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Abbreviations

APE	Foreign Policy Association
AMN	Our Moldova Alliance
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CIS	Community of Independent States
CoE	Council of Europe
CFSP	Common Foreign and Security Policy
CPT	Committee for Prevention of Torture
EU	European Union
EEA	European Economic Area
EC	European Commission
ECHR	European Court for Human Rights
EFTA	European Free Trade Agreement
ENP	European Neighborhood Policy
ENPI	European Neighborhood Policy Instrument
ESDP	European Security and Defense Policy
EUBAM	European Union Border Assistance Mission
EUMAP	EU-Moldova Action Plan
GUAM	Georgia, Ukraine, Azerbaidjan, Moldova
GSP	General System of Preferences
IMF	International Monetary Fund
IPAP	Individual Partnership Action Plan
IPP	Individual Partnership Program
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PARP	Partnership Review Process
PfP	Partnership for Peace
PCA	Partnership and Cooperation Agreement
PCRM	Party of Communists of the Republic of Moldova
PDM	Democratic Party of Moldova
PL	Liberal Party

PLDM	Liberal Democratic Party of Moldova
SEEPCP	South Eastern Europe Political Cooperation Process
SPSEEE	Stability Pact for South Eastern Europe
UN	United Nations
USA	United States of America
USSR	Union of Soviet Socialist Republics
WB	World Bank

Introduction

Eighteen years after declaration of independence, the Republic of Moldova has reached an important crossing point in its future evolution as a sovereign, independent and democratic state. At present, we de facto witness the fading-off of the historical time carried out under the logo of Moldova's transition towards a democratic society and market economy, and the beginning of a new stage in the political, economic and social development of our country whose strategic objective will be progressive integration of the Republic of Moldova in the European Union (EU). In this context, foreign policy pursued by the Republic of Moldova is also going through a similar historical route and in the next period it will undoubtedly be subjected to profound transformations dictated by the new geopolitical relations emerging in our region, and, in particular, by the new requirements and exigencies imposed by the European integration objective of the Republic of Moldova.

During the previous time, the major priorities of the Moldovan diplomacy were the following: recognition of the independence of the Republic of Moldova; strengthening of security and stability of our country through acknowledgement and enforcement of Moldova's permanent neutrality status by all countries of the world; affirmation of Moldova as an international player through its integration in the main international organizations such as the United Nations Organization, Council of Europe, OSCE, World Trade Organization and others; setting up and developing bilateral relations with the countries of the world and, first and foremost, with its major strategic partners; ensuring and maintaining the support of the international community with a view of finding a favorable solution of the Transnistrian issue, as well as determining the Russian Federation to withdraw its troops from the territory of our country; and, of course, European integration of the Republic of Moldova through the Southeastern European network.

Evidently, some of the abovementioned priorities have already been achieved. However, such strategic objectives as strengthening the security and stability of the Republic of Moldova, withdrawal of the foreign troops from its territory, irrevocable settlement of the Transnistrian conflict and reintegration of the country, development of stable and foreseeable cooperation ties with its major strategic partners, as well as European integration of the country have still remained unaccomplished.

The new historical stage will be unfolding under the framework of the Republic of Moldova's integration in the European Union. The latter will undoubtedly have positive effects over the internal and foreign policy of the Republic of Moldova. Both policies will be designed, structured, adjusted

and implemented taking due account of the respective final objective of our country. The beginning of the new stage will be marked by the start up of future negotiations between Chisinau and Brussels with a view of signing a new political and legal framework for the development of the relationship between the Republic of Moldova and EU, which can get materialized in the following 2 years. The future legal framework will drive the relations of our country with EU to a qualitatively new level, which will be characterized by a pronounced dimension towards integration in the institutional, economic and value-driven space of the European Union.

The new legal framework with EU will also impose a reevaluation of the past and present situation in the Republic of Moldova's relations with its key partners, and namely: with its immediate neighbors – Romania and Ukraine; as well as USA, CIS, GUAM, Stability Pact for South Eastern Europe, Council of Europe, OSCE, NATO and all EU Member States. In the light of the aforementioned developments, the Foreign Policy Association (APE) in partnership with Friedrich Ebert Foundation has agreed to conduct a review of the major topics of the foreign policy of the Republic of Moldova during the period 1998-2008. Thus, the present paper does not only try to reestablish the chronology of events, but also highlights the successes and failures of the foreign policy of the Republic of Moldova, analyzes the challenges to be faced by our diplomacy in the given time, and, of course, underscores the possible evolutions and options that Moldova shall take into account in the nearest future.

Ion Sturza

Executive President

Foreign Policy Association (APE)

1. Republic of Moldova relations with Romania

Victor Chirilă, Executive Director, APE

1.1. General aspects of the Republic of Moldova relations with Romania

The relations of cooperation between the Republic of Moldova and Romania started their evolution on August 27, 1991 when the Government of Romania recognized the independence of our country proclaimed on the same day by the Parliament from Chisinau. Romania was the first country that recognized the independence of the Republic of Moldova and the first state which established diplomatic relations with the Government of Chisinau at the level of an embassy. The Embassy of Romania was the first diplomatic representation opened by a partner country in the capital of the Republic of Moldova.¹

The Bucharest Government saluted the proclamation of independence by the Republic of Moldova stating that it represented “the proclamation of an independent Romanian state on the territories that had been forcefully annexed following the secret understandings fixed in the Molotov-Ribbentrop Pact”, and at the same time “being a decisive step towards peaceful elimination of baneful consequences of the given Pact – conditions directed against the rights and interests of the Romanian people”.²

The Declaration of the Romanian Parliament of September 3, 1991 on proclamation of independence of the Republic of Moldova stated that “the decision of the Moldovan Parliament confirms the profound aspiration for freedom and independence of the Romanians living on the over side of the Prut river” and that under the new conditions created after the Declaration for Independence announced by the Parliament of the Republic of Moldova “new enabling perspectives will be opened for the development of collaboration and multiple ties between the two neighboring states which descend from the common trunk of the Romanian people as it had been historically formed”.³

Since recognition of the independence of the Republic of Moldova until today, diversification and continuous deepening have characterized the relations of cooperation between Chisinau and Bucharest. During the last 17 years, more than 104 bilateral agreements in various areas of mutual interest have been signed, such as on mutual promotion and protection of investments, avoid-

¹ The Embassy of Romania in the Republic of Moldova was inaugurated on January 20, 1992, <http://chisinau.mae.ro/index.php?lang=ro&id=654>

² Moldovan-Romanian political and diplomatic relations, official webpage of the Ministry of Foreign Affairs of Romania, <http://www.mae.ro/index.php?unde=doc&id=5664>

³ *Ibidem*

ing double taxation and preventing tax evasions, cooperation in transportation, postal services, telecommunications and tourism, facilitation of trade, customs services, science, education, culture and in many other important areas.⁴ At the same time, at the parliamentary level the bilateral relations of cooperation were institutionalized through the creation of the Mixed Moldovan-Romanian Interparliamentary Committee, whereas at the level of the two executives – through creation of the Mixed Moldovan Romanian Intergovernmental Committee for Economic Cooperation and European Integration. .

On external arena, the Republic of Moldova has been continuously supported by Romania with a view of promoting our country's membership in various international organizations, such as the United Nations Organization (UNO), Council of Europe, Organization for Security and Cooperation in Europe (OSCE), or World Trade Organization (WTO). Besides, Romania was an active supporter of the Republic of Moldova in its efforts to join organizations and initiatives in the Southeastern and Central European region viewed by Chisinau as potential engines driving Moldova further on its road towards European integration. In this context, Romania actively supported our country to be accepted by the Central European Initiative (CEI), Stability Pact for South Eastern Europe (SPSEE), the South Eastern Europe Political Cooperation Process (SEEPCCP) or the Central European Free Trade Agreement (CEFTA). Romania proved to be an important promoter of the European integration aspirations of the Republic of Moldova. In this regard, the efforts of Romania to raise the awareness of EU member states with the aim of convincing them to offer to our country the same European perspective as the one given to the associate states from the Western Balkans are well known.

In the economic and trade area, Romania remains to be a major partner of our country. Currently Romania represents one of the most important market places for our exports. Throughout 2007, the Moldovan economic companies exported goods to Romania amounting to a total value of 211.183 million USD, which is 21 million USD less than to Russia and 13 million USD more than to Ukraine. In the same year, Romania ranked third in imports from its market carried out by the economic entities from our country. In 2007, the value of imports from Romania reached 449.081 million USD, i.e. 237 million less than from Ukraine and 39 million USD less than from Russia⁵.

Romania is our first trade partner in the EU space. Further more, due to Romania's accession to EU in 2007, for the first time, the volume of trade ex-

⁴ Official webpage of the Ministry of Foreign Affairs and European Integration of RM, <http://www.mfa.md/tratate-bilaterale/>

⁵ National Bureau of Statistics of RM, <http://www.statistica.md/dates.php?lang=ro&ct=99>

changes between Moldova and EU exceeded the figure of 50% of the total exports and imports carried out by the economic entities from our country. As a result of that development, EU has become the number one partner for the Republic of Moldova, having thus surpassed the Community of Independent States (CIS)⁶. Thus, we can say that once EU has become its main trade partner the Republic of Moldova managed to foster the economic dimension of its arguments meant to raise the awareness of Brussels about Chisinau aspirations to be integrated in the European Union. Romania is also an important investor in the Republic of Moldova economy. Direct investments in our country made by Romanian investors have come to an aggregate amount of 22.9 million Euros, thus placing Romania number nine in the list of countries with major foreign direct investments in our country⁷. Irrespective of the numerous positive achievements in the development of bilateral cooperation accomplished by both states, the general perception about the quality and consistency of the relations between the Republic of Moldova and Romania is far from being one of contentment.

The explanation of this condition is actually quite simple in formulation, but rather complex in contents. The accomplishments listed above go hand in hand with the enormous potential in the Moldovan-Romanian relations that has remained unused. Since declaration of independence by the Republic of Moldova until today, the bilateral relations between Chisinau and Bucharest have looked more like an American roller coaster, bouncing back and forth with steep ups and downs, that served some obscure party interests and calculations, to the detriment and on account of the interest of the citizens of both countries who wanted to build close partnership relations, an interest which after Romania's accession to EU enhanced even more. This fact is also pointed out in the last opinion polls showing that Moldovan citizens view Romania as the country, which can be of major help for Moldova in its tenure to join EU. For instance, the Barometer of Public Opinion carried out in April-May 2008 by the Center for Sociological Analysis and Investigations, Political Science and Psychology at the order of the Institute for Public Policies (IPP) showed that 44.2% of the population of the Republic of Moldova considered that Romania could help most of all their country in its process of joining EU⁸.

⁶ In 2007 the Republic of Moldova exported goods to EU member states at a total value of 679.284 million USD, i.e. 129 million USD more than to CIS states. In terms of imports, Moldova imported goods from EU worth 1,682,308 billion USD representing 347.595 million USD more than from CIS.

⁷ Investment Guide of 2007, Moldovan Investment and Export Promotion Organization, <http://www.miepo.md/libview.php?l=ro&idc=124&id=209>

⁸ Barometer of Public Opinion, April 2008, IPP, <http://www.ipp.md/barometru1.php?l=ro&id=32>

A similar tendency can also be found in the Study on assessment of public perception regarding the process of European integration and implementation of the Individual Republic of Moldova - EU Action Plan of April 2008 carried out by Eurasia Foundation, IDIS Viitorul and CBS "Axa" among local experts, local civil servants and foreign experts. Thus, in compliance with this study, 19.5% of the respondents considered that Romania could help Moldova most of all in its process towards European Integration.

However, the current plight of political relations between Moldova and Romania is not satisfactory enough as to allow leaders from Chisinau and Bucharest to rouse to the expectations of their citizens. To better understand the essence of the obstacles to be overcome by both parties that will enable them to take full use of the immense potential of cooperation, in the paragraphs below we will get more insight about the evolution of the relations between Republic of Moldova and Romania during the last decade.

1.2. Time of lost chances: January 1998-April 2001

The given period of time is characterized by an intense political dialogue at all three state levels: heads of states, parliament and the government. This fact is proven by the frequency of bilateral meetings taking place during this timeframe⁹. For instance, in 1998 alone Petru Lucinschi, President of the Republic of Moldova had three working meetings with the President of Romania, Emil Constantinescu. On February 9, 2001, in Vaslui, President Petru Lucinschi met the newly elected Romanian President Ion Iliescu. At the level of the two parliaments, the bilateral political dialogue boosted further after the two visits of Dumitru Diacov, Speaker of the Moldovan Parliament, to Bucharest in June 1998 and April 1999. In the same context, we can mention the working visit of Mircea Ionescu Quintus, Chairperson of the Romanian Senate, to Chisinau on April 16-18, 2000. Following these bilateral visits, the meeting of the representatives of the foreign policy committees of the Parliaments of Moldova and Romania took place on 20-21 May, 2000 in Iasi; and on July 21-23 the Meeting of the Interparliamentary Committee Republic of Moldova-Romania took place in Suceava. Besides, at the level of the two executives the facts showed a similar ascending tendency in the political relations between the two countries. Also, two important visits of prime ministers took place within the same timeframe, and namely the visit of the Romanian Prime Minister Radu Vasile to Chisinau on 24-25th of May 1999 and the visit of the Moldovan Prime Minister Ion Sturza to Bucharest on 30-31st August 1999. This intense political dialogue could also be noticed between the two Ministries of Foreign Affairs. In this regard, it is relevant to mention the

⁹ Embassy of Romania in Chisinau was inaugurated on January 20, 1992

working visit of the Romanian Foreign Minister Andrei Plesu to Chisinau in February and October 1998, the working visit of the Moldovan Foreign Minister Nicolae Tabacaru to Bucharest on 23-24 March, 2000; as well as the working visit of the Romanian Foreign Minister Petru Roman on April 28, 2000 followed by the working visit of Moldovan Foreign Minister Nicolae Cernomaz to Bucharest on January 9-10, 2001. All these visits were preceded, accompanied and followed by a series of working visits of technical experts during which topics of common interest for both countries were thoroughly discussed or negotiated.

The intensity of the political dialogue is also emphasized by the broad spectrum of questions included in the agenda of the working or official meetings between the representatives of Chisinau and Bucharest Governments. The list of respective subjects included such issues as negotiation of the Basic Political Treaty, European integration, negotiation of the border agreement, regional cooperation, international cooperation, making the circulation of persons and cargo at the Moldovan-Romanian border more fluid, creation of free economic zones, energy cooperation, customs' services cooperation, participation of the Romanian capital in the privatization process taking place in the Republic of Moldova, rescheduling of debts, cooperation in education and science, etc.

The eagerness to deepen the bilateral cooperation manifested at all three levels of the political dialogue between Chisinau and Bucharest facilitated the negotiation and signing of 17 bilateral agreements in various areas of common interest, as well as led to formulation of some understandings of principle matter by the Moldovan President Petru Lucinschi and Romanian President Emil Constantinescu regarding the opening of three joint checking points. Also, it enabled to negotiate the basic documents on the special economic zone of Iasi-Ungheni, as well as of the free economic zone of Galați-Giurgiulești-Reni. The latter also stimulated the Romanian support with a view of including Moldova in the Stability Pact for South Eastern Europe, as well as facilitated the connection of the Republic of Moldova to the Romanian power supply system, which enabled our country to face the challenge of the energy crisis at the end of the 90s. More than that, after almost seven years of difficult negotiations, on April 28, 2000 Chisinau and Bucharest managed to negotiate and initial the Partnership and Cooperation Treaty between Moldova and Romania. This Treaty was the result of a compromise reached by both countries regarding some matters of principle following some long and tiresome talks between the given parties. Hence, the parties managed to develop a political document whereby, on the one side, Chisinau and Bucharest have acknowledged the special nature of bilateral relations between the two countries based on the ties originating from the historical past and the community

of culture and language used by both countries, whereas on the other side, both parties have established some principles and objectives to guide the future privileged partnership. According to the respective Treaty, the privileged partnership between Moldova and Romania had to be built on mutual support in the efforts directed towards integration in the European structures under the framework of a united Europe and based on the commitment of Romania to actively support internationally all actions that Moldova would undertake to maintain its unity and integrity as a state representing a subject of the international law.

Fostering of the political dialogue also had a positive effect on the evolution of bilateral cooperation in the economic sphere. In the given period, Romania managed to affirm itself as a major economic partner of the Republic of Moldova. First of all, one could see a continuous increase in bilateral trade exchanges, a tendency that placed Romania second among the top trade partners of our country. Besides, bilateral cooperation in energy security matters was re-launched and resulted in the fact that Moldova was hooked to the power supply network of Romania. Due to this connection, our country imported electric power worth over 18 million USD from Romania. Energy cooperation was also accompanied by a visible increase of the interest of the Romanian party to participate in privatization and incorporation of the industrial enterprises from Republic of Moldova. Meanwhile, Chisinau Government proposed to the Romanian party to privatize 51% of the shares of the Moldovan Oil Company “Tirex Petrol” in lieu of Moldova’s outstanding debts payable to Romania for the imported electricity. Taking over of the given stocks by the Romanian party had eventually failed, thus giving a negative signal to the business community from Romania and discouraging potential investors. The positive evolution in the relations between Moldova and Romania, as well as Romania and Ukraine led to the creation of two Euro regions: Lower Danube Region (in 1998) and Upper Prut Region (in 2000).

The aforementioned success stories were nevertheless tainted by the delays in the legal recognition of the Metropolis of Bessarabia by the Chisinau Government, by the failure to sign the Treaty on Privileged Partnership and Cooperation between Moldova and Romania, by the failure to launch some joint infrastructure projects or the discouraging messages given to the Romanian investors wishing to initiate long-term investment projects in Moldova. The non-signing of the Treaty on Privileged Partnership and Cooperation can be considered the grand failure of the Moldovan-Romanian political dialogue of that period of time. The main cause that predetermined the non-signing of the Basic Political Treaty was lack of political consensus both in Bucharest and Chisinau with regard to the contents of this agreement. The influential political parties

from Moldova and Romania, such as the Popular Christian Democratic Party (PCDP) and the Party of Communists of the Republic of Moldova (PCRM) and respectively the Party of Social Democracy (PSD) from Romania and the Party of Grand Romania (Romania Mare or PRM), have been opposing the signing of the Treaty on Privileged Partnership and Cooperation saying that the given document did not provide solutions to numerous issues of major importance, and namely: did not directly denounce the 1939 Ribbentrop-Molotov Pact; postponed the final resolution of the border issue between the two states; did not resolve the issue of persons with dual citizenship; whereas the privileged character of the Treaty was formulated ambiguously. On top of that, the Alliance for Democracy and Reforms, i.e. the ruling alliance of that time, started to break up, whereas the Party of Communists of the Republic of Moldova propelled onto the front plan of the domestic policy of the Republic of Moldova. At the same time, in Romania the Alliance for Democracy and Reform (“CDR”) lost the parliamentary and presidential elections of November 26, 2000; those elections being won by the Party of Social Democracy (“PDS”) and the chairperson of this political party Ion Iliescu. Actually, after the fall elections of 2000, the Parliament of Romania got dominated by two political parties that at that time rejected the idea of signing a partnership treaty with the Republic of Moldova and instead militated in favor of signing a fraternity treaty between the two states. The latter in no way could coincide with the vision of the PCRM that managed to win the February 2001 Parliamentary elections, while in April 2001 this party pushed its leader to the position of the head of state and formed a new executive of the Republic of Moldova. Consequently, the 2000 fall political transformations from Bucharest and February-April 2001 from Chisinau marked the beginning of a new period in the relations between Moldova and Romania.

1.3. Period of “constructive pragmatism”: April 2001 – December 2004

Changes in political actors both in Chisinau and Bucharest have also led to transformation of the context, approaches, objectives and political messages in both capitals. In Chisinau, the Communist Party of the Republic of Moldova (PCRM) came to power with messages and objectives which forecasted a predilection towards eastern vector in the foreign policy of RM: signing of a strategic partnership with the Russian Federation; fostering the integration of Moldova in the CIS space; accession of the Republic of Moldova to the Union of Russia-Belarus; raising the status of the Russian language. All these messages bearing an electoral connotation undermined the western vector of our foreign policy and had placed our foreign partners in an abeyance position full of concerns with regard to the continuation of the course of democratic reforms in our

country. In case of Romania, the fact that PDS had come to power did not affect the pro-western orientation (NATO and EU) in the domestic and foreign policy of the country. In Bucharest, accession to NATO and EU along with the democratic reforms remained to be the major priorities of the then new Government of Romania. Thereby, in April 2001 Chisinau and Bucharest showed their support of absolutely contrary approaches with regard to foreign policy orientation and the roadmap of democratic reforms. The relations of the Republic of Moldova with Romania representing a component part of the western vector could not but be affected by these new circumstances. The new situation got even more complicated by the fact that neither the Chisinau nor Bucharest leadership had a clear-cut strategy regarding the evolution of future bilateral relations between Moldova and Romania.

In this context full of uncertainties, both capitals opted for pragmatism in the development of bilateral cooperation relations, a pragmatism focused on the need to deepen the cooperation in economic and trade area and avoid any ticklish issues, such as Romanian identity of the majority population of the Republic of Moldova, name of the state language in our country (Moldovan versus Romanian) and divergences of political and ideological nature between the new governments from Chisinau and Bucharest. The two Presidents - Ion Iliescu, President of Romania, and Vladimir Voronin, President of Moldova, made a public announcement of the new pragmatic approach during the official visit of the latter to Bucharest on May 1, 2001¹⁰. Following this meeting of May 1, 2001, both heads of states declared their satisfaction with the results of the discussions held on that occasion. Based on their declarations, we can deduce that they agreed to deter from political and ideological differences, to step by step develop pragmatism, to deepen their trade and economic ties, to uphold the establishment of joint Moldovan-Romanian companies, to promote Moldova's stance within the South-Eastern Stability Pact framework, to initiate joint projects under the aegis of the Stability Pact, to continue the development of relations of cooperation in the areas of education, science and culture. During the same visit, President Vladimir Voronin also had a working meeting with the Prime Minister of Romania, Adrian Nastase, during which the parties agreed that Romania would provide one million USD grant to Moldova for issuance of new passports to Moldovan citizens from socially vulnerable groups of people.

