

Tempering expectations: EU involvement with the Transdnestrian conflict

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Introduction:

For almost twenty years now, the Republic of Moldova has been in the midst of separatism in the breakaway region of Transdnestria.² This narrow strip of land, which is located on the left bank of the Dniester River, seceded from Moldova after a short civil war in 1992 when the Russian military put an end to the fighting and Russophone separatists obtained control over the left bank. Russian militaries have been stationed there ever since, and along with excessive Russian support, Transdnestria has evolved into a territory that developed all attributes of statehood, except for international recognition.

The contemporary situation has changed little and, although Transdnestria is often portrayed as one of the most resolvable conflicts, there has hardly been any progress whatsoever in finding a solution. On the contrary, despite the longstanding negotiations, under OSCE auspices, on a political settlement, the five-sided negotiation format³ in place seems to have borne very little success. In 2005, the EU and USA were added to this format as observers, and thus is now referred to as the '5+2' format. Still, negotiations have made little progress. Actuated by the inefficacy of these decades-long OSCE-supervised negotiations, the role of the EU in this process is increasingly being discussed and researched. Not only in academia is this topic gradually receiving more attention, but also Moldova's domestic constituencies seem to have their hopes set on the EU in order to resolve the current deadlock. Although Moldova has been plagued by internal political crises and a repeated failure to appoint a president, the pro-European government currently in place (since 2009) has been, after early elections, re-elected and gained a slight

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2 Throughout this article, the term 'Transdnestria' will be used when referring to the breakaway region. By doing so it follows the OSCE's terminology, but this by no means has any political implications whatsoever. The proclaimed Transdnestrian authorities, however, call the region 'Pridnestrovskaia Moldavskaia Respublika', usually abbreviated as 'PMR'. Other variations are the Russian 'Pridnestrovye', the Romanian 'Stînga Nistrului' (which literally means left of the Dniester) or the more familiar (EU terminology) 'Transnistria', all referring to the same area in the Republic of Moldova.

3 This framework is comprised of Moldova, Transdnestria, the Russian Federation, Ukraine, and the OSCE Mission. Within this framework, there are two parties which are formally opposed to one another and that have a direct stake in the conflict, these being Moldova and Transdnestria. Russia, Ukraine, and the OSCE comprise the secondary stakeholders and have been granted a 'mediator' status.

increase in its majority in the November 2010 elections.⁴ The governing coalition calls itself the Alliance for European integration, and as far as Transdnistria is concerned, its residents also seem quite optimistic about European cooperation.⁵

Amalgamated with the EU's commitments and strategies aimed at conflict prevention and peace-building, and several externally held expectations in this regard to do so, the EU's involvement with the Transdnistrian conflict supposedly brings new impetus to instigate a peaceful resolution to the current stalemate. Additionally, EU involvement could be said to have the potential to demonstrate a distinctly European approach to conflict management. Drawing on what has been called soft or normative power, it is worthy to investigate if indeed the EU's unique powers, whatever they may be, drive the process for settlement or if expectations should be tempered somewhat as it remains unlikely that the EU will bring instant salvation to this entrenched conflict.

History of the EU's involvement

The EU's engagement with the Transdnistrian conflict started in 2003 when it issued a now suspended travel ban for the Transdnistrian leadership (in close cooperation with the USA). Albeit the EU was already in a contractual relationship with Moldova through the assistance programmes it had for transitional countries in the post-Soviet space, it was only after 2004 that the EU started to become an engaged and significant actor. The 'big bang' that year (2004) resulted in the EU not only welcoming ten new member states, but also led to intensified external relations. Realizing that its increasing geographical size seriously affects EU foreign policy, the EU developed a special policy for countries that had no possibility of becoming a member in the near future, known as the European Neighbourhood Policy (ENP). One year previously, in 2003, the EU also launched its 'European Security Strategy' (ESS) wherein it expressed the desire to be surrounded by 'a ring of well governed countries' and specifically pointed out that violent conflict, weak states and dysfunctional societies around the EU's border 'all pose problems for Europe'.⁶

As such, EU -Moldova relations were boosted in 2004 when, under the ENP, a mutually agreed action plan was drafted in which the EU prioritized conflict resolution for Transdnistria as one of the main objectives. In this EU — Moldova Action Plan (EUMAP), which was adopted in 2005, an interlinked set of priorities is

4 These elections were held after the dissolution of parliament because the ruling coalition did not have enough votes to elect a president. Also with the new number of seats allocated to this coalition, they are unable to appoint a president and will therefore need the support of rival, communist, parliamentarians in order to overcome this significant challenge.

