *Association for Participatory Democracy (ADEPT)* (website), [online], accessed 7 June 2011, available at [www.e-democracy.md/en/](http://www.e-democracy.md/en/)

<sup>15</sup> Interview European diplomat, Brussels, March 2011

between government agencies. In the unrecognised Transdniestrian parliament, the Renewal Party has steadily increased its domination since the 2005 elections,<sup>16</sup> together with individual members of parliament and groups of members of parliament who have aligned themselves with this party for key parliamentary decisions. It now holds a constitutional majority and is cementing its position in the executive authorities by amending the Transdniestrian constitution to introduce the institution of prime minister. As a party with strong backing from the business sector, Renewal's main rivals are groups and parties aligned with the Transdniestrian de facto president Smirnov. While the 'Smirnov group' and the 'Renewal group' have exhibited significant political rivalry in the domestic arena, they have never had contradictory public positions regarding the drive for Transdniestrian independence.

### *Civil Society*

At the level of organised civil society, some partnership does occur across the conflict divide, although this is not a key driving force in the overall rapprochement process for several reasons. There is an imbalance between the level of development of civil society on the right bank (territory controlled by Chisinau) and the limited way in which civil society functions on the left bank (territory controlled by Tiraspol). Partnership across the conflict divide is, in many cases, driven by the need of Transdniestrian non-governmental organisations (NGOs) for funding, which is often channelled through right-bank Moldovan NGOs or provided on the condition of partnership across the conflict divide. Partnership is also driven by the desire of Transdniestrian NGOs to improve their technical capacities in specific skills and methodologies that are already known on the right bank. There is, however, a genuine desire for co-operation and the deepening of relationships between those particular NGOs in Transdniestria whose members are actively interested in the reintegration of Transdniestria within Moldova<sup>17</sup> and their partners on the right bank specialising in working with Transdniestrian civil society.

### *Economy and Business Sector*

The economy of the Moldovan Soviet Socialist Republic, as the entity which included both the territories currently controlled by Chisinau and by Tiraspol, in other words, the current internationally recognised jurisdiction of the Republic of Moldova, was very much an integrated one in terms of production supply chains and sectoral complementarity.<sup>18</sup> Today, the EU is a key trading partner for both right-bank Moldova (51% of exports and 46% of imports in 2007) and Transdniestria (35% of exports in 2007).<sup>19</sup> Transdniestrian enterprises export to the EU, and make use of the Autonomous Trade Preferences negotiated between the EU and the Republic of Moldova, using customs documents and certificates of origin issued by the Moldovan Government. This is an important factor to consider when analysing the potential role of the EU in conflict resolution between the Republic of Moldova and Transdniestria.

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<sup>16</sup> See: *Supreme Council Pridnestrovian Moldavian Republic* (website), [online], accessed 7 June 2011, available at <http://vspmr.org/?Lang=Eng>

<sup>17</sup> This category comprises mainly smaller NGOs and community groups based outside of Tiraspol.

<sup>18</sup> For example, as of 1991, the right bank produced 85% of all agricultural output while the left bank 90% of all electricity produced in the former Moldovan Soviet Socialist Republic; see Elena Gorelova, *Cooperation and Trade between Right- and Left-Bank Moldova before Conflict: Retrospective Overview*, Presentation at Round Table on 25 March 2011 in Odessa, Ukraine titled 'Trade and Economic Relations between Moldova and Transnistria: Problems and Perspectives', [online], accessed 7 June 2011, available at <http://cizr-md.org/reports.html>

<sup>19</sup> See: Gorelova and Selari, *Costs of Transdniestrian Conflict and Benefits of its Resolution*.

## Grassroots

At the grassroots level, the conflict in Moldova-Transdniestria is often described as being imposed or even non-existent.<sup>20</sup> Indeed, people-to-people links are much stronger than those in the highly conflict-segregated societies of the South Caucasus; a significant number of left-bank residents have relatives and friends on the right bank and vice versa and are able to visit each other across the conflict lines. However, the lived experiences of the post-war years are vastly different when comparing the situation on the right bank – which experienced problems similar to many Commonwealth of Independent States (CIS) countries, with little daily concern for the Transdniestrian issue – to the insecure feeling of an unresolved conflict affecting daily life on the left bank. There is also a latent collective mistrust between societies on both banks and within those societies.<sup>21</sup> In right-bank Moldova, as can be deduced from the voting patterns in recent elections, the population is split between those who would like Moldova to pursue the full depth of the European integration course and a significant number of those who see their country's future connected with Russia and the CIS.<sup>22</sup> These two options are of course not necessarily mutually exclusive. The majority of Transdniestrians have traditionally been seen as supporting the Russian vector of cultural, linguistic and political development.<sup>23</sup> Nonetheless, recent opinion polling has shown that 63% of Transdniestrian residents would vote to join the EU, while another 63% think that 'the EU's participation in the life of Transdniestria' is insufficient. The same opinion poll shows that 75% of Transdniestrian residents think that 'Moldova should give up unification with Romania in order to build a common state with Transdniestria'.<sup>24</sup> This is consistent with expert opinions that there is a significant proportion of Transdniestrians fearing 'Romanianisation' as a result of the settlement of the conflict, especially among the older generation.<sup>25</sup>

## 2. EU Policies in Moldova-Transdniestria that Affect the Conflict

As one of the major regional integration initiatives in the world, the EU's identity is strongly shaped by the desire for peace, consensus building and for the promotion of a culture of peace within its borders and in the neighbourhood through deepened integration and co-

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<sup>20</sup> See, for example: International Crisis Group, *Moldova's Uncertain Future*, Europe Report N°175, (Pristina: International Crisis Group, 2006), [online], accessed 7 June 2011, available at <http://www.crisisgroup.org/en/regions/europe/moldova/175-moldovas-uncertain-future.aspx>

<sup>21</sup> See: Alexander Bogomolov, *Transnistria Assessment Mission Report, Transnistria Crisis: Human Dimension*, (The Hague: Global Partnership for Prevention of Armed Conflict, 2009), accessed 7 June 2011, available at [http://gppac.net/uploads/File/Programmes/EWER/MERP/transnistria\\_final4%5B1%5D.pdf](http://gppac.net/uploads/File/Programmes/EWER/MERP/transnistria_final4%5B1%5D.pdf)

<sup>22</sup> See: Independent Centre for Analytical Research 'New Age' and CBS-AXA, *Attitudes of the population of Moldova and Transdniestria towards the West, Russia and Each Other*, (Chisinau: CBS-AXA, 2010) – 69% of right-bank Moldovans answered 'Yes' to the question 'In your opinion, should Moldova try to become a member of the EU?', 21% answered 'No' and 11% found the question 'Difficult to answer'; in response to the question 'Relations with which country hold the most promise for us?', 32% of right-bank Moldovans answered 'Russia' and 26% answered 'the EU'.

<sup>23</sup> See Transdniestrian referendum of 2006 – showing a clear majority-minority result, even if its validity has not been recognised by all the members of the 5+2 format.

<sup>24</sup> See: Independent Centre for Analytical Research 'New Age' and CBS-AXA, *Attitudes of the population of Moldova and Transdniestria towards the West, Russia and Each Other*.

<sup>25</sup> Interview with expert, Tiraspol, June 2011

operation.<sup>26</sup> Indeed, as shown in the practices of other regional organisations such as the United Nations, wider regional diplomacy through mature enough institutions plays an essential role in instilling confidence in state-level peace processes and in bringing practical assistance in delivering peace dividends to all parties involved in violent or protracted conflicts.

### *ENP at a Glance*

Even if, until recently, not fully conscious of its role as an international peace broker,<sup>27</sup> the EU has nonetheless gradually recognised the importance of securing its own neighbourhood and of promoting stability, democracy and prosperity along its borders.<sup>28</sup> After a two-year debate,<sup>29</sup> in 2004, the European Neighbourhood Policy (ENP) was developed with the declared objective to create an enhanced co-operation of the Union with its neighbours on a wide range of policies, such as liberalisation and democratisation, as a way to prevent the risks of instability from flowing across the EU's borders.

