

***Scenarios for Moldova:
Possible steps out of the current impasse¹***

List of scenarios

- a - The OSCE demands a speedy implementation of the Russian withdrawal and initiates a process of demilitarization under broad international supervision - the OSCE supplemented by the EU and NATO.

- b - Rep of Moldova renounces all previously signed agreements [with its province of Transnistria and with the Russian Federation] as fundamentally detrimental to the territorial integrity and economic survivability of the Republic of Moldova. Offers to take the case to the International Court of Justice.

- c - Emplacement of an international border control unit between Moldova and Ukraine, by a new agreement with Ukraine and in association with the EU.

- d. - Initiation under the aegis of the Council of Europe of an internationally supervised process for the negotiation of a new state structure.

- e. – No negotiations. Wait for all three options a, b, and c to be implemented and produce their effects.

- f. – Moldova renounces Transnistria and concentrates instead on rapprochement to the European Union. [cf. Gabanyi, p. 27]

Scenario a

The OSCE resumes consideration of the Moldovan case based on a new initiative demanding complete demilitarization of the Transnistrian area. It demands speedy progress towards the

¹ Prepared by Olav F. Knudsen, Swedish Institute of International Affairs, with the assistance of Barbara Kunz. Since this paper was first written, the situation on the ground has changed, given the EU Border Mission emplaced in December 2005 which is here discussed as one scenario.

withdrawal to Russia of all Russian forces and the expedite removal from the territory of the Republic of Moldova of all ammunition. It also demands compliance of the Transnistrian authorities with a demand for destruction or dismantling of all heavy military equipment, under international supervision.

1. Specifics

The initiative would need to be backed from key member states outside the immediate region neighboring Moldova. To bring this forward the OSCE would need to assign an ad-hoc group of member countries (including Ukraine and Romania and countries outside the region, including the EU) to pursue the process vis-à-vis the Republic of Moldova and the Transnistrian authorities. The observer status for the United States and the European Union in the 2+5-negotiations resumed in 2005 might be seen as an alternative step in the right direction. However, Russian resistance is currently blocking further movement on the part of the OSCE.

2. Possible responses

Worst case – currently the actual case: Russian refusal to comply, leading to deadlock. OSCE organizational crisis further complicates the process. To some extent counteracted by widening the framework for peaceful settlement of the conflict to involvement of other international bodies. E.g., the EU, which would have to use its political dialogue with Russia, up to and including sanctions on trade relations. Further possible worst case development: Support for the Russian position forthcoming from other OSCE members. Some evidence of a shift in favor of Russia seen in post-soviet states' support for Russian critique of the OSCE observer missions on democracy and human rights.

Next worst case: Russia agrees on paper, but nothing happens. Same response from EU. Further possible development: EU / OSCE cannot agree on sanctions to back up their demands. Someone proposes 'compromise' to bring Russia around. Case may drag on for another decade.

3. Conclusion, Scenario a

The new angle provided by a plan for complete disarmament of the territory could shift the process to a new track with better prospects. Yet a difficult route to go since the OSCE has for so

long been involved without major success. Russia sits on both sides of the table. OSCE weakness at this time indicates other instruments / institutions must be engaged. Determined pressure and preparedness for a long and tough haul from the EU side is a minimum requirement. Strong engagement from several weighty players is also required. Incentive: Knowledge that the status quo spills continuous social trouble into the rest of Europe (human trafficking) and illegal arms into other conflicts (such as those in the Caucasus) that the EU wants resolved. Moreover, the rest of the Moldovan conflict is hard to resolve without achieving disarmament first.

Scenario b

Change initiated by the Moldovan Republic: it renounces all previously signed agreements [with its province of Transnistria and with the Russian Federation], on the argument that they are not in accordance with standard (best) international practice for a sovereign state. The offer to take the matter to the International Court of Justice applies only to the relationship to Russia.