¹⁰ "We would like to leave aside the divergences of political or ideological nature and have a pragmatic approach towards the relations between Moldova and Romania, which should not know any decline in the subsequent period," declared Ion Iliescu, President of Romania, after his meeting with the President of Moldova, Vladimir Voronin, on May 1, 2001, Tuesday, in Bucharest. Moldova Today, <http://www.azi.md/news>

In the same spirit of pragmatism, the official delegations also discussed the need to properly use the potential of the Republic of Moldova as a country located at the crossroads between the East and the West, as well as the importance of opening business economic centers both in Chisinau and Bucharest. As we can see, economic issues dominated the agenda of the discussions held by the Moldovan President in Bucharest, whereas the delicate political issues related to bilateral relations of the two countries, among which the signing of the Basic Political Treaty or negotiation of a new Border Agreement between Romania and Moldova had been ostentatiously avoided. When asked if during the meeting with President Voronin they happened to discuss any aspects stemming out the Basic Political Treaty, the Romanian President Ion Iliescu said that the given problem had not been touched upon because it was not an issue of paramount importance for that moment of time.

This pragmatic root in the bilateral cooperation of two countries continued during the following months as well. Upon his return from Bucharest, President Vladimir Voronin reiterated the priority of Moldovan-Romanian relations and on June 12, 2001 declared that relations with Romania were among the most important relations for the Republic of Moldova. In the same context, he emphasized that relations of friendship had been established between him and Romanian President Ion Iliescu. On the same occasion, Vladimir Voronin said proudly “lately we managed to move from bridges of flowers and ideological relations to pragmatic relations, in particular, based on economic interests”¹¹. This conclusion stated by President Vladimir Voronin was practically confirmed by a series of visits and bilateral actions mainly focused on practical cooperation in various areas of common interest.

For instance, on June 14, 2001 the Head of the Office for Relations with the Republic of Moldova within the Government of Romania, Marcel Dinu, came with a working visit to Chisinau and thus stated the availability of the Bucharest Government to renew cooperation in energy area. Following the discussion held by Marcel Dinu with the Moldovan officials, both parties agreed on the need to re-launch cooperation in the energy sector through creation of joint Moldovan-Romanian power generating companies and to begin with the Hydropower Complex at Stinca-Costesti, and also through participation of Romanian investments in modernization of the energy sector of our country and in privatization of the North and North-Western Power Grids¹². The Romanian official informed the authorities from Chisinau about

¹¹ President Voronin declared that relations with Romania constituted a priority for Chisinau authorities”, Basa Press, 12.06.2001.

¹² “The coordinator of cooperation activities with the Republic of Moldova on behalf of

the interest of Romanian investors to invest in the wine industry of Moldova. In the context of the European integration policy, the Bucharest Government reiterated its commitment to delay the introduction of visa regime for the Moldovan citizens even if EU requested from Romania to duly align its policies to the pertinent requirements and practices of the European Union in this area. Although Marcel Dinu asserted his visit to Chisinau as a political one, the meetings and discussions he had in Chisinau were exclusively focused on economic issues, whereas the sensible political issues were once again ignored.

Nevertheless, the visit had brought to light the existence of some divergences in visions regarding the Basic Moldovan-Romanian Political Treaty. Being asked whether the recently announced availability of the authorities from Chisinau to sign the Basic Political Treaty between Moldova and Romania was synchronized with Bucharest and if a similar reciprocity existed in Bucharest, Marcel Dinu mentioned that finalization of the Basic Political Treaty negotiated by the parties during the governance of the Alliance for Democratic Convention (CDR) from Romania would need patience in order “to take due care of the text”¹³. This statement actually induced a very subtle message given to Chisinau and namely that the government from Bucharest ruled by the Party of Social Democracy from Romania (PDSR) did not totally agree with the version of the Treaty on Privileged Partnership and Cooperation initialed in Chisinau on April 28, 2000.

Among the visits with pragmatic character that took place in the same period of time, one should mention the visit of the Minister of Transportation and Telecommunications of the Republic of Moldova on June 24, 2001 to Bucharest who met with the Romanian Minister of Public Works, Transport and Dwelling Fund, Miron Mitrea. During this working visit, both ministers agreed in principle that the Republic of Moldova would collaborate in the implementation of four projects in the area of road and railway infrastructure such as projects related to rehabilitation of the main roads on the route Albita-Chisinau and Galati-Chisinau; rearrangement of the railway on Iasi-Chisinau route to match the European gauge; as well as reconstruction of a bridge to the right of Lipcani locality from Moldova.

Besides, on July 5, 2001 Brigade General Ion Coropceanu, Chief of Staff of the National Army of Moldova, came with a working visit to Bucharest. The agenda of his working visit included making an assessment of the relations of

the Bucharest Government had meetings with the decision makers from Tarlev Cabinet”, stated Basa Press, 14.06.2001.

¹³ Head of the Governmental Office for relations with the Republic of Moldova from Bucharest made a summary of his visit to Chisinau”. Basa Press, 16.06.2001.

cooperation between the armed forces of Moldova and Romania, making an exchange of information on how to organize and conduct peacekeeping operations, as well as providing of training for the military personnel of the National Army of the Republic of Moldova in the specialized institutions of Romania.

On July 2, 2001, during the Second Meeting of the Sectorial Moldovan-Romanian Group for fluidization of the border traffic, both parties agreed that by the end of 2001 they would introduce a joint control system at two border crossing points between Romania and Moldova. Besides, the parties also agreed on the need to sign in the nearest future a bilateral Agreement on readmission of some third party countries nationals who crossed the border illegally, as well as of an understanding regarding small-scale traffic issues.

The list of actions for pragmatic cooperation continued to get broader after the signing of the Protocol on cooperation between Ministries of Education from the Republic of Moldova and Romania for the years 2001-2002. Based on this agreement, the Bucharest Government committed to provide 850 lyceum and post-lyceum scholarships and 780 university scholarships for Moldovan students. Besides, on July 4th 2001 the Chisinau Government appointed Ion Godonoga for the function of coordinator of cooperation activities with Romania, thus fulfilling its promise to create an Office for relations with Romania following the example of the Office for relations with Moldova within the Romanian Government.

The list of these pragmatic bilateral visits and actions culminated on July 27, 2001 with the working visit of the Moldovan Prime Minister Vasile Tarlev to Bucharest, during which he signed a number of important documents with his Romanian counterpart, among which: Agreement on readmission of persons, Memorandum of Understanding regarding the Center of Art and Culture “Ginta Latina”, Agreement on bank supervision, as well as the Intergovernmental Understanding on financial assistance of Romania to the Republic of Moldova to facilitate the affordability of passport purchase by some categories of citizens from Moldova. This time the parties again deliberately avoided the delicate political issues¹⁴. This time the agenda was dominated by discussions exploring the possibilities for cooperation in the energy sector, such as participation of Moldova in the construction of a nuclear power plant in Cernavoda, or in such areas as privatization, agriculture, education, transport, culture, etc. Besides, with a view of boosting economic cooperation with the Republic of Moldova, the Romanian Prime Minister Adrian Nastase announced his decision to lead an important economic mission in the Republic of Moldova in fall of 2001.

¹⁴ “Prime Minister Tarlev signed a number of documents in Bucharest”, Basa Press 27.07.2001.

Deliberate attempt to avoid any sensible political issues in the Moldovan-Romanian dialogue actually deprived the authorities of both capitals of the leverage necessary to prevent the tensioning provoked by accumulation of some feelings of dissatisfaction, frustration, suspicions or doubts invoked by both sides. Thereby, one could see a gradual sliding of the political dialogue from diplomatic to public framework taking form of some provocative statements and, sometimes, even offending ones.

Starting with July 2001, the pragmatic nature of the Moldovan-Romanian cooperation initiated by Moldovan President Vladimir Voronin and Romanian President Ion Iliescu had seen first cleavages. In July 2001, in the midst of the pragmatic evolution of bilateral relations with Romania the Parliament from Chisinau discussed and approved, with the majority of votes of the communist MPs and six MPs from Braghis Alliance, the Law on the rights of persons belonging to national minorities and legal status of their organizations,¹⁵ which thus strengthened the role and status of the Russian language in the Republic of Moldova. The discussion and approval of this Law by the Parliament from Chisinau stirred up the dissatisfaction in Bucharest and the response of Romanian officials appeared in a rather short while. In particular, the Romanian President made a statement on July 7, 2001 that launching of the theory about existence of the Moldovan language different from the Romanian language had pursued solely one goal, and namely to satisfy some vested interests related to “denationalization” of the Romanians from the Republic of Moldova¹⁶. At the same time, the Prime Minister of Romania Adrian Nastase declared that the Government from Bucharest was concerned about the last evolutions taking place in the Moldovan Parliament and, by the way, that statement was released just before his meeting with the Moldovan Prime Minister Vasile Tarlev. In response to the statement made by the Romanian President, Victor Stepaniuc, leader of the Communist fraction in the Moldovan Parliament, had come up with an affirmation that in the Republic of Moldova Romanians represented “a national minority” along with the Russians, Ukrainians, Bulgarians,¹⁷ etc. This declaration imminently incited many spirits in both capitals.

Given lack of an efficient and comprehensive Moldovan-Romanian political dialogue, the dissatisfaction and mutual suspicions kept growing both in Bucharest and Chisinau. Gradually the tone of such declarations became

¹⁵ Law on the rights of persons belonging to national minorities and legal status of their organizations, www.parliament.md/download/laws/ro/382-XV-19.07.2001.doc

¹⁶ “President of Romania considers that the theory of Moldovenism pursues the goal of denationalization of Romanians”, Basa Press, 09.07.2001.

¹⁷ “Leader of the Parliamentary group of Communists affirms that Romanians in the Republic of Moldova represent an ethnic minority”, Basa Press, 11.07.2001.

more and more direct and acerbic, whereas their connotation and meaning – more and more negative. On September 20, 2001, the Prime Minister of Romania Adrian Nastase declared that the Romanian Government would not be willing to accept the duplicity of Chisinau authorities both in economic and political matters. In his vision, Moldovan officials said one thing in Bucharest and upon return to Chisinau did something else. On top of that, the Romanian Premier made a statement that after 2001 February elections in Moldova, the Cabinet of Ministers from Chisinau had shown a much more closer reorientation to Moscow and warned the Moldovan officials that the Romanian authorities did not want to be treated as “a shield by the political forces from Chisinau to calm down certain domestic criticism”¹⁸. Having expressed his harsh words of criticism, Adrian Nastase then announced that his working visit to Chisinau scheduled for October 2001 would depend on the advancement in the development and implementation of joint economic projects. At the same time, the position of Bucharest regarding the political issues had become even more intransigent. Being asked about the fate of the Basic Political Treaty between Moldova and Romania, the Romanian Premier declared on that occasion that the respective Treaty “has come to deadlock” and that he did not think somebody would be particularly interested to bring this issue back to light given the particularities of that moment in time. With reference to identity subjects, Adrian Nastase, however, reaffirmed that the Government of Romania would preserve its position regarding the Romanian character of the status and official language of the Republic of Moldova and criticized the intention of the Government from Chisinau to introduce Russian language as a compulsory discipline taught in schools, emphasizing that such actions had raised some question marks with regard to the openness of this state towards the European path.

The response of Chisinau to the statements made by the Romanian Prime Minister Adrian Nastase had come with no delays whatsoever. On October 2, 2001, the Minister of Justice of the Republic of Moldova Ion Morei initiated a tough criticism against Romania in the European Court for Human Rights (ECHR) during the hearing of the case of the Metropolis of Bessarabia against the Government of Moldova that had refused to register it. In his speech as official representative of the Government of the Republic of Moldova, the Minister Ion Morei accused Romania of “direct interference in the affairs of the sovereign and independent state of the Republic of Moldova”, as well as “of planting seeds of discord between the religious people in order to eventu-

¹⁸ Romanian Premier declared that no longer he would accept the duplicity of the authorities from Chisinau”, Basa Press, 20.09.2001.

ally come to confrontation and a perpetual belligerent condition, to destabilize the social and political situation in the Republic of Moldova”¹⁹.

This ping-pong of hostile declarations eventually led to freezing of the political dialogue between Chisinau and Bucharest until 2003. The Romanian Government qualified the instigating statements voiced by Ion Morei in Strasbourg as offending and irresponsible and requested pertinent apologies. Chisinau remained mute to the request voiced by Bucharest and therefore several Romanian high-rank officials suspended their official visits to the Republic of Moldova, among them being also the visit of the Prime Minister of Romania Adrian Nastase.

This exchange of harsh declarations continued throughout the entire year of 2002. However, the end of 2002 opened a new opportunity for the parties to relaunch the political dialogue suspended for more than a year. On October 19, 2002, President of Moldova Vladimir Voronin and President of Romania Ion Iliescu met in Beirut on the occasion of the Francophone Summit. In the context of that meeting, both presidents agreed on creation of a working group consisting of representatives of the presidential offices and the governments from both states mandated to analyze the existing situation and develop proposals to overcome the bottlenecks that hindered the good evolution of their bilateral relations. Thus, namely after this understanding reached by the heads of state agreeing on matters of principle, on January 25, 2003 Simona Miculescu, Foreign Relations Adviser of the Romanian President came to Chisinau. Mrs. Miculescu had a meeting with President Vladimir Voronin and their discussions were focused, first of all, on initiation of talks at the level of experts who should look into the current plight of bilateral relations, to identify solutions for overcoming the political crisis and jointly develop a program to expand and deepen the bilateral relations between the countries.

The melting that appeared in the Moldovan – Romanian relations with the beginning of 2003 enabled the Foreign Affairs Minister of Romanian Mircea Geoana to come with a working visit to Chisinau on April 1, 2003. Following the meetings and discussions he had with President Voronin and Moldovan Foreign Affairs Minister Nicolae Dudau, the parties agreed to expedite the process of signing the Basic Political Treaty, whereas the legal regulation of the Moldovan-Romanian Border to be based on the principle of succession at the border line between USSR and Romania²⁰.

¹⁹ “Minister of Justice accused Romania of expansionism”, Basa Press, 03.10.2001.

²⁰ Romanian Foreign Minister announced the re-launching of political dialogue between Bucharest and Chisinau”, Basa Press 01.04.2003

In order to ensure enforcement of these understandings, the parties also agreed to establish official delegations to initiate the first round of negotiations in the shortest time possible. Nevertheless, the Romanian Foreign Ministers delivered three important messages during his visit to Chisinau, and namely: reiterated the support of Romania for Moldova's accession to the South-Eastern European Cooperation Process (SEEC); communicated the alignment of Romania to the EU decision of February 27, 2007 on introduction of circulation restrictions for the secessionist leaders from Transnistrian region of the Republic of Moldova on EU territory; also reassured that the Romanian Government will not introduce visa regime for Moldovan citizens before 2007 and by that time arguments for some formulas should be found that might exclude visa requirement for some categories of citizens of the Republic of Moldova manifesting a particular interest in developing relations with Romania.

The visit of the Romanian Foreign Affairs Minister to Chisinau was interpreted by both capitals as a de facto re-launching of the political dialogue between Moldova and Romania. This renewal has eventually proved to be an illusionary. In a rather short while after Mircea Geoana's visit to Chisinau, and namely on April 16, 2003, the inter-ministerial Moldovan-Romanian committees met in Bucharest, but their working agenda again included only economic issues. In parallel, the bilateral consultations on the Basic Political Treaty between Moldova and Romania were renewed as well. During his visit to Chisinau, the Romanian Foreign Affairs Minister Mircea Geoană proposed to the Moldovan authorities to sign a declaration on European privileged partnership between the two states. The idea had not found proper endorsement in Chisinau. Instead, the Moldovan Government suggested renegotiating the Basic Political Treaty initialed in April 2000. The response from Bucharest was even less flexible. Thus, on October 2, 2003 Adrian Nastase, the head of the Romanian state, voiced the opinion of the Romanian Government and announced in Strasbourg that the signing of the Basic Political Treaty between Moldova and Romania was useless. Being asked to comment on the statement of Adrian Nastase regarding the futility of signing a basic political Treaty between the Republic of Moldova and Romanian, President of Moldova Vladimir Voronin declared that the latter was a unilateral decision of Bucharest, which could be understood after the insistence of Chisinau to substantially edit the text of the document that had already been initialed by presidents of two countries back in April 2000²¹. At the same time, he rejected the idea of signing a joint Moldovan-Romanian declaration on European co-

²¹ "President Voronin organized a press conference in Strasbourg", Basa Press, 02.10.2003.

operation saying that such partnership would not accelerate Moldova's integration in the European Union for the reason that Romania was not a member of EU either. Thus, due to the fact that the negotiating parties stuck to totally reverse positions, in fall of 2003 the bilateral consultations on the issue of the basic political Treaty had again come to a deadlock.

In autumn 2003, the Moldovan-Romanian political dialogue recorded a general stagnation in the situation when the Moldovan Government gave a positive endorsement of the draft Concept on the National State Policy, according to which "Moldovans are the founding nationality of the state, and along with other ethnicities such as Ukrainians, Russians, Gagauzians, Bulgarians, Jewish, Romanians, Belarusians, Roma people, Polish and others representing the Moldovan people for whom the Republic of Moldova is their common Motherland"²². The same draft stated that "Moldovan-Russian and Russian-Moldovan bi-language that has been established historically is characteristic for Moldova and it needs continuous development and improvement"²³. Maybe it happened accidentally or maybe not, but we cannot but mention that the worsening in the quality of political dialogue took place in parallel with the unfolding of secret negotiations between Moldova and Russia with regard to the settlement of the Transnistrian conflict using the federative solution.

Starting with October 2003, we once again see a public exteriorization of the disagreements between Chisinau and Bucharest. And this time, the Council of Europe (CoE) was chosen as the stage for their amplification. On October 9, 2003, the permanent representative of the Republic of Moldova in the Council of Europe, Alexei Tulbure, informed the Committee of Ministers of the Council of Europe about the existing problems in Moldova's relations with Romania and declared that these problems could not be solved within the bilateral dialogue framework and thereby he requested the assistance of the forum in Strasbourg in overcoming the divergences accumulated between Chisinau and Bucharest²⁴.

The declaration made by Tulbure was looked with great disapproval by Bucharest. In a press communiqué of the Ministry of Foreign Affairs of Romania, the statements made by the representative of the Republic of Moldova in the Council of Europe were qualified by the Romanian authorities as lacking any real basis and contrary to the European spirit that Romania

²² Concept of the National State Policy of the Republic of Moldova, www.parlament.md/download/laws/ro/546-XV-19.12.2003.doc

²³ Ibidem

²⁴ "Chisinau asked the Council of Europe to get involved in the overcoming of the divergences existing in the Moldovan-Romanian relations", Basa Press, 11.10.2001.

wanted so much to impart to its bilateral relations with the Republic of Moldova²⁵. Further more, in the opinion of the Romanian Foreign Ministry the sharp change in the political vocabulary by the Moldovan representatives was an expression of the persistent difficulties in managing some complex aspects related to identity and political issues²⁶.

Discussion of the National Policy Concept and its approval on December 19, 2003 by the communist majority from the Parliament of Chisinau exacerbated the already existing tension between Bucharest and Chisinau. Namely in this context, the Romanian President Ion Iliescu reacted peremptory and declared on December 18, 2003 that the governing party from the Republic of Moldova was a communist party with “Stalinist bad habits” and condemned the anti-Romanian campaign initiated by Chisinau²⁷. The response of the Moldovan President Vladimir Voronin was not delayed anyhow. On the occasion of an interview given to the local TV station NIT on the eve of the New Year President Vladimir Voronin declared that Romania remained the only empire in Europe consisting of Moldova, Dobrogea and Transylvania and that if the Republic of Moldova could not get rid of the “help of the relatives from the other side of the Prut river”, it would resort to the international community²⁸.

The failure of Kozak Memorandum of November 2003 is followed by the worsening of the relations of the Republic of Moldova with Russia and, in parallel, by the abrupt reorientation of the Moldovan Government towards deepening of its ties with the European Union. The new regional conjuncture opens a new opportunity for Chisinau and Bucharest to overcome the existing roadblocks in their relations. As a result of that, throughout 2004, both capitals refrained from hostile discourses, while positive news gradually started taking the place of the negative ones in the Moldovan-Romanian relations. For instance, on April 1, 2004, joint seminars were organized in parallel in Chisinau and Iasi where the representatives of the Republic of Moldova and Romania agreed on the need to develop a Neighborhood Program that would fall in line with Eastward enlargement of EU.

Due (to a major extent) to the support provided by Romania, in 2004 Moldova is accepted as observer to the Cooperation Process in the South-

²⁵ The Ministry of Foreign Affairs from Bucharest rejects the allegations against Romania formulated by the Representative of Chisinau in Strasbourg”, Basa Press, 13.10.2003.

²⁶ Ibidem

²⁷ “President of Romania considers that the governing party from Chisinau is a communist party with “Stalinist bad habits”, Basa Press, 19.12.2003.