Despite reiteration on several occasions of the EU's intention to strengthen its conflict prevention and resolution capacities in the neighbourhood,<sup>30</sup> several design flaws have limited the ENP instruments from acting as a vehicle to this effect in the wider ENP framework. In fact, after a review process of the ENP initiated in 2010, the European Commission concluded in its 2011 communication titled 'A New Response to a Changing Neighbourhood', that 'EU support to political reforms in neighbouring countries has met with limited results'.<sup>31</sup>

Although a number of reasons can be listed in support of a similar assessment, it is essential to underline the fact that this imbalance between investment and actual performance is mainly due to the prioritisation of EU internal security objectives (transnational organised crime, illegal migration, international terrorism) as a reaction to the growing risk of 'spillover' effects from the

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<sup>26</sup> European Commission, *Communication from the Commission. European Neighbourhood Policy – Strategy Paper*, COM(2004) 373, May 2004, [online], accessed 8 June 2011, available at [http://ec.europa.eu/world/enp/pdf/strategy/strategy\\_paper\\_en.pdf](http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf)

<sup>27</sup> The EU's ambition to strengthen its capacity to support the peace processes worldwide was translated into policy commitments only in November 2009 in: European Council, *Concept on Strengthening EU Mediation and Dialogue Capacities*, Doc. 15779/09, 2009, [online], accessed 12 June 2011, available at <http://register.consilium.europa.eu/pdf/en/09/st15/st15779.en09.pdf>. Previously the EU had stressed its commitment to conflict prevention in several documents, see: EU Programme for the Prevention of Violent Conflicts (2001), European Consensus on Development (2005), EC Communication on Security and Development (2007), EC Communication on Situations of Fragility (2007). The Lisbon Treaty also states that the EU's aims are to 'promote peace, its values and the well-being of its peoples' (Article 3.1) and to 'preserve peace, prevent conflicts and strengthen international security' (Article 21.2(c)).

<sup>28</sup> European Commission, *Communication from the Commission. European Neighbourhood Policy – Strategy Paper*, p.3.

<sup>29</sup> Judy Batt et al., *Partners and Neighbours: A CFSP for a Wider Europe*, Chaillot Paper No.64, (Paris: Institute for Security Studies, 2003).

<sup>30</sup> 'Frozen conflicts and recent events in the Middle East and Southern Caucasus remind us that the conditions for peaceful coexistence remain to be established, both between some of our neighbours and with other key countries. These are not only our neighbours' problems. They risk producing major spillovers for the EU, such as illegal immigration, unreliable energy supplies, environmental degradation and terrorism'. European Commission, *Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy*, COM(2006) 726, Brussels, 4 December 2006, [online], accessed 8 June 2011, available at [http://ec.europa.eu/world/enp/pdf/com06\\_726\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com06_726_en.pdf), p.2.

<sup>31</sup> European Commission, *Joint Communication to the European Parliament, the Council, the European and Social Committee and the Committee of Regions, A New Response to a Changing Neighbourhood*, COM(2011) 303, Brussels, 25 May 2011, [online] accessed 8 June 2011, available at [http://ec.europa.eu/world/enp/pdf/com\\_11\\_303\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf), p 1.



unresolved conflicts in the Eastern and Southern neighbourhood; the EU inter-institutional responsibility sharing on issues related to foreign and security policy issues;<sup>32</sup> and the EU's commitment to support already ongoing international initiatives regardless of their capacity to deliver in conducting effective peace processes (for example, the EU is playing second fiddle to OSCE-led official processes in Nagorno-Karabakh and Moldova-Transdniestria).

### *ENP Implementation Tools*

Another aspect worth mentioning here is the EU's constraints in unilaterally designing strategies to mitigate conflict under the ENP implementation framework. The EU's commitment to bilateral agreement on the ENP Action Plans is essential in understanding the limited impact of this policy instrument on conflict resolution in the Eastern European Neighbourhood. As the ENP Action Plans need to be owned and endorsed by partner countries, it is likely that measures and policies identified by the EU as appropriate to mitigate conflict are vetoed out of bilateral agreements by the national partner, who might benefit from maintaining the status quo or who believes that 'victory' is possible, thus reducing their motivation for compromise. This is particularly relevant in conflicts that involve a non-recognised entity such as Transdniestria, Nagorno-Karabakh, South Ossetia or Abkhazia. Here, the EU's engagement is limited by its commitment to the principles of territorial integrity and state sovereignty and, consequently, the implementation of the ENP has played only an indirect and secondary role in bringing about peace.

Furthermore, the ENP Action Plans generally lacked robust implementation architecture and were limited in serving as frameworks for the opening up of a political process in the countries they targeted. It has been observed in several ENP performance assessments<sup>33</sup> that the goal of exporting EU norms to create increasingly open societies was contrasted with the increasing tendency for the EU's eastern neighbours' elites 'to freeze the status quo of partial reform [...] and get the benefits of state capture (e.g., the virtual privatisation of state institutions which were used for private gains) while local societies have born the cost'.<sup>34</sup>

Against this backdrop, the ENP Action Plans have missed the opportunity to act as flexible incentives/vectors for reform, but instead have been locked in detailed, long-term solutions to social and economical problems negotiated with a limited number of political actors/signatories to the agreements.<sup>35</sup> The result was a lack of flexibility and inadequate response in 'dealing with rapidly evolving partners and reform needs – whether they were experiencing fast regime change or a prolonged process of reform and democratic consolidation'.<sup>36</sup>

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<sup>32</sup> The European Commission was the main driver of the ENP, while the lead role of Common Foreign and Security Policy and European Security and Defence Policy (CFSP/ESDP) initiatives was a prerogative of the Council.

<sup>33</sup> See: European Council on Foreign Relations, *European Foreign Policy Scorecard (Annual Assessment of Europe's Performance on the World Stage) – Wider Europe Chart*, [online], accessed 7 June 2011, available at <http://www.ecfr.eu/scorecard/2010/wider/>; and Institute for Security Studies (EUISS), *Eastern Neighbourhood Research*, [online], accessed 7 June 2011, available at <http://www.iss.europa.eu/research-areas/eastern-neighbourhood/>; Sabine Fischer and E. Lannon, *The ENP Strategic Review: The EU and its Neighbourhood at a Crossroads, Analysis*, (Paris: Institute for Security Studies, May 2011); and Nicu Popescu and Andrew Wilson, *Turning Presence into Power: Lessons from the Eastern Neighbourhood*, Policy Brief, (London: European Council on Foreign Relations, 2011).

<sup>34</sup> Popescu and Wilson, *Turning Presence into Power: Lessons from the Eastern Neighbourhood*.

<sup>35</sup> In fact, the ENP implementation in Moldova is still guided by the EU-Republic of Moldova Action Plan adopted in February 2005, regardless of the fact that Moldova has experienced important political developments since then.

<sup>36</sup> European Commission, *Joint Communication to the European Parliament, the Council, The European and Social Committee and the Committee of Regions, 'A new response to a changing Neighbourhood'*, p. 1

Under the comprehensive strategic review of the ENP, the European Commission (DG DEVCO) and the brand new European External Action Service (EEAS) seemed to have ticked several boxes and addressed many of the issues mentioned above. Indeed, the text of the new communication speaks of: conditional support based on country internal reform progress;<sup>37</sup> support for confidence building and outreach to breakaway territories for international efforts and structures related to the conflicts;<sup>38</sup> more access for civil society organisations to EU support through a dedicated Civil Society Facility; and support for the establishment of a European Endowment for Democracy to help political parties, non-registered NGOs and trade unions, and other social partners.<sup>39</sup>

In addition to these commitments, and for the effective support of the overall political objectives of the ENP, a better alignment of the Member States' own bilateral efforts with the EU is essential.<sup>40</sup> In this regard, a revision of the European Union Programme for the Prevention of Violent conflicts – the Gothenburg Programme adopted by the Council 10 years ago – is compulsory in order to provide long term policy guidance for regional and mid-level strategies such as the ENP and “incorporate high-level political priorities and practical guidelines for the operationalisation of the EU’s policy framework for conflict prevention under the post Lisbon institutional structure”<sup>41</sup>

Furthermore, relatively more free from the inhibitions of an inter-institutional uncoordinated position, and provided that they are duly staffed, the EU delegations could also combine political and operational capacities in order to better address conflict dynamics that fall within their area of competence. Likewise, for the EU to succeed in having a more effective impact in conflict prevention and peacebuilding in the neighbourhood, a strategic combination of all political and economic tools and policy instruments (i.e., the ENP, Eastern Partnership, European Neighbourhood and Partnership Instrument, Instrument for Stability) into one approach to conflict resolution and confidence building should be sought.

#### *EU Engagement in Conflict Resolution in Moldova-Transdniestria*

After Romania’s accession to the EU in 2007, the Moldova-Transdniestria conflict became one of the few in the European Neighbourhood to be directly located on the EU’s borders. In fact, since 2004, together with the negotiation of the EU-Moldova ENP Action Plan, which included a section on the Transdniestrian problem, the EU has become progressively more engaged in contributing to the conflict settlement. Several assistance envelopes were subsequently allocated to Moldova through bilateral, multi-country and regional programmes such as the European Neighbourhood Policy Instrument (ENPI), as well as through horizontal thematic programmes such as the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument for Stability (IFS).