1. Specifics

To apply to all or several of the following: Moscow Agreement of July 21, 1992 on Peacekeeping etc; Moscow Memorandum of May 8, 1997 ‘on the bases for normalization of relations between the Republic of Moldova and Transnistria’ granting sundry extraordinary privileges to Transnistria and extending the peacekeeping indefinitely; the February 7, 1996 ‘Protocol Agreement on Settlement of Problems in the Field of Activity of Customs Authorities of the Republic of Moldova and Transnistria’; the March 11, 1996 ‘Protocol Decision on the Joint Activity of the Department for Standards, Metrology and Technical Survey of the Republic of Moldova and of the Committee for Standards, Metrology and Certificates of Transnistria in the Field of the Standards, Metrology and Certificates’; further to licensing practices for TIR certificates and business registrations.

Moldova explains the move on the grounds that these agreements have proven fundamentally detrimental to the territorial integrity and economic survivability of the Republic of Moldova.

2. Predicted responses

Strong protests from Russian government. Acts of blockade and obstruction on the part of Transnistrian authorities. RoM requests advice and assistance from the Council of Europe and the EU regarding its domestic relations with Transnistria.

3. Predicted further consequences

Support for Moldova expressed by Western governments, both the United States and EU, as well as Romania and possibly Ukraine. Moldova takes the case to the ICJ and offers new customs stamps and new TIR procedures as intermediate step towards an agreed solution on a more normal basis. In the best of cases, obstruction and protests gradually peter out. Situation opens up for the handling of the military question by joint OSCE and EU pressure on Russia to withdraw. Much hangs on the chances that Russia withdraws, though the odds in favor of that seem low. Should they withdraw, Transnistrian authorities are left without other military resources than their own. Demilitarization will then be possible.

4. Conclusion, Scenario b

Such a move needs to be planned in advance with outside partners such as the EU as well as international law experts. It may go together with either scenario d or e.

Scenario c

Change imposed in concert with the EU and Ukraine: Insertion of a border observation unit between Ukraine and Moldova.

1. Specifics

EU border assistance mission since December 1, 2005 with a two year mandate, 69 staff, meant to *“help prevent cross-border crime, through provision of advice and training to improve the capacity of the Moldovan and Ukrainian border and customs services. It is hoped that improving co-operation between the two countries on border issues can also help create the right climate for settlement of the conflict in Transnistria”*. Budget: 7 Mio €. New Ukrainian government has entered collaboration with Moldova on handling of the Transnistrian part of Moldova’s border with Ukraine. Requires considerable manpower from EU with requisite customs expertise to be

effective. Ukraine's continued cooperation is a condition sine qua non. Reports indicate the customs part of the mandate may be inoperable due to Ukrainian non-cooperation on this score.

2. Predicted responses

Transnistria would hardly be able to do much to counter this move, unless Ukraine falters in its support for Chisinau, which may at least temporarily be the case. If the project succeeds, it would, in addition to breaking down a key part of the economic foundations of Transnistria, eliminate the possibility of using the separatist territory as a means of promoting the interests of the international network of organized crime. If the inserted personnel along the border is too sparse, Transnistria will be able to get around the worst effects.

3. Predicted further consequences

Could open for the orderly development of economic relations between Moldova and its neighbors; new possibilities for legitimate trade and for direct investments to enter the country. Would increase perceived pressure in Russia to move on the military issues, but is not necessarily likely to change the military situation on the ground.

4. Conclusion, Scenario c

A promising avenue for a limited beginning towards change. Requires considerable assistance from the outside. Has the advantage of offering an issue-specific approach that can lead to stepwise advances towards solving many of the problems of the country; yet unclear how it would affect the military situation. If improved economic relations are seen to be compatible with a continued occupation, then the desired solution in this area could become more difficult to achieve. Impossible without Ukraine's close cooperation.

Scenario d

Initiation under the aegis of the Council of Europe an internationally supervised process for the negotiation of a new state structure, with participation of representatives of all major population groups in Moldova.

1. Specifics

Takes the process that has been tried several times in the context of Transnistria, Russia, Ukraine, Romania and shifts it towards the outside of this limited circle. Probably useful to carry out by delegations from the several sides under the aegis of the Council of Europe and a team of international experts. Equality in principle of the parties in this process is required.

Demilitarization must have gone first or at least be under implementation as talks proceed.

Democratization of the Transnistrian regime would be an absolute precondition. The chief goal of this option must be to preserve the integrity of the Republic of Moldova, even if a federal solution is chosen.

