

# The Transnistrian Conflict – the prospects of its resolution

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## SUMMARY

În viața modernă a Moldovei un rol important îl joacă conflictul politic nesoluționat dintre guvernul central și conducerea zonelor de est ale Nistrului. Această situație afectează întreaga gamă de probleme cotidiene: modelarea vieții economice și politice a țării, relațiile internaționale, relațiile economice externe etc.

În conflictul transnistrean, într-o formă concentrată, sunt prezente mai multe caracteristici tipice ale altor conflicte din fosta Uniune Sovietică (Nagorno-Karabah, georgiano-osetin, georgiano-abhaz), dar în același timp, în acest conflict, există caracteristici specifice care îl diferențiază de alte conflicte în spațiul ex-sovietic. În special, acesta este caracterizat printr-o prezență și influență puternică a factorilor ideologici și politici. Un rol important în acest conflict este destinat componentelor geopolitice și geo-strategice.

Este important de remarcat faptul că, în conflictul transnistrean, sunt aproape absente sau nu joacă cel mai important rol componentele etnice, religioase, demografice. De asemenea, nu există nicio paralelă istorică, care ar putea servi ca un precedent în dezvoltarea acestui conflict local, dat fiind faptul că de-a lungul veacurilor nu au fost înregistrate și nu au existat conflicte serioase în această regiune. Conflictul a izbucnit în legătură cu prăbușirea Uniunii Sovietice și componentele principale ale acestui conflict sunt factorii politici, ideologici și geopolitici.

Este necesar de menționat și faptul că la momentul în care Republica Moldova a făcut primii pași în formarea sa ca stat, ea a fost deosebit de sensibilă la influențele externe. Punctul de cotitură în relațiile Chișinău-Moscova se consideră data de 23 iunie 1990, atunci când Parlamentul Republicii Moldova a adoptat Declarația de Suveranitate. Indiferent de faptul că o declarație similară a fost adoptată un pic mai devreme de Federația Rusă, la Moscova, în sediul lui Gorbaciov, au concluzionat că Republica Moldova intenționează să se separe de URSS, în scopul de a se uni imediat cu România. Pentru a preveni acest lucru, la 19 august, la Comrat, a fost proclamată „Republica Sovietică Socialistă Găgăuză în componența URSS”, iar la 2 septembrie, la Tiraspol - „Republica Sovietică Socialistă Moldovenească Nistreană în cadrul URSS”.

Cu alte cuvinte, centrul federal, folosind specificul situației din Republica Moldova, a reușit să creeze două „ancore” menite să dețină Republica Moldova, ca parte a „Uniunii Reînnoite”. Pe parcurs, după prăbușirea URSS, Kremlinul s-a transformat în centrul rus de putere, și a promovat în mod constant o politică de menținere a Republicii Moldova în orbita sa de influență.

În același timp, Republica Moldova s-a aflat în câmpul de atenție constantă și din partea Bucureștiului, unde iluziile privitor la o renaștere a „României Mari” s-au dezvoltat într-o progresie geometrică. Prin intermediul adeptilor săi din Frontul Popular și, în consecință, din structurile de putere ale Republicii Moldova, Bucureștiul a susținut politicile rusofobe și moldavofobe și a încercat să introducă în conștiința societății moldovenești ideea privitor la imposibilitatea de existență a Moldovei ca stat independent. Prin intermediul mass-media finanțate de București ca un „fir roșu” a fost propagată ideea că Transnistria și Găgăuzia ar trebui să fie cedate, fiindcă alte căi de soluționare a conflictului nu există: „Moscova nu va permite”.

Din punctul de vedere al dreptului internațional conflictul transnistrean a început ca un conflict intern între autoritățile centrale ale RSS Moldovenești și autoritățile locale din regiunea transnistreană a Republicii Moldova. Pe parcursul anilor 1989 – 1992, indiferent de apariția unor incidente, conflictul rămâne intern, deoarece în el nu s-au implicat în mod direct alte state. Internaționalizarea conflictului a

început doar în iunie 1992, după izbucnirea ostilităților și implicarea în conflict a unităților Armatei a 14-a ruse.