5 A recent study showed that 63 percent of the Transdnistrian people would vote in favour of EU membership whereas Moldovans wanted this even more, with a 71 percent majority. Report for the UK Embassy in Moldova, 2009. 'The Perception of Moldova's and Transdnistria's Residents towards Russia, the West and each other'. Conducted by CBS-AXA, Chisinau & Novvy Vek, Tiraspol.

6 Solana, J. (2003) 'A Secure Europe in a Better World: European Security Strategy', Paris: EU Institute for Security Studies: p7-8.

defined that would enhance the EU's 'sustained efforts towards a viable solution to the Transnistria conflict'.⁷ In 2005, those efforts were complemented by the appointment of Mr. Adriaan Jacobovits de Szegeed as the EU's Special Representative for Moldova (EUSR) with a mandate to streamline the EU's efforts in Moldova. In 2005, shortly after the appointment of Mr. Jacobovits, Brussels established the EU Border Assistance Mission to Moldova and Ukraine (EUBAM). Requested by the governments of both Moldova and Ukraine, EUBAM currently deploys around 120 customs professionals from EU member states and aims to assist in border, customs, and fiscal matters, including around (but not in) the troublesome region of Transdniestria. Finally, since February 2010, an EU high-level policy advice team has been sent to Moldova to assist local key institutions with the implementation of reforms. This should ultimately culminate in an ambitious (future) Association Agreement (AA) between the EU and Moldova.

All in all, it is fair to say that momentarily the EU is by far the most important partner for Moldova. Both for domestic development as well as for Moldova's desire to reintegrate the Transdniestrian region into its economic, social and political space, the EU is assuming a central role. The importance of the current pace of EU — Moldova relations is particularly laid bare in contrast to the endlessly bogged down mediation efforts carried out under the OSCE's auspices.

A distinctive EU approach?

With the emergence of the EU as a central actor in the process towards a settlement, two relevant and interesting questions should be asked. Firstly, is there an effective EU strategy for this conflict in place? Secondly, and in light of the discussions of civilian or normative power, does the EU's involvement with the Transdniestrian conflict exemplify a distinct and unique European approach to conflict management? Concerning the latter, the alleged normative power of the EU is truly relevant. Albeit in different variations, it has now resonated through academia for some decades and is currently amongst the most salient discussions in European studies. Recently, the work of scholar Ian Manners and his 'Normative Power Europe' theory (NPE) has ignited ample debate among scholars and continues to inspire students. Since it was first coined in 2002, his notion of NPE surfaced as a prominent theory in the interrelated fields of European studies, political science, and international relations.

NPE basically argues that Europe has 'the ability to define what passes for 'normal' in world politics'⁸ and therefore characterizes the EU as a force for good, as EU power does not rely on traditional, e.g. military, forms of power. On the contrary, for Manners EU power relies on the diffusion of its norms onto (partner) countries which eventually accept the EU's aims as 'normal'. NPE therefore stipulates a clear and distinct non-military influence to be exerted by the EU on international politics. For this reason, NPE has created numerous high expectations

7 European Commission. (2005) 'ENP Action Plan for the Republic of Moldova.' Brussels: p4.

8 Manners, I. (2002) 'Normative Power Europe: A Contradiction in Terms?' *Journal of Common Market Studies* 40 (2): p. 236.

regarding (future) EU foreign policy among both academics and politicians. In case the EU could indeed impose, without the use of force and by persuasion and conditionality, various norms onto partner countries and is capable of swaying the decisions of these countries, this obviously would affect the conduct of international politics and it explains the tremendous salience of this concept.