²⁸ President Vladimir Voronin believes that Romania “should stop its interventions in the Republic of Moldova”. Moldova Today, <http://www.azi.md/news?ID=27274>

Eastern Europe. Also, Romania supported the initiative of the Moldovan President Vladimir Voronin with regard to the signing of a stability and security pact for the Republic of Moldova by Russia, Ukraine, Romania, OSCE, USA and EU²⁹. In economic area, on August 9, 2004, the Romanian authorities announced that the Republic of Moldova and Romania were prepared to put into operation the high-voltage power line connecting both states in order to ensure energy security of Moldova. In the fall of the same year, the bilateral dialogue at institutional level was re-launched. Thus, on November 8, 2004, the reunion of the mixed Moldovan-Romanian Intergovernmental Committee on Economic Cooperation and European Integration was organized in Chisinau, during which the discussions were mainly focused on the need to develop a pragmatic cooperation between Chisinau and Bucharest.

1.4. Period of illusionary friendship: January 2004 – April 2006

The fostering of political dialogue between Chisinau and Bucharest has followed the election of Traian Basescu as President of Romania in December 2004. European integration of the Republic of Moldova and Romania has become the political platform facilitating the proximity between the newly elected President of Romania and President of Moldova, Vladimir Voronin who was coming to the end of his mandate. By the way, at this stage, the governance in Chisinau was very much concerned and took all efforts to ensure necessary conditions both inside and outside for PCRM to win the new Parliamentary elections of February 2005, as well as to reelect Vladimir Voronin as president of the country for his second term.

At that time, being in cold relations with its strategic partner Russia, Vladimir Voronin and his team reoriented the foreign policy of Moldova towards EU approximation. European integration has become the core element of the pre-election campaign conducted by PCRM and its general secretary, President of the Republic of Moldova, Vladimir Voronin. Distancing from the Russian Federation and undertaking European integration as the major strategic objective of Moldova's foreign policy could secure President Voronin with the goodwill of the West. By the way, not without the consensus of the West, leader of the Revolution of Roses - President of Georgia, Mihail

²⁹ The idea of signing a stability and security pact for the Republic of Moldova was declared by President Vladimir Voronin in June 2004 in front of the foreign ambassadors accredited in Chisinau. According to the initial draft proposed by Chisinau, by signing this pact, Russia, Ukraine, Romania, OSCE, USA and EU would have undertaken to guarantee the permanent neutrality of the Republic of Moldova. The draft prepared by Chisinau was later on amended, while at the proposal of the USA the clause of international guarantee of the permanent neutrality of our country was excluded.

Saakashvili, leader of the Orange Revolution - President of Ukraine, Viktor Yushchenko and leader of the orange Alliance “Democracy and Truth” from Bucharest - President of Romania Traian Basescu came to the Republic of Moldova on the eve of the Parliamentary elections.

The visit of President Traian Basescu to Chisinau on January 21, 2005 set up the beginning of a new period of cooperation in Moldovan-Romanian bilateral relations³⁰. The support that President Vladimir Voronin and his team enjoyed during election campaign of winter 2005, signing of the individual Action Plan between Republic of Moldova and EU, as well as adoption by the new Parliament of the Republic of Moldova of the Declaration on political partnership for implementation of the European integration objectives³¹ taken together have created favorable conditions for bringing Chisinau and Bucharest closer. Having come to Bucharest after his express visit to Chisinau, Traian Basescu declared with enthusiasm that “the politician Vladimir Voronin is a person who understood what he should do for his country, for Moldova, that the path towards the West is a mandatory component of the foreign policy and that EU standards should start being enforced once such an option is chosen by the country”³². In his turn, in an interview given to the Russian radio station “Echo Moskvy”, President Voronin substantiated the wish of the Republic of Moldova to develop friendship relations with Romania because soon Romania would become a full-fledged member of EU, while Republic of Moldova would become an associate member of EU.³³ On that occasion, he also mentioned that the former leadership of Romania was mainly concerned by historical and philological values instead of focusing on real economic matters, but once Traian Basescu became President of Romania the situation changed, and the Moldovan-Romanian relations could be reborn³⁴.

During 2005, we could see a rapid revival of bilateral relations in all areas. Republic of Moldova became an issue of constant discussions of the President

³⁰ “President Traian Basescu visiting Chisinau”, BBC, http://www.bbc.co.uk/romanian/news/story/2005/01/050121_basescu_voronin.shtml

³¹ On March 24, 2005, the Declaration of the Parliament of the Republic of Moldova on political partnership for implementation of European integration objective which envisaged a large consensus among the parties in the parliament with regard to consistent and irreversible promotion of the strategic course of the country towards European integration.

³² “Romania will not intervene other than through diplomatic means in the conflict between Republic of Moldova and Transnistria”, Moldova Today, <http://www.azi.md/news?ID=32920>

³³ “Moldova needs Romania because the latter will soon become a member of the European Union”, Moldova Today, <http://www.azi.md/news?ID=33222>

³⁴ Ibidem.

of Romania with the Prime Minister of Great Britain, Tony Blair, and the President of the Russian Federation, Vladimir Putin, held in February 2005; with the USA President, George Bush - in March 2005; with the President of Ukraine, Victor Yushchenko – in April 2005; and every time President Voronin was kept abreast by telephone about the contents of the discussions with the great world leaders by his counterpart from Bucharest. The political dialogue between Moldova and Romania stopped being the prisoner of some sensible issues, such as negotiation of the Basic Political Treaty and the Agreement on State Border regime. A number of other important issues, among which Romania's input to the resolution of the Transnistrian conflict, synchronization of the efforts for European integration by Bucharest and Chisinau, inclusion of the Republic of Moldova in the West Balkans package for EU accession, supporting the course of democratic reforms in the Republic of Moldova or ensuring the energy security of our country have become habitual topics included in the agenda of the Moldovan-Romanian political dialogue. Hostile declarations in the address of Bucharest have disappeared from the discourse of President Voronin. Even vice versa, on various occasions President Voronin expressed his opinion in favor of developing closer relations with Romania, saluted the constant Bucharest support for Chisinau within various international and regional organizations, and gave high appreciation of the revival of bilateral economic relations, having never forgotten to thank the Romanian President Traian Basescu for the thawing of bilateral relations at political level, as well as for the eagerness to help the Republic of Moldova in form of natural gas and electricity supply in case of some critical situations caused by possible pressures from outside.

Nevertheless, the agendas of Chisinau and Bucharest with regard to the evolution of their bilateral cooperation did not come to a total march. For instance, the willingness of Romania to play a more active role in the resolution of the Transnistrian conflict by formulating its own plan of conflict settlement is discouraged by Chisinau under the pretext that the latter might somehow jeopardize the negotiations themselves. In terms of European integration line, the intention of Romania to act as the advocate of the Republic of Moldova in EU was construed with coolness by the authorities from Chisinau in whose vision Moldova did not need advocates, it needed partners³⁵. Despite the fact that the political dialogue between the two countries became more active, the parties nevertheless failed to reach a trade-off in signing of the Basic Political Treaty. While Bucharest opted for signing an Agreement on

³⁵ "Moldova needs partners and not advocates", BBC, http://www.bbc.co.uk/romanian/news/story/2006/05/060511_moldova_romania_relaticie.shtml

European Partnership³⁶, Chisinau instead proposed signing a partnership and cooperation treaty considered by the Romanian authorities as an outdated version of such understandings at European level³⁷. More than that, gradually it became even clearer that both capitals substantiated their own visions of bilateral relations development based on different and quite contradictory formulas. In the vision of Bucharest, Romania would build its relations with the Republic of Moldova on the basis of the principle “one nation, two states”³⁸.

However, this vision was totally contradicting the vision pursued by the communist government from Chisinau, which wanted cooperation with Bucharest but one built on the principle “two nations, two states”³⁹. All these elements of disagreement fueled, first of all, the appearance of some syncope in the political dialogue between Chisinau and Bucharest, while later it conduced to an accelerated degradation of Moldovan-Romanian relations, which by December 2007 had come to an almost complete deadlock.

1.5. Period of continuous confrontations: April 2006-December 2008

Albeit paradoxical it might look, but namely European integration – a platform which brought the two heads of states, V. Voronin and T. Basescu, closer – actually became the apple of discord between Chisinau and Bucharest in summer of 2006. Starting with April 2006, the first signals flagging about the existence of preminent differences between the two capitals with regard to the issue of European integration of the Republic of Moldova appeared on the front surface of the Moldovan-Romanian dialogue. On April 17, 2007, during his working visit to Chisinau the Romanian Foreign Affairs Minister Mihai Razvan Ungureanu declared “Romania is the chance of European integration for Moldova”⁴⁰. During this visit, he proposed to Chisinau to decide quickly if it needed to take advantage of this window of opportunity because “‘and-and’ option does not exist, only ‘or-or’ option exists; while the famous proverb about the wise lamb sucking from two sheep cannot be applied in

³⁶ “Bilateral treaty – different visions in Chisinau and Bucharest”, BBC, http://www.bbc.co.uk/romanian/news/story/2006/04/060427_moldova_romania_tratat.shtml

³⁷ “President of Romania Traian Basescu sticks to the opinion that EU might have “a road-map” for the Republic of Moldova”, Basa Press, 20.01.2006.

³⁸ “Traian Basescu: We have the advantage of being contributors to the Transnistrian settlement solutions that are embodied in the position of the European Union, which is very important”, Moldova Today, <http://www.azi.md/news?ID=34643>

³⁹ “Voronin congratulated Basescu on the occasion of the National Day of Romania”, Moldova Today, <http://www.azi.md/news?ID=37019>

⁴⁰ “Mihai Razvan Ungureanu” Romania is Moldova’s chance of European integration,” Moldova Today, <http://www.azi.md/news?ID=38899>

the European Union”⁴¹. The Foreign Minister of Romania also reiterated that Bucharest believed that signing of an agreement on European partnership would be more suitable for both parties as compared with the signing of a simple basic political treaty, which is outdated both in form and contents⁴².

Immediately after the end of the visit of the Romanian Foreign Affairs Minister, a special reunion was organized in the Republic of Moldova and its main topic was evolution of Moldovan-Romanian relations. Following this reunion, Chisinau underscored the attention of Bucharest that the signing of the Basic Political Treaty between the Republic of Moldova and Romania, as well as the Border Agreement would “mark an uncontested benchmark in strengthening the foreign policy immunity of the Moldovan statehood”⁴³ and at the same time, it would represent the most important investment of the Romanian foreign policy in the settlement of the Transnistrian conflict and consolidation of regional security in the Black Sea region.

At the beginning of May 2006, within some hearings regarding the Moldovan-Romanian relations organized by the Parliament of the Republic of Moldova, the Moldovan Foreign Affairs Minister Andrei Stratan declared that in the process of European integration the Republic of Moldova needed partners and not advocates, being a direct allusion to the previous statement made by the Romanian President Traian Basescu, where he reconfirmed the commitment of Romania to act as the advocate of the Republic of Moldova in EU.⁴⁴ With reference to the issue of the Basic Political Treaty, during the same parliamentary hearings, the head of Chisinau diplomacy announced that the Moldovan authorities in continuation called for presentation and examination of a partnership and cooperation treaty between the Republic of Moldova and Romania, including aspects of both political and intergovernmental cooperation, which were reflected in the previous agreements with regard to the European integration, including the ones negotiated with other states.⁴⁵

The differences in addressing the issue of European integration became quite evident for the public opinion from both states when on July 1, 2006 President Traian Basescu announced, “Romania offered the Republic of

⁴¹ Ibidem

⁴² “Bilateral treaty – different visions in Chisinau and Bucharest”, BBC, http://www.bbc.co.uk/romanian/news/story/2006/04/060427_moldova_romania_tratat.shtml

⁴³ The basic political treaty and the border treatment with Romania were discussed at the Presidential office”, Moldova Today, <http://www.azi.md/news?ID=39034>

⁴⁴ “Moldova needs partners and not advocates”, BBC, http://www.bbc.co.uk/romanian/news/story/2006/05/060511_moldova_romania_relatie.shtml

⁴⁵ Ibidem.

Moldova the option to join the European Union together, but the given decision shall be made by the authorities from Chisinau and people of the Republic of Moldova⁴⁶. The given statement was blended and shaded with national identity and historical messages, which resuscitated the phobias and prejudice of the communist governance from Chisinau. For instance, in the same context, President Basescu declared that “after reintegration of Germany, Romania remains the only European state which is still divided in two parts, while unification will be done inside the European Union and not otherwise, and that will not happen in the most distant future⁴⁷”.

The response of Chisinau to the declarations of the Romanian President came with no delay. On July 11, 2006, President Vladimir Voronin declared in response that unification of the Republic of Moldova with Romania would not take place even after joining the EU, whilst the architects of these scenarios, both in Tiraspol and Bucharest, should reconcile with the idea that such dreams would never become a reality. Besides, the Moldovan President voiced against any unification or establishment of confederations, even for the purpose of expediting the integration in EU or other purposes. Making references to a Romanian plan of settling the Transnistrian conflict, about which Bucharest made an announcement two months ago, President Voronin emphasized that no such plan was presented to Chisinau and that Chisinau did not suffer from any deficit of proposals or plans in the issue of Transnistrian settlement. He recommended Romania to contribute to the settlement of the Transnistrian conflict by signing the Basic Political Treaty and the Border Agreement with the Republic of Moldova⁴⁸.

Gradually, the Moldovan-Romanian political dialogue went out of normal borders and turned into a tough exchange of reproaches, which again placed the relations between the Republic of Moldova and Romania on the trajectory of a vicious circle of uncoordinated, unilateral, provocative and even hostile statements and actions. At the level of declarations, we could witness a perpetuation of a dangerous behavior of both parties, and namely: whilst President Basescu touches upon the sensible cord related to issues of national identity and historical ties binding the people of both states, President Voronin accuses Romania of inflicting on the statehood of the Republic of Moldova⁴⁹. This expression of posi-

⁴⁶ “Traian Basescu affirms that Romania offered the Republic of Moldova the chance to join the European Union together”, *Moldova Today*, <http://www.azi.md/news?ID=39910>

⁴⁷ *Ibidem*.

⁴⁸ “Vladimir Voronin: Republic of Moldova will not get united with Romania even after European integration”, *Moldova Today*, <http://www.azi.md/news?ID=40035>

⁴⁹ “President Vladimir Voronin sustains that Romania imposes its own rules of the game on Moldova”, *Moldova Today*, <http://www.azi.md/news?ID=42148>

tions enjoyed a broad coverage in mass media both in the Republic of Moldova and Romania, having a negative influence upon the public opinion from both sides of the Prut River. Thus, a negative perception about the leadership from Chisinau got deeper and deeper roots among the public opinion from Romania, while the public opinion from the Republic of Moldova got engaged in new rounds of internal disputes on topics of national identity and history. In consequence, both Bucharest and Chisinau were no more concerned with the need to settle the most important issues of their bilateral cooperation. More than that, the capacity of both states to jointly find pragmatic and consensus-based solutions enabling them to overcome the respective challenges was seriously affected.

Lack of an efficient political dialogue and a corresponding coordination between the two capitals has multiplied the challenges currently existing between Chisinau and Bucharest. Among them, we can mention such issues as Romanian citizenship for Moldovan citizens, Romanian Consular offices, case of the Metropolis of Bessarabia and the issue of signing of the Convention on Small-scale Traffic at the Moldovan-Romanian border – which has eventually thrown the political dialogue between the Republic of Moldova and Romania into a quasi-total deadlock.

Issue of Romanian citizenship

During the September 5th 2006 meeting, the Romanian Government approved an urgent ordinance amending the Law on Romanian citizenship to simplify the procedure of applying for Romanian citizenship. This decision generated 450.000 requests for Romanian citizenship from the Republic of Moldova nationals⁵⁰, who wanted to travel freely, without visas, in the EU space. The gesture of Bucharest was interpreted by Chisinau as a provocation intentionally orchestrated by Romania in the context of gaining confidence of its joining the EU⁵¹. One thing is certain that the respective requests for Romanian citizenship have provoked internal pressure over the Moldovan government that could not be ignored. Trying to tackle this delicate situation, Chisinau adopted a radical and inflexible position in its negotiations with the European Commission (CE) regarding the signing of the Visa Facilitation Regime with EU⁵². Moldovan negotiators asked the European Commission to grant Moldova no more nor less but total liberalization of visa regime

⁵⁰ O.Stamati (2007) “And again about Citizenship”, Unimedia.md, www.unimedia.md/index.php?mod=home&hmod=interviewbyi

⁵¹ Declaration of the Government of the Republic of Moldova of 07.03.2007, <http://www.mfa.md/noutati /552/>

⁵² Visa facilitation agreement between the Republic of Moldova and EU was initialed on April 25, 2007 and entered into force on January 1, 2008.

with EU. In response, the European Commission rejected the request from Chisinau, the first round of negotiations having thus failed lamentably, while the image of the Republic of Moldova as a responsible and predicable partner was seriously tarnished.

Issue of Romanian Consular Offices

On October 20, 2006, the Agreement between the Government of the Republic of Moldova and the Government of Romania with regard to the regime of mutual travels was signed in Bucharest and it introduced the requirement of Romanian visas for Moldovan citizens. Embraced by the fever of provocative declarations, as well as under the conditions of a less and less efficient political dialogue, Chisinau and Bucharest could not create enabling conditions for the implementation of the Agreement on mutual travel regime. The parties did not manage to agree on the best formula of opening two Romanian consular offices in Balti and Cahul. As a result, at the beginning of 2007 the Romanian Consular office in Chisinau was overwhelmed by a huge inflow of visa applications for Romania. To untie the situation, on January 16, 2007, President Traian Basescu paid an express visit to Chisinau where he met with President Voronin. After some tête-à-tête discussions, both Presidents agreed to temporarily open two Romanian consular offices in Balti and Cahul, which should reduce the burden over the Romanian Consular office in Chisinau⁵³.

Coming back from Chisinau, President Basescu declared that by that moment approximately 800 thousand applications for Romanian citizenship have been filed by the citizens of the Republic of Moldova, while during 2007, this figure will grow up to 1.5 million people⁵⁴. On February 28, 2007, during the Bucharest Government meeting, the Romanian President added new light to the issue of citizenship. Thus, Traian Basescu qualified the need to simplify the citizenship granting procedure to the citizens of the Republic of Moldova as a political need and a natural response to the request of Moldovans. Besides, he declared that the Romanian Government would buy premises for inauguration of Romanian consular offices in Balti and Cahul, as well as for the opening of a common visa application center for EU countries in Chisinau, which would also deal with the issue of granting Romanian citizenship to the Moldovan nationals⁵⁵. The intention of Romania to open a common visa application center for EU countries was

⁵³ "In a couple of days Romania will open consular offices in Balti and Cahul", Moldova Today, <http://www.azi.md/news?ID=42759>

⁵⁴ "Romania intends to simplify the citizenship granting procedure for the Moldovans", Moldova Today, <http://www.azi.md/news?ID=43064>

⁵⁵ "Romania will purchase premises in the Republic of Moldova for two consular offices and a EU visa application center", Moldova Today, <http://www.azi.md/news?ID=43423>

not coordinated with the Moldovan side. The fact that the Romanian authorities announced this initiative paying no attention to the decision of the Republic of Moldova to open such a center within the Hungarian Embassy in Chisinau has amplified the suspicions of the Moldovan governors towards the true intention of the Romanian side. In such conditions, the Moldovan authorities reacted immediately and revised the verbal understanding regarding the opening of two consular offices in Balti and Cahul. On March 5, 2007, the Government from Chisinau adopted an extremely harsh declaration accusing Romania of promoting a policy threatening the statehood and national security of the Republic of Moldova and hence appealed to the international community to use its leverage on Romania so that the latter brought its interests back to the natural framework of good neighborhood relations and understanding⁵⁶.

Issue of the Metropolis of Bessarabia

In autumn of 2007, the visa issue was followed by the resuscitation of the issue regarding the Metropolis of Bessarabia from the Republic of Moldova. This time, this resuscitation was caused by the decision of the Synod of the Romanian Orthodox Church to open three dioceses within the Metropolis of Bessarabia⁵⁷. In the opinion of the Romanian Patriarchy, such reactivity was the natural consequence of the fact that previously on the basis of the final and irrevocable decision of the Supreme Court of Justice of the Republic of Moldova and following the changes introduced in the Charter on organization and functioning of the Bessarabia Church, the latter was acknowledged as the spiritual, canonical and historical successor of the Metropolis of Bessarabia which functioned until 1944 with the following dioceses in its composition: Archiepiscopate of Chisinau, Episcopal Church of Balti, Episcopal Church of South Bessarabia and Orthodox Episcopal Church of Dubasari and the entire Transnistria⁵⁸.

The decision of the Synod of the Romanian Orthodox Church provoked the dissatisfaction of the representative of the Metropolis of Moldova included in the jurisdiction of the Moscow Patriarchy. The synod of the Metropolis of Moldova qualified the decision of the Romanian Patriarchy as an attempt to violate the unity of the Orthodoxy and a direct and aggressive interference in the

⁵⁶ Declaration of the Government of the Republic of Moldova of 07.03.2007, <http://www.mfa.md/noutati/552/>: "Vladimir Voronin states that Romania still has to work hard until it reaches the status of a democratic European state, while the relations with Russia are being built correctly and constructively", *Moldova Today*, <http://www.azi.md/news?ID=43457>

⁵⁷ "The Metropolis of Moldova criticizes the decision of the Synod of the Romanian Orthodox Church", BBC, http://www.bbc.co.uk/romanian/moldova/story/2007/10/071030_eparhii_mitropolie.shtml

⁵⁸ "Romanian Patriarchy introduces some precision about the new dioceses", BBC, http://www.bbc.co.uk/romanian/moldova/story/2007/10/071031_reactie_bor.shtml

canonic territory of another church entity. The bishop of Tiraspol and Dubasari PS Iustinian falling under the jurisdiction of the Metropolis of Moldova assessed the decision of the Synod of the Romanian Orthodox Church as a provocation against the Church, the State and an additional factor of instability in the Moldovan-Transnistrian conflict⁵⁹. The Russian Patriarchy from Moscow got also involved in the dispute and started criticizing the decision of the Synod of the Romanian Orthodox Church under the pretext that it might endanger the orthodox unity and requested cancellation of the respective decision⁶⁰. As a result of the implication of President Voronin who interpreted the decision of the Synod of the Romanian Orthodox Church as manifestation of an ongoing aggression of Romania against the Republic of Moldova, this eminently canonic dispute nevertheless got clear political amplitude. On December 6, 2007, being on a working visit in Brussels, the President made a public declaration that Romania did not recognize the statehood of the Republic of Moldova and tried to undermine it by enticing students, priests and by granting of Romanian passports to Moldovan nationals⁶¹. On December 19, 2007, President Voronin brought new allegations against Bucharest declaring that “it is clear that whatever is happening around our Moldovan Orthodox Church is also another action of aggression from Romania against the Republic of Moldova”⁶².