*Perspectivile de soluționare a conflictului transnistrean depind de interacțiunea dintre un întreg complex de factori interni și externi. Întrucât această problemă se află la periferia atenției „marilor actori”, este inutilă și periculoasă așteptarea până când „unchiul mai mare” va ajunge, în cele din urmă, la soluționarea ei. Potrivit opiniilor unor cercetători, principalul obstacol în soluționarea conflictului transnistrean este slăbiciunea democrației moldovenești, precum și ideea statalității moldovenești în cadrul unui stat integru.*

*Motivele care au condus la apariția conflictului transnistrean au dispărut de mult și sunt ireversibile. Până în prezent (2011), între populațiile de pe cele două maluri ale Nistrului, cu excepția unor grupuri marginale, nu există elemente de ură etnică sau religioasă. În același timp, populația de pe ambele maluri s-a obișnuit cu ideea de divizare a țării și această problemă se află la periferia atenției societății.*

*Timp de mai mulți ani, în mod conștient, sunt impuse stereotipurile eronate privitor la conflictul transnistrean, în scopul neadmiterii soluționării sale. Formatul procesului de negocieri (5+2) contrazice esența conflictului transnistrean și, respectiv, în cadrul acestui format este imposibil de soluționat.*

*„Conflictul transnistrean” este un fenomen complex. Soluționării sale îi incurcă o varietate de factori – începând cu autoritarismul regimului politic din Transnistria și terminând cu interesele geopolitice ale altor țări.*

*Formula „soluționarea conflictului” înseamnă nu doar semnarea unui document, ci finalizarea proceselor de transformare a Republicii unite Moldova într-un stat democratic și viabil, perspectiva de existență a căruia nu va fi pusă la îndoială. Cu regret, această abordare a problemei nu este nici măcar luată în considerare în societatea moldovenească.*

*La moment, nu este suficientă capacitatea internă de soluționare a conflictului și nu este favorabilă nici situația politică internațională.*

*Soluția problemei transnistrene nu ar trebui să fie asociată cu problema retragerii trupelor rusești din Transnistria. Acestea sunt probleme diferite și, dacă le vom separa, ar fi posibil să se găsească soluții.*

### **The Origins of the Transnistrian Conflict**

The unresolved conflict between the central government and the leadership of the territories situated East of the Dnieper River plays an important role in the life of contemporary Moldova. This circumstance leaves an imprint on an entire complex of problems which determine economics and politics, international relations, as well as external economic and political strategies of the country. The Transnistrian conflict shows, in a concentrated form, some features which are also characteristic of other conflicts (such as the Nagorno Karabakh, the Georgian Ossetian or the Georgian-Abkhaz conflicts). Nevertheless, it has also distinct features which make it different from other conflicts in the post-Soviet area. This concerns the stronger presence of ideological and political factors. The geopolitical and geo-strategic components should also not be discounted.

On top of that, it is important to remember that such components as ethnicity, religion, or demography are absent in the Transnistrian conflict or they do not play an important role.

There are also no historical parallels which could serve as a local precedent for conflict resolution, since no serious conflicts have been registered in the area for centuries. The conflict unfolded against the background of the collapse of the Soviet Union has political, ideological and geopolitical roots.

#### **1. The negotiation process and the attempts to localize the conflict**

##### **1.1. The agreement on the principles of peaceful resolution of the armed conflict in the Transnistrian region of the Moldavian Republic**

On 21 July 1992 the Russian-Moldavian agreement on the principles of peaceful resolution of the armed conflict in the Transnistrian region of the Moldavian Republic was concluded. In accordance with the agreement, a Russian peacekeeping contingent was introduced in the conflict zone comprising 6 battalions to monitor the execution of the armistice conditions and the compliance with legality and the legal order. On top of that, one peace keeping battalion each was dispatched by Moldova and Transnistria.