Reviewing the EU's Actions

With Moldova's downright European aspirations and the EU — Moldova relationship gradually shifting into a higher gear, the EU genuinely facilitates a conceptual change in the goal orientation of relevant stakeholders. Henceforth, the EU's efforts will eventually affect the process of conflict resolution. It does so by utilizing a wide array of instruments, of which the most important ones include the ENP through the delivery of aid. Notably, Moldova is the second highest recipient of EU aid per capita after the Palestinian Territories,⁹ and is supported by numerous projects, programmes and a significant amount of general budget support that flows directly into the Moldovan public treasury. As such, one should observe that the EU's contribution seems to be predominantly focused on ameliorating Moldova's general appearance, whereby it may draw the secessionists closer to Chisinau.

More specifically, the EU-funded projects involve supporting civil society actors and independent media in Moldova and Transdniestria. Given that this is deemed politically sensitive, the EU also focuses on less-sensitive issues and therefore concentrates on the building of confidence between both banks of the Dniester in the projects that directly deal with Transdniestria. The EU has tried to establish this confidence through projects dealing with social, environmental or health matters. As such, the financing of a blood transfusion centre in Transdniestria aims to create a shared database of blood types in an attempt to foster a stronger bond between Chisinau and Tiraspol. Additionally, a prenatal facility in Tiraspol is being modernized with EU funding, and there are some similar, albeit smaller, projects like this that deal with preserving the biodiversity in a shared delta of the Dniester River. As has already been briefly mentioned, what is problematic for all of these programmes is that whatever touches upon Transdniestria in the EU is perceived as sensitive and therefore seriously inhibited when it comes to making such endeavours public. Combined with the fact that the Transdniestrian regime finds it hard to co-operate with the EU, the ultimate success of such programmes is doubtful.

A more visible EU project, and one with more palpable results, is that of EUBAM. Framed as a technical-assistance project, thereby evading political sensitivities, EUBAM clearly does have political ramifications. It contributes to finding a settlement in a number of ways. First of all, EUBAM provides a starting-point for the economic (re)integration between both banks of the River, as it requires all official exporters of Moldova to be registered in Chisinau in order to qualify for the Moldovan preferential trade regime with the EU. This means that at

9 Popescu, N. (2009) 'EU and the Eastern Neighbourhood: Reluctant Involvement in Conflict Resolution'. *European Foreign Affairs Review* 14 (4): p. 463.

the time of writing (December 2010) over 600 companies from Transdniestria have registered with the Moldovan chamber of commerce, and are on a list which is supervised by EUBAM. Subsequently, EUBAM facilitates Transdniestrian exports to be cleared by Moldovan customs at a 'service point' in Moldova, after which the goods go back into Transdniestria with a Moldovan stamp, ready to be presented at the border with Ukraine.

Another positive outcome of EUBAM relates to the frequently voiced accusation that Transdniestria would be a major loophole in the illicit manufacturing and trafficking of arms. Thus far, one of EUBAM's major findings is that there is no evidence suggesting that Transdniestria is a 'Wal-Mart' for arms trafficking. Over time, EUBAM has seized some smaller firearms and in 2006 even found that the people of Transdniestria nominally ate 12 times as much chicken per head as Germans,¹⁰ yet no arms trafficking has been found. This contributes to the process of conflict settlement because it enhances the efforts towards confidence building and, equally important, reduces the risk of certain avoidable fears and tensions. These facts, however, also remind us of the importance of general efforts to increase transparency concerning Transdniestria's military capacity. While such efforts may promote confidence and decrease (misplaced) distrust between the two adversaries, it must be noted that OSCE officials are still not allowed to visit the Russian weapons depot in Kolbasna (Transdniestria), where approximately 20,000 tons of outdated weaponry such as Kalashnikovs, grenades, and missiles remain stockpiled.¹¹

A final element which is integral to reviewing the conflict resolution process is the role and efforts of the EU special representative. Although this role is more ambiguous than for instance that of EUBAM, and also lacks having any instruments at its disposal, there have been some important actual contributions to the Transdniestrian case. In 2005, the former EUSR Jacobovits de Szeged, together with representatives of the OSCE, USA, and Ukraine, put the issue of internationalizing the peacekeepers¹² on the agenda once again, following the OSCE endeavours in 2003 when a similar attempt was made under the Netherlands' presidency of the Organization. The 2005 representatives thought it would be a good idea to investigate whether the peacekeeping format could be changed. After quite some discussions with the Russian envoy, Nesterushkin, they agreed on the condition that

10 See the article in the economist. (2006) 'Another forgotten conflict; Moldova and Transdniestria' <http://www.economist.com/node/12609757>.