In parallel, an enhanced political dialogue with Moldova, Ukraine and the Russian Federation was sought. This included the appointment in March 2005 of a European Union Special

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<sup>37</sup> *Ibid.*, p 3.

<sup>38</sup> *Ibid.*, p. 5.

<sup>39</sup> *Ibid.*, p. 4.

<sup>40</sup> *Ibid.*, p. 1.

<sup>41</sup> EPLO, *Strengthening EU Policy and Guidance on Conflict Prevention*, [online], accessed 23 June 2011 available at [http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/EEAS/EPLO\\_CPStatement\\_June2011.pdf](http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/EEAS/EPLO_CPStatement_June2011.pdf); Julia Schuneman, *EU conflict prevention 10 years after Göteborg Front runner or lame duck?* International Catalan Institute for Peace, [online], accessed 23 June 2011 available at [http://www20.gencat.cat/docs/icip/Continguts/Publicacions/Polycypapers/2011/Policy\\_paper01\\_ANG.pdf.pdf](http://www20.gencat.cat/docs/icip/Continguts/Publicacions/Polycypapers/2011/Policy_paper01_ANG.pdf.pdf)

Representative (EUSR) for Moldova, with a mandate to strengthen the EU's contribution to the resolution of the Transdnistria conflict in accordance with agreed EU policy objectives and to represent the EU in all the agreed fora by developing and maintaining close contact with all relevant actors. This involved the EUSR taking an observer status in the 5+2 negotiation format and assuring, through a team of experts, political overview of the developments and activities related to the EU Border Assistance Mission to Moldova and Ukraine (EUBAM).<sup>42</sup> The opening of the Delegation of the European Commission to Moldova in October 2005,<sup>43</sup> the commencement of EUBAM itself in November 2005,<sup>44</sup> and the broadening of the EU's engagement from political and technical to financial, with the long-awaited beginning in August 2009 of funding for Transdnistrian civil society and confidence building measures (CBMs),<sup>45</sup> have also been key steps in deepening the EU's engagement.

Beyond participation in the 5+2 format, the EUSR has driven significant achievements during the difficult years since the collapse of official talks in 2006. A key step in the EU's engagement with the conflict was the intensification of contact with Transdnistria by EUSR Kalman Mizsei and his team of advisers, thus also legitimising such contact for other members of the European diplomatic community.<sup>46</sup> Negotiations between Chisinau and Tiraspol on the resumption of rail passenger and freight services were mediated and supported in terms of technical expertise by the EUSR. The concept of socio-economic confidence building measures, and the understanding of this approach and of the need for it, was another subject on which the EUSR took the lead, ultimately achieving the buy-in of all sides to the Expert/Working Groups currently in operation.<sup>47</sup>

#### *ENP Implementation Tools in the Moldova-Transdnistria Context*

An analysis of the several documents related to the ENP implementation in Moldova reveals that, unlike in the other conflicts in the Neighbourhood, the settlement of the Transdnistrian conflict appears high on the agenda for co-operation and partnership between Moldova and the EU. The ENP EU/Moldova Action Plan has a full section regulating 'Co-operation for the settlement of the Transnistria conflict'.<sup>48</sup>

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<sup>42</sup> European Council, *Council Joint Action 2007/107/CFSP of 15 February 2007, Appointing the European Union Special Representative for the Republic of Moldova*, 16 February 2007, Official Journal of the European Union L 46/59, [online], accessed 7 June 2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:046:0059:0062:EN:PDF>

<sup>43</sup> This was subsequently upgraded to a Delegation of the EU in line with the advent of the European External Action Service.

<sup>44</sup> See: *European Union Border Assistance Mission to Moldova and Ukraine* (website), [online], accessed 7 June 2011, available at [www.eubam.org](http://www.eubam.org)

<sup>45</sup> See: United Nations Development Programme Moldova, *Support for Confidence Building Measures Project*, [online], accessed 7 June 2011, available at <http://www.undp.md/projects/Transnistria.shtml>

<sup>46</sup> Today the EU delegation in Moldova continues engaging with Transdnistria on a regular basis. However, due to human resource constraints this engagement is not as intensive as that of the EUSR and his staff.

<sup>47</sup> Interview with European diplomat, Chisinau, May 2011

<sup>48</sup> European Commission, *European Neighbourhood Policy EU/Moldova Action Plan*, 9 December 2004 [online], accessed 7 June 2010, available at [http://ec.europa.eu/world/enp/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf), p. 11.

Furthermore, the Country Strategy Paper (CSP) for 2007–2013<sup>49</sup> not only lists the Transnistria conflict settlement as a priority for the Moldovan Government and in the context of the EU Common Foreign and Security Policy (CFSP),<sup>50</sup> but refers to the need for a policy mix (ensuring policy coherence between all available instruments) in dealing with Moldova in light of the EU's strategic external relations objectives.<sup>51</sup> In this particular case, the ENP Action Plan is thick with commitments to the peaceful settlement of the Transnistrian conflict, but thin on actual conflict resolution strategies.

EU's level of zoom is inevitably set by the 'rules of engagement' of the European Security Strategy (ESS),<sup>52</sup> which prioritises the need for the EU to 'promote a ring of well-governed countries to the East of the European Union',<sup>53</sup> and translates into a need to advance an EU internal security agenda through 'further develop[ing] co-operation in the area of combating terrorism, non-proliferation of weapons of mass destruction and illegal arms exports' and 'stepping up the fight against organised crime, including trafficking in human beings'.<sup>54</sup> This trajectory of thinking has not necessarily had an impact on the Transnistrian conflict settlement, as it is an 'EU inside-out perspective' invested in dealing with the symptoms rather than addressing the causes of conflict.

One example of an early attempt by the EU to use tailored instruments in the Transnistrian conflict was the application of travel bans on a group of Transnistrian leaders in February 2004 and an extension of the list to several more officials in February 2005.<sup>55</sup> This is an example of dealing with symptoms rather than addressing causes. It is also a policy that originates from a period when the EU did not actively engage with Transnistria. The bans were temporarily suspended in February 2010,<sup>56</sup> although the attitude of the Transnistrian authorities towards negotiations regarding a common state with Moldova had certainly not softened at that stage, which was the original stated reason for the travel bans.

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<sup>49</sup> According to the Moldova Country Strategy Paper, 'the principal objective of EU-Moldova for 2007–2011 is to develop an increasingly close relationship between the EU and Moldova, going beyond past levels of cooperation, to a deepening of political cooperation including in the area of foreign and security policy and in the resolution of the conflict in Transnistria, and to promote economic growth and poverty reduction on the basis of the EU Moldova Action Plan and the Economic Growth and Poverty Reduction Strategy Paper (EG-PRSP)'. European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova Country Strategy Paper (2011–2013)*, [online], accessed 8 June 2011, [http://ec.europa.eu/world/enp/pdf/country/enpi\\_csp\\_moldova\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/enpi_csp_moldova_en.pdf), p. 2.

<sup>50</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova Country Strategy Paper (2011–2013)*, p. 5.

<sup>51</sup> *Ibid.*, p. 13

<sup>52</sup> European Council, *European Security Strategy: A Secure Europe in a Better World*, Brussels, 12 December 2003, [online], accessed 8 June 2011, available at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

<sup>53</sup> European Commission, *Communication from the Commission to the Council on the Commission Proposals for Action Plans Under the European Neighbourhood Policy*, COM(2004) 795, Brussels, 9 December 2004, [online], accessed 8 June 2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0795:FIN:EN:PDF>, p.2

<sup>54</sup> European Commission, *European Neighbourhood Policy EU/Moldova Action Plan*, p.10.