It is imperative to underline that the peace keeping forces contributed to the stability and peace in the zone of conflict and that the situation has been kept under control regardless of minor incidents.

### **1.2. The memorandum on the principles for the normalization of relations between the Moldavian Republic and Transnistria**

The memorandum on the principles for the normalization of relations between the Moldavian Republic and Transnistria which was signed on 8 May, 1997 in Moscow ushered in the five-sided format for the negotiation process. The 1997 Memorandum defined the Moldavian Republic and Transnistria as "sides" in the conflict and provided that the resolution of the conflict was to be achieved on the basis of "decision agreed between the sides".

The OSCE mission, Russia and Ukraine were accorded the status of mediators in the negotiation process. Additionally, Russia and Ukraine obtained the status of "guaranteeing countries" for the agreements defined in the Memorandum and those to be concluded in the negotiation process. Besides, the 1997 Memorandum defined the concept of the "common" state as a formula for conflict resolution. Anyway, the analysis of concrete provisions of the Memorandum permits the only possible conclusion that the content of the Memorandum as well as the formula of a "common" state have a confederation between the Moldavian Republic and Transnistria in mind.

One has to mention that more than 10 years after the 1997 Memorandum was signed, not a single agreement was reached within the framework of the five-sided format of the negotiation process which could be counted as progress toward the unification of the country.<sup>1</sup>

### **1.3. The Istanbul summit**

The 1999 OSCE summit in Istanbul occupies a special place in the problem of the Transnistrian conflict. For one thing, the Adapted Conventional Armed Forces in Europe treaty (CFE) was signed in its framework. This agreement provided for limitations in reference to 5 types of arms (tanks, battle helicopters, aircrafts, armed cars and artillery exceeding a caliber of 100mm.)

According to the CFE treaty Russia obliged itself to withdraw from Transnistria or to annihilate the weapons belonging to these five categories. The preamble of the treaty provides

for the obligation of the sides not to dislocate their troops on the territory of other countries without their consent.

On top of that, Russia obliged itself in Istanbul to pull out all its troops from Transnistria. It is necessary to state that while Russia withdrew or annihilated all weapons under the CFE treaty until 2003, the problem of the full pullout of Russian troops provokes a confrontation between Russia and a majority of signatories of the CFE treaty. After that, the OSCE has factually exhausted its capacities as an active participant of the negotiation process. Apart from that the last summits of the foreign ministers of the OSCE countries predictably wound up in a dead end whenever the issue of a resolution on Moldova came up.

There is also the opinion that Russia refused to liquidate its military presence in the Eastern region of the Moldavian Republic only in order to prevent the ratification of the CFE treaty by the NATO member states. The fact is that Yeltsin's Russia signed the adapted CFE treaty at a time when it was weak and ready for concessions. Today, under Putin's rule, Russia feels to be baselessly bound by the limitations of the CFE. The decree issued by Vladimir Putin of 14 July 2007 concerning the suspension of Russia's participation in the CFE speaks for this assumption.

### **1.4. The Kozak Memorandum**

After both ideas for the resolution of the conflict, namely the establishment of a federation (July 2002) and of an "asymmetric federation" (February 2003) had failed, the most remarkable event in this process was linked to the so called "Kozak Memorandum" which was scheduled to be signed on 25 November, 2003. This document was a result of the direct dialogue between Vladimir Voronin and Vladimir Putin, as well as the outcome of intensive shuttle diplomacy entertained by the special envoy of the Russian president, Dmitrii Kozak.

The interesting feature of the Kozak Memorandum is the fact that it reflects the Russian view of conflict resolution to the Kremlin's liking. The document provided for the transformation of Moldova into a pseudo-state with a deliberately weak central administration and guaranteed Russian military presence up to 2020.

### **1.5. The Ukrainian plan**

In 2005 the Ukrainian president produced a

new plan for the regulation of the conflict. In the beginning, the plan was supported by both sides to the negotiation process.

