

UKRAINE MAY BREAK RANKS WITH EUROPE AND MOLDOVA ON TRANSNISTRIA

by Vladimir Socor

Kyiv's March 3 decision to cooperate with the European Union and Moldova on Transnistria may prove to be short-lived. On that date, at the EU's insistence, Ukraine began enforcing a new border and customs regime agreed with Moldova on the Transnistria sector of the Ukraine-Moldova border, thus closing Europe's largest "black hole" of contraband and illicit trafficking. However, the March 15 meeting in Moscow of Ukraine's National Security and Defense Council Secretary (NSDC), Anatoly Kinakh, with his Russian counterpart, Igor Ivanov, marked another turning point in Ukraine's policy (if decisions reversible every few weeks amount to a policy).

That meeting's officially reported agenda included only two items: preparing the first session of the presidential Putin-Yushchenko commission (which has never met since its creation on paper more than a year ago) and Transnistria (Interfax, March 15). The seemingly peculiar linkage of these two items reflects the Ukrainian presidency's and NSDC's attempts to elicit positive pre-electoral signals from Moscow in return for Kyiv's alignment with Moscow on Transnistria. Indeed, on the eve of the Ivanov-Kinakh meeting, Russian Minister of Foreign Affairs Sergei Lavrov publicly asked Ukraine to return to the spirit of the December 15 Putin-Yushchenko declaration on Transnistria (whereby the Ukrainian president had fallen into line with Putin, hoping to induce him to visit Yushchenko in Ukraine ahead of the March 26 parliamentary elections). Lavrov further recalled the February joint "inspection" visit to Transnistria by Igor Ivanov's and Kinakh's deputies, who demonstratively exonerated Transnistria of suspicions regarding arms production and contraband (Interfax, March 14).

That Lavrov-invoked spirit seems to be back after Kinakh's Moscow visit. Moscow's consent to open the prospect of a Putin-Yushchenko meeting in the joint communiqué is a modest but real "positive signal" just ahead of Ukraine's March 26 vote.

On March 17 and 20, Ukraine's Ministry of Foreign Affairs forwarded two notes to Moldova's Ministry of Foreign Affairs, one of which proposes that the new border and customs regime be "temporarily suspended" after Ukraine's March 26 elections. Kyiv further proposes that Ukrainian customs clear Transnistria cargos in situations where the March 3 regime stipulates Moldovan clearance of those cargos. The notes complain of economic damage and political complications that Ukraine is experiencing as a result of the new border and customs regime on the Transnistria sector. Between the lines, the notes express discontent with Chisinau's failure to explain the nature of the measures introduced on March 3 to the public in Ukraine and Transnistria and hint that Ukraine cannot be expected to adhere to these measures much longer.

Meanwhile, Kyiv is punching some holes in that regime politically and physically. Politically, Kyiv is inching toward accepting Moscow's view that decisions regarding that border should be coordinated by the "interested parties," including Moscow and Tiraspol.

This would run counter to the basic tenet of the EU's initiative to introduce international legal norms and standards on this border. That tenet holds that all deliberations and decisions regarding this border are strictly a bilateral matter between Moldova and Ukraine. The EU's Border Assistance Mission (EUBAM) is present on the border and actively engaged in consultation, advisory work, and monitoring, but does not substitute for Ukraine and Moldova, the sovereign states qualified to make policy decisions on that border under international law. Thus, the EU opposes any transfer of deliberations and decisions from the Ukraine-Moldova bilateral framework into a format that would include Transnistria and Russia as well.

On March 16, Yushchenko authorized an invitation to Transnistria's self-styled "foreign affairs minister," Valery Litskay, for consultations in Odessa; and Yushchenko personally invited Transnistria's leader Igor Smirnov on March 17 for a meeting in Kyiv. Litskay declined, saying that he would only attend together with the Russian side. Smirnov accepted Yushchenko's invitation in principle, but only if the meeting's agenda and outcome are well prepared in advance (translation: if Kyiv agrees to suspend the border and customs regime that were introduced on March 3). Following this humiliating episode, Kyiv continued consulting with Moscow.

Beginning with the night of March 16-17, Ukrainian border and customs authorities, on instructions from Kyiv, are from time to time allowing road transport to enter Transnistria directly from Ukrainian territory, bypassing Moldovan customs. Such passage violates the regime introduced on March 3, which requires such transport to be detoured from Ukrainian territory to Moldovan customs checkpoints, there to undergo registration and clearance before proceeding to their destinations in Transnistria.

Some of those cargos are food products, some of which are intended to be smuggled back into Ukraine or redirected to Moldova; others are scrap iron for the Rabnita steel plant, Transnistria's most lucrative official enterprise; and many of the cargos are imports of the Sheriff conglomerate, the hub of Transnistria's shadow economy.

Official statements from Kyiv portray the passage of such transport as a welcome sign that Transnistria's authorities are lifting the blockade they had themselves installed after March 3 on the Transnistria side of the border with Ukraine. In reality, Tiraspol relaxed its own blockade on the condition that Ukrainian authorities collude in bypassing Moldovan customs. Tiraspol had stopped all transport from Ukraine to retaliate economically against Kyiv, generate political pressure from Ukrainian interest groups on the government to lift or dilute the new border regime, foster a siege atmosphere within Transnistria, and furnish a basis for Russian actions to lift the purported "blockade." Tiraspol's move appears to be partly successful against wavering Ukrainian authorities.

(Interfax-Ukraine, Moldpres, Olvia-Press, March 13-21; see *EDM*, March 8, 9, 10)

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