<sup>55</sup> See: European Council, *Council Common Position 2003/139/CFSP of 27 February 2003 Concerning Restrictive Measures against the Leadership of the Transnistrian Region of the Moldovan Republic*, 28 February 2003, Official Journal of the European Union L 53/60, [online], accessed 8 June 2011, available at [http://www.smartsanctions.se/european\\_t\\_s/ets\\_documents/FYROM/2003/Transnistrian%202003.pdf](http://www.smartsanctions.se/european_t_s/ets_documents/FYROM/2003/Transnistrian%202003.pdf)

<sup>56</sup> See: European Council, *Council Decision 2010/105/CFSP of 22 February 2010 Extending Restrictive Measures against the Leadership of the Transnistrian Region of the Republic of Moldova*, 23 February 2010, Official Journal of the European Union L 46/3, [online], accessed 8 June 2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:046:0003:0004:EN:PDF>

This change of strategy can, therefore, be interpreted as one of the results of a significant turning point in the EU's approach to engaging with conflicts that involve an unrecognised state –an approach of engagement without recognition This was applied by the EU for the first time in dealing with the conflicts in Abkhazia and South Ossetia, where the strategy aimed at opening a political and legal space for the EU to interact with these breakaway regions without compromising its adherence to Georgia's territorial integrity.<sup>57</sup> Although it was recommended that a systematic and reinforced 'Non-Recognition and Engagement Policy' (focusing on de-isolation and transformation, economic interaction across conflict lines, increased interaction with civil society and higher visibility to increase people's understanding of the EU) could serve as a model for the EU's conflict resolution policy in the neighbourhood,<sup>58</sup> it is worth noting that in Transdniestria's case (and in other cases across the neighbourhood) this approach has been applied in a more ad-hoc way and not as the result of a clear-cut policy.

Instead of developing new strategies to address the challenges of an increasingly opportunistic and pendular neighbourhood,<sup>59</sup> in the frame of the ENP, priority was given to the 'importance of promoting an international order based on effective multilateralism',<sup>60</sup> confining the EU to supporting international efforts that, at their best, have generated slow processes supporting the maintenance of a frozen, yet non-violent, status quo. Challenged on an ongoing basis by internal membership-driven constraints, including limited financial and human resources, the OSCE Mission in Moldova is frustrated by not having delivered greater results in the official negotiation process.<sup>61</sup> Against this backdrop, the EU's conflict mitigation strategy to boost this existing process by 'supporting the OSCE and mediators, assisting the efforts of the Joint Constitutional Commission, preparing engagement in post-settlement scenario; and continuing its efforts to ensure the fulfilment by Russia of the Istanbul commitments with regard to Moldova'<sup>62</sup> has worn rather thin given how long it has been since it was introduced. Russia did not withdraw its troops and armaments by the end of 2002 in accordance with its OSCE Istanbul commitments. While the EU has clearly embarked on a new approach to engaging with the Transdniestrian conflict since its last strategy was adopted, there is no updated strategy to bring together all the elements of its current and growing engagement.<sup>63</sup>

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<sup>57</sup> During the 2009 Swedish Presidency, a non-paper produced by the EU (by the EUSR for the South Caucasus and the Commission) suggested the revision of the EU approach based on six principles: 1) EU's position on territorial integrity and sovereignty; 2) contacts with de facto officials from Abkhazia and South Ossetia; 3) contacts with civil society and populations in Abkhazia and South Ossetia; 4) CBM projects in the breakaway regions; 5) contacts with Abkhaz and South Ossetian authorities recognised by the Georgian Government, and contacts with IDP populations; and 6) contacts with Russian officials and military in breakaway regions.

<sup>58</sup> For details see: Institute for Security Studies (EUISS), *The EU's Non-recognition and Engagement Policy towards Abkhazia and South Ossetia, Seminar Report*, December 2010, [online], accessed 7 June 2011, available at [http://www.iss.europa.eu/fileadmin/fichiers/pdf/seminars/2010/NREP\\_report.pdf](http://www.iss.europa.eu/fileadmin/fichiers/pdf/seminars/2010/NREP_report.pdf)

<sup>59</sup> See the concept of neo-Titoist neighbourhood in Popescu and Wilson, *Turning Presence into Power: Lessons from the Eastern Neighbourhood*.

<sup>60</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova Country Strategy Paper (2011–2013)*, p. 3

<sup>61</sup> The official settlement process has been blocked since 2006, with informal talks taking place under the same format.

<sup>62</sup> European Commission, *European Neighbourhood Policy EU/Moldova Action Plan*, p 12.

<sup>63</sup> Until recently, this has also been the result of the difficulty on the Moldovan Government side to articulate any definite strategy of engagement with the conflict.

In fact, the EU-Moldova ENP Action Plan, approved in February 2005 for a period of three years, was extended by mutual agreement from February 2008 onwards. In December 2009, it was agreed to continue guiding and monitoring the ENP Action Plan on the basis of yearly sets of priorities and schedules.<sup>64</sup> According to the Implementation of the ENP in the 2010 Country Report,<sup>65</sup> 'in order to provide further guidance for the implementation of the ENP Action Plan, a reform priorities matrix was tabled by the EU side in May 2010, and a yearly implementation tool was adopted at the EU-Republic of Moldova Cooperation Council of June 2010'. Despite this long list of yearly monitoring and prioritisation, in terms of substance the plan has remained unchanged since its sign off in 2005. The current National Indicative Plan (2010–2013) clearly states that, until the Association Agreement is negotiated, 'the EU-Moldova Action Plan will continue in force pending the end of negotiations: while the legal framework for EU-Moldova relations remains very stable, deeper changes are in the making'.<sup>66</sup> Consequently, the rather outdated Action Plan for 2005–2007 remains the main reference for the ENP implementation, while Moldova has witnessed many important political, economical and social changes since then – not to mention the fact that, despite their initial utility, the international mechanisms the Plan refers to as relevant in the peace process (like the Joint Constitutional Commission) have not functioned since 2003.

#### *EU Border Assistance Mission to Moldova and Ukraine*

Loyal to EU 'basic principles', the text of the ENP Action Plan also repeatedly emphasises the EU's strong engagement in support of a settlement of the Transnistria conflict 'respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders'.<sup>67</sup> This policy approach was translated into a specific implementation framework both in terms of financial (local reforms and civil society development) and the technical (EUBAM) assistance.

Although not identifying the Transdniestrian conflict as a priority per se, EUBAM was deployed with a mandate that should have contributed indirectly to settlement by creating the conditions for Transdniestria to reintegrate into Moldova's customs space. Even though this, like all EU engagements, states obvious support for a solution of the conflict that maintains the territorial integrity of Moldova, the Mission has also been welcomed by the Transdniestrian side. Although the Mission has not publicly engaged with Transdniestrian authorities, it is seen at least neutrally by many officials in Transdniestria because, for them, it has supported the debunking of the 'black hole' myth about Transdniestria since the Mission has not uncovered any significant cases of arms, drugs and human trafficking related to Transdniestria's unrecognised status.<sup>68</sup> However, due to the lack of a mandate for engaging directly with both sides of the conflict, the Mission has so far played a limited direct role in bilateral confidence-

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<sup>64</sup> European Commission, *European Neighbourhood Policy Country Progress Report 2009 – Republic of Moldova*, Press Release, MEMO/10/182, 12 May 2010, [online], accessed 7 June 2010, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/182&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>65</sup> European Commission, *Joint Staff Working Paper Implementation of the European Neighbourhood Policy in 2010 Country Report: Republic of Moldova*, SEC(2011) 643, Brussels, 25 May 2011, [online], accessed 8 June 2011, [http://ec.europa.eu/world/enp/pdf/progress2011/sec\\_11\\_643\\_en.pdf](http://ec.europa.eu/world/enp/pdf/progress2011/sec_11_643_en.pdf)

<sup>66</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova National Indicative Programme 2010–2013*, [online], accessed 7 June 2010, available at [http://ec.europa.eu/world/enp/pdf/country/2011\\_enp\\_nip\\_moldova\\_en.pdf](http://ec.europa.eu/world/enp/pdf/country/2011_enp_nip_moldova_en.pdf)

<sup>67</sup> European Commission, *European Neighbourhood Policy EU/Moldova Action Plan*, p. 12.

<sup>68</sup> Refer to EUBAM's annual reports at [http://www.eubam.org/en/knowledge/eubam\\_pubs](http://www.eubam.org/en/knowledge/eubam_pubs)

building. Some regional experts have expressed the view that EUBAM could play a significantly expanded role in a transition period as part of a future settlement of the conflict.<sup>69</sup>

### *Financial Assistance*

From a development perspective, the EU's support to Moldova throughout 1991 to 2005 was €320.72 million and focused more on technical assistance.<sup>70</sup> After a major policy shift in 2005, the EU committed through the ENPI to the much larger amount of €209 million for 2007 to 2010 with an additional allocation of €16.6 million through the Governance Facility.<sup>71</sup> All these funds were allocated for democratic development and good governance, regulatory reform and administrative capacity building, and poverty reduction and economic growth.<sup>72</sup> The range of financial instruments was also diversified and Moldova could receive funds from the ENPI trans-national/regional programme, ENPI Wide Programme and Cross-border Co-operation, the European Instrument for Democracy and Human Rights (EIDHR II), and the Instrument for Stability (IFS). However, the EIDHR and the IFS have not been used in conflict resolution activities, but rather to support human rights promotion, either in the frame of regional projects (EIDHR)<sup>73</sup> or to respond to 'the abuses reportedly perpetrated in the aftermath of the April 2009 parliamentary elections highlight[ing] among other things the problem of torture and ill-treatment of detainees' (IFS).<sup>74</sup>

According to the 'territorial integrity' approach, the implementation principle for the ENP National Indicative Plan (NIP) for 2007–2010 was to encourage Moldovan stakeholders to channel part of European Commission assistance to their Transdniestrian counterparts in the form of direct right-bank/left-bank confidence building operations.<sup>75</sup>

### *Recent Developments*

After the Georgia 'cold shower', unlike the plan for 2007–2010, the NIP for 2010–2013 clearly underlines the 'confidence building measures (CBMs) and possible post-settlement assistance in the context of the Transnistria issue' as a key priority,<sup>76</sup> to which the EU commits in view of

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<sup>69</sup> Such proposals were made for example at a regional Round Table on the Transdniestrian conflict organised on 29 April 2010 in Kyiv by the National Institute for International Security Issues affiliated with the National Security and Defence Council of Ukraine.