Transformation of the canonic dispute into political problem unleashed a witch hunting in the Republic of Moldova. On December 12, 2007, the Moldovan Foreign Affairs Ministry declared two diplomats from the Romanian Embassy in Chisinau as *persona non grata* under the pretext that they committed some actions incompliant with their status of diplomats⁶³. Bucharest judged the decision of Chisinau as a hostile and totally unjustified gesture running counter to the constructive and cooperating attitude shown permanently by Romania towards the Republic of Moldova⁶⁴. In January

⁵⁹ “The Metropolis of Moldova criticizes the decision of the Synod of the Romanian Orthodox Church”, BBC, http://www.bbc.co.uk/romanian/moldova/story/2007/10/071030_eparhii_mitropolie.shtml

⁶⁰ The Russian Church requests cancellation of the decision on dioceses foundation”, BBC, http://www.bbc.co.uk/romanian/moldova/story/2007/11/071108_patriarhia_rusa_bor.shtml

⁶¹ “Vladimir Voronin accuses Romania of “permanent aggression” in the address of the Republic of Moldova”, Moldova Today, <http://www.azi.md/news?ID=47268>

⁶² “Romania does not recognize Moldova as a sovereign state”, BBC, http://www.bbc.co.uk/romanian/moldova/story/2007/12/071219_voronin_presser.shtml

⁶³ Press Release of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova issued on 12.12.2007, <http://www.mfa.md/noutati/1038/>

⁶⁴ “Romanian Ministry of Foreign Affairs judges the gesture of Chisinau authorities to declare the two diplomats from Romanian Embassy as unjustified”, Moldova Today, <http://www.azi.md/news?ID=47352>

2008, a harassment campaign of the priests from the Metropolis of Bessarabia by the Moldovan authorities followed the case of these two diplomats from the Romanian Embassy⁶⁵. Bucharest refused to respond with similar action although it had become clear that the Moldovan-Romanian political dialogue reached the lowest level in their history. Whether a paradox or mere coincidence but namely under these circumstances on January 21, 2008 President Vladimir Voronin was decorated by the Patriarch of Moscow and Entire Russia Alexei the 2nd “for remarkable activity in consolidation of Orthodox nations”⁶⁶.

With the occasion of the decoration ceremony, the Patriarch of Moscow and Entire Russia Alexei the 2nd took on board the message of President Voronin regarding the interference of Romania in internal affairs of the Republic of Moldova and declared that in his opinion “the act of reactivating the functioning of the so-called Metropolis of Bessarabia on the territory of Moldova adopted by the Synod of the Romanian Orthodox Church in 1992 has reflected the aspirations of the political circles leaning towards integration of Moldova in Romania. These circles even today try to deprive people of Moldova of its legitimate right to identity and self-determination, which contravenes the fundamental norms of EU and represents a brutal breach of elementary human freedoms”⁶⁷. Following the escalation of the canonic dispute between the two orthodox patriarchies from Bucharest and Moscow, not without the involvement of the politicians from Chisinau, the Romanian Orthodox Church refused to open the promised three dioceses on the territory of the Republic of Moldova and notified the Council of Europe about cases of abuse and intimidation to which the church clerks and parishioners from the Metropolis of Bessarabia have been subjected⁶⁸.

Issue related to the Convention on Small-scale Traffic at the Moldovan-Romanian Border. Exactly in this context of mutual distrust, hostile declarations and total absence of any political and diplomatic dialogue, on March 25, 2008, the Romanian Government submitted the draft of the Convention on Small Traffic at the Moldovan-Romanian Border to the Government from Chisinau for its examination⁶⁹. On April 17, in a press communiqué the Government

⁶⁵ “The Metropolis of Bessarabia will file a complaint with the European Court for Human Rights (ECHR)”, BBC, http://www.bbc.co.uk/romanian/moldova/story/2008/01/080104_preoti_expulzare_reactii.shtml

⁶⁶ “The Patriarch of Russia and Vladimir Voronin criticize the Romanian Orthodox Church”, BBC, http://www.bbc.co.uk/romanian/moldova/story/2008/01/080121_voronin_aleksi_critici.shtml

⁶⁷ Ibidem.

⁶⁸ “The Romanian Patriarchy refuses to open three dioceses on the territory of the Republic of Moldova”, Moldova Today, <http://www.azi.md/news?ID=48265>

⁶⁹ Marandici, I. (2008), “Ten truths about the Small Traffic Convention”, <http://www.>

of Chisinau informed the Romanian authorities that the draft Convention on Small-scale Border Traffic used the notion “Moldovan-Romanian state border”, which de facto existed but was not legally documented in any bilateral papers. Thereby, the Moldovan Government suggested signing of the given Convention in parallel with the signing of the State Border Treaty between the Republic of Moldova and Romania⁷⁰. On May 13, 2008, also in press communiqués, the Foreign Affairs Ministry from Chisinau reiterated this position once again and more than that it suggested that Bucharest would maximally expand the perimeter of the border area falling under the scope of the Convention on Small-scale Traffic at the Moldovan-Romanian Border⁷¹.

The proposal of the Moldovan party stirred up bewilderment both in Bucharest and Brussels because it disregarded the Regulation 1931/2006 of the European Commission, which stipulated that the scope of small border traffic conventions negotiated and signed by EU members states with third parties, as a rule, was limited to the trans-border area of 30-50km only. Such groundless radicalization of positions by Chisinau sent a confusing message to Bucharest just before the start-up of the Moldovan-Romanian round of expert consultations with regard to the Agreement on State Border and Convention on Small-scale Border Traffic scheduled for May 14-15, 2008. Following the aforementioned declaration voiced by the Moldovan Ministry, the Convention on Small Border Traffic was avoided during the given consultations, while with regard to the Agreement on State Border Regime and the Basic Political Treaty, the parties limited themselves just to a simple verification of positions on the given matters⁷². Meanwhile, the demission of the Romanian Foreign Affairs Minister Adrian Cioroianu on April 11, 2008 and appointment on April 14, 2008 of Lazar Comanescu to lead the Bucharest diplomacy provided the parties with a new opportunity to revive the political dialogue between Moldova and Romania at the level of two diplomatic institutions.

The official visit of the Romanian Foreign Affairs Minister Lazar Comanescu to Chisinau paid on July 7, 2008 somehow reanimated the diplomatic dialogue between Bucharest and Chisinau, which had come to a deadlock in December 2007 when Chisinau expelled the two Romanian diplomats from the Republic of Moldova declaring them *persona non grata*⁷³.

timpul.md/Article.asp?idIssue=774&idRubric=7990&idArticle=18242

⁷⁰ Press communiqué of the Ministry of Foreign Affairs and European Integration of RM of April 17, 2008, <http://www.mfa.md/noutati/2514/>

⁷¹ Declaration of the Ministry of Foreign Affairs and European Integration of RM of May 13, 2008, <http://www.mfa.md/noutati/2669/>

⁷² Press Communiqué of Romania of May 13, 2008, <http://www.mae.ro/index.php?unde=doc&id=35853&idlnk=2&cat=4>

⁷³ Lazar Comanescu: Romania will continue supporting the Republic of Moldova to make

Despite this, five months after the given visit, the political dialogue at the level of heads of states, parliaments and executives remained in continuation as “lacking any vim”. Meanwhile, even the express visit of the Romanian President Traian Basescu to Chisinau on 20th of August 2008 could not expedite the Moldovan-Romanian dialogue⁷⁴.

1.6. Prospects in the evolution of Moldovan-Romanian relations

During the last 10 years, politicians from the Republic of Moldova and Romania several times have resorted to the notion of pragmatism, thus trying to bring the Moldovan-Romanian bilateral relations back to normality, but regardless of their efforts their actions failed to bring the long-expected results. More than that, the notion of pragmatism gradually got discredited in such a way that it turned into a euphemism hiding the inability of both states to design a joint strategy for development of partnership relations. The official visit of the Romanian Foreign Affairs Minister Lazar Comanescu on July 7 to Chisinau was supposed to become a new beginning of pragmatism in the relations between the Republic of Moldova and Romania. Under such conditions, the main question to be raised is whether this pragmatism is still a credible and viable concept and, moreover, if it is capable of bringing our relations with Romania back to normality.

Even without a detailed analysis of the relations between the Republic of Moldova and Romania during the last 10 years, we can affirm that the evolution of the bilateral Moldovan-Romanian relations used to have and unfortunately still have a sinusoidal course, which can be compared with an American roller coaster provoking harsh sensations among the officials from two capitals, Chisinau and Bucharest, and only ferocious dizziness for the public opinion from both states, in particular in the Republic of Moldova.

It is true that this sinusoidal course was interrupted several times by short periods of pragmatism, which every time appeared after long conflicting periods between the authorities of Chisinau and Bucharest. Resorting to the notion of pragmatism, both states intended to place their mutual rela-

its approximation to EU take place as quick as possible”, Info-Prim Neo, <http://info-prim.md/?x=22&y=16024>

74 The visit of the Romanian President Traian Basescu to Chisinau took place in the context of the diplomatic tour organized by the head of the Romanian state to Moldova, Ukraine, Georgia, Azerbaijan and Turkey to get informed about the consequences of the Russian aggression in Georgia on August 7-8, 2008. The Romanian and Moldovan Presidents, Traian Basescu and Vladimir Voronin, met to discuss in particular the situation created in South Osetia and the issue of frozen conflicts, including the Transnistrian one. Info-Prim Neo, <http://info-prim.md/?a=10&nD=2008/08/20&ay=17009>

tions back to normality and, at the same time, to avoid or gradually resolve the difficult political issues.

In the last 10 years, the evolution in the Moldovan – Romanian relations was marked by three periods of Moldovan-Romanian pragmatism, namely: 1) January 1998-April 2000; 2) April-October 2001; 3) January 2005-July 2006. At present, the fourth period of pragmatism seems to prefigure on the horizon but it still remains a hope mainly fueled by the results of the recent official visit of the Romanian Foreign Affairs Minister, Lazar Comanescu, to Chisinau. All these attempts of pragmatism look more declarative in nature.

The first period of pragmatism covers the period of January 1998 – April 2000 whose main characteristic element was that parties of pro-democratic and pro-integration into the Euro-Atlantic block were at the helm of both states. The Democratic Convention from Romania (CDR) represented these parties in Bucharest, and the Alliance for Democracy and Reforms (ADR) represented them in Chisinau. The coincidence between CDR and ADR in terms of political values and principles, as well as the coincidence in the internal and foreign policy objectives enforced and pursued by both democratic alliances constituted those factors that created the necessary preconditions for the initiation of a pragmatic period in Moldova's relations with Romania during that timeframe. Namely during this very period one could notice a decrease in the rhetoric about identity and linguistic issues, and as long as this topic stopped dominating the agenda of bilateral relations, the political dialogue between Chisinau and Bucharest managed to be expanded and fostered at all three important levels: heads of states, parliament and government. During this period, an intense dialogue between the two Presidential offices could be noticed. In 1998 alone, the Presidents of the Republic of Moldova and Romania, Petru Lucinschi and Emil Constantinescu, managed to have three meetings. In the same period, Speaker of the Parliament of the Republic of Moldova, Dumitru Diacov, conducted two working visits to Bucharest (in June 1998 and April 1999), and in April 2000, the Chairperson of the Romanian Senate, Mircea Ionescu Quintus, came with a response visit to Chisinau. At governmental level, in May 1999, the Prime Minister of Romania, Radu Vasile, came with an official visit to Chisinau, while in August of the same year the Prime Minister of Moldova Ion Sturza paid an official visit to Bucharest.

The list of bilateral meetings can be expanded, but what needs to be kept in mind is that due to the intense and comprehensive political dialogue, which included various issues addressed by the parties, and lacked any prejudice and historical frustrations and more than that it was focused on a common

partnership leaning towards European integration, both states managed to negotiate and initial the Treaty on Privileged Partnership and Cooperation between the Republic of Moldova and Romania in April 2000. It shall be mentioned that the Treaty was the result of a compromise over some issues of principal matter reached by both parties after seven years of endless talks. Due to this trade-off, the sides managed to craft a political document, through which, on the one side,

Chisinau and Bucharest acknowledged the special character of their bilateral relations based on close links with roots going back to historical past, as well as on the community of culture and language existing between the Republic of Moldova and Romania. However, both parties have set up guiding principles and objectives that should govern their future privileged partnership focused in particular on *“mutual support of their integration efforts in the European structures within a united Europe”*, as well as on the commitment of Romania *“to actively support on international arena the actions carried out by the Republic of Moldova to preserve its unity and state integrity as a single subject of the international law.”*

Advancement of the political dialogue had a positive impact over the evolution of cooperation in the economic field. During the baseline period, Romania affirmed itself as a major economic partner of the Republic of Moldova. First of all, at that time we could see a continuous increase in bilateral trade exchanges, a tendency, which placed Romania second in the list of top trade partners of our country, after the Russian Federation. At the same time, bilateral cooperation in energy sphere was renewed in the same time-frame, which resulted in the fact that the Republic of Moldova got connected to the Romanian energy system. Energy cooperation was accompanied by a visible increase of the Romanian party to participate in the privatization of industrial enterprises from our country.

Wishing to attract Romanian investments into the Republic of Moldova, the Government of Chisinau proposed the Romanian party to privatize 51% of the stocks of the Moldovan oil company “Tirex-Petrol” on account of the pending debts to Romania accumulated by the Republic of Moldova for the imported electricity (Later on, the initiative of the Government from Chisinau failed, thus serving as a discouraging signal for the potential investors from Romania). In the same time span, the good evolution in the relations between the Republic of Moldova and Romania, as well as between Romania and Ukraine contributed to the creation of two Euro Regions: Lower Danube (1998) and Upper Prut (2000). The abovementioned successes were however shadowed by the fact that the Governments from Chisinau and Bucharest

failed to sign the Treaty on Privileged Partnership and Cooperation initialed in Chisinau on April 28, 2000. By the way, it represented a common failure caused by political instability from Chisinau in 2000, as well as by the change of governments in Romania in autumn of 2000 and in the Republic of Moldova in spring of 2001.

The second period of pragmatism covered the period of April 2001 – October 2001. The pragmatism of that period in essence was focused exclusively on economic and cultural-educational cooperation in parallel with almost total refrainment from delicate political issues. This time, pragmatism was no more founded on concurrence of democratic pro-reform and pro-European integration visions that existed between Chisinau and Bucharest back in 1998-2000. Thus, although the new governing party from Bucharest, the Party of Social Democracy from Romania (PDSR), along with the new President of Romania Ion Iliescu remained committed to the European integration course, the situation in Chisinau was totally different. Here, the democratic elections led to the coming to power of the Party of Communists of the Republic of Moldova (PCRM); and thus the PCRM leader Vladimir Voronin who openly opted for an expedite integration of the Republic of Moldova in CIS and accession to the Union of Russia-Belarus became the President of the Republic of Moldova. On top of that, PCRM brought with it a full package of frustrations and Romanian-phobia prejudgments. Despite all these divergences, at the level of political agendas, Chisinau and Bucharest continued using the concept of pragmatism in order to find *a modus vivendi*, which would prevent any conflicting situations that anyway seemed to be imminent for the reason of the differences mentioned above.

Focusing on economic projects and avoidance of political subjects did not bring about the expected results. The joint economic projects remained, in the majority of cases, just on paper, in other words, they did not go beyond the phase of proposals. To exemplify this, we could mention the proposals of the Bucharest Government to participate in the modernization and privatization of the energy sector from the Republic of Moldova, in the privatization of the winery industry of our country or to contribute to the building of a railroad with a European gauge that will unite both countries. This and other economic projects have remained without due attention from Chisinau. At the same time, on July 19, 2001, just in the midst of pragmatic evolution of bilateral relations, the Parliament from Chisinau discussed the *Law on the rights of persons belonging to national minorities and legal status of their organizations* and approved it with the majority votes of the communists and six MPs from Braghis Alliance. Among others, this Law fostered the role and status of the Russian language in the Republic of Moldova.

This Law put an end to the identity-linguistic “armistice” tacitly agreed upon by Presidents Ion Iliescu and Vladimir Voronin during their official meeting in Bucharest on May 1, 2001. President Ion Iliescu interpreted approval of the Law on the rights of persons belonging to national minorities and legal status of their organizations by the Parliament of RM as a launching of the theory about the existence of the Moldovan language different from Romanian with the purpose of denationalizing the Romanians from the Republic of Moldova.

Spirits gradually flared up in both capitals, and in particular after promulgation of the given Law by President Voronin on August 28, 2001, that is 3 days before the national holiday “Our Language – the Romanian language”. In Bucharest, the formula “one nation, two Romanian states” reappeared in the political rhetoric of the Romanian politicians, in particular in the Romanian Parliament, which during 2000-2004 had a cliquish influence from the Party of Great Romania (PRM). The Bucharest rhetoric exacerbated the Romanian-phobia frustrations and prejudgments of the leaders from Chisinau. In consequence, one could see a gradual worsening of the quality of political dialogue between Bucharest and Chisinau, which turned into ping-pong of verbal altercations.

In the long run, the April 2001-October 2001 pragmatism was tossed up by the hostile declaration in the address of Romania made by the Minister of Justice of RM, Ion Morei, at the European Court for Human Rights (ECHR) in the context of the hearing of the application filed by the Metropolis of Bessarabia. In this unforgettable declaration, the Justice Minister Morei harshly criticized Romania, being accused of “*direct interference in the affairs of the sovereign and independent state of the Republic of Moldova*”, as well as for “*planting seeds of discord among the religious people so that eventually to come to confrontation and a perpetual belligerent condition, to destabilize the social and political situation in the Republic of Moldova*”.

The third period of pragmatism came only in January 2005 and lasted until July 2006. The pragmatism of this baseline period was founded on one common platform of European integration of the Republic of Moldova and Romania, which has become possible along with the pro-Western reorientation of the foreign policy vector of Chisinau leadership and, in particular, due to the advancement of the Republic of Moldova integration process into the EU to the rank of strategic objectives based on the consensus of all parliamentary political parties, including PCRM, which until 2005 has shown a confusing position in this matter. In Chisinau, the beginning of this period took place in the context of the worsening of the relations between the Republic

of Moldova and Russia after the failure of the Kozak Memorandum, and also under the pressure of the colored revolutions from Tbilisi (2003) and Kiev (2004) and, in particular, under the conditions of the 2005 Parliamentary election campaign. All these factors determined President Vladimir Voronin to call for an opening and higher commitment in its relations with EU, NATO and, of course, Romania, in such a way as to ensure a new victory for its party, PCRM, at the Parliamentary elections of 2005.

It was on the wings of the declared pragmatism that President of Romania, Traian Basescu, and President of the Republic of Moldova, Vladimir Voronin, managed to establish a powerful but rather ephemeral personal relation that had become the engine of the Moldovan-Romanian ties. Actually, we see an enhanced personalization of the bilateral cooperation, to the detriment of its institutionalization both vertical wise and horizontally. The new openness encouraged Romania to announce its intention to play a much more active role in settling the Transnistrian issue and Bucharest thus intended to propose its own project of conflict resolution. At the same time, Bucharest suggested acting as the advocate of the Republic of Moldova in EU. The offers of Bucharest, however, did not stir up the enthusiasm of the decision makers from Chisinau. Further more, in a short while, different interpretations of the notion of pragmatism stood out and appeared both in Bucharest and Chisinau. Bucharest viewed integration of both states in EU from the angle of “one nation, two Romanian states”, while in Chisinau the same process was viewed in the light of “two nations, two different states”. With reference to the Transnistrian issue, Romania opted for a more active involvement in finding a political solution at the table of negotiations, whereas Chisinau offered Bucharest a passive role in this exercise and namely to contribute to the resolution of the Transnistrian issue by signing those two famous agreements: Basic Political Treaty and Border Agreement between the Republic of Moldova and Romania.

At the same time, the stance of Bucharest and Chisinau with regard to the Basic Political Treaty and the Border Agreement underscored a totally different understanding of the notion of pragmatism than that understood by both parties. Thus, whilst Bucharest believed that the Basic Political Treaty should establish a European partnership with Chisinau and endorse the status of Romania as Moldova’s advocate in its course for European integration, Chisinau rather opted for the official signing of an ordinary treaty of partnership and cooperation, which would not only ignore the historical, ethnical and linguistic ties between the Republic of Moldova and Romania, but would also make explicit reference to Paris Peace Treaty of 1947 considered by the Romanian politicians as a remnant of the past, while the leadership

from Chisinau reckoned it to be a shield protecting from Romanian irredentism. A similar difference of optics could also be noticed in case of the Border Agreement. Thus, Chisinau wanted an agreement making reference to Paris Peace Agreement of 1947, i.e. an agreement with political connotation, whilst Bucharest would be more inclined to sign a pure technical border assistance agreement that would regulate the interaction of the authorities from both states within the Moldovan-Romanian border zone.