11 In 2002–2003, Russia removed most of its heavy weapons from Kolbasna as part of its Istanbul commitments. Yet, the 20,000 tons that have remained continue to be the subject of complicated and long-standing debate. Additionally, the Transdniestrian leadership are pleased to see the stockpiles on its territory, and even seem to seek increased Russian military presence. Recently, this was illustrated by leader Igor Smirnov who, responding to discussions over a NATO missile shield in Romania, offered Russia to host a system of Russian Iskander rockets in Transdniestria as a counterbalance to the future NATO shield.

12 The current peacekeeping format is the result of the 1992, Russian brokered, peace agreement whereby a mixed, but predominantly Russian group of peacekeepers maintains the cease-fire. The format, however, contradicts UN standards of peacekeeping as peacekeepers should be impartial between the parties rather than all being a party to the conflict.

Russian militaries could be present at the meeting that would be arranged. Especially this presence of Russian military officials would have been a major asset, leading to substantial discussion and was thus highly welcomed. When presenting his ideas to the Permanent Representatives in Brussels, however, Jacobovits found that Germany and Italy were not in favour of continuing that line.¹³ Nevertheless, the talks took place minus Nesterushkin since the brainstorming session had already been agreed upon by the parties in de '5 +2' format. Jacobovits later learned that Nesterushkin's superior, the Russian Minister of Foreign Affairs Lavrov, prohibited Nesterushkin from going to the talks. The basis of this decision remains unknown, but it seems likely that Russia knew that Germany was not going to agree with anything without their consent.¹⁴ Although it is far from certain that an EU-led peacekeeping force was within the range of possibilities, this situation shows the EU's reluctance to offer a meaningful contribution when confronted with such possibilities.

Constraining the EU's impact: The EU — Russia relationship

While the aforementioned example already alludes to constraints coming from the EU — Russia relationship, this particular relationship is troubling the EU's impact in even more severe ways as well. Another barrier, for instance, is the fact that the Transdniestrian issue is not addressed at the proper level by the EU. The former EUSR Jacobovits asserts that, in Russia, conflicts like these are decided upon on at the presidential or the prime minister level and therefore suggests that the EU should raise the issue to a head of government of one of its larger members who can speak directly to Medvedev or Putin.¹⁵ Yet, this is precisely what does not occur. Instead, during EU — Russia summits the Transdniestrian conflict is barely discussed, or receives so little attention that it cannot be taken seriously. This has been convincingly exemplified by the scholars Niemann & de Wekker (2010), who write that in the 18 EU — Russia summits held since 2000, the Transdniestrian case was 'referred to in the final press statements only five times ... and is always mentioned together with other conflicts such as Nagorno-Karabakh, Abkhazia and South Ossetia'.¹⁶ Additionally, they write that 'There was never more than one sentence dedicated to this particular conflict, while the other three conflicts received (much) more attention'.¹⁷

Despite this past lumping together of conflicts, recently the German Chancellor and the Russian President Medvedev explicitly mentioned the Transdniestrian case when discussing the Meseberg memorandum. This memorandum, which foresees the creation of a EU — Russia political and security

13 Interview by the author with the former EUSR Mr. Jacobovits de Szeged, 22 September 2010, The Hague.

14 Ibidem.

15 Ibidem.

16 Niemann, A. & de Wekker, T. (2010) 'Normative power Europe? EU relations with Moldova.' *European Integration online Papers* 14 (14): p13.