The so-called "Yushchenko Plan" provided for international monitoring of the elections to the Transnistrian Supreme Soviet in December 2005. It had the objective to form a legitimate government which could then conduct effective negotiations.

The basic points of the plan were made public on the GUAM summit in Kishinev (22 April 2005). They were entitled "Through Democracy to Conflict Regulation" and contained 7 steps:

1. Ukraine proposes to the Tiraspol' administration to engage in democracy building, the development of civil society and to guarantee fundamental human rights and freedoms;

2. Ukraine proposes to conduct elections to the local parliament as the representative organ of the Transnistrian region of the Moldavian Republic;

3. Ukraine proposes that the EU, Russia, the US and the Council of Europe monitor these elections;

4. Ukraine supports the participation of the EU and the US in the negotiation process on the regulation of the Transnistrian conflict

5. Ukraine proposes to exchange the peace keeping contingent in Transnistria for an international force which consists of military personnel and civil observers under the auspices of the OSCE;

6. Ukraine proposes to conduct a monitoring of Transnistrian arms industries by international organizations;

Ukraine is ready to receive international observers under the auspices of the OSCE on its territory in order to control the Transnistrian section of the Moldavian-Ukrainian border and proposes the participation of Transnistrian representatives in this mission.

On 16 May 2005 the "Yushchenko Plan" was officially presented in Vinnitsa. The Ukrainian document defined the Moldavian Republic as the only subject of international law, and the Transnistrian region was accorded the right to entertain "external contacts" in the fields of economy, science and technology as well as humanitarian affairs.

The document contained a clause that laid down the right of Transnistria to leave the Moldavian Republic in case of a merger with another state (of course, this concerned Romania)

or in the event of loss of its property as a subject of international law. Transnistria's decision to leave the Moldavian Republic was to be taken on the basis of a regional referendum.

According to the Ukrainian plan, Transnistria was to have a constitution in compliance with the basic law of the Moldavian republic. It would have the right to have its own symbols (flag, coat-of-arms and hymn) which was to be used alongside with the symbols of the Moldavian Republic. Transnistria would have 3 official languages, namely Moldavian (with the Latin script), Russian and Ukrainian.

The plan also provided for an agreement between the Moldavian Republic, Russia, Ukraine and the OSCE to be elaborated by Kishinev, Tiraspol' together with the Russian Federation, Ukraine, the OSCE and the EU and concerning the guarantees for the compliance with the Law of the Moldavian Republic on the special status of the Transnistrian region. After the entry of this law into force in October/November 2005, Ukraine proposed the holding of elections to the Tiraspol' legislative body which were to be monitored by the representatives of the international community.

The EU supported the Ukrainian initiative and maintained that Transnistria was a significant resource of contraband goods. According to data provided by the Independent Center for Journalism, around 90% of the goods which passed the Moldavian customs and were headed for Transnistria during the year 1998, were indeed contraband.<sup>2</sup>

## **2. The contemporary situation of the "peace process"**

### **2.1. Joined peace keeping forces and their role in providing security in the conflict zone**

At this point, the security in the zone of conflict is provided by the joint peace keeping forces of Russia, Moldova, the Transnistrian Moldavian Republic and military observers from Ukraine. The peace keeping forces are directed by the Joint Control Commission, the management organ of the peace keeping operation.

### **2.2. The positions of the sides**

Since 1992, i.e. already for 18 years, negotiations on conflict regulation have been held, in which Russia, Ukraine and the OSCE participate as mediators. Certain positive results have been achieved, such as the end of military operations and the introduction of guarantees against their renewal, the daily life of people on both

sides of the line of confrontation has become normal to a certain extent and the economic contacts are in place. Moldova and Transnistria have agreed that their actions will be guided by the principle of the territorial integrity of Moldova as a unitary subject of international law within the borders of the Moldavian SSR of 1 January 1990, to refrain from unilateral actions and the use of violence.