<sup>70</sup> Victoria Boian, *Taking Stock and Evaluation of Financial Assistance Granted to Moldova by the European Union*, [online], accessed 7 June 2011, available at <http://www.ape.md/download.php?file=cHVibGJlL3B1YmxyY2F0aW9ucy8xMjczMTU2X2VuX2JvaWFuX3ZpY3RvcmlhLnBkZg%3D%3D&id=1273>

<sup>71</sup> European Commission, *European Neighbourhood Policy Country Progress Report 2009 – Republic of Moldova*.

<sup>72</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova Country Strategy Paper (2011–2013)*, p. 2.

<sup>73</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova Country Strategy Paper (2011–2013)*, p. 20.

<sup>74</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova National Indicative Programme 2010–2013*, p.6.

<sup>75</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova National Indicative Programme 2010–2013*, Lessons learned section, p. 11.

<sup>76</sup> *Ibid.*: 'The Georgia crisis of August 2008 created new challenges in the region, triggering the need for stronger engagement by the EU. This aspect is all the more relevant since the chances of a peaceful settlement of the Transnistria conflict may be considered greater than when the original CSP was designed. There has therefore been some reflection on the approach to be taken to ensure that EC assistance to Moldova can be used efficiently to fund confidence building projects on the ground.'

the latest development in the relationship between Moldova and EU. The amount earmarked for CBMs corresponds to 15% of the overall envelope allocated for the entire ENP assistance, and the implementation framework, while respecting Moldova's territorial integrity, allows for support for left-bank based NGOs and local authorities under sectoral or capacity-building priorities.

With the Council Conclusions on the Republic of Moldova of 15 June 2009, the European Commission has been tasked to negotiate an Association Agreement with Moldova for which negotiations started January 2010. The Comprehensive Autonomous Trade Preferences that came into effect in 2008 gave Moldova duty-free and quota-free access to EU markets for nearly all products.<sup>77</sup> The Visa Facilitation and Readmission Agreements entered into force in January 2008. The next step in the significant upgrading of EU co-operation with Moldova is the Association Agreement, which is currently under negotiation. In this agreement, two areas are of note: the Deep and Comprehensive Free Trade Area (DCFTA) and visa liberalisation for the travel of Moldovan citizens to the EU.

The recent appointment of Miroslav Lajcak as the EEAS Managing Director for Russia, Eastern Neighbourhood and the Western Balkans, as well as his role as the EU representative in the 5+2 talks and as the main negotiator of the EU/Moldova Association Agreement, is a window of opportunity for a more coherent and comprehensive approach by the EU in contributing to the peaceful settlement of the Transdniestrian conflict.

Combining political and operational capacities in order to deliver a meaningful process depends inevitably on proper staffing and resourcing for both the EU Delegation in Chisinau<sup>78</sup> and the EEAS Directorate – Eastern Europe, Southern Caucasus, Central Asian Republics. The EU Delegation is already implementing donor coordination on CBMs at the local level, but further efforts need to be put into coordinating a common approach in Brussels and between the bilateral agendas of Member States (in a situation where Member States Embassies operate according to national guidelines, it is difficult for the Delegation to coordinate effectively a common approach).

Not only would the EU have to upgrade co-ordination and improve delivery, but, in order to secure coherence, bilateral funding by Member States should be combined and channelled strategically in order to match development assistance with the conflict resolution objectives of the ENP. Furthermore, rather than assuming that the EU is, by default, more attractive to Moldova-Transdniestria than other regional actors with regional agendas (e.g., the CIS),<sup>79</sup> it is advisable that the development assistance policy matrix,<sup>80</sup> elaborated by the EU Delegation in Moldova for in country development coordination purposes, be expanded to external actors and include political issues in order to streamline EU policies and thinking in terms of Transdniestrian conflict resolution.

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<sup>77</sup> European Commission, *European Neighbourhood and Partnership Instrument, Republic of Moldova National Indicative Programme 2010–2013*, p. 8.

<sup>78</sup> As the day to day management of the CBMs is currently managed by UNDP and the operational capacity is secured, the political section of the EU delegation in Moldova needs additional resourcing.

<sup>79</sup> See: Independent Centre for Analytical Research 'New Age' and CBS-AXA, *Attitudes of the population of Moldova and Transdniestria towards the West, Russia and Each Other*; in response to the question 'Relations with which country hold the most promise for us?', 32% of right-bank Moldovans answered 'Russia' and 26% answered 'the EU'.

<sup>80</sup> Interview with European Diplomat, Chisinau, March, 2011.



### 3. Member States' Engagement in the Conflict

EU Member States have engaged with the Transdniestria conflict according to their state-level strategic interests and capacities. The most recent example comes from Member State heavyweights Chancellor Merkel of Germany and President Sarkozy of France, who have embarked on a direct dialogue with Russian President Medvedev regarding Transdniestria.<sup>81</sup> This engagement is driven by a desire to show leadership in EU foreign policy by the respective Member States, especially in dealing with the Russian Federation, which has been a valuable relationship for both France and Germany. The Russian Federation is also looking for a visa free regime with the EU and progress on the Transdniestria issue is seen as a possible incentive. Although little information exists in the public domain about its details, the dialogue itself looks like a difficult one, being tied to the broader proposal of a possible new European security architecture presented by President Medvedev after the August 2008 war in the Caucasus. The presence of the Moldova-Transdniestria issue on the agenda at such a high level is a new factor in the peace process and is assessed by some as a success of Moldovan diplomacy.<sup>82</sup> Many hope that the engagement by Germany will make a significant and balanced contribution to the search for a mutually acceptable solution to the status issue. Indeed, the fact that a resumption of official 5+2 talks is expected to occur in 2011,<sup>83</sup> is an indicator of the momentum already generated by such Member State involvement in direct dialogue with Russia. It is nonetheless essential that a close co-operation and coordination with Brussels is envisaged in order not to weaken EU's engagement and investment in the Moldova-Transdniestria peace process.

At the moment it seems that progress on finding common positions on substantive matters is still something to look forward to.<sup>84</sup> Any such progress will need to ensure, on the one hand, that the interests of both the EU (including its Member States) and Russia find a meeting point,<sup>85</sup> and, on the other, that the concerns of the conflict parties themselves do not end up being 'traded away' in a larger geopolitical context.<sup>86</sup>

As a Member State, Romania has been one of the most active, due to its ethnic, historical and linguistic links to the Republic of Moldova. Romania has been very active in promoting its

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<sup>81</sup> Meetings in Meseberg (5 June 2010) and Deauville (18–19 October 2010).

<sup>82</sup> Interview with civil society policy analyst, Chisinau, March 2011.

<sup>83</sup> See, for example: Ekho Moskvyy Radio (website), *Russian-Ukrainian Relations. Interview with Sergey Lavrov*, (in Russian), [online], accessed 7 June 2011, available at <http://echo.msk.ru/programs/beseda/781645-echo/>

<sup>84</sup> Interview with European diplomat, Brussels, March 2011.