17 Ibidem.

committee on the ministerial level, states that the EU will co-operate with Russia, in particular towards a settlement for Transdniestria.¹⁸ Although it is an optimistic sign that the issue has been raised once again at the highest level, the EU — Russia committee remains a subordinated platform. In order to properly deal with such affairs in Russia, this means one should directly involve Putin or Medvedev, rather than discussing the matter between the EU's High Representative for Foreign Affairs (Ms. Catherine Ashton) and the Russian Minister of Foreign Affairs (Mr. Sergey Lavrov). Transdniestrian elites, in turn, seem to have implicitly understood this. The self-proclaimed President Igor Smirnov interacts with Russia on the Presidential level, and has carefully staged this relationship with a huge billboard in Transdniestria's 'capital' Tiraspol where he amiably shakes hands with Mr. Medvedev. 'Opposition' leader Evgeny Shevchuk, of the important Renewal (Obnovlenie) party, also knows his way around and has established close ties with Putin's party, United Russia, and portrayed Putin's life-size image on the outside of their office. For the EU, to acknowledge the importance of addressing the issue at that level still seems difficult, not in the least because the EU does not want to upset such an important trade and energy partner like Russia.

Lacking the right approach to Russia, there is another aspect where the EU is hamstrung over Russian involvement. This mainly concerns negotiations outside the '5+2' framework. Again Russia is the actor that takes the lead and seems to be teaching the EU a lesson in who is really able to address the relevant matters. Russia has, every now and then, facilitated talks outside the format, attempted to unilaterally resolve the issue (the Kozak memorandum)¹⁹ and expressed desires to start '2+1' negotiations (Moldova + Transdniestria with Russia as a mediator). Obviously, such unilateral decisions have a profound impact on Moldova and seem to be out of reach for any European diplomacy, nor can the EU undermine its effects in the short-term. Taken together, it is clear that the EU cannot properly manage Russia's role in the conflict, nor is the Transdniestrian conflict a central issue in the EU's relationship with Russia. This severely limits the EU's impact in conflict resolution, granted that many people believe that the key to resolving the Transdniestrian conflict lies in Moscow.

A final showcase of limited EU impact on the conflict concerns the recent provocations by the Transdniestrian regime, which has arrested and detained two people on grounds of high treason and espionage.²⁰ Especially the case of journalist

18 <http://www.russianmission.eu/sites/default/files/user/files/2010-06-05-meseberg-memorandum.pdf>.

19 In 2003, Putin sent a confidant to Moldova to unilaterally resolve the issue. His envoy, Mr. Kozak, started secret shuttle diplomacy and eventually presented a plan that proposed a federal Moldova wherein Transdniestria (and Gagauzia) had profound authority over the federal decision-making since Moldova, on its own, could hardly reach a majority. At the very last moment, and largely due to Western diplomacy, the Moldovan President Voronin turned down the offer. For more on this see: Löwenhardt, J. (2004) 'Het Nederlandse OVSE-voorzitterschap, Moldova en de Russische diplomatie' *Internationale Spectator* 58(4). The Hague: Instituut Clingendael.

20 In the Parliamentary Assembly of the Council of Europe, these events raised fears over

Ernest Vardanyan, who was apprehended in April 2010 and later sentenced to 15 years imprisonment while being denied proper legal counsel, is causing severe headaches for EU diplomats. The current EUSR, Mr. Kálmán Mizsei, went to see the detainees and informed the author that he aimed to free these persons via discrete diplomacy.²¹ According to him, such ‘silent diplomacy’ is sometimes even thwarted by (partially EU -funded) human rights NGOs, which primarily seek provocation and sensation, thereby creating an aggravating irritation on the Transdniestrian side.²² Yet, a few days after Mr. Vardanyan was convicted, the EUSR issued a statement that expressed his deep concerns over the violation of human rights, emphasizing the importance of free civil society, and concluded by continuing ‘to hope that a proper solution can be found towards rendering the freedom of Mr. Vardanyan.’²³ As such, this situation only seems to confirm the suspicion that the EU actually wields little to no leverage over the Transdniestrian authorities.