Nevertheless, the conflict is still far from a final resolution. The basic problem is the legal status of Transnistria. The formula "joint state" which was allegedly coined by the then Russian foreign minister E.M. Primakov, was immediately interpreted differently by both sides. Tiraspol' reads it as a confederation, a union of two sovereign subjects of international law on an equal footing. Apart from this, the Transnistrian Moldavian Republic is ready to delegate to Kishinev only a few powers which it deems necessary, for example in the fields of defense, infrastructure, economic legislation, while the common currency, separate budgets, citizenship, etc. are to be maintained. In contrast to this reading, Kishinev holds that the common state implies a unitary state and agrees only to extend a limited autonomy to Transnistria.

The success of the parties in the negotiation process is largely determined by international factors. The Transnistrian conflict is one of the most internationalized conflicts in the post-Soviet space. The Transnistrian Moldavian Republic declared repeatedly that it needs guarantees from Russian and Ukraine. For its part, Moldova has to take the position of the EU into consideration.

### **2.3. The „5+2“ Formula: Pluses and Minuses**

The signing of the Memorandum concerning the normalization of relations between the Moldavian Republic and Transnistria on 8 May 1997 in Moscow ushered in the formalization of the five-sided format of the negotiation process. The Memorandum defined the Moldavian Republic and Transnistria as "sides" to the conflict and provided that the resolution of the conflict be reached through "agreed solutions" between the sides.

The OSCE mission, Russian and Ukraine obtained the status of mediators in the negotiation process. Moreover, Russia and Ukraine obtained the status of "guarantor countries" for the agreements defined in the Memorandum

and for those to be realized later in the negotiation process.

In fall, 2005, the five-sided permanent consultation for political issues (Moldova, Transnistria, OSCE, Russia, Ukraine) was extended to the 5+2 format by including the US and the EU.

Nevertheless, during more than 10 years after the signing of the 1997 Memorandum, the five-sided format generated not a single agreement which could be counted as progress toward the country's unification. According to some researchers, the five-sided format was invented by its authors as a gin trap for Moldova in order to prevent progress in the resolution of the conflict. This is what we have been observing until this day.<sup>3</sup>

### **2.4. The constitutional crisis in Moldova and the prospects for conflict resolution**

Between 2009 and 2011 Moldova was hit by a constitutional crisis, when because of imperfect legislation and the confrontation between the government and the opposition, it turned out to be impossible to elect the head of the state, the president, for a period of one and a half years.

Against this backdrop, the prospects of a regulation of the Transnistrian conflict have become even gloomier, because it is indeed not clear who is to talk with whom, what the guarantees are and which positions the participants in the 5+2 format should take.

Nevertheless, the sides show interest in each other, although this goes not without rebukes and commentaries. In 2010, the Moldavian Prime Minister Filat met Smirnov twice. At the time, their encounters were dubbed "football diplomacy". At the beginning of 2011, Igor Smirnov invited Vladimir Filat to Transnistria for an official visit.

The "official" character of the visit triggered a scandal, despite an earlier declaration by Filat that the coming visit to Tiraspol' would be unofficial. "I will have an official meeting with Smirnov, as soon as we will have an exactly defined agenda for negotiations in the 5+2 format" the head of government commented in a televised interview.<sup>4</sup>

It was leaked that apart from the date and the location of the meeting, the invitation also mentioned issues for discussion. As Smirnov pointed out, "this concerns the dispatch and the transport of goods and the abolition of limitations concerning customs tariffs". He main-

tains that he is ready for the renewal of official negotiations with *Kishinev*, but that the time has not come yet.<sup>5</sup>

### **2.5. The Transnistrian conflict and Moldova's energy security**

Apart from political and economic effects, the Transnistrian conflict also touches upon the energy security of the Moldavian Republic.<sup>6</sup>

In the system of coordinates of the world energy system the Moldavian Republic which is dependent on the import of energy carriers represents the group of international actors with a lacking energy base. In the cluster of basic issues the underdeveloped energy infrastructure stands out as a major problem. It is illustrated by the permanently failing power stations and lines. The two major stations are the Moldavian State Power Station (2.5 mln KW, one of the largest in the region<sup>7</sup>) and the Dubossary power station (48000 KW). Earlier the Moldavian State Power Station provided the energy for the whole of Moldova and additionally delivered power to several Romanian and Bulgarian regions. Now Moldova has to import  $\frac{3}{4}$  of its electrical power and the costs for energy carriers consume more than one third of the country's GNP.<sup>8</sup>