2. Probable responses

Transnistria will initially insist on having Russia at the table. The CE framework is likely to defuse that claim. Russia has already shown by its previous initiatives that this is something it is prepared to do, witness the draft agreement of July 3, 2002 which – except for its military provisions – is a useful example of what such a process could lead to. The Republic of Moldova will dislike that its Constitution cannot survive the process entirely intact. A strong opposition on the Moldovan side is likely to reject this approach as unacceptable, seeing it as being essentially the same as the previous failed attempts. The democratization of Transnistria is the crux here – without it, there is no way forward.

3. Predicted further consequences

Considerable political turbulence in the Republic of Moldova, with democratically minded groups opposed. Resistance from forces in Transnistria whose interests are served by the current conditions. Encouragement of democratic elements in the Transnistrian population.

Conclusion, Scenario d

The working out of a new political framework cannot proceed until movement is seen on all other fronts. Once that is clear, the launching of this option depends on its legitimacy on the Moldovan side. If legitimacy can be secured the option can proceed, but only conditionally on the simultaneous ongoing implementation of demilitarization and the institution of reconstructed legal-administrative framework (scenarios a, b, c). Presumably only a major role in the process by a respected and strong international body can – over a period of some duration – establish the required consensus.

Scenario e

This scenario amounts to waiting out the results of all three of the options a, b, and c; in other words: no negotiation between the Moldovan Government and the Transnistrian regime.

1. Specifics

The argument in support of this option is basically that to negotiate would be a sell-out of ideals of justice and democracy, since the Transnistrian regime is merely a band of Russian puppets. The expectation is that the Transnistrian regime will ultimately fail as a consequence of international efforts to set things right in terms of the first three options. Combined these efforts would in effect launch substantial parts of the “3D strategy” proposed by the Moldovan democratic opposition: demilitarization, decriminalization and democratization of the entire territory of Moldova. Implicitly this option rejects a federal solution.

2. Probable responses

Extension of the present situation with its negative side effects for neighboring countries, presumably ameliorated over time by the effects of options a, b, and c. (See the range of responses under these respective scenarios above.)

3. Predicted further consequences

The scenario implies essentially leaving things as they are for some time, since it may be a time-consuming task to initiate and implement the other scenarios. A possibility exists that the absence of a negotiation strategy on the Moldovan side will lead the Transnistrian regime to call for just

that – a Transnistrian shift of strategy which would be hard for the international community to ignore or refuse.

4. Conclusion, Scenario e

Could possibly lead to a more broadly legitimate long-term solution, but runs the risk of unforeseeable turns of events in the process, because there would be no such visible prospect of a final outcome as in scenario d.

Scenario f [Variation of Scenario b]

Moldova renounces Transnistria and concentrates instead on rapprochement to the European Union.

1. Specifics

An option mainly advocated by members of the non-communist opposition according to observers. If Transnistria were separated from Moldova, Moldova could act as a functioning state on the whole of its territory, with a number of positive effects on internal security, economic growth / FDI etc.

2. Probable responses

Nationalist opposition in Moldova?

3. Predicted further consequences

Sign of weakness? Wrong signal to other secessionist regimes (Caucasus...).

4. Conclusion, Scenario f

Might solve the problem for Moldova, but the Transnistrian regime would probably remain, Russian military presence as well. Enhanced Russian influence. A prerequisite for this option are clear commitments from the European Union.

Unlikely.

Concluding remarks

Most of the scenarios discussed above may be launched either singly or in combination, simultaneously or in graduated sequence - except for scenarios d and e, which are defined in terms of scenarios a, b, and c going first. In all cases it will be seen that the key to an eventual political settlement is a more pro-active policy of the European Union, and a close cooperation with the government of Ukraine. The Council of Europe would have an essential role as well concerning the democratization process. Should Russia decide to take a more constructive attitude, so much the better. However, Russia is currently using energy supply as a political instrument, squeezing the natural gas supply, which rather indicates the opposite. Regardless of which scenarios are chosen, a successful process is conditional on a willingness to confront, if necessary, Russia's previous and current assertive stance in the region. Without such willingness, the policy would likely fail.