Conclusion

In the protracted Transdniestrian conflict, the bumpy road towards a settlement is increasingly a milieu in which the EU is grasping to find its way and balance conflict resolution amongst diplomatic and other socio-economic needs. Under the ENP it has launched numerous initiatives aimed at Moldova, which also invariably involve the deadlocked situation with Transdniestria. Additionally, the EU has significantly increased its presence in the negotiation process insofar as the parties involved have accredited the EU with remarkable acceptance and recognition. So far, the EU’s contribution has predominantly focused on ameliorating Moldova’s general appearance and infrastructure, by delivering aid and instigating several reforms. Moreover, the EU has taken a central position in the economies of both sides on the Dniester that, in conjunction with its Moldovan policies, are drawing the secessionists closer to Chisinau.

A clear and coordinated strategy for the settlement of the Transdniestrian conflict seems to be absent, however. As was expressed by Javier Solana’s office at the time when the former EUSR Jacobovits asked for the EU strategy on the Transdniestrian issue, the reply was ‘Your nomination is our strategy’.²⁴ Likewise, the fact that the EU constantly reiterates that a solution should be found within OSCE negotiations in the 5+2 framework, but yet also aspires to play a role of its own, seems to contradict the idea that it has a clear strategy in place.

Perhaps the most significant contributions are yet to come, as the EU still has vast unrealized potential. If the EU decides to intensify trade relations with Transdniestria, this could serve as an instigator of change within their respective

Transdniestria increasingly becoming a human rights ‘black hole’ in Europe. See PACE Written Declaration 448.

21 Interview by the author with the EUSR Mr. Kálmán Mizsei, 19 July 2010, Brussels.

22 Ibidem.

23 <http://www.eusrmoldova.eu/en/news/1294841733>

24 Interview by the author with the former EUSR Mr. Jacobovits de Szeged, 22 September 2010, The Hague.

opportunity structures. In the long run, this might raise living standards on both sides of the river and otherwise provide general development. Furthermore, another window of opportunity may arise from an eventual visa-free regime for Moldova. This would not only augment its general attractiveness as a country and might potentially entice some Transdniestrians to become Moldovans. More importantly, this would have an effect on the border regime within Moldova, thereby improving both (international) trade and confidence building. If the EU were to provide Moldova with a visa regime, it would prove that it could resolve border issues and contribute to the normalization of Moldova within the international arena. It is via such incentives that the EU could exercise actual normative power. It could become the actor that realizes a free zone of successful and beneficial trade together with unbarred travel for Moldova. Such an environment could transform the current status quo into a non-status and may then ultimately culminate in the EU's desired 'viable' settlement.

Still, all of these potential strengths may be to no avail if the European Union remains reluctant to challenge one of the biggest advocates of the current status quo, the Russian Federation. Although the EU's sensitiveness to Russian interests partially affirms the normative nature of its foreign policy, as when local agendas supersede that of the EU, it also raises questions as to the useful value of normative power. Does it mean that the EU may only contribute in 'soft' political issues, and needs to rethink its strategy if the desire to engage in more antagonistic environments arises? Perhaps, given that as far as Transdniestria is concerned, there have only been tantalizing glimpses of what could develop or evolve into a promising accomplishment. Clearly, the full potential of the EU has still not been realized because ever since the EU began to partake in these negotiations (2005) virtually nothing has changed on the ground in Transdniestria. In fact, it could be argued that the situation has worsened to the extent that the human rights situation remains very fragile and, most notably, that after five consecutive years of the EUBAM's involvement, they are still refused access to Transdniestria. As such, effective border control cannot be exercised, while this is exactly what is needed for an eventual visa liberalization between the EU and Moldova.

These outcomes beg the question whether EU policies for Moldova and Transdniestria, and their expected results, account for yet another example of a widening gap between EU capabilities, on the one hand, and widely-held expectations on the other. Most certainly, these findings should lead to the conclusion that the EU's objectives, such as bringing about a viable settlement to the Transdniestrian conflict, are frequently trumped by higher order interests. Owing to the sensitivity of the issue as it would easily upset the Russian leadership, the EU has often proved to be willing to accept a lower profile in pursuing its objectives for Transdniestria. Despite its rhetorically strong commitment, it turns out that in reality the EU is extremely reluctant to properly addressing the situation and that its leverage on Transdniestria may be seriously questioned. Hence, one would be wise to temper expectations for a swift, EU-instigated, resolution of the Transdniestrian conflict.