All these contradictions actually led to the derailment of the pragmatic cooperation of 2005-2006, while the declaration of President Basescu of July 2006, which apropos had a rather populist touch, whereby he proposed to President Voronin that Romania and the Republic of Moldova joined EU together actually represented a factor that unmasked the respective contradictions of visions existing between Bucharest and Chisinau in their full depth.

The official visit of the Foreign Affairs Minister Lazar Comanescu to Chisinau on July 7, 2008 seemed to have enunciated **the fourth period of Moldovan-Romanian pragmatism** whose corner stone was support of the Republic of Moldova in its efforts for EU integration. During the visit of Foreign Minister Comanescu to Chisinau, President Voronin, maybe wishing to show proof of his pragmatic spirit, proposed the Romanian party to open, on the basis of reciprocity principle, consular offices of Romania in Cahul and Balti, and of consular offices of Moldova in Iasi and Constanta⁷⁵. Despite that, the opening of the respective consular offices in Romania, as well as the signing of the Convention on Small-scale Border Traffic with Chisinau remained to be conditioned upon the signing of the Moldovan-Romanian Border Agreement.

As it was mentioned in the press communiqué issued by the Foreign Affairs Ministry of Romania, the meetings in Chisinau of the Foreign Minister Lazar Comanescu with the President Vladimir Voronin and the Moldovan Minister of Foreign Affairs, Andrei Stratan, revealed the importance and desire of both parties to continue their efforts aimed at finalizing the State Border Treaty and the Agreement on Partnership and Cooperation between Romania and the Republic of Moldova⁷⁶. Among others, as enunciated personally by President Voronin during the press conference of July 23, it looked like the parties had managed to make real progress in negotiating these two agreements. For instance, Chisinau renounced from making reference to the Moldovan language in the respective agreements, as well as to the Paris Peace

⁷⁵ Press Communiqué of the Ministry of Foreign Affairs of Romania of 07.07.2008, <http://www.mae.ro/index.php?unde=doc&id=36429&idlnk=2&cat=4>

⁷⁶ Ibidem.

Treaty of 1947, which, in the opinion of the then leadership of Chisinau, should have served as basis to preserve the inviolability of the Republic of Moldova border with Romania. However, it appeared that Bucharest and Chisinau had not yet come to a consensus regarding the name of the respective agreements, which showed that the discussions about the contents of these documents failed to bring full clarity about the issue. This allegation did not lack foundation because for Bucharest the future Basic Political Treaty with Chisinau should confirm the historical, ethnical and linguistic linkages existing between Romania and the Republic of Moldova, as well as set up a European partnership with Chisinau. Quite the opposite, for the communist governance from Chisinau both the Basic Political Treaty and Moldovan-Romanian Border Agreement should, first of all, affirm the uniqueness of the Republic of Moldova and its people in relation to Romania.

Among other things, it is important to recall that during 2001-2008 the governance from Chisinau conditioned the pragmatism in its relations with Bucharest upon the signing of the Basic Political Treaty and the Border Agreement with Romania. Thus we can say that the stance of Chisinau ran counter to the Romanian position as enounced by the Foreign Minister Comanescu even during his visit to Moldova. In other words, as stated by the head of Romanian diplomacy, the evolution of Moldovan–Romanian relations should not become the hostage of conditionalities dependant on the progress in negotiation of these two agreements since, in his opinion, the existing political and legal framework between the Republic of Moldova and UE allowed the advancement in all areas of relations between the Republic of Moldova and Romania, member of EU since January 2007⁷⁷ .

Taking into consideration all these elements of discord existing between Chisinau and Bucharest, it would be logical to ask ourselves if the new period of pragmatism appearing behind the horizon, as well as the notion of pragmatism itself have any real chance to bring the cooperation relations between the Republic of Moldova and Romania back to normal, stable and foreseeable evolution with an ascending dynamics.

In spite of multiple disagreements and significant contradictions between the visions of Chisinau and Bucharest with regard to the development of bilateral relations, the answer to an eventual question formulated in the terms outlined above would be a confusing one bearing a positive semantics. Of course, the new fragile beginning of pragmatism, as well as the concept of pragmatism have chances to succeed, but materialization of this concept has

⁷⁷ “Lazar Comanescu: Republic of Moldova and Romania should not be hostages of treaties negotiation”, NewsIn, 07.07.2008.

direct correlation to the capacity of both parties to find consensus in drafting a *Common Strategy for Development of Partnership Relations between the Republic of Moldova and Romania*, which shall be founded on commonly agreed objectives and principles. Among the respective objectives and principles that both capitals shall be guided by in the development of their bilateral cooperation, one can list the following:

- transferring the discussions on historical and identity-linguistic issues from the sphere of politics to that of scientific debates;
- refraining from the rhetoric as well as internal and foreign policy actions likely to undermine the stable evolution of Moldovan-Romanian relations;
- fostering the economic cooperation through launching of some joint infrastructure projects in areas of energy security, environment, agriculture, transportation and telecommunications. In the area of transportation, building of a railroad with European gauge linking the Republic of Moldova with Romania and EU that would undoubtedly be a good and promising beginning in this dimension;
- declaring the Moldovan-Romanian border adjacent territory as a European cross-border cooperation area, which shall become the target of some joint infrastructure projects funded from EU structural funds;
- renouncing from the principle of conditionalities in the relations between Chisinau and Bucharest because the current relations show that establishment of some conditionalities making the evolution of Moldovan-Romanian relations dependent on the signing of some agreements will, in no way, improve trust between the parties;
- focusing the bilateral cooperation on the idea of getting Moldova ready for an eventual integration in EU. However, to make such a cooperation possible and credible, the messages and declarations of position of Romania vis-à-vis the Republic of Moldova should, as much as possible, be identified with those of EU. Only in such a way, the political forces from Chisinau, which are still dominated by frustrations and historical prejudices vis-à-vis Romania, will have less excuses and reasons to question the frankness of Bucharest, to accuse Romania of interference in the internal affairs of the Republic of Moldova or to suspect it of irredentism;
- signing of the Basic Political Treaty and the Border Agreement should focus on facilitation of a long-term European partnership between Bucharest and Chisinau. Certainly, these two agreements should

take into account the susceptibility of the major political actors from Bucharest and Chisinau, who are the ones to, de facto, decide on their ratification;

- also, Bucharest and Chisinau should contribute to the improvement of the common screening of the area of bilateral relations development. In this regard, one solution would be to institute a common Center of Strategic Studies that will provide unbiased consultation to both governments.

2. Relations of the Republic of Moldova with Ukraine

Victoria Boian, Program Coordinator, Foreign Policy Association (“APE”)

2.1. Moldovan-Ukrainian relations – a partnership on the edge of knife

The relations of cooperation between the Republic of Moldova and Ukraine represent a subject of major importance for the socio-political and economic life of both countries. Along with the collapse of the Soviet Union, the Republic of Moldova and Ukraine acquired a new status on the international arena, having thus led to the appearance and institutionalization of some new relations. One of the elements of primary importance for the new democratic states was the establishment of good neighborhood relations and adherence to major international organizations that could contribute to the democratic development of such ties. Thus, in 1992 the Republic of Moldova and Ukraine, which declared their independence from the USSR with a difference of only three days, signed the Protocol on establishment of diplomatic relations that entered into force in the same year. The Treaty on Good Neighborhood, Friendship and Cooperation between the Republic of Moldova and Ukraine was signed in the same year, i.e. 1992, a treaty that set up the basis for cooperation between the two independent states⁷⁸.

Both the Republic of Moldova and Ukraine have the same main objective of their foreign policy – European integration, which presupposes continuous efforts of the respective countries for the purpose of approximating their socio-economic and political situation to the European standards. As a result, the existence of some good neighborhood and cooperation relations between Moldova and Ukraine would represent a starting point in their European aspirations. This is an ideal scenario, but not a real one as well. The cooperation between the Republic of Moldova and Ukraine could be characterized by a permanent oscillation between good and cold relations, with predomination of cold ones.

In the last 10 years, numerous topics have dominated the political dialogue between the Republic of Moldova and Ukraine. One of them is the role of Ukraine in settling the Transnistrian conflict. This issue is rather important for both countries because it includes both national security of these countries and their commercial-economic and political relations. Ukraine had a considerable contribution in the settlement of the Transnistrian-related issues throughout 1998-2008, taking into consideration that namely at the

⁷⁸ Ministry of Foreign Affairs and European Integration of the Republic of Moldova, <http://www.mfa.gov.md/politica-externa/ua/#juridic>, 12 august 2009

proposal of Ukraine, in July 2002, the Republic of Moldova adopted the Law on Basic Provisions of the Special Legal Status of the localities from the left side of the Dniester River (Transnistria). In the same context, it is necessary to analyze the situation regarding the state border demarcation that was not finalized in the district (rayon) of Giurgiulești and the Power Plant from Novo-Dnestrovsk. The commercial-economic and energy relations, their evolution and current plight is another subject dominating the political dialogue between Moldova and Ukraine.

2.2. Current subjects of the Moldovan-Ukrainian partnership

Border issues

The Border Treaty between the Republic of Moldova and Ukraine was signed in Kiev on August 18, 1999 during the period of Petru Lucinschi presidency and came into force in 2002, being ratified by the communist authorities. According to the Agreement between the Government of the Republic of Moldova and Government of Ukraine with regard to the cooperation in border guard issues, both states agreed that until the signing of a border treaty, the border that existed between the Moldovan Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic before the proclamation of independence of Moldova and Ukraine should be considered as the border between the Republic of Moldova and Ukraine. This Agreement envisaged the beginning of the works on border delimitation, which ended along with the entering into force of the Treaty on State Border between the Republic of Moldova and Ukraine⁷⁹. Delimitation of the state border was followed by the second phase – demarcation, a process that represented a rather delicate issue taking into consideration that it had not finished yet.

After a series of meetings of the Moldovan-Ukrainian Inter-governmental Committee, the sides have come to an understanding that the treaty would foresee changes of territories in the area of Giurgiulești, Basarabeasca and Palanca localities. Thus, in exchange for 7 kilometers in the zone of Palanca located at the border, Ukraine was supposed to give up 100 meters of land in the zone of Giurgiulești terminal on the Danube River. This decision stirred up the discontent of Palanca inhabitants who many times applied to the pertinent authorities requesting non-ratification of the Additional Protocol to the Border Treaty between the two states. The dissatisfaction appeared because there were about 900 hectares of land located between the main road and the border with Ukraine and people from Palanca village believed if the Treaty

⁷⁹ E. Revenco “Legal aspects of border organization”. In the book: *New borders in the South Eastern Europe, Republic of Moldova, Ukraine, Romania*, pages 97-106.

were ratified they would be denied access to that land area. The Parliament of the Republic of Moldova conditioned the ratification of the Border Treaty upon the signing of a special regulation about the use of Odessa-Reni portion of road stretching through Palanca village, as well as upon ratification by the Supreme Rada of Ukraine of an agreement signed in 1994 on mutual recognition of the properties located on their territories since the Republic of Moldova owned numerous spa resorts on the Ukrainian territory estimated at thousand of dollars. Having acknowledged the imperfection of the Treaty on State Border between the Republic of Moldova and Ukraine, the Parliamentary communist majority with the support of three MPs from Braghis Alliance nevertheless ratified this document with 73 votes in favor and 20 against, while the opposition was zealously contesting the additional protocol to the Treaty⁸⁰.

According to the respective additional Protocol, the Republic of Moldova relinquished into the property (possession, use and administration) of Ukraine the sector of Odesa-Reni road in the region of Palanca village of the Republic of Moldova, with a length of 7.77 km, as well as the land area it stretched through, hence the transferred sector started representing the property of Ukraine on the territory of the Republic of Moldova⁸¹. The additional Protocol stipulates that exploitation and maintenance of the road and of all constructions necessary for the latter located on the transferred sector shall be done by Ukraine. The Republic of Moldova has the right to use the given road sector free of charge, while the passage of the villagers from Palanca locality who go by cars to the territory adjacent to the transferred sector shall be done on the exit road at the sector indicated at the kilometer 57-400. All other exit roads that exist on the transferred sector from the side of Palanca village shall be closed. Besides, no border, customs or other types of control as typically performed at the crossing of the state border shall be done on the respective sector⁸².

Another issue prevailing in the relations between the Republic of Moldova and Ukraine is the terminal from Giurgiulești. The putting into exploitation of this site will enable the Republic of Moldova to have access to the Black Sea. Ukraine is concerned by the rapid development of the infrastructure in the given region (initially an oil terminal was launched, followed by the putting into operation of the first passenger port; whereas the functioning of a grain terminal is envisaged to begin in the future) by the Republic of Moldova

⁸⁰ “The Parliament from Chisinau ratified the Border Treaty with Ukraine”, Basa Press, July 12, 2001.

⁸¹ Treaty on State Border between the Republic of Moldova and Ukraine.

⁸² Ibidem

since it considers that the Ukrainian ports will then face the pressure from the new competitor and also might have difficulties in solving automobile transportation issues. With reference to the estates belonging to the Republic of Moldova, pursuant to a bilateral agreement of May 29, 2006, Ukraine acknowledged Moldova's ownership right over 47 objects out of the total of 108 objects, whereas Moldova acknowledged Ukraine's right over two objects out of three located on the Moldovan territory. The regulation of the ownership relations is a topic that still remains pending on the agenda of the Republic of Moldova and Ukraine relations⁸³.

Ratification of the Treaty on State Border was followed by dissensions with regard to the carrying out of joint control at Moldovan-Ukrainian customs checking points. On several occasions, the representatives of the European Parliament recommended the Moldovan authorities to introduce a control at this crossing points since the eastern border of the Republic of Moldova was, in most part, not controlled by Chisinau authorities but remained under the control of the self-proclaimed Transnistrian republic, whereas ensuring the security of the state borders represented one the commitments of the member-states of the Stability Pact for South Eastern Europe. Thus, to resolve the problem of joint control at the state border, in June 2005 the Republic of Moldova and Ukraine sent a joint letter to the Secretary General of the Council of Europe asking to introduce a EU monitoring mission of the Transnistrian sector of the Moldovan-Ukrainian border (total border length is 1222km, of which 452km belong to the Transnistrian segment), as well as to set up a technical-material basis for permanent monitoring of the entire Moldovan-Ukrainian border. Thus, a trilateral Memorandum of the European Union Assistance Mission at the Moldovan-Ukrainian border (EUBAM)⁸⁴ was signed on October 7, 2005. The Mission was set as a consultative and technical body, bearing no executive power whatsoever. Among the Mission's objectives, we can list the following⁸⁵:

- cooperation with Moldova and Ukraine with a view of harmonizing their border management standards and procedures with the ones in force in EU Member States;

⁸³ "Moldova and Ukraine will resolve the ownership-related issues", Infotag, May 22, 2008.

⁸⁴ The headquarters of the Mission is located in the city of Odessa. It has 7 field offices located at the Moldovan-Ukrainian border: 3 on the Moldovan side and 4 on the Ukrainian side. Initially, the Mission was constituted for 2 years. Later on, the term of the Mission's activity was extended until 2011.

⁸⁵ European Union Border Assistance Mission between Moldova and Ukraine, <http://www.eubam.org/index.php?action=show&sid=gq0ib2tn60enyd0ac5hkwrh23oeitup&id=161>

- providing assistance in building the professional capacities of the customs and border guard services of Moldova and Ukraine at operational level;
- building capacities of risk analysis;
- improving cooperation and mutual supplementation of customs and border services with other law enforcement bodies;
- promoting cross-border cooperation.

The border regime between the Republic of Moldova and Ukraine is a topic of permanent discussions because the decision on the regime of reciprocal travels is an issue that can serve as pressure leverage in case of some political controversies appearing between the parties. At present, the citizens of the Republic of Moldova, likewise the nationals of Ukraine do not need visas to cross the border. This fact is regulated by the Agreement between the Government of the Republic of Moldova and the Ukrainian Cabinet of Ministers regulating visa-free travels of the citizens, which was signed on May 18, 2001 and entered into force on January 28, 2002. Pursuant to the amendments introduced into the aforementioned Agreement, starting with 01.01.2005 citizens of these two countries could not continue using their internal identification documents (i.e. ex-USSR passports, internal ID and birth certificates for children who did not reach the age of 16) because they stopped functioning as documents for crossing the Moldovan-Ukrainian border. Although this issue had been discussed for more than 4 years, this regulation managed to be postponed irrespective of all attempts and the argument was that many people lacked money necessary for issuance of new passports⁸⁶.

Maintenance of a simplified border crossing procedure represents an advantage for both states, as well as a sign of stability in the political dialogue. Ukraine benefits from a stable flow of tourists, while an eventual aggravation of the border crossing regime would radically change the preferences of the Moldovans, which might significantly contract the income of the Ukrainian entrepreneurs. The state border related issues are of major importance in the relations of cooperation between the Republic of Moldova and Ukraine. In continuation, such issues as finalizing the demarcation of the state border in the northern part – the Power Plant from Novo-Dnestrovsk, in the southern part – the region of Giurgiulești port and on the Transnistrian segment with a total length of over 440 km have still remained unsolved.

For many years the Novo-Dnestrovsk Power Plant has been the subject of some disputes between Moldova and Ukraine. Being built on the Dniester

⁸⁶ Ministry of Foreign Affairs and European Integration of the Republic of Moldova, <http://www.mfa.gov.md/politica-externa/ua/#juridic>, 12 august 2009

River, it occupies a land area of 17 hectares from the Moldovan territory. The Novo-Dnestrovsk Power Plant is considered key enterprise for ensuring the security of the energy system of Ukraine and Moldova as well. In exchange for those 17 hectares of its territory, the Republic of Moldova would like to receive a share in the portfolio of the given power plant, but the Ukrainian authorities have been rejecting these claims with obstinacy considering that Moldova did not invest a penny in the construction of the given power plant and should not forward any claims in this regard. Following some discussions, the authorities of the two states have reached the conclusion that streamlining of the ownership relations in the Novo-Dnestrovsk Power Plant zone would be negotiated in complex with other issues related to the demarcation of the Moldovan-Ukrainian border.

The role of Ukraine in settlement of the Transnistrian issue

Ukraine represents an important factor in regulating the Transnistrian-related issues, first and foremost, from geopolitical point of view. Until 2005 the Republic of Moldova had a reduced control over this border segment, thereby Ukraine was compelled to play a rather important role in maintaining the border security in the given region.

In May 2001, the Republic of Moldova joined the World Trade Organization (WTO) and as a result it introduced new customs stamps having annulled the old ones. This decision overthrew all import-export transactions of Transnistria, which since 1990 had been carrying out its foreign export operations applying the customs stamps of the Republic of Moldova. At that time, the relations had worsened not only with the Transnistrian authorities, but with the Ukrainian as well. Although Ukraine unconditionally recognized the right of the Republic of Moldova to establish new customs rules, it still believed that since these new stamps had not been coordinated with the authorities from Tiraspol, the old stamps should stay valid as provided for by the international law. Such situation lasted till May 15, 2003 when a special Moldovan-Ukrainian Protocol was signed. According to this document, transportation of cargo through the customs control points at the Moldovan-Ukrainian border, including Transnistria would be done only on the basis of commercial and customs papers officially issued by Chisinau.

During the talks regarding the settlement of the Transnistrian conflict, Ukraine always played the role of mediator and guarantor in the process of

peaceful settlement of the given conflict along with Russia and OSCE. In July 2002, a document developed at the joint initiative of OSCE, Ukraine and Russia was presented to the participants in the meeting of heads of expert groups representing the Republic of Moldova and Transnistria that took place in Kiev. According to that document, the Republic of Moldova was supposed to be constituted of state territorial formations entitled to have their own constitution and legislation, i.e. in principle representing a federalization project that eventually did not have a chance of success.

In 2004, the relations between the Republic of Moldova and Ukraine became tense again. Following some speculations in the Ukrainian and Transnistrian press as if Ukraine had allowed access of Transnistrian goods on its territory without certificates of origin after Chisinau introduced some economic restrictions, Ukraine decided to amend the procedures of export and transit of goods beyond the Moldovan-Ukrainian border. Thus, based on a letter of the Ukrainian State Customs Service sent to all Ukrainian customs subdivisions, the following changes were introduced into the customs procedures: all consignment of goods declared under export or transit customs procedure and subject to be transported beyond the state border of Ukraine through the crossing points of “Bolgan-Hrustovaia” (Moghiliov-Podolsk Customs point), “Platonovo-Goianul Nou”, “Timkovo-Brosteni”, “Stanislavka-Varancau”, “Iosipovka-Colosovo”, “Timkovo-Colbasnaia” (Kotovsk Customs point), “Cuciurgan-Pervomaisk”, “Velicoploskoie-Malaesti”, “Slaveanoserbka-Blijni Hutor”, “Gradinti-Nezavertailovca”, “Cuciurgan-Novosavitcoie” (Customs point of Razdelnaia) were supposed to be reoriented to exit through the customs territory of Ukraine. Thus, traffic was allowed to go only through the crossing points under the management of the customs points of “Moghiliov-Podolsk”, “Kelimenti”, “Belgorod-Dnestrovsk” and “Pridunaiskaia”⁸⁷.