This situation is exacerbated by the fact that more than 80% of the generation of electrical power is concentrated on the left bank of the Dniester River and is thus not controlled by the government. This includes a compressor station for 3 major gas pipelines which deliver Russian gas to the Balkan countries. As a matter of fact this is 85% of its production. Moldova's dependency on the import of energy resources reaches 98%. This significant dependency relates to natural gas, oil products and side products, coal, as well as electrical power.

On 23 December 2008 the Kuchuransk Thermo-electrical Station as a subsidiary of the Russian company INTER RAO EC signed a contract with the joint stock company Energokom concerning the delivery of electrical power to Moldova between 1 January 2009 and 31 March 2010. The volume of energy defined in the contract (250 mln KW) covers the entire power need of the Moldavian Republic. This means that the Moldavian Republic cancels the delivery of electrical power from Ukraine. In March 2010 the contract was extended to 2010- 2011.

The cancellation of energy deliveries from Ukraine means that Moldova became depen-

dent on supply from Transnistria. In the context of the "gas war" at the beginning of 2009, the Kuchurgansk power station remained with the gas supplies necessary for the generation of electricity. In order to continue the generation of electrical power the power station was forced to resort to fuel oil and coal reserves. Yet, when Ukraine put a ban on the export of fuel oil against the background of its conflict with GASPROM, the operation of the Kuchurgansk power station was in jeopardy.<sup>9</sup>

### **3. Possible scenarios and prospects of conflict regulation**

The prospects for the resolution of the Transnistrian conflict depend on the interplay of a whole range of external and internal factors. Since the issue is on the periphery of the "big players'" attention, it makes no sense to wait until the "big daddies" finally proceed to resolve the conflict. According to some researchers, the main obstacle in this process is the weakness of Moldavian democracy and the idea of Moldavian statehood as such.<sup>10</sup>

Apart from that, many analysts realize that the uniqueness of this conflict lies primarily in the fact that "it is not a conflict between nations or ethnic groups. It emerged along entirely different lines. The conventional view describes it as a confrontation between a Russian-speaking region and a nationalist Moldova. Yet, the border between the Transnistrian Moldavian Republic and Moldova is no linguistic boundary between Russian and Moldavian speakers. One third of the Transnistrian population are ethnic Moldavians, and they are not outnumbered by Russian speakers. A large minority of Russian speakers (according to various estimates between one fourth and one third of all citizens) lives in Moldova and are not at all a Transnistrian "fifth column". Moldavian Russians and Russian speakers do not feel loyalty toward Transnistria and many among them do not even sympathize with it as is demonstrated by opinion polls. The Transnistrian Moldavians present themselves as stout supporters of Transnistria as the other two thirds of the population (Russians and Ukrainians). All three languages, Moldavian (Romanian), Russian and Ukrainian are state languages."<sup>11</sup>

Since the beginning of the Transnistrian problem a plethora of propositions were made in the public debate as well as in documents produced in the framework of the negotiation

process concerning the “special legal status” or federal and con-federal models.

Nevertheless, no attempts at assessing the sustainability of a united state according to the specific unification models were made on the official level.