<sup>85</sup> Sammut and Paul provide a view of what would be necessary for such a meeting point in relation to conflicts in the South Caucasus, much of which is applicable to the situation in Moldova-Transdniestria: 'Securing this [Russian agreement] should be Europe's first objective, and this needs to be done as part of a package that will ensure that Russia does not emerge out of the process worse off than it is now, that the emerging order will not be harmful to Russian security or political interests, and that Russia will see the advantages of a new, more secure order in the region from which it could also benefit economically'. Dennis Sammut and Amanda Paul, *Addressing the Security Challenges in the South Caucasus – The Case for a Comprehensive, Multilateral and Inclusive Approach*, European Policy Centre Policy Brief March 2011, [online], accessed 7 June 2011, available at [http://www.epc.eu/pub\\_details.php?cat\\_id=3&pub\\_id=1249&year=2011](http://www.epc.eu/pub_details.php?cat_id=3&pub_id=1249&year=2011)

<sup>86</sup> For an example of such concerns, see: Vladimir Socor, 'German Diplomacy Tilts toward Russia on Transnistria Negotiations', *Jamestown Foundation Eurasia Daily Monitor*, Vol. 8, Issue 108, 6 June 2011, [online], accessed 7 June 2011, available at [http://www.jamestown.org/programs/edm/single/?tx\\_ttnews\[tt\\_news\]=38017&tx\\_ttnews\[backPid\]=27&cHash=6657dd6447bda9e88507901721a8eeb3](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=38017&tx_ttnews[backPid]=27&cHash=6657dd6447bda9e88507901721a8eeb3)

interests in bilateral relations with the Republic of Moldova, including more recently through Official Development Assistance (ODA) as an EU Member State,<sup>87</sup> as well as through the levers available to it within the EU structure.<sup>88</sup> Romania's engagement with the Transdnestrian conflict has been mainly limited to public commentary reflecting Romania's position by such high-level figures as the President and Foreign Minister. However, Romania's increased motivation to speed up the process leading to the country's inclusion in the Schengen space and Moldova's need to draw closer to the EU have resulted in the resumption of the negotiations started in 2003 and the signing of the 'Treaty between Romania and the Republic of Moldova on the State Border Regime, Cooperation and Mutual Assistance in Border Matters' in November 2010.<sup>89</sup> Despite the demands of the Moldovan Communist Party for a wider-ranging political document, this Treaty is purely a technical document, which doesn't touch on historical considerations,<sup>90</sup> but regulates the physical markings of the border and deals with issues related to border management. Nonetheless, according to the Romanian Ministry of Foreign Affairs: 'by signing this treaty, we discourage the obsessive allegations of some political circles in Moldova concerning 'an imaginary irredentist agenda of Romania'.<sup>91</sup>

Another concrete step, which could affect the conflict dynamics at the grassroots level, is the offering of Romanian citizenship to descendants of former residents of Romania up to three generations back (which encompasses a notable proportion of present day Transdnestrian residents) by Romanian President Basescu.<sup>92</sup> Importantly, the latest version of this initiative does not include a language and culture interview, which previously precluded those Transdnestrian residents whose main language was Russian or Ukrainian.

As regards the Romanian population's attitude towards the Republic of Moldova, and particularly the Transdnestrian conflict, it is important to note that the lack of information and

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<sup>87</sup> Romania Ministry of Foreign Affairs (website), *Republic of Moldova*, (in Romanian), [online], accessed 7 June 2011, available at <http://mae.ro/node/1677>

<sup>88</sup> Romania has engaged in active advocacy for the Republic of Moldova within the EU. For example, Romania has lobbied for the idea of transferring Moldova from the group of countries covered by the European Union's Neighbourhood Policy to the Western Balkan group covered by the Enlargement Policy in order to open up a broader prospect for EU membership to Moldova; see: Euractiv (website), *Romania strives to attach Moldova to Balkan EU Train*, [online], accessed 7 June 2011, available at <http://www.euractiv.com/en/Romania-strives-to-attach-Moldova-to-Balkan-EU-train>. Romania has also initiated the creation of an informal 'Group of Friends', intended as an unofficial pro-Moldovan lobby inside the EU; see: Romanian Minister of Foreign Affairs Teodor Baconschi's declaration: Embassy of Romania, London (website), *Baconschi: Republic Moldova Citizens to Choose between Past and Future, not between Russia and Romania*, [online], accessed 7 June 2011, available at <http://londra.mae.ro/index.php?lang=en&id=31&s=119932>, which includes, apart from Romania, Austria, the Czech Republic, Estonia, Germany, Latvia, Lithuania, Italy, Great Britain, Poland, the Slovak Republic, Slovenia, Sweden and Hungary.

<sup>89</sup> Romania Ministry of Foreign Affairs (website), *Romania and Republic of Moldova sign Treaty on State Border Regime, Cooperation and Mutual Assistance in Border Matters*, Press Release 11/08/10, [online], accessed 7 June 2011, available at <http://mae.ro/en/node/5904>

<sup>90</sup> During the negotiations, Chisinau insisted on a treaty acknowledging the annexation of Romanian Moldova by the former Soviet Union in 1939. Bucharest's refusal was interpreted by Moldova's communists in power between 2000 and 2009 as proof of Romania's expansionist views.

<sup>91</sup> Romania Ministry of Foreign Affairs (website), *Romania and Republic of Moldova sign Treaty on State Border Regime, Cooperation and Mutual Assistance in Border Matters*, Press Release 11/08/10.

<sup>92</sup> See, for example: Sergey Vulpe, 'Romania will Today Officially Make Public a Law which Makes it Simpler for Residents of Moldova to Receive its Citizenship', *RIA 'New Region'*, 11 November 2009, (in Russian), [online], accessed 7 June 2011, available at <http://www.nr2.ru/kishinev/256737.html>

interest on the topic is rather striking. A recent study developed by the Soros Foundation Romania<sup>93</sup> found that 74% of interviewees do not know what Transdniestria is,<sup>94</sup> 82% consider the reunification of the Republic of Moldova with Romania (with the subsequent federalisation of Romania) irrelevant, and 73% of the interviewees have little or no interest in Romania's policies towards the Republic of Moldova.

Several Member States have been involved in supporting the development of civil society in Transdniestria and civil society links between the two banks of the Nistru/Dnestr. These have included the United Kingdom, Norway, Czech Republic, Finland, the Netherlands, Austria and Sweden. The most active of these, and also the one with by far the greatest investment, was the United Kingdom, with its Conflict Prevention Pool,<sup>95</sup> which was used to support various civil society peacebuilding efforts from 2004 to 2009, and DFID funding from 2009 to 2010. Some of the projects funded by the United Kingdom have been recognised as the ones with the largest scope and most significant impact in terms of civil society peacebuilding in the last 10 years. These include the Transnistrian Dialogues Project implemented by the Association for Foreign Policy of Moldova (APE) with Transdniestrian partners and Project IMPACT implemented by the Peace Action, Training and Research Institute of Romania (PATRIR) together with partner organisations from Chisinau and Tiraspol. These projects have been instrumental in deepening mutual understanding and, in many cases, opening opportunities for working relationships – between civic, political and media leaders up to approximately 40 years of age (Transnistrian Dialogues) and established experts in economics, social and political sciences (Project IMPACT). In addition to providing significant funding support to civil society, the Embassy of the United Kingdom (UK) in Chisinau has also been the most active in engaging directly with a broad range of actors in Transdniestria. Alongside the EUSR, the UK Embassy has been a trailblazer in bringing the European Union to Transdniestria through both funding and informal dialogue. Accordingly, it has fostered in Transdniestria more trust towards the EU as a constructive actor, a realisation of the need to build relationships with the EU,<sup>96</sup> and interest in EU policies and in engaging with its influence in the region.<sup>97</sup>

Some Member States such as France have chosen to engage with Transdniestria via the cultural sphere, opening 'windows to Europe' mainly for Transdniestrian university students, for example, through Alliance Francaise's Francophonie Days, including French Film Festivals in Tiraspol in co-operation with the Transdniestrian Shevchenko University and offering study trips to France to university students.<sup>98</sup>

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<sup>93</sup> C. Ghinea et al., *Republica Moldova in Constiinta Publica Romaneasca*, (Bucharest: Soros Foundation, 2011).

<sup>94</sup> A study from 2010 also presents the fact that only 3% of the Moldovan citizens would want reunification with Romania, see: România Liberă, *Sondaj: doar 3% dintre moldoveni ar vrea unirea cu România*, [online], accessed 7 June 2011, available at <http://www.romanalibera.ro/actualitate/eveniment/sondaj-doar-3-dintre-moldoveni-ar-vrea-unirea-curomania-204918.html>

<sup>95</sup> Previously called the Global Conflict Prevention Pool.

<sup>96</sup> Interview with Transdniestrian MP, Tiraspol, March 2011; see also: RIA 'New Region', *Tiraspol will Prefer Working with International Partners to Contacts with Chisinau*, (in Russian), [online], accessed 7 June 2011, available at <http://www.nr2.ru/pmr/331262.html>

<sup>97</sup> See, for example: Sergey Shirokov, 'European Integration Policies in the Context of Transdniestrian Conflict Settlement', in Matveev et al. (eds) *Moldova-Transdniestria: Working Together for a Prosperous Future*, (Chisinau: Editura cu Drag, 2009).