Starting with August 1, 2004, the Moldovan authorities refused to prepare the customs clearance documents for the economic entities from Transnistria that did not work in compliance with the legislation of the Republic of Moldova, having thus instituted a kind of an economic blockage. This action had come as a result of the decision of the Transnistrian administration to close down the Moldovan lyceums from the given region where teaching was done in the Romanian language. The allegations of the Republic of Moldova against Ukraine regarding the smuggling done through the Transnistrian segment of the Moldovan-Ukrainian border can be included in the same con-

⁸⁷ “Ukraine prohibited the export and transit of goods through the customs points located on the Transnistrian segment of the Moldovan-Ukrainian border”, *Moldpres*, August 11, 2004.

text of events. In response, Ukraine had come with new threats against the Republic of Moldova warning our country that it would claim compensation of all losses that Ukraine might incur as a result of the economic sanctions imposed on Transnistria by Chisinau beginning with August 1, 2004. This dispute managed to be resolved with the help of the European Union, which in 2005 intervened into the situation through the setting up of the Border Assistance Mission between Moldova and Ukraine. In 2006, the crossing of goods through the Moldovan-Ukrainian border started to be carried out pursuant to the provisions of the Protocol on mutual acknowledgement of customs, commercial and transportation documents between the State Customs Service of Ukraine and the Customs Department of the Republic of Moldova signed on May 15, 2003 in Kyiv.

Year 2005 has become a juncture year in the Transnistrian settlement process because at that time the negotiation format changed from “3 plus 2” to “5 plus 2”. The old negotiation format was added with two observers – the European Union and United States of America, while Russia, OSCE and Ukraine maintained their role of mediators. In May 2005, the Ukrainian President came with a plan for settlement of the Transnistrian conflict, known as Yushchenko Plan. The initiative of Victor Yushchenko was concentrated on democratization of the eastern districts (rayons) of the Republic of Moldova as the main objective for an easier further reintegration in the Republic of Moldova. Yushchenko Plan served as a framework for development of some documents relevant for Moldova. Thus, the draft Law on Basic Provisions of the Special Legal Status of the localities from the left side of the Dniester River (Transnistrian) along with two appeals for democratization and demilitarization of the Transnistrian region were adopted in July 2005. Although the Yushchenko Plan was rejected, it de facto did serve as the basis for the adoption of the aforementioned Law. One can hardly imagine that Russia would allow Ukraine to take over the initiative for resolving the Transnistrian issue.

In 2008, Kalman Mizsei, Special Representative of the European Union in Moldova, declared that the European Union expected a more active involvement of Ukraine in the settlement of the Transnistrian conflict. However, Ukraine had its own interests in the region in question and it was not interested to play the main role in the Transnistrian settlement since an understanding reached by all stakeholders would be more suitable for Ukraine.

Economic and energy cooperation

Lack of energy resources is one of the major challenges faced by the Republic of Moldova, being forced to conduct permanent negotiations on the import of these resources with the neighbors and third-party countries that are directly

involved in the process of country supply with energy resources. At the end of 90s, due to debts to energy suppliers, the Republic of Moldova had to suffer from power outages. Thus, in 1999, the Republic of Moldova had pending debts to Ukraine amounting to 236 million MDL, and about 62 million MDL to Romania. After an outage of almost three months, Ukraine renewed power supply to the Republic of Moldova, which repaid its debts to the Trade House of Ukraine. In that period, the Republic of Moldova imported about 24% of its total energy consumption from Ukraine. One of the major internal issues faced by Moldova at that time was stealing of electricity, which represented approximately 40-60% of the total energy supply⁸⁸.

In 2000, the Spanish company Union Fenosa, which held three electric distribution companies from Moldova, entered into a contract based on which during 12 months in a row it had been purchasing electricity from Cuciurgani Combined Thermoelectric Plant and from Ukraine, allowing it to constantly supply power to the central and southern part of Moldova without any interruption or failure in supply. As a result of energy deficiencies, the Moldovan-Ukrainian relations were also affected by trade-related challenges.

The bilateral relations became even tenser when Vladimir Voronin, President of the Republic of Moldova, made an indirect allusion that Moldova could block Ukraine's accession to WTO, because Kiev endorsed the smuggling in goods from Transnistria. At that time, Ukraine responded by amplifying the sugar issue – a product that, in his opinion, should have been excluded from the free trade regime with Moldova because it had a lower price and was competing with the Ukrainian sugar. It might appear paradoxical but in 2003 the Government of the Republic of Moldova excluded sugar from free trade regime with Ukraine, the reason being intensification of sugar importation from Ukraine. This fact created difficulties for the sugar refineries from Moldova and created some disturbances in the local market. Also, in 2003 with a view of accommodating the rather tense situation between these two states, an Agreement on free exchange between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine that envisaged removal of all customs barriers in economic cooperation was signed between the two countries. The existence of this Agreement, however, did not stop the Ukraine from banning the import of meat and cheese from the Republic of Moldova in 2006. In that prohibition, Ukraine invoked the same reason as the Russian Federation in 2005 and namely that the Moldovan producers exported meat of foreign origin.

⁸⁸ "The management of Chisinau power supply networks managed to conclude a new electricity supply contract with Ukraine", Info tag, January 31, 2000.

In 2005, the Republic of Moldova and Ukraine came back to energy supply negotiations after the stoppage in the supply from Cuciurgani Power Plant whose management insisted on tariff increase. Thus, the imports of energy from Ukraine increased, having covered almost 70% of Moldova's in-house needs. In 2006, the Russian concern Gazprom stopped gas supply to the Republic of Moldova because the parties could not agree on the gas price. Then, the Republic of Moldova started importing gas from Ukraine, thus making its dependence even greater. In 2006-2008, the parties have carried out repeated negotiations regarding the price of the supplied energy, Ukraine being constantly dissatisfied by the price of the energy exported to the Republic of Moldova.

The commercial and economic relations between the Republic of Moldova and Ukraine have been developing in a dynamic fashion, although sometimes they were used as a mechanism of pressure in the political dialogue between the authorities of these two states. Based on the volume of foreign trade exchange in 2008, Ukraine held one of the first places in the list of trade partners of Moldova. During 2008, the total trade exchange volume between the Republic of Moldova and Ukraine amounted to 1,463.502 million USD and increased by 25.9% as compared with 2007⁸⁹.

The interregional relations of cooperation between the Republic of Moldova and Ukraine are carried out under the framework of Lower Danube Euro region, whose goal is to establish direct links between the regions and communities located on both sides of the state border in virtue of the competences of the respective local authorities. The EU projects for Euro regions are financed out of structural funds, as well as the public funds of local communities and private funds. Cross border cooperation projects are implemented through the Lower Danube Euro region framework, which contributes to the fostering of the relations between the three partner states (Republic of Moldova, Ukraine and Romania).

2.3. Conclusions and recommendations

The good neighborhood relations between the Republic of Moldova and Ukraine represent a strong point for the European integration aspirations of both countries. Today the European Union puts a particular emphasis on the stabilization of the situation at the state border, but the attitude of the Chisinau authorities do not inspire too much confidence. Although the Republic of Moldova is a country with a rather small territory and theoretic-

⁸⁹ "Interview with Serghei Pirojkov: Ukraine hopes that the bilateral dialogue will intensify with the appointment of the new Government of Moldova", Flux, August 21, 2009,

cally it can quicker adapt to the European standards, the dialogue with the neighboring country and the steps jointly carried out by both countries might significantly ease the process. The current political relations, both in the Republic of Moldova and Ukraine, do not facilitate the democratic development in the given states, but rather vice versa puts it on hold. The governance from Chisinau and Kiev will have to undertake efforts to overcome the tension existing between the two states to enable them to implement democratic reforms necessary for their joint European future, in particular due to the fact that both states are due to partake in the Eastern Partnership, a project launched by the European Union, which entails a deep cooperation between Azerbaijan, Armenia, Belarus, Georgia, Republic of Moldova and Ukraine.

The priority of the Republic of Moldova foreign policy should be the re-establishment of good relations with its neighbors: Ukraine and Romania. Ukraine is not only a neighboring country but also an important strategic partner whose significance cannot be overlooked. The main directions of cooperation between the two states that shall be enhanced are:

1. cooperation and mutual support in ensuring the border security, combating illegal traffic at the eastern border of the Republic of Moldova;
2. mutual support with a view of strengthening the independence, sovereignty and territorial integrity of both states;
3. development of economic relations between the two states through trade and export facilitation;
4. cooperation in energy field and strengthening energy security;
5. establishment of a privileged border crossing regime;
6. development of political and diplomatic relations with a view of promoting the European aspirations of the Republic of Moldova and Ukraine.

The existence and fostering of the relations in the given field represent a reciprocal interest and can yield good results for both countries. The good neighborhood relations between Moldova and Ukraine would create a positive image of these countries in the European Union and would contribute to their democratic development, as well as to the building of capacities to withstand the pressure coming from outside.

3. Relations of the Republic of Moldova with the European Union

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3.1. Legal framework: significance, advantages and disadvantages

At present, the legal framework of the relations between Moldova and EU is based on the Partnership and Cooperation Agreement (PCA) signed on November 28, 1994 and entered into force on July 1, 1998 for a period of 10 years. In practice, PCA proved to be a legal framework lacking any substance and necessary motivation for implementation of the foreseen objectives. Following the consecutive enlargement in the Central and Eastern Europe, EU has imminently come closer to the ex-soviet area of the Eastern Europe, and thereby the interest of EU towards stability, prosperity and security of the states from the given region has significantly increased as well. As a result of that, in May 2004, the European Union worked out a document called the European Neighborhood Policy (ENP) for the neighboring countries from the Eastern Europe and Mediterranean region, whose goal was to create a network of friendly, prosperous and stable states in its vicinity. However, ENP did not change the legal framework shaping the relations between Moldova and EU. Thus, PCA remained the basic agreement governing the Moldovan - European partnership, but this time it was accompanied by a political document in form of an Individual Action Plan between EU and Republic of Moldova meant to accelerate the political, economic and social reforms in our country in exchange for the deepening of its relations with EU. In the below paragraphs, we will provide an analysis of the significance of PCA and ENP for our country. PCA is undoubtedly enrolled in the list of Moldova's efforts to strengthen its fragile independence. Being analyzed from this perspective, we can say that this agreement defined our country as a partner of EU. Besides, through PCA Moldova has managed to give new weight to its status of international stakeholder and endorsed credibility to its image as a state advocate of democratic values. By agreeing to sign the first cooperation agreement with Moldova, EU has granted a positive note to the young Moldovan state for its democratization efforts. Actually, PCA was more than a simple agreement establishing the rules governing the evolution of Moldovan-European relations in the last ten years. First of all, it represented a commitment concluded between Moldova and EU in the name of reinstating the democratic values. Thus, by signing the PCA, EU committed to support the efforts of the Republic of Moldova oriented towards consolidations of democracy and completion of its transition to a market economy. In its turn, the Republic of Moldova committed to enforce the democratic values, the principles of international law, human rights and market economy – all

these principles being declared as essential elements of PCA. At the same time, PCA imparted a political dimension to our cooperation with EU and managed to transcend the pure economic objectives of the Agreement on economic and commercial cooperation between EU and USSR that was inherited by Moldova after the USSR breakdown. To give new substance to the cooperation in political field, the parties agreed to promote a political dialogue meant to consolidate the proximity between the Republic of Moldova and European Union, to endorse the political and economic changes from Moldova, to contribute to a better convergence of positions in international issues of mutual interest, to foster their cooperation in matters related to enforcement of democratic principles and strengthening of stability and security in Europe.

Also, PCA, for the first time, provided an institutional framework for the relations of cooperation between Moldova and EU. Thus, the Moldovan-European partnership was hierarchically split into three tiers: Cooperation Council at the level of Ministries, Cooperation Committee at the level of high officials, and the Parliamentary Cooperation Committee at the level of the members of the European Parliament and the Parliament of Moldova. The main responsibility of the respective institutions was to monitor the implementation of the Partnership and Cooperation Agreement in political, economic, legal, financial, social and cultural fields. Thereby, the institutionalized dialogue was extended to cover all spheres of cooperation characterized by joint interest of the parties concerned. In the field of economic cooperation, PCA granted Moldova the most favored nation treatment clause with regard to tariffs for goods and concurrently introduced new elements enabling to facilitate the exchange transactions between Moldova and EU. For instance, PCA established that the parties can benefit from the principle of free transit of goods, liberalized the movement for some categories of capital and formulated the perspective of creating a free trade area between Moldova and EU. The parties also agreed on progressive liberalization of the transborder services for the purpose of developing a market-oriented service sector. On top of that, based on Article 50 of the PCA, Moldova committed to undertake all necessary measures to increase gradual compatibility of its legislation to that of the European Union. Thus, PCA initiated a new dimension of cooperation and namely, approximation of the Moldovan legislation to the EU *Acquis Communautaire* declared as essential for the consolidation of economic ties between Moldova and EU. In other words, in the context of PCA consolidation and diversification of economic and trade links stopped being a goal in itself, they have become more like means to create broader development symmetry between the Republic of Moldova and European Union in all areas of cooperation, including in the field of legal approximation.

Notwithstanding that, PCA did not manage to meet the expectations of the political class from Chisinau despite the fact that both its structure and contents had been inspired from the European association agreements signed by EU with the Central and Eastern European states back in the 90s. The comparative analysis of both agreements showed that PCA took over the majority of general objectives enshrined in the European Agreement, being founded on the enforcement and promotion of the same democratic principles and covering the same areas of cooperation, as well as developing a similar model of institutionalizing the political dialogue, etc. More than that, the PCA objectives are perfectly in line with the EU accession criteria announced by the European Council from Copenhagen in June 1993. Despite these common elements, PCA did not provide Moldova with a clear European integration perspective, as it was the case with the European agreements, but instead it initiated the development of horizontal partnership between our country and EU. In other words, the final PCA objective was absolutely different from the one envisaged by European agreements. The latter were not just limited to creation of a comparable development level in the political, legal, economic, financial and cultural fields able to promote gradual approximation of the signatory countries to a broader cooperation scope in Europe, as affirmed in the PCA, but they pursued the goal to prepare the associate/candidate countries from Central and Eastern Europe for their final accession to EU.

For our country, which meanwhile made the European integration perspective the major strategic objective of its domestic and foreign policy, PCA actually generated two major handicaps. First of all, PCA did not provide a clear well-defined finality for the relations between Moldova and EU in terms of its gradual integration into the European family. Secondly, as compared with the Baltic States, our country was circumscribed to the ex-soviet space and EU was not yet ready to pursue an integrationist strategy for the given countries. Despite its structural shortcomings, PCA implementation nevertheless had some positive effects on the Republic of Moldova and its relations with EU. Among the major PCA accomplishments, we can mention the development of a structured and continuous political dialogue with EU, EU involvement in promotion of internal reforms in Moldova⁹⁰, as well as starting up the process of approximating the legislation of our country to *Acquis Communautaire* in matters of human rights, legal and administrative

⁹⁰ During 1991-2005, under the framework of the TACIS Program, the total EU technical assistance to Moldova was worth 123.1 million Euro. The respective assistance, in particular, focused on such areas as legal and administrative system reform, private sector support and economic development, as well as fighting the negative social side effects of the transition period, etc.

system, economy and trade, customs cooperation, phytosanitary measures, food security, transportation, social reform, education, etc.

Despite all that, PCA did not succeed to rise to the expected objectives. Thus, the Moldovan-European political dialogue continued to pay superficial attention to political subjects of major interest for Moldova such as the Transnistrian issue, withdrawal of Russian troops or eventual inclusion of Moldova in the Stabilization and Association Process in the South-Eastern Europe. Before Moldova's accession to the European Neighborhood Policy (ENP), economic and commercial cooperation did not conduce to significant outcomes. The PCA objective regarding creation of a free trade area between EU and Moldova after joining the World Trade Organization (WTO) remained unaccomplished. At the same time, during 1998-2006, the total Moldovan-European trade balance did not excel one third of the total volume of export and imports carried out by our country. This situation changed only after Romania's accession to EU in January 2007 when Moldova's trade with EU exceeded 50% of the total volume of trade operations carried out by the economic entities from Moldova. With reference to legal approximation dimension, Moldova accomplished insignificant progress during 1998-2005; however, things started changing slowly once Moldova proceeded to fulfill its commitments set forth in the Action Plan signed with EU under the ENP framework on February 22, 2005. This and other PCA failures could have been foreseen from the very beginning and mainly for two reasons. First of all, PCA did not grant Moldova any political, economic and financial incentives needed in order to determine it to engage institutional and financial resources required for its efficient implementation. However, EU that was so much concerned by its extension in Central and Eastern Europe did not display any political will and interest for a more active involvement in PCA implementation.

Being aware of PCA deficiencies, at the end of 90s the Moldovan diplomacy set the goal of affirming Moldova as a component part of the Southeastern Europe, thus wishing to escape from the category of ex-soviet states. Apropos, as shown previously by the example of the Baltic States, regaining and reaffirmation of one's own geopolitical identity favored the integration of such countries in the North Atlantic Treaty Organization (NATO) and EU. In this context, regional cooperation in the Southeastern Europe⁹¹ became a priority for the Moldovan authority, which hoped that in such a way it would convince EU to include Moldova in the Stabilization and Association Process for the Southeastern Europe proposed by the European Commission on May

⁹¹ See the Chapter on regional cooperation of the Republic of Moldova in the South-Eastern Europe: 1998-2008.

26, 1999. After many diplomatic efforts, on June 28, 2001 Moldova was admitted only under the Stability Pact for South Eastern Europe framework, which contained the EU commitment to support the Southeastern European states in the perspective of their full integration in their structures. However, this EU commitment did not refer to Moldova because Brussels conditioned its inclusion into SPSEE upon the fact that the Transnistrian issue and, moreover, the EU accession perspective would not be addressed. Despite the deepening of its regional cooperation in the Southeastern Europe, Moldova did not manage to impel EU to include it into the Stabilization and Association Process for the Southeastern Europe along with the West Balkan States. However, starting with 2004, ENP opened new opportunities to overcome the PCA political and institutional limits. Notwithstanding that Moldova still remained in the circumscription of the ex-soviet region of the Eastern Europe, which is beyond the scope of the EU enlargement policy.

3.2. European Neighborhood Policy: implications and perspectives for Moldova

EU enlargement in Central and Eastern Europe is undoubtedly the most important foreign policy victory won by EU in the last twenty years. Due to this victory, EU consolidated its role of a big economic power, significantly increased its profile of international political actor, extended the scope of democracy, stability, prosperity and security in Europe and, also, brought Europe closer to its final reunification – a process that started along with the fall of the Berlin wall. Following the consecutive enlargement waves of 2004 and 2007, the external borders of EU have come to immediate vicinity of a network of states that were trying to cope with a number of political, economic and social challenges, such as misuse of power, human rights violations, fragile democratic institutions, oscillating corruption, ethnical and religious contradictions, frozen separatist conflicts, prolonged transition to a functional market economy, enhanced poverty, high unemployment rate, demographic issues, etc. EU believes that all these challenges represent the main causes fueling the major threats for EU security, such as extremism, illegal migration, international terrorism, proliferation of weapons of mass destruction, regional conflicts and failed states⁹². This new security environment generated an increasing pressure on EU to develop a regional approach that would contribute to insuring stability and security in its immediate proximity, thus preventing the extension of potential risks of instability over the EU member states as well.

⁹² Council of the European Union, “A secure Europe in a better world”, Brussels, 2003. <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

The EU accession perspective proved to be the most efficient foreign policy instrument applied by EU with a view of promoting the political, economic and social reforms in candidate states. Doing this, EU managed to achieve remarkable results in enlarging the zone of democracy, stability and security based on its principles, shared values and norms. Implementation of its enlargement policy imposed notable political, institutional and, moreover, financial efforts by EU to prepare the ten candidate countries from the Central and Eastern Europe for accession. Consequently, by the time ENP was finalized and actually launched, EU reached the maximum point of its institutional absorption capacity, and some Member States started being captured by “enlargement fatigue”, among them also being France and Germany - driving engines of EU construction. Pursuant to a public opinion poll carried out one year after the EU enlargement of 2004, only 33% of Germans and 32% of French people still remained in favor of the Union’s enlargement and only two EU member states were a bit more enthusiastic⁹³. The enlargement fatigue also captured the brains of some high officials of EU who were afraid that an eventual continuation of the enlargement process might affect the coherence of EU foreign policy, thus reducing its capacity and influence to accomplish the desired outcomes in the neighboring countries as well. Even the Chairperson of the European Commission, Romano Prodi, considered that an excessive EU enlargement might create the risk of watering down the European political project and turn the European Union into just a free trade area on a continental scale⁹⁴. Namely under the conditions of these pressures, EU opted for an alternative option of advancing its foreign policy agenda within its immediate proximity.

ENP represents a form under which this new alternative of EU got materialized and its aim is to withstand new security challenges existing in the neighboring countries of the Mediterranean Region⁹⁵ and Eastern Europe⁹⁶. In March 2003, while ten candidate countries from Central and Eastern Europe were getting ready to accede to EU by May 2004, the European Commission officially proposed to Member States a new vision for developing and deepening the EU relations with the neighboring countries from the Southern and Eastern Europe not covered by EU enlargement policy. According to the new vision, EU undertook the commitment to share the benefits from

⁹³ I. Barnes, P. Barnes, “Enlargement”. In: M. Cini, *European Union Politics*, second edition, Oxford University Press, 420-440.

⁹⁴ R. Prodi, *A Wider Europe – A proximity policy as the key to stability*, Brussels, European Commission, 2003, http://ec.europa.eu/world/enp/speeches_en.htm.

⁹⁵ Marocco, Algeria, Tunisia, Libya, Egypt, Israel, Jordon, Lebanon, Syria, and Palestine Authority.

⁹⁶ Ukraine, Moldova, Belarus, Armenia, Azerbaijan and Georgia.

eastward enlargement with its neighbors as well and build a zone of prosperity and neighborhood favorable for the European interests⁹⁷. The new vision formulated by the European Commission was approved in October 2003 by the heads of states and governments from EU, simultaneously inviting the Committee of Ministers of EU and the European Commission to finalize the development of the new strategic vision. Following the respective decision, in May 2004 the European Commission published the strategic Document on European Neighborhood Policy (ENP) that was later approved by EU Member States, thus marking the beginning of the process of ENP application and enforcement.