### **3.1. The unitary basis of conflict regulation**

According to some researchers the only option to escape from the Transnistrian blind alley is the resolution of the conflict on the basis of the present Moldavian constitution which proclaims the Moldavian Republic a unitary state. They hold that it is imperative to reach such an internal organization of the common state which will wind up to the formation and consolidation of a Moldavian civic nation in the not-to-far future. On top of that, the formula of a unified country has to prevent the possibility of a relapse into separatism as a result of external provocation.<sup>12</sup>

From this vantage point they advance to claim that the optimal formula for the resolution of the Transnistrian conflict must not at all provide for a separate entity (subject of the federation, autonomy, region) “Transnistria”. They cite the administrative-territorial entity Gagauzia as an example.<sup>13</sup>

According to them, a united Moldova should be divided along geographic and economic criteria into 5-7z regions (while preserving Gagauzia’s autonomy). Transnistria would be divided among them. For the transition period, the language policy should be handled by each settlement. Such a model appears radical or provocative, but it does not contradict at all the principle of safeguarding the rights of individuals in a decentralized state with advanced local self-government.<sup>14</sup>

One is bound to recognize the logic of such attempts at conflict resolution. Nevertheless, the Transnistrian side has not even entered the debate on such propositions which in our opinion renders the idea of a unitary Moldavian state doubtful.

### **3.2. The con-federal basis of conflict regulation**

The 1997 Memorandum has laid down the concept of “common state” as a formula for conflict resolution. The analysis of concrete provisions of the Memorandum leads to the only possible conclusion that the content of the Memorandum as well as the formula “common state” had con-federal relations between the Moldavian Republic and Transnistria in mind.

Tiraspol interprets the concept as a confederation, namely a union of two sovereign subjects of international law. Apart from that, Transnistria is ready to delegate only a few powers to *Kishinev* which it regards necessary; for example in the fields of defense, infrastructure, or economic legislation, while insisting on the preservation of a separate currency, budget and citizenship, etc.

In contrast, *Kishinev* holds that a common state means „unitary state” and is ready to concede only limited autonomous powers to Transnistria.

This being said, one has to state that the idea of a con-federalized Moldova has absolutely no chance for realization given the different views of the sides on this issue.

### **3.3. The federal basis of conflict resolution**

Our analysis leads to the conclusion that the federal basis for conflict resolution remains the only viable option. To be sure, this presupposes the satisfaction of the claims advanced by *Kishinev* and Tiraspol.

It is understood that the Kozak Memorandum must not be the point of departure for the federalization of Moldova, since even its mere mention elicits political hypersensitivity on both banks of the Dniester.

The model of already existing federations (Germany, Austria, Russia) or that of unitary states with a highly developed territorial autonomy (Spain) should be the basis for a federalization of Moldova.

Transnistria and Gagauzia could become autonomous entities under the jurisdiction of the Moldavian Republic, thus uniting the classical attributes of an empowered center and autonomous entities such as unitary foreign politics, currency, army, and budget. Apart from that, the autonomous entities should obtain full powers in such issues as the adoption of local budgets, culture, education and prioritizing external economic relations, etc.

In a unified united Moldova there would be one state language, namely Moldavian (Romanian), and Russian would remain the language of inter-ethnic communication. In Transnistria, Moldavian, Russian and Ukrainian would remain the state languages, and in Gagauzia Russian and Gagauzian. These provisions have to be laid down in the Moldavian constitution. The right of the autonomous entities to leave the Moldavian Republic in case of the loss of independence of

the latter and in case of its merge with another state has to be granted by the constitution as well. The decision to opt out of Moldova has to be taken through a referendum. Each of the autonomous entities can have its own constitution which has to comply with the constitution of the Moldavian Republic. In terms of administration, Moldavia has to be divided into districts. In order to safeguard the participation of the autonomous entities in the work of government bodies it is necessary to reorganize the parliament into a two-chamber organ (House of deputies and Senate). Elections to the House of Deputies must be held in majoritarian districts whose number corresponds to the number of deputies (101) organized on the entire Moldavian territory with a roughly equal number of voters; and elections to the Senate should be held in majoritarian districts whose number corresponds to that of the administrative districts (about 50).

### 3.4. Civilized "divorce"

This leaves us with yet another option to resolve the Transnistrian conflict, namely the civilized separation along the lines of the Czechoslovak precedent which led to the division into the Czech and the Slovak Republics.