<sup>98</sup> See, for example: Regnum Information Agency, *"Alliance Francaise in Moldova" has Rewarded Transdniestrian University Students with a Trip to France*, (in Russian), [online], accessed 7 June 2011, available at <http://www.regnum.ru/news/1020668.html>; and RIA 'New Region', *Francophonie Days in Transdniestria have*

#### 4. Gaps, Challenges and Recommendations for the EU's Engagement Related to Peacebuilding and Conflict Prevention in Moldova

##### *Association Agreement*

A key process affecting the future of Moldova-Transdnistria is the current negotiations between Brussels and Chisinau regarding the DCFTA and EU visa liberalisation for Moldovan citizens. However, there is no involvement of Transdnistria in these negotiations. This is short sighted, because concrete progress along a European path on the part of Chisinau should be attractive to many in Transdnistria,<sup>99</sup> but also because the Republic of Moldova will scarcely be able to implement its obligations in both the trade and migration components without the co-operation of Transdnistria.<sup>100</sup> The need for Transdnistrian enterprises to comply with rules and standards set by the EU, and the obligation on Chisinau to control its migration flows along the Transdnistrian section of the border with Ukraine, are both roadblocks to progress with the Association Agreement. The alternatives to inclusion – setting up a hard boundary with Transdnistria and/or denying Transdnistrian enterprises access to the EU markets – are not in line with Chisinau's reintegration aspirations as they would cement the separation between the two banks.

While the EU has offered the Moldovan delegation to include Transdnistrian economic agents as observers and advisers to the Moldovan negotiation team for DCFTA-related negotiations, the Moldovan Ministry of Foreign Affairs and European Integration (MFAEI) has limited itself to providing briefings to the Economic Expert/Working Group, which includes Transdnistrian officials, but not to the economic agents in Transdnistria.<sup>101</sup> If the EU is serious about its future interdependent relationship with Moldova, it must be more resolute in suggesting frameworks that would allow for the inclusion of the Transdnistrian dimension in the Association Agreement negotiations. Moldova will not be able to enter into this agreement without Transdnistria's buy-in, and it would be a huge risk to electoral support for any future Euro-integration strategy if the current agreement is to falter and fail because the Transdnistrian dimension was not taken into account early enough.

**Recommendation:** Proactively engage Transdnistrian representatives, including the business sector, in Association Agreement negotiations.

##### *Confidence Building*

One of the key innovations regarding the EU's involvement in the Transdnistrian conflict resolution process is the EU's support for confidence building measures, which it has administered as a project through the United Nations Development Programme (UNDP) Moldova. This support has been focused on less politicised spheres, such as health infrastructure, ecology, social issues, business development and economic links, and has allowed mutually beneficial interaction between the sides of the conflict on a sectoral level

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*Begun with a French Film Festival*, (in Russian), [online], accessed 7 June 2011, available at <http://www.nr2.ru/culture/275858.html>

<sup>99</sup> See 2009 sociological poll: Independent Centre for Analytical Research 'New Age' and CBS-AXA, *Attitudes of the population of Moldova and Transdnistria towards the West, Russia and Each Other*.

<sup>100</sup> See, for example, press coverage of a Round Table organised in May 2011 by Chisinau-based think tank Expert Grup: Sergey Vulpe, 'Experts Propose to Recognise Transdnistria as a Separate Customs Territory', *RIA 'New Region'*, 26 May 2011, (in Russian), [online], accessed 7 June 2011, available at <http://www.nr2.ru/kishinev/333177.html>

<sup>101</sup> Interviews with European diplomats, Chisinau, March-April 2011.

without preconditions relating to future political negotiations. This was done in order to build a foundation for resolving the sectoral issues that affect both sides and which have been neglected because of the political conflict. This has created a space for ongoing interaction with the Transdniestrian side. However, the approach has been criticised by some in Chisinau who are concerned that it is building more Transdniestrian confidence towards the EU than towards Chisinau and right-bank Moldova.<sup>102</sup> Nevertheless, any engagement strategy by the EU in conflict situations in its neighbourhood, by definition, requires that the EU first establish its own reputation as a counterpart that is honestly interested in stability and development for its neighbours. Part of the reason for criticism comes from the way in which the projects themselves have been conceived. Few consultations took place with local experts on both sides at the conception stage. The overall approach was initiated upon the advice of short-term consultants commissioned by the EU Delegation in late 2008 to advise on the allocation of the first tranche of the confidence building funds.

In order to ensure the buy-in of all sides to the EU's support for confidence building measures, it is important for the EU to broaden the base for consultations regarding future tranches and the way to make use of them most effectively. The EU should provide opportunities to the Expert/Working Groups to consult on a regular basis with independent subject matter experts from both Chisinau and Tiraspol. This should be done in the form of a dialogue with participation of both Working Group members and independent experts from both sides. This will provide the missing link with civil society, which can add an analytical capacity to the confidence building measures process. Through such a consultative mechanism, civil society can also give a voice to people at the grassroots, who are meant to benefit from these measures and whose needs are currently not used as empirical input to the Expert/Working Groups' agendas. It is also crucial to the success of both processes to establish mutually supportive linkages between the official Expert/Working Groups focused on developing mutually beneficial sectoral projects and the funding provided by the EU for confidence building projects. Independent experts from both sides can be involved to ensure that a broad range of possibilities is explored. In order to maximise the effectiveness of independent experts' input and participation, further programmes for building their capacity and exposing them to international experience are necessary, facilitated by external INGO actors with relevant international expertise.

The EU Delegation in Chisinau will need to examine the way it manages funding for confidence building measures in order to facilitate the implementation of an expanded portfolio of CBM projects from 2011 onwards. The current administration of funds by UNDP through the Support for CBMs project is very effective for projects focused on development issues – technical support to small and medium enterprises (SMEs), health and community services, and to civil society activities – all of which are seen as less political by all sides, including Transdniestria. The UNDP's overall mandate and *modus operandi* as a UN agency makes it an effective administration platform for such non-political projects. In addition to this, the Delegation itself will need to be more engaged in supporting and coordinating with the OSCE and other members of the 5+2 format the kind of projects that will focus on providing expert support to the more political process of the Expert/Working Groups. For this, an adequate increase in conflict-qualified staff focusing on political aspects is essential, as the Delegation is already operating above capacity with current staffing levels.

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<sup>102</sup> Interviews with Moldovan public servant and European diplomat, Chisinau, March–April 2011.

**Recommendation:** Support civil society expertise from both banks to improve the effectiveness of Expert/Working Groups and the linkage between confidence building measures (CBMs) and working groups. Increase the EU Delegation's political staffing to ensure that the increased funding for CBMs is well supported.

### *Institutional Coherence*

One of the shortcomings of the EU engagement architecture with protracted conflict is the difficulty in developing a 'holistic perspective' on the conflict's dynamics and pursuing an informed and relevant conflict resolution strategy. Constrained by the institutional set-up, and the consequent unfortunate division of activities between the Council and the Commission, the EU has not acted differently in Moldova-Transdniestria. Programming, and implementation responsibilities have been fragmented and distributed to different institutions (the development assistance to Transdniestria has been even outsourced to UNDP), and different geographical and thematic instruments (EIDHR, IFS and ENPI) are expected to perform without any pre-developed conflict resolution strategy.

The war in Georgia and the 'momentum' created by the repositioning of the different international players with a key role in the Moldova-Transdniestria peaceful settlement has given the peace process a new impetus. Internal changes and the new pro-EU Moldovan Government, which has advanced the Transdniestria issue on the national agenda, have enabled the EU to be bolder and invest in a 'more for more' logic,<sup>103</sup> not only in relation to democracy and good governance, but also in its engagement for the peaceful settlement of the conflict. In fact, in the future, the EU will be investing more in building the capacity of Moldovan institutions to address the outstanding conflict issues and perform in the negotiation process. Despite these developments, it is very difficult to assess the extent to which the EU has contributed to positive changes as it seems to have been driven by Moldovan domestic priorities (and, therefore, could benefit from support in the ENP framework), Member States' foreign affairs agendas and individual diplomatic capacities.

