

MOLDOVA CAN FOLLOW GEORGIA'S EXAMPLE ON RUSSIAN "PEACEKEEPING" TROOPS

By Vladimir Socor, courtesy of the Jamestown Foundation

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Two upcoming international events offer Moldova and Georgia an unprecedented opportunity to demand the termination of Russian "peacekeeping" -- also known as "piecekeeping," that is, seizure of pieces of another country's territory -- and its replacement by genuine international peacekeeping missions. Those two events are the Conference to Review the Treaty on Conventional Forces in Europe (CFE) at the end of May in Vienna; and the G-8 summit in St. Petersburg in July, when the United States is determined to raise the issue of Russia's involvement in those conflicts.

Georgia is already taking measures toward that end. The Georgian parliament's October 2005 resolutions required the government to present comprehensive assessments of the performance of Russia's "peacekeeping" troops in South Ossetia and in Abkhazia by February 2006 and by July 2006, respectively.

Based on those assessments and the parliament's mandate, the Georgian government is already taking the relevant steps at the international level regarding South Ossetia. Moreover, on May 11, the State Minister for Settlement of Conflicts, Giorgi Khaindrava, announced that Tbilisi is re-examining the validity of the 1992 Dagomys agreement -- the basis for Russian "peacekeeping" in South Ossetia -- and stated unambiguously that this agreement has "no prospect to continue" (Kavkaz Press, May 11). Undoubtedly, Georgia will draw similar conclusions from its assessment of the Russian "peacekeeping" operation in Abkhazia in July. The agreement forced by Russia on Georgia in 1994, which forms the basis of that operation, is already a dead letter de facto and should not survive the July review de jure.

Moldova's situation closely parallels Georgia's, yet Chisinau has thus far hesitated to call publicly and consistently for termination and replacement of Russian "peacekeeping" in Moldova. Certain American and European diplomats have long discouraged Chisinau from denouncing the 1992 agreement on Russian "peacekeeping" on Moldova's territory. However, Chisinau has a compelling case for denouncing that agreement at this time and for acting in parallel with Tbilisi.

The agreement on "Principles of a Peaceful Settlement of the Armed Conflict in the Transnistria Zone of Moldova" was signed on July 21, 1992, by then-Presidents Boris Yeltsin and Mircea Snegur. It ended the overt intervention of Russian forces against Moldova, at a time when Transnistria's authorities did not yet have their own military units; those units were created shortly afterward -- and augmented still later -- by the Russian Federation's military. Under the 1992 agreement, "The parties commit themselves to undertaking all necessary measures for a complete ceasefire and halting all military actions against each other." The agreement may be terminated by mutual agreement or by being denounced by either of the two parties; no provision is made regarding advance notice. The agreement makes it clear that a military conflict between Russia and Moldova took place.

Crucially, Transnistria is not a party to that agreement. The official text published in

the press at the time and, shortly afterward, in the Russian Ministry of Foreign Affairs' reference collection of documents, *Diplomaticheskii Vestnik* (August 15-31), shows Yeltsin's and Snegur's signatures and no one else's. However, in 2004, Russia showed at the European Court of Human Rights in Strasbourg (ECHR) a purported copy of the original held in Moscow's archives. On that purported copy, Transnistria leader Igor Smirnov's signature appears alongside those of the Russian and Moldovan presidents. Clearly, the Russian side "edited" the document, adding Smirnov's signature to support Moscow's and Tiraspol's twin claims that Transnistria is a "party" to the conflict and that Russia arbitrates a conflict between two parts of Moldova.

In the event, the ECHR issued a verdict (July 8, 2004) describing the conflict as one conducted by Russia in Moldova, Russia as an occupying power that forcibly seized part of Moldova's territory, and Tiraspol's leaders as "agents" of Russia. This month, a legal study released by the New York City Bar Association's Committee on European Affairs reaches similar conclusions (www.nycbar.org, May 8).

Legislation and resolutions passed by the Moldovan parliament in June and July 2005 call for the complete withdrawal of Russian troops, in line also with Russia's international obligations under the 1999-adapted CFE Treaty and Istanbul Commitments within that treaty. Those Moldovan parliamentary acts equally call for replacing Russia's "peacekeeping" troops with an international mission of military and civilian observers. Moreover, Moldova's Constitution (Article 11) stipulates that Moldova is a neutral state and bans the stationing of foreign troops on its territory.

Nevertheless, Western diplomats dealing with Moldova continue to accept Moscow's and Tiraspol's theory as a basis for negotiations. That theory holds that: a) Moldova and Transnistria (not Russia) are "the parties" to the conflict, and b) that any changes affecting the Russian "peacekeeping" operation requires the consent of "both parties," Chisinau and Tiraspol; thereby conferring de facto veto power to Tiraspol over that key issue.

In the run-up to the CFE Treaty Review Conference and G-8 summit, some influential Western diplomats are asking Chisinau to refrain from raising the issue of Russian "peacekeeping" for the sake of tranquility and business as usual. Moreover, some of the same diplomats are asking for official Moldovan consent to the presence of Russian "peacekeepers" as part of a reformed operation, of which Russian troops would still constitute the mainstay, and with Transnistria-flagged Russian forces still in place.

In this situation, Chisinau's most effective legal instrument is exercising its right to denounce the 1992 agreement. This would prevent a possible deal with Russia on "peacekeeping" at Moldova's expense during the CFE Treaty Review Conference (as some West European delegations at the OSCE envisage) and would ensure that the issue is raised effectively at the G-8 summit.