However unacceptable this option may seem, it is wholly logical, because the Moldavian Republic cannot be in a suspended status forever, cast into an unresolved conflict which is an obstacle to its development. Alas, the level of the political culture displayed by the ruling class and the opposition indicates that the hope for such a solution is baseless.

### Conclusions

- The causes which led to the break out of the Transnistrian conflict have disappeared a long time ago and for good. If one disregards insignificant marginal groups, there is no inter-ethnic or inter-religious hatred between the population on both banks of the Dniester at this point (2011). At the same time, the population on both banks has become used to the partition of the country and this problem is at the periphery of public attention.

- For long years, misleading stereotypes about the Transnistrian conflict have been deli-

berately spread in order to prevent its resolution. The 5+2 format of the negotiation process contradicts the essence of the Transnistrian conflict and consequently, a resolution may not be reached in its framework.

- The "Transnistrian conflict" is a complex phenomenon. A whole range of factors prevents its resolution, from the authoritarianism of the Transnistrian regime to the geopolitical interests of third countries.

- Under the conditions of lacking external interest to resolve the conflict, the main obstacle is the weakness of Moldavian democracy, the corruption and incompetence of the Moldavian political elite.

- A resolution of the Transnistrian conflict cannot be reached in the framework of the traditional approaches and the present negotiation process. It is equally meaningless to search for a formula for a "special legal status" which would automatically lead to the unification of the country.

- The formula "resolved conflict" does not imply the signing of some document, but the realization of the transformation of a reunited Moldavian Republic into a viable democratic state which raises no doubts about its sustainability. Nevertheless, such an approach to the problem is not even considered by the Moldavian public.

- By virtue of the fact that the original causes of the conflict have disappeared, the artificial procrastination of its resolution adds only to the mass of aborted opportunities for the population on both banks of the Dniester. The feeling that one is in a dead end and the insecurity of one's own future leads to mass emigration from Transnistria.

- At this point, there is no sufficient internal capacity for conflict resolution, nor a favorable external political situation.

- The resolution of the Transnistrian problem must not be linked to the pullout of Russian troops from Transnistrian territory. These are separate problems and if they are tackled separately, a resolution may be found.<sup>15</sup>

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## NOTES

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<sup>3</sup> Oazu Nantoi, op.cit.

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<sup>5</sup> New region-Kishinev. / «Новый Регион – Кишинев». [on-line]: <http://mkspmr.idknet.com/content/blogcategory/18/212/>. (visited on: 07.04.2011).

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<sup>7</sup> With the signing of the agreement, Moldavia was confronted with the Kuchurgansk power station. The power station which is a part of the unified energy system of the Republic and Ukraine, stopped its deliveries to the right bank of the Dniester in November 2005 after its management had demanded higher energy prices from Moldova.

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<sup>10</sup> Oazu Nantoi. Op. cit.

<sup>11</sup> What is the root of the Transnistrian conflict? In: Novy region 2, 3 March 2007 (В чем причины и суть приднестровского конфликта? / [on-line]: <http://www.nr2.ru/pmr/107536.html>. (visited on: 07.04.2011).

<sup>12</sup> Oazu Nantoi. Op. cit

<sup>13</sup> The Law on the special legal status of the Autonomous Territorial Entity was passed 23 December 1994. Nevertheless, the law led to the self-isolation of Gagauzia, and there is neither cooperation nor trust between the local and central administrations.

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<sup>15</sup> Oazu Nantoi. Op. cit.; A new Region-Kishinev («Новый Регион – Кишинев». [on-line]: <http://mkspmr.idknet.com/content/blogcategory/18/212/>. (visited on: 07.04.2011). The negotiation process between Moldova and Transnistria may restart this year (Переговорный процесс между Молдовой и Приднестровьем в этом году может возобновиться. [on-line]: <http://tv-pmr.com/news.php?id=3016>). (visited on: 07.04.2011). [on-line]: <http://www.zatulin.ru/institute/sbornik/009/00.shtml>. (visited on: ). (Materials of the report of the Analytic Group of the Institute for the CIS Countries/Материалы доклада Аналитической группы Института стран СНГ).