The establishment of the EEAS (and the inclusion of the Service for Foreign Policy Instruments (FPI) in the service), as well as the ENP revision, has the potential to help the EU 'let its instruments out of their separate boxes', overcome its coherence and lack of integration problem, and deal effectively with the Transdniestrian conflict. The EU Delegation will be in the driving seat to properly follow the implementation of confidence building measures in the field and coordinate donor assistance, as well as assist in the Association Agreement negotiation and support the EEAS Managing Director Lajcak in the 5+2 talks. Provided that the right people are assigned to the right places at the EU Delegation level (to fill the gap left by the EU Special Representatives' Political Advisers), as well as at the level of the EEAS geographical unit, and provided that Member States support the efforts of the EEAS, the EU can contribute meaningfully to the settlement of the Transdniestrian conflict. Furthermore, it is essential that the conflict analysis conducted at the local level is built into the programming cycle in addition to the national strategic planning processes. Therefore the EEAS and the relevant desk should be involved as much as possible in in-field conflict assessments and evaluation of performance.

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<sup>103</sup> In their joint communication on 8 March 2011, the High Representatives of the Union for Foreign Affairs and Security Policy and the European Commission explained that the revised neighbourhood policy will be characterised by an incentive-based approach that will grant those countries that progress faster regarding reforms more privileges ('more for more').

Although imperfect in many ways, the ENP framework can provide a real opportunity to bring about sustainable peace in Moldova through the variety of possibilities that it offers to be informed by, and stimulate, long-term democracy and development priorities and dialogue. Peace processes are only the start of the longer-term process of peacebuilding and institution building, and peace agreements are usually an imperfect snapshot of the compromises between elites at a given time. It is important that, instead of heavy detailed programming documents, space is given to: prioritising key objectives, enhancing political dialogue, and allowing for ad-hoc possibilities for consultation and investment in institutional capacity building.

For this reason issues around inclusion and the need for ongoing dialogue and for further prioritisation to tackle security, economic and law enforcement issues and to establish permanent institutions rather than transitional mechanisms could be addressed in a comprehensive and integrated framework, like the ENP, in a flexible format.<sup>104</sup>

The Transdniestrian conflict is probably the only one in the Eastern Neighbourhood that corresponds to the definition of a 'frozen conflict'. The last thing that the EU should aim at would be to 'cross the bridge before it comes to it'<sup>105</sup> and rush into a quick fix that nobody is prepared to deal with at the moment. All EU engagement with this conflict needs to be flexible enough to respond to the realities on the ground and to move at a pace that is acceptable to all sides.

**Recommendation:** Ensure that the EU Delegation's important potential to integrate political and technical instruments is enhanced by Brussels' support for an effective and flexible engagement with the conflict.

### *Sectoral Engagement*

While the EU has previously limited its Transdniestrian focus to engaging with the Track 1 level of the 5+2 format, it has recently begun to engage with the SME component of the business sector, sectoral Transdniestrian authorities (e.g., healthcare) and civil society.<sup>106</sup> This multi-sectoral approach must be deepened and broadened through the continued investment of funds and expertise if the EU is to improve its reputation in Transdnistria. Sectors that both the EU and the Member States are yet to engage with in a significant and structured way include the elected bodies of Transdnistria, both at the central and local level, local authorities and the 'large corporates' in the business sector. Work with the SME sector must be continued and deepened as this is one space in which there is both supply (EU experience) and demand (lack of a solid SME economy). Projects to engage these sectors should be gradually funded by the EU and implemented by a portfolio of European, Moldovan and Transdnistrian partners, including INGOs, NGOs, parliamentary, business and local

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<sup>104</sup> The text of the new ENP states that 'While ENP Action Plans remain the framework for our general cooperation, the EU will suggest to partners that they focus on a limited number of short and medium-term priorities, incorporating more precise benchmarks and a clearer sequencing of actions. The EU will adapt the priorities for its financial assistance accordingly. This list of priorities will set the political pace and help both the EU and each neighbour to produce key deliverables, within a mutually agreed timeframe.' See: *European Parliament, the Council, the European and Social Committee and the Committee of Regions*, Brussels, 25 May 2011, [online], accessed 8 June 2011, available at [http://ec.europa.eu/world/enp/pdf/com\\_11\\_303\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf)

<sup>105</sup> Interview with civil society analyst in Transdnistria, March 2011.

<sup>106</sup> For details of the Support for Confidence Building Measures project initiated and funded by the EU, see: United Nations Development Programme Moldova, *Support for Confidence Building Measures Project*, [online], accessed 7 June 2011, available at <http://www.undp.md/projects/Transnistria.shtml>

government bodies such as Chambers of Commerce and cross-party parliamentary initiatives, including from Member States.

**Recommendation:** Continue proactive contact with Transdniestrian interlocutors, broaden the reach of EU support, and search for mutually beneficial projects.

### *Visibility*

Unlike the societies facing the same conditions in the South Caucasus, Transdniestrians have more options for travel, although not without difficulty. This, unfortunately, doesn't change the fact that, typical of unrecognised entities, Transdniestria is in a state of both psychological and physical isolation. A study on their perceptions of themselves and of the EU shows, nonetheless, that the situation on the ground is rather different than commonly thought to be, with the majority of Transdniestrians open to Europe and perceiving its role in a positive light.<sup>107</sup> It is necessary for the EU to capitalise on this welcoming foundation by ensuring that all of its investments in Transdniestria, especially those focused on infrastructure and community development, are subject to custom-designed visibility rules, which balance the need to promote the EU as a friendly neighbour with sensitivities on the ground. A greater media presence by the EU Delegation and the beneficiaries of EU support should be one of the components of such a visibility approach. This also applies to EUBAM, especially for teams operating on the Transdniestrian section of the border with Ukraine. EUBAM can do more to publicise its role as a watchdog in relation to lowering corruption and improving standards of service provided by Ukrainian border personnel (while being clear that it has no executive function), thus providing a practical example of European values in action to the many Transdniestrians crossing this border on a regular basis. If the EU is to establish itself as a trusted partner in the minds of the people, it needs to also make more detailed information available to the broader population. The concept of EU information centre(s) in Transdniestria has been discussed for several years and should finally be implemented in a way acceptable for all sides of the conflict.

**Recommendation:** Ensure that EU support is visible wherever it is provided and that detailed information about the EU is readily and broadly available in Transdniestria.

### *Donor Coordination*

There is broad recognition of the efforts made to exchange information between donors and international agencies working with Transdniestria and on conflict-related issues. This is particularly so between EU and Member State Heads of Mission in Chisinau, especially those more closely involved with Transdniestria. However, some of the interlocutors interviewed for this paper referred to a need for greater coordination and information exchange between EU and non-EU actors.<sup>108</sup> There is an informal mechanism for information exchange between European, North American and international donors since approximately 2007, which was originally coordinated by the UK Embassy in Chisinau and now by the EU Delegation. However, the complexity of the donor landscape for Transdniestria is increasing with the significant increase in funding provided by the EU from 2012, the complexity of the funding mechanisms involving the UNDP and local and international implementing partners, and the continued engagement of bilateral donors on issues like supporting the development of civil society. There is a need for continued closer interaction with the OSCE, in particular, given the

<sup>107</sup> See 2009 sociological poll: Independent Centre for Analytical Research 'New Age' and CBS-AXA, *Attitudes of the population of Moldova and Transdniestria towards the West, Russia and Each Other*.

<sup>108</sup> Interviews with European diplomats, Chisinau, April-May 2011.



complementary role of the OSCE as a mediator, with its focus on the official Expert/Working Groups, and of the EU, with its availability of financial instruments to support concrete CBMs, which the Expert/Working Groups may develop.<sup>109</sup> As part of such continued and deepened coordination it would be useful to systematise and consider lessons from the donors' engagement with Transdniestria to date, as significant experience has been accumulated.

**Recommendation:** Continue and deepen the positive practice of information exchange and coordination between international actors working in, and on, the conflict in Transdniestria.

#### *Capacity Building for Future Solution*

The EU has a depth of expertise on conflict resolution, both in its institutions and in the specialised INGOs domiciled in Member States. It should, therefore, ensure that it makes such expertise available to both Chisinau and Tiraspol, to build their capacity to deal with issues key to the settlement of this conflict. Given the current lack of formal negotiations, such capacity building support should be provided to the functioning Expert/Working Groups and the negotiating offices on both sides. However, given the possibility of an official resumption of political talks in 2011, the EU should also gear itself to be on standby to support the sides in searching for solutions to such issues as: guarantees in relation to property and personal security; language policy; document recognition; the movement of people and goods; the effects of any settlement on civil servants and military personnel; and media support for the peace process. Such capacity building support can be provided using a variety of existing methods, including peer workshops, study visits, the presence of long-term advisors and training.

**Recommendation:** Provide capacity-building support through INGOs and directly to both sides to ensure that current and future efforts towards settlement make use of European experiences and best practices.

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<sup>109</sup> Interview with European diplomat, Chisinau, May 2011

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