In the opinion of several EU experts, ENP is, first and foremost, a foreign policy instrument of EU meant to strengthen security around its external borders from Eastern European and Mediterranean regions⁹⁸. For this particular reason, the major ENP objective was to avoid the appearance of new dividing lines in Europe and to create a ring of well-governed and peaceful states around EU. Materialization of this objective should be reached through the establishment of close relations of cooperation based on adherence to European shared values, such as democracy, rule of law, good governance, enforcement of fundamental human rights and market economy principles. However, according to ENP cooperation between EU and the neighboring countries shall be based on undertaking of some concrete joint commitments both in terms of promoting political and economic reforms in the beneficiary countries, as well as in the area of fostering the European security such as combating international terrorism, prevention of proliferation of weapons of mass destruction, settlement of regional frozen conflicts or trafficking in human beings and illegal migration.

Also, ENP represents a trade-off solution that enabled EU to solve the dilemma it has got and namely, how to share the benefits of its enlargement policy with the neighboring countries, provided they are not given clear and well-defined EU accession perspective. EU resolved this dilemma by resorting to the formula announced in 2002 by the Chairperson of the European Commission Romano Prodi: “sharing everything with the Union but the

⁹⁷ European Commission, “Wider Europe – Neighborhood: A new Framework for relations with our Eastern and Southern Neighbors” COM(2003) 104 final, Brussels, 200, http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf

⁹⁸ M. Cremona, *The Enlargement of the European Union*, Oxford University Press, 2003; M. Emerson, *European Neighborhood Policy: Strategy or Placebo?* Brussels, Center for European Policy Studies, 2004, <http://www.ceps.be>; D. Lynch, *The European Neighborhood Policy*, Paris, Institute for Security Studies, http://eurojournal.org/files/dov_prague.pdf.

institutions”⁹⁹. This is not a new approach; it stems from the experience of the European Economic Area (EEA)¹⁰⁰, which includes the member states of the European Free Trade Agreement (EFTA)¹⁰¹ and EU member states. For instance, according to the Agreement on EEA establishment, EFTA member states and EU member states form one single commercial and economic market governed by EU legislation (*Acquis Communautaire*). Also, among the major prospects hold out by ENP for the beneficiary countries, one can mention, *inter alia*, their economic integration in the common EU market. Nevertheless, the EEA experience did not serve as the only source of inspiration for ENP.

The similarities existing between the ENP principles, objectives, instruments and methodology and EU enlargement policy make us believe that the latter *per se* used to represent and still represent the major source of inspiration for the development and, respectively, gradual tailoring of ENP. However, the element finally making ENP a foreign policy instrument of EU rests with its Europeanization dimension that is understood as promotion of political, economic and social transformations through assimilation and institutionalization of the shared European values, principles, norms and rules in the in-house policies of the neighboring countries. It shall be mentioned, however, that namely the Europeanization dimension of ENP viewed as a mean of coming closer to the much-longed European integration desire has inclined Moldova to favor its participation in the given regional policy. Being analyzed from the point of view of their final objectives, ENP and EU Enlargement Policy certainly represent distinctive policies. Thus, ENP refers to the states excluded from the EU integration prospect, whereas the European Enlargement Policy is focused on the countries candidate for EU accession. The ENP guiding principle is evidently different from that the building blocks of the EU Enlargement Policy. In comparison with the latter, ENP final goal is establishment of close relationships of interdependence between EU and the neighboring countries from the Eastern Europe and Mediterranean Sea Regions.

However, the underlying basis for ENP are the structural elements inspired from the EU Enlargement Policy, a fact that makes us affirm that

⁹⁹ R. Prodi, *A Wider Europe – A proximity policy as the key to stability*, Brussels, European Commission, 2003, http://ec.europa.eu/world/enp/speeches_en.htm.

¹⁰⁰ Agreement on EEA creation came into force on January 1, 1994, <http://www.efta.int/content/eea/eea-agreement>.

¹⁰¹ European Free Trade Agreement (EFTA) is an intergovernmental free trade organization created in 1960 by Austria, Denmark, Norway, Portugal, Sweden, Switzerland and Great Britain. At present, Island, Liechtenstein and Switzerland are members of EFTA Agreement.

although ENP does not envisage full integration of beneficiary states in EU, it is nevertheless endowed with the same Europeanization logics as the Enlargement Policy of EU is. For instance, ENP covers the same typology of Europeanization mechanisms as the Enlargement Policy and namely: 1) transfer and implementation from top to bottom of the values, norms, legislation and institutional models of the European community; 2) monitoring and evaluation of the progress achieved by ENP countries in implementation of the Action Plans agreed upon with EU by the European Commission; 3) financial and technical assistance provided by EU for implementation of the given Action Plans; 4) conditioning the deepening of the relationships with EU upon the progress made in fulfilling the obligations agreed upon in the Action Plans; 4) integration of ENP states in EU programs and agencies.

Transfer and implementation from top to bottom of the values, norms, legislation and institutional models of the European Union undoubtedly represents the most important ENP mechanisms and instruments. Through the Action Plans signed by EU with ENP states, the latter have undertaken a number of commitments to align their legislation governing various cooperation areas with EU legislation, incorporating the EU standards and norms in their internal policies. For instance, the Action Plan signed by EU and Moldova formulated 80 objectives and 294 actions, the majority of which directly or indirectly implied convergence of our internal legislation with EU norms and practices in such areas as democratic institutions, regulatory reform, business environment, trade, energy, transportation, environment, telecommunications, justice, home affairs, etc.

Monitoring of the progress achieved by ENP countries in implementation of their action plans by the European Commission is similar with the progress report developed by the same Commission to evaluate the degree of fulfillment of the actions agreed upon in association partnership agreement by the states candidate for EU accession. Likewise in the Enlargement Policy of the EU, regular monitoring of the progress achieved in implementation of the action plans is carried out with a view of exercising some stimulating pressure on ENP states to determine them to continue the constant rhythm of reforms voluntary assumed by them. Until now, the European Commission has evaluated the progress achieved by the Republic of Moldova in fulfilling its undertakings included in the EU-Moldova ENP Action Plan two times, i.e. in December 2006 and April 2008.

In both reports, European Commission formulated a series of recommendations to help the Chisinau Government overcome the outstanding shortfalls in such areas as ensuring an enabling business environment, enforcement

of fundamental human rights, ensuring efficiency of the judiciary, combating corruption, implementation/enforcement of enacted laws, etc. Unlike the EU candidate states, these recommendations do not have a binding character for our authorities. Consequently, the European Commission is limited in its capacity to impel the Moldovan Government to comply with the obligations it subscribed to. Under such conditions, fulfillment of EU-Moldova Action Plan, to a major extent, depends on the opportunistic interests pursued by the Chisinau Government. Nevertheless, since the European Commission recommendations are formulated as actions determining the profoundness of the future Moldovan-EU relationships, they, at least, generate some psychological pressure on the Moldovan authorities that declare EU integration as its strategic objective. After a long period of ignoring the outstanding obligations with regard to fulfillment of EU-Moldova Action Plan, at present Chisinau has come to acknowledge the existence of shortcomings and hence always promises to eliminate them. This change of rhetoric, however, gets translated into practical actions with many hurdles.

Financial and technical assistance provided by EU to ENP states for implementation of action plans has similar priorities with those of EU acceding states, such as advancement of political dialogue and reform, promotion of legal and regulatory framework approximation, strengthening institutional structures responsible for development and efficient application of policies, promotion of rule of law and good governance, ensuring a sustainable economic development, cross-border cooperation, facilitation of people-to-people contacts between citizens of ENP and EU states. Starting with January 2007, the European Neighborhood Policy Instrument (ENPI) has become the institutional instrument via which EU disburses its financial assistance to ENP states. Through ENPI, for the period 2007-2010, Moldova should receive a total of 250 million Euro of financial assistance from EU, which will be allocated for support of democracy and good governance, regulatory reform and administrative capacity building, poverty eradication and sustainable economic development. Nevertheless, starting with 2008, Moldova began to benefit from Twinning Program of EU. This program is targeted at training an efficient administration endowed with structures, human resources and managerial capacities for assimilation and implementation of European Union legislation (*Acquis Communautaire*).

The disbursement of the given assistance depends, however, on the rhythm and quality of the reforms undertaken by ENP states. In this context, once again we have to reiterate an essential element of the EU Enlargement Policy, and namely *conditioning the deepening of relationships with EU upon the progress made in fulfilling the obligations agreed upon with EU*. Although ENP

promotes the Europeanization process without granting the EU accession prospect for the states concerned, the principle of conditionality however remains the same. Thus, in exchange for the progress made in approximation of their legislation to the *Acquis Communautaire*, as well as in the process of implementing the political, economic and institutional reforms according to the European standards, ENP states are redeemed by EU with the prospect of a more profound political dialogue and, moreover, with the opportunity of closer economic integration ties with EU. But the principle of conditionality used by the European Commission under ENP framework does not bear any coercive power like the conditionality present in the EU Enlargement Policy. As a result, the rhythm and quality of the reform implementation process are, in the majority of cases, left to the discretion of the authorities from ENP states, which are not always pleased with the reforms agreed with EU or believe that EU offer is not so substantial to make them accelerate these reforms.

The case of the Republic of Moldova is an eloquent example in this regard. For instance, it is a known fact that the EC Report of December 4, 2006 on implementations of Moldova-EU ENP Action Plan has brought to light such problems as faulty implementation of laws, authorities' interference in the business environment, inefficiency of judiciary, anemic combating of corruption, drawbacks in the field of human rights and bad enforcement of mass media freedom¹⁰². Similar outstanding obligations can be once again seen in the EC Report of April 3, 2008¹⁰³. Notwithstanding all these circumstances, in order to enable EU, on May 27, 2008, to start reflecting over the future legal framework with the Republic of Moldova that will replace the current PCA, European Commission declared that in the period of November 1, 2006 – December 31, 2007 Moldova made “good progress” in the majority of areas. However, the fact that in almost four years scheduled for the implementation of EU-Moldova Action Plan, Moldova has not managed to repair the shortcomings in such areas as justice reform, combating corruption, enforcement of freedom of the press, development of an attractive business environment – is also a failure of ENP that rests on a weak system of conditionalities applied mainly as incitement and almost never as coercive element in relation to the government from Chisinau.

Integration of ENP states in EU programs and instruments is, in its turn, an efficient instrument to facilitate and promote convergence of ENP states

¹⁰² European Commission, “ENP Progress Report Moldova”, SEC(2006) 1506/2, Brussels, 2006, http://ec.europa.eu/world/enp/pdf/sec06_1506-2_en.pdf

¹⁰³ European Commission, “Implementation of the European Neighborhood Policy in 2007: Progress Report Moldova”, Brussels, 2008, SEC(2008) 399, http://ec.europa.eu/world/enp/pdf/progress2008/sec08_399_en.pdf

with the legal norms, institutional standards and political practices of EU. In December 2006, the European Commission offered the ENP states to join under the observers status a series of EU agencies involved in implementation of EU policies, such as the European Environmental Agency, European Center for Racism and Xenophobia Monitoring, Galileo Surveillance Authority, etc. Besides, the respective states were allowed to participate in EU programs in such areas as research and development, consumer protection, information society development, competitiveness and innovation, etc.

In this context, Moldova today has access to a number of EU programs, among them *“Youth in Action”* – a program meant to develop solidarity and tolerance among young people; *“Framework program – 7”* – a program that supports scientific researches in various areas of common interest; *“AENEAS”* – a program through which EU provides financial and technical assistance in migration and asylum areas; *“European Instrument for Democracy and Human Rights”* – a program under which Moldova benefited from 1.7 million Euro of EU assistance for the support of governmental institutions and non-governmental organizations involved in the process of implementation and enforcement of human rights; *“Jean Monet” Program* – a program aimed at deepening the knowledge about European integration process through promotion of studies, research and debates about EU at universities; *“Twinning”* – a program for development of a modern administration capable to assimilate the norms and practices existing in EU, and at present the Parliament and the Ministry of Justice from Moldova are benefiting from this program; *“TAIEX” Program* – an instrument of the Directorate General for Enlargement of the European Commission through which the associate and candidate countries are helped to take over and implement the EU legislation in their internal policies.

3.3. ENP from the point of view of the national interest for European integration

In the Republic of Moldova, ENP has conducted to big hopes and expectations regarding the chances of our country to get rapidly integrated in EU family. Both central authorities and the major political parties in the Parliament hoped that ENP would open the road towards EU integration for Moldova. The hopes of the political class and public opinion from our country have come true but only partially.

ENP did recognize the European aspirations of the Republic of Moldova, but it did not provide a clear EU-accession prospect for a foreseeable period of time. Besides, although for the first time our country was granted the perspective of gradual integration in EU economic space, the bilateral co-

operation between Chisinau and Brussels continued to be confined in the legal and institutional limits and constraints imposed by the Partnership and Cooperation Agreement (PCA)¹⁰⁴. PCA placed the Moldovan-European relationships on a trajectory of horizontal cooperation and thereby it no longer corresponded to the European integration aspirations of the Republic of Moldova. More than that, our country was included in ENP next to a number of south-Mediterranean countries from North Africa and Middle Asia, such as Morocco, Algeria, Tunisia, Libya, Egypt, Lebanon, Jordan, Syria, Palestinian territories, which do not have any European vocation. This fact determined Chisinau to treat ENP as a stratagem used by Brussels to delay the discussion on the likelihood of an eastward enlargement of EU.

Nevertheless, despite these structural deficiencies, all Parliamentary parties from Chisinau showed full consensus for Moldova's participation in ENP. Their consensus was translated in the Declaration of the Parliament of the Republic of Moldova regarding the political partnership for implementation of European integration objectives of our country adopted on March 24, 2005. According to this Declaration, further development of Moldova cannot be ensured other than through "consistent and irreversible promotion of the strategic course towards European integration"¹⁰⁵. In this regard, all parties - signatories of this Declaration committed to support all diplomatic, legal and political efforts aimed at fulfilling EU-Moldova Action Plan because, in their vision, it has the leverages to contribute to our country's accession to EU. Thus, namely on March 24, 2005, the Republic of Moldova's integration in EU was legally instituted as the paramount objective of internal and external policy of the Moldovan Government.

Viewed from this point of view, ENP becomes for Chisinau a valuable additional instrument enabling it to implement its pro-European integration policy. Nevertheless, since from the very beginning ENP was conceived by EU as a policy distinct from the enlargement one, the Moldovan authorities continued to persevere in their efforts to go beyond the political and legal limits of ENP and tried to promote alternative proposals for development of Moldovan-European relationships both in Brussels and other European capital, and namely: inclusion of Moldova in the package of Western Balkans and/

¹⁰⁴ PCA was signed by the Republic of Moldova and EU back in 1994 and entered into force on July 1, 1998 for a sunset period of 10 years. Although PCA expired on July 1, 2008, it was prolonged for another year, until an eventual negotiation of a new legal framework governing the relations between Republic of Moldova and EU.

¹⁰⁵ Declaration of the Parliament of the Republic of Moldova on political partnership for implementation of European integration objectives of the Republic of Moldova, March 24, 2005, <http://www.parlament.md/news/25.03.2005/>

or signing of an association agreement that would formulate a clear European integration prospect for our country. Until now, these proposals did not get the EU endorsement, being rejected for a number of objective reasons such as enlargement fatigue that captured the EU states, the need to digest the previous two consecutive enlargement waves of EU in 2004 and 2007 or the preeminence of reforming the supranational structures of EU before proceeding to a new eastward enlargement, as well as the subjective arguments such as existence of a big gap between the democratic and economic reforms conducted by the Western Balkans and Moldova, or the slow pace of reforms in our country¹⁰⁶.

Nevertheless, the major political parties do not see Moldova's membership in the Community of Independent States (CIS) as an alternative to ENP. The respective political parties, however, have different opinions about the compatibility or incompatibility existent between the European aspirations of our country and its CIS membership. Thus, the majority of the center-left wing parties¹⁰⁷, among which is the ruling party of communists (PCRM), stick to the opinion that CIS is compatible with Moldova's European integration policy, whilst the center-right parties consider CIS an obstacle hindering Moldova's approximation to EU and, therefore, abandonment of CIS is, in their opinion, inevitable. However, it is clear for everybody that CIS does not represent an engine that will bring Moldova closer to EU, but rather a tribute paid by Chisinau to Moscow for maintaining the goodwill of the Russian Federation in matters of mutual interest for Moldova, such as settlement of Transnistrian conflict, withdrawal of Russian troops and munitions from our territory, import of natural gas for domestic consumers at reasonable price, unrestrained access of Moldovan goods to the Russian market, etc.

3.4. Implementation of ENP – positive and negative elements

Republic of Moldova officially joined the ENP after signing the EU-Moldova ENP Action Plan on February 22, 2005. Through this Action Plan, both Moldova and EU committed to undertake a number of common and unilateral obligations whose fulfillment would generally conduce to a closer Moldovan-European relationships in areas such as political dialogue, democratic reforms, settlement of Transnistrian conflict, development of trade and economic reforms, justice and home affairs, fostering people-to-people

¹⁰⁶ The slow pace of reforms in some Central and Eastern European states, for instance in Bulgaria or Romania, did not represent an obstacle to hold out a EU integration prospect to them.

¹⁰⁷ The Democratic Party of Moldova (PDM), a party of socio-democratic orientation, is an exception from the given list.

contacts, etc. Although ENP did not hold out any European prospect for Moldova, given its benefits and opportunities, it nevertheless managed to go beyond the political objectives of the Partnership and Cooperation Agreement (PCA) in force between our country and EU. For instance, unlike the PCA, ENP enabled EU to get directly involved in finding a viable political solution for the secessionist conflict from the Transnistrian region of the country.

Due to ENP, EU enhanced its visibility and political authority in Moldova. Currently, EU's presence in our country is provided at the level of the Common Foreign and Security Policy (CFSP) through the EU Special Representative in Moldova and EU participation as observer in negotiations /consultations regarding the Transnistrian issue in "5+2" format. At the same time, EU's presence in Moldova is manifested in the light of the European Security and Defense Policy (ESDP) through the EU Border Assistance Mission at Moldovan-Ukrainian frontier (EUBAM). Under ENP framework, Moldova was granted an economic integration perspective in the European family, as well as the perspective of gradual introduction of visa-free travel in EU for Moldovan citizens. Among the specific benefits our country reaped as a result of ENP, one can't help but point out the increase of financial assistance provided by EU, which is not of least importance. This financial assistance increased four times, from 10 million Euros in 2003 to 40 million Euros in 2007, while the total aid for Moldova envisaged by EU for the period 2007-2010 will grow to a total amount of 250 million Euro¹⁰⁸. In the field of energy cooperation, ENP supported the efforts of the Moldovan authorities with a view of ensuring Moldova's integration in the European Energy Community¹⁰⁹.

With regard to the Moldovan-European political dialogue, a more active communication between Moldovan authorities and representatives of

¹⁰⁸ Prior to the Russian-Georgian war in August 2008, Moldova was considered the largest beneficiary of EU assistance per capita of inhabitants in the Eastern Europe. However, it appears that after the donors' conference in Brussels of October 22, 2008, Georgia surpassed our country in this regard. At the given meeting, the European Commission made an announcement that in the next three years EU will provide assistance to Georgia in a total of 500 million Euros. However, before August events, EU assistance to Georgia under ENP was estimated to grow to 120.4 million Euros.

¹⁰⁹ In March 2007, the European Council of EU approved the Energy Policy of Europe for 2007-2009, which provides for the extension of the Treaty on the European Energy Community to cover the Republic of Moldova as well. On June 27, 2008, the Committee of Ministers of the European Energy Community (EU and South-Eastern European states) took into account the fact that Moldova eliminated all obstacles towards its accession to the European Energy Community; while on July 15, 2008 it empowered the European Commission to start pertinent negotiations with Moldova.

the European Commission, the Council of the European Union and the European Parliament could also be noted during the given timeframe, both under the institutional framework set up by PCA and in the context of regional initiatives in Central and Southeastern Europe. Concurrently, a special attention is paid to properly use the opportunities and potential provided by bilateral political cooperation of Moldova with EU member states. In this regard, one should also pinpoint the European partnerships *de facto* existing between Moldova and EU states, such as Lithuania, Hungary, Poland, Czech, Sweden and Great Britain. Romania continues to be the natural and firm promoter of pro-European aspirations of Moldova, although the bilateral political animosities preclude Chisinau and Bucharest from setting up the foundation for an efficient European partnership.

In the commercial and economic area, we witness the transformation of EU into number one trade partner of Moldova, thus excelling the Community of Independent States (CIS)¹¹⁰. In parallel with the progress achieved by Moldova in implementation of EU-Moldova Action Plan, EU gradually opened its internal market for Moldovan products, granting Moldova privileged trade conditions under GSP plus regime in January 2006 and Autonomous Trade Preferences in March 2008. In the field of people mobility, Moldova and EU initiated an intense dialogue on facilitating the travel regime for Moldovan nationals in EU. Among the success stories of this continuous dialogue, one shall mention the negotiation and signing of visa facilitation and readmission agreements¹¹¹, as well as the opening of the Common Visa Application Center within the Hungarian Embassy in Chisinau¹¹². At the same time, on June 6, 2008, EU entered into Mobility Partnership with Moldova called, on the one side, to contribute to eliminating the economic and social causes that encourage illegal migration, and, on the other side, to create conditions necessary for legal circular movement of skilled labor force from Moldova to EU.

All these practical achievements had a positive influence on EU perception by Moldovan citizens who, in the majority of cases, supported the idea of eventual accession of Moldova to EU¹¹³. To a major extent, this broad support for European integration of the country is explained by the fact that EU is viewed

¹¹⁰ Following Romania's accession to EU, the volume of trade carried out by Moldova with EU states increased from 33% to 55%.

¹¹¹ Visa facilitation agreement and readmission agreements were signed between the Republic of Moldova and EU on October 10, 2007 and entered into force on January 1, 2008.

¹¹² Common Visa Application Center was inaugurated on April 25, 2007.

¹¹³ According to the Barometer of Public Opinion of April 2008 of the Institute of Public Policies from Moldova, 71% of the population of the Republic of Moldova supported accession of the country to EU.

by Moldovan citizens as capable to significantly contribute to economic modernization and real democratization of Moldova and, moreover, to improve the living conditions of the population. Nevertheless, we should mention that during the last three years EU started to be perceived in our country also as an important and trustworthy political partner that would help identify and guarantee a viable political solution for reintegration of the Transnistrian region in the legal and institutional field of the Republic of Moldova.

Nevertheless, ENP implementation in Moldova was not always a coherent, continuous and consistent process. This relativity is pointed out in the European Commission reports of December 3, 2006 and April 3, 2008 on the progress made by Moldova in implementation of the Action Plan jointly agreed with EU, as well as in the evaluations conducted by local experts in the same matter¹⁴. Thus, both the European Commission and local experts have come to the conclusion that, despite the progress achieved by the Republic of Moldova in the majority of fields, effective implementation of reforms continues to remain a challenge. The critical observations mainly refer to unsatisfactory dynamics of judiciary reforms, combating corruption, freedom of mass media, improvement of business and investment climate. Local and European experts stick to the opinion that uneven fulfillment of ENP in Moldova is caused by a number of factors, in particular lack of political willpower to make the process of European integration genuinely efficient through concrete and needed changes, attitude of Moldovan central authorities to EU-Moldova Action Plan viewed as a mere checklist of activities, inadequate allocation of financial resources earmarked for fulfillment of reforms, deplorable plight of the local political class, insufficiency of administrative capacities, faulty coordination of the efforts for Moldova-EU Action Plan implementation between the legislative and executive branches, inefficiency of the judiciary, high corruption within governmental institutions, etc.

All these political and institutional deficiencies, of course, have a negative impact on the pace and quality of reforms laid out in the Individual EU-Moldova Action Plan. Despite that, we have to acknowledge that, to a major extent, the quality of the process of effective application of laws and

¹⁴ ADEPT and Expert Group “Moldova and EU in the context of the European Neighborhood Policy. Implementation of the EU-Moldova Action Plan (February 2005-January 2008)”, Chisinau, April 2008, <http://www.e-democracy.md/publications/realizarea-paueum/>; Independent Report of those thirteen representatives of the civil society from the Republic of Moldova in the context of the European Commission Report of December 4, 2006 and two-year anniversary after signing the EU-Moldova Individual Action Plan”, Chisinau, March 30, 2007, <http://www.civic.md/rapoarte/societatea-civila-pentru-o-moldova-europeana.html>

reforms as outlined in the EU-Moldova Action Plan depends on the institutional capacities mobilized by the central authorities. Almost three years after the launching of EU-Moldova Action Plan, Moldova did not manage to build its institutional capacities that would comply with its ambitious objectives for European integration. Development and efficient use of the existing institutional resources is hindered by at least three major drawbacks: 1) excessive centralization of the power vertical in the last years; 2) unsatisfactory preparation of the Moldovan officials responsible for EU-Moldova Action Plan implementation; 3) disregard by the legislature of its functions to monitor and oversee the executive power; 4) low level of transparency and openness for cooperation displayed by the Moldovan authorities in their relations with the civil society representatives.

According to its Constitution, Moldova is a Parliamentary republic, but nevertheless in the last years we have witnessed an enhanced concentration of the authority of the President to the detriment of the authority of the Government and, even more important, that of the Parliament. This tendency did not make the activity of central authorities related to implementation of reforms as required by the European practices and norms more efficient, as it could be expected. Quite reverse, centralization of the vertical of power in the state conducted to reduction of the Government's autonomy in articulating and adopting the decisions, inhibited the spirit of initiative and creativity in ministries and governmental agencies, favored a pronounced bureaucratization of the central administration, encouraged disregard of the legislature by the executive, hindered a higher transparency and openness of the Government before the civil society, etc.

At the same time, the institutional capacities mobilized by the respective ministries for the monitoring and implementation of the reforms stipulated in the EU-Moldova Action Plan could not be used to their full capacity due to insufficient awareness (education) of the Moldovan officials in matters of European integration. They are just in brief familiarized with the essence and functioning of EU super national institutions, have very general knowledge in the field of *Acquis Communautaire*, know little or almost nothing about European programs and agencies that Moldova can participate in next to EU member states, have almost no or rather bad command of one of the core working languages of EU – English and/or French and do not have knowledge and necessary training to devise Moldovan-European cooperation projects in compliance with EU practices and criteria. Consequently, although at political level we do have a generally satisfactory Moldovan-European dialogue, but at technical level, at the level of group of experts, communication between Chisinau and Brussels leaves much to be desired. Besides, the capac-

ity to assimilate the financial resources provided to Moldova by EU continues to be quite limited and this limitation is mainly due to the current incapacity of sectorial ministries and agencies to develop projects compliant with the European standards. At present, the given institutional shortcoming is replenished by the European experts from the Permanent European Commission Delegation in Chisinau, which directly assists the Moldovan authorities in designing cooperation projects funded through the ENP financial instrument, called ENPI.

The Parliament of the Republic of Moldova shall play a vital role in the process of EU-Moldova Action Plan implementation. The legislative power is decisive not only in development and passage of laws in compliance with the norms enshrined in the *Acquis Communautaire*, but in putting these laws into application as required by the European spirit and practices. The reports of the European Commission and local experts show that the Moldovan Parliament satisfactorily fulfils its responsibilities as a law-making forum, but, along with that, it displays serious flaws in terms of monitoring and overseeing the quality of enforcement and application of the approved laws by the executive branch. This situation is far from being a random one if we recall that during the last seven years the legislative body has repeatedly ignored its duty to control the executive, but instead excelled in its hypostasis of a lightning rod for the Chisinau Government. Such a demeanor encouraged the Government to disregard the authority and role of the Moldovan Parliament as a rigorous watchdog of the quality of government actions.

Lack of an efficient control over the process of EU-Moldova Action Plan implementation by the Parliament is only partially offset by the civil society. It is nevertheless true that in the last three years due to ENP the Moldovan authorities have become more open in their relations with the non-governmental organizations. For instance, the dialogue of the civil society with the central authorities, with the Parliament¹¹⁵ and Government of the Republic of Moldova¹¹⁶ was institutionalized. However, some ministries have introduced regular formats of dialogues with the representatives of non-governmental

¹¹⁵ On December 29, 2004, the Parliament of the Republic of Moldova adopted the Decision No. 373-XVI on approval of the Concept on Cooperation between the Parliament and Civil society, <http://www.parlament.md/news/civilsociety/>

¹¹⁶ Called to facilitate the participation of the civil society in the process of developing, implementing, monitoring, evaluating and updating country's strategic plans, the Government of the Republic of Moldova initiated the setting up of the National Participation Council within the inter-ministerial Committee for Strategic Planning led by the Prime Minister. The first meeting of the National Participation Council including 33 non-governmental organizations took place on September 18, 2008.

organizations (NGO)¹¹⁷. Despite all these efforts, local experts assess the existent degree of transparency and eagerness shown by the central authorities in their cooperation with local NGOs as insufficient. In addition, consultation of the civil society representatives by the dignitaries of Moldova in matters of national interest, most of the times, bears a formal and superficial character¹¹⁸.

Taking into account all these deficiencies of political and institutional nature, the efficiency of ENP in Moldova will mainly depend on their actual elimination. The latter will be easier to realize if the Parliamentary elections of 2009 will bring real democratic pluralism in our country; if the Moldovan Parliament will take full responsibility for fulfillment of EU-Moldova Action Plan; if the parliamentary parties will manage to maintain their European partnership institutionalized on March 24, 2005 even after the next year elections; if the authorities will institutionalize a real European partnership with the civil society; if the Government will allot more financial resources for the development and fostering its institutional capacities targeted at implementation of the obligations outlined in EU-Moldova Action Plan; if the Government will be ready to find better use of the resources, experience and know-how of EU member states with a view of harmonizing the Moldovan legislation and institutions with the European norms and practices¹¹⁹; if the authorities will succeed to improve inter-ministerial cooperation, in particular at the level of experts, in the field of EU-Moldova Action Plan implementation, etc. It would be advisable for these and other measures to be included in the list of priorities set forth by the Moldovan authorities, should they truly want to expedite the process of Moldova's integration in EU.

3.5. ENP prospects: opportunities, risks and visions

The Moldovan authorities acknowledge the strong points of the European Neighborhood Program, however, they cannot chime in with the idea that although ENP transcend the political limits of PCA, it does not totally meet the European aspirations of Moldova. The Moldovan political class has two

¹¹⁷ In this regard it is worth mentioning, in particular, the experience of the Ministry of Reintegration that upholds a constant dialogue with the civil society and organizes regular consultations with the representatives of local NGOs. Besides, on June 13, 2007, the Ministry of Foreign Affairs and European Integration signed a Memorandum of Cooperation for European integration with 23 non-governmental organizations.

¹¹⁸ The case of the National Security Concept development and adoption is extremely relevant in this context. The civil society representatives actively participated in the development of the draft of the given Concept, but, in the long run, the authorities ignored the majority of their proposals.

¹¹⁹ In the light of ENP, Moldova can benefit from EU assistance in the field of legal approximation through the Twinning and TAIEX programs.

large objections regarding the ENP. Firstly, the political class is dissatisfied with the fact that under ENP states with European aspirations likewise the Republic of Moldova and Ukraine are placed in the same basket with the Mediterranean states from North Africa and Middle East that do not have any European aspirations or European vocation. In the opinion of the politicians and civil society representatives from Moldova, ENP in its current form looks more like a subterfuge used by EU to postpone the determination of a clear European integration prospect for the ex-soviet states from the Eastern Europe. Trying to mitigate this structural deficiency, from the very outset Moldova has urged for a more distinct differentiation between the two dimensions of ENP: Eastern Europe dimension – consisting of European states and the Mediterranean dimension composed of the neighboring to EU countries. Secondly, Moldovan politicians are frustrated by the fact that ENP does not represent an enlargement policy of EU in the Eastern Europe. Of course, through EU-Moldova Action Plan, EU recognized the European aspirations of the Republic of Moldova, but Brussels refused to give an affirmative answer to the wishes of our country to be placed on the trajectory of gradual integration in the European family.

On December 4, 2006, the European Commission came up with new measures to strengthen the ENP, including the following: negotiation and signing of deep free trade agreements with ENP partner countries; deepening of political dialogue, multiplying people-to-people contacts, facilitating people's mobility; accession of partner countries to Community programs and agencies previously accessible only to EU member states and candidate countries; negotiation and signing of multilateral agreements between EU and ENP partner countries, in particular, in areas such as energy, transport or civil aviation, etc. All these proposals of the European Commission were, of course, assessed by the Moldovan authorities as capable of contributing to establishment of a consolidated partnership between EU and Moldova. However, they did not rise to the expectations of the Moldovan authorities. Under these conditions, Chisinau continues pedaling the idea of negotiating a stabilization and association agreement following the example of the West Balkan countries. In the opinion of Chisinau governing forces, signing of such agreement with EU would represent a logical and natural evolution and, moreover, the fact that Moldova participates in all South-Eastern European regional organizations next to West Balkan countries shall also be taken into account.

Until now, the intransigence of the Moldovan authorities in the given matter has never been understood by the European officials from Brussels, likewise in many member states of EU. In counterbalance, Moldova continued to be encouraged to get concentrated on successful implementation of EU-Moldova

Action Plan (EUMAP). More than that, to determine the Moldovan authorities to do this, Brussels enounced the practical enforcement of the obligations undertaken through EUMAP as an indispensable condition for deepening the Moldovan-Community relations. Thus, EUMAP itself stipulates as clear as possible that *“the level of ambition in the relationships will depend on the degree of Moldova’s commitment for common values, as well as the capacity to implement the jointly agreed priorities. The pace of the relationship progress will fully acknowledge the efforts of Moldova and concrete accomplishments in fulfilling these commitments”*¹²⁰. This express conditionality determined Chisinau to become more receptive to the European Commission objections regarding the pace and manner in which our authorities perceived application of the reforms agreed with EU. Irrespective of this situation, the respective conditionality was not strong enough to determine the Moldovan Government to remove the identified shortcomings in the field of justice independence, freedom of expression, combating corruption or improvement of the business and investment environment. Thereby, it is not a random fact that several local experts believe it very important that the measures aimed at strengthening the eastern dimension of ENP include a more tangible conditionality whose contents be formulated in terms of reforms necessary for EU accession. In the opinion of local experts and Moldovan diplomacy, only such conditionality will be able to expedite the democratization and economic modernization of Moldova.

At present, the Moldovan-Community relations are going through the period of defining the future evolution in Moldovan-EU relations. On May 27, 2008, more than three years after launching of EUMAP, EU announced the commencement of the reflection period about the future political-legal framework that would replace the current PCA. EU could adopt a decision only when on April 3, 2008 the European Commission gave a satisfactory verdict to the progress achieved by Moldova in fulfilling the EUMAP commitments. Meanwhile, two rounds of Moldovan-Community expert consultations regarding the content of future political and legal framework between Moldova and EU took place on July 8 and October 2, 2008. Chisinau expectations about the future agreement with Brussels are very big and, therefore, the objectives pursued are formulated in maximalist terms. Thus, the Moldovan authorities hope that the new agreement with EU will be an association agreement, will contain a firmly defined prospect for EU accession and will grant Moldova free access to these four community freedoms: free movement of people, goods, services and capital within the common European market.

¹²⁰ “EU-Moldova Action Plan”, February 22, 2005. http://www.mfa.gov.md/img/docs/pla-nul_actiuni_ro.pdf

However, the immediate objectives of Moldova in its relationship with EU are joining the Treaty of the European Energy Community, signing of Deep and Comprehensive Free Trade Agreement and travel liberalization in EU for Moldovan citizens. In the opinion of local experts, all these three objectives are actual, necessary, pragmatic and accomplishable. With regard to the European Energy Community, negotiations are already going on, and the governmental officials hope that Moldova will sign the Treaty on acceding to this important community by the end of this year. Speaking about the other two objectives, the Moldovan authorities will insist that they be stipulated in the next agreement with EU to make sure that they are fulfilled in a predictable timeframe. Until now, no feasibility study exist in Moldova that will assess the eventual implications, risks and benefits that Moldova might reap from signing the deep and comprehensive Free Trade Agreement with EU.

Such study was initiated this year by the non-governmental think-tank organization Expert-Group with the assistance of the Soros Foundation Moldova, whereas next year European experts at the request of the European Commission should conduct a similar study themselves. However, as stated by a number of local experts in economic issues, at the current stage of development the Moldovan producers are not yet ready to come to grips with the real competition from EU producers and exporters. Taking into consideration the given situation, the asymmetric trade regime that Moldova presently enjoys in its trade relations with EU is considered today to be the most advantageous for the Moldovan producers as compared with an eventual free trade area that will limitlessly open the marketplace of Moldova for EU services and goods. However, for the experts and some Moldovan politicians the negotiation and signing of Deep and Comprehensive Free Trade Agreement with EU looks more like a political objective rather than an economic one because, in their opinion, this agreement is linked to passage of a mandatory stage in the process of accession to EU, a stage previously undergone by EU member states from Central and Eastern Europe.

The hopes of Chisinau regarding the signing of an association agreement with EU that will formulate a clear prospect of European integration for Moldova and that among its primordial objectives will also include the signing of a deep and comprehensive free trade agreement and gradual EU visa liberalization regime are, in particular, fueled by the progress achieved by the Ukrainian diplomacy in negotiation of a new agreement with EU and the recent Polish-Swedish initiative to launch under the ENP framework an Eastern Partnership with the Eastern European ENP countries, and namely Moldova, Ukraine, Belarus, Armenia, Azerbaijan and Georgia. Chisinau expectations with regard to the Eastern Partnership do not totally coincide with

the vision of EU member states who consider that the aim of the new initiative is, first and foremost, to consolidate the eastern dimension of ENP, whereas the Moldovan authorities would wish that this new initiative transcend the political and institutional limits of ENP and facilitate the European route of Moldova. Also, Chisinau hopes have increased even more after October 13, 2008 when EU announced publicly its eagerness to negotiate a new ambitious agreement with our country.

3.6. Prospect of negotiating a new legal framework with EU

The aggression of the Russian Federation against Georgia in August 2008 inclined the scale inside the EU in favor of the states that, more and more insistently, called for a reevaluation of the relationships with Moscow and, at the same time, for a broader involvement of EU in the Eastern European region through the European Neighborhood Policy (ENP). As a result of that, starting with the EU Extraordinary Summit of September 1, 2008 fully dedicated to the Russian-Georgian war and its possible geopolitical implications, the EU member states, by consensus, have adopted a number of decisions revealing the determination of EU to deepen its cooperation with the ex-soviet states from the Eastern Europe - Ukraine, Moldova, Georgia, Azerbaijan, Armenia and even Belarus. Thus, while at their Summit of September 1, 2008 heads of state and government from EU decided to suspend for a certain period of time the start-up of negotiations with Russia regarding the new partnership and cooperation agreement, they still inform us that it is extremely important that EU supports regional cooperation and accelerates the building of relations with its neighbors from the East, in particular through ENP, as well as EU “Black Sea Synergy” and “Eastern Partnership” Initiatives proposed by Poland and Sweden in May 2008 to help Eastern European ENP states to accelerate their approximation to EU depending on the objectives pursued by them.

Following the Russian-Georgian war, the political importance of the Eastern Partnerships has increased even more in such a way that at the EU Summit of September 1, 2008, the European Commission was called to finalize the development of the draft Eastern Partnership Initiative by December 2008, which would enable the heads of state and government of EU to approve it until March 2009. Besides, namely under the impact of the Russian aggression against Georgia, the member states of EU have become more receptive to the requests of the Ukrainian authorities to sign an association agreement with Ukraine. Although the agreement with Ukraine will not provide Kiev with a clear European integration perspective, it is expected that this agreement will envisage a prospect of economic integration of Ukraine in the European Union and will presuppose a gradual introduction of visa

free travel regime for Ukrainian nationals in EU space. In this context, on October 29, 2008, Brussels and Kiev already initiated consultations regarding the perspective of visa liberalization regime between EU and Ukraine.

Speaking about Belarus, for the purpose of encouraging the dialogue with the Belarus authorities in issues of democracy and human rights enforcement, on October 13, 2008 the EU Foreign Affairs Ministers took the decision to suspend for a period of six months its travel restrictions on a number of Minsk officials imposed in 2006. In Georgia, after August tragic events, EU political presence has increased visibly. At present, EU has assigned a Special Representative dealing with the issue of Georgian crisis in Georgia and a team of 200 military observers charged with monitoring of the enforcement of the Ceasefire Agreement of August 12, 2008 by the Russian and Georgian authorities. However, EU announced that it intended to liberalize the visa regime for Georgian citizens and, more than that, promised that in the next three years its financial assistance to Georgia would increase significantly, thus reaching an amount of over 500 million Euros. All these decisions and actions are nothing but a pragmatic and long-term response given by EU to the Russian Federation policy trying to bluntly impose its political and economic supremacy in its immediate neighborhood, at the same time neglecting the national interests of the countries concerned.

As a matter of fact, the Conclusions on Moldova approved by EU Foreign Affairs Ministers of October 13, 2008 also belong to the new EU optics in relation to Russia and ENP states from Eastern Europe. In the given Conclusions, EU announced about its readiness to deepen its relationships with Moldova under ENP framework and soon negotiate a new ambitious agreement with our country that would go beyond the current Partnership and Cooperation Agreement (PCA)¹²¹. The primordial goal of the next agreement will be gradual approximation of Moldova to EU, which will get translated, in particular, in the setting up of a deep and comprehensive free trade area between EU and Moldova¹²². Besides, in the same Conclusions, EU Foreign Ministers remind that the long-term purpose of the Visa Facilitation Agreement with Moldova signed in 2007 is introduction of visa free travel regime for the Moldovan citizens¹²³.

¹²¹ Communication of the Ministry of Foreign Affairs and European Integration “EU Ministers of Foreign Affairs adopted the Conclusions on the Republic of Moldova”, <http://www.mfa.gov.md/noutati/3601/>

¹²² The same Conclusions about Moldova mention that a deep and comprehensive free trade area between EU and Moldova will be created when our country will be considered able to face and cope with the effects of full liberalization of trade exchanges with EU.

¹²³ The 2007 Visa Facilitation Agreement was not followed by provision of “a roadmap”

The Conclusions on Moldova drawn by the EU Foreign Ministers have encouraged even more the authorities from Chisinau in their ambitions to negotiate an association agreement with EU, which would firmly place our country on the much-aspired path towards EU accession. Being almost exclusively focused on exploring the positive message sent by EU to Chisinau, the Moldovan authorities, however, did not mention that the Foreign Affairs Ministers of EU in the respective Conclusions avoided saying whether Moldova, in its turn, was also prepared to negotiate a new agreement with EU. However, the EU Foreign Ministers reiterated as explicit as possible that the quality and pace of reforms in Moldova would influence the nature of the relationships with EU. In this context, the Moldovan authorities were once again invited to take all necessary efforts to foster the rule of law, fulfill their commitments with regard to promotion of the respect for human rights and fundamental freedoms, and also pay a priority attention to carrying out and organizing the Parliamentary elections of 2009¹²⁴ in full compliance with the democratic principles and norms laid out in the conventions on free election.

The fact that EU avoided to get its opinion about the stage of Moldova's preparedness to start up negotiations on the new legal framework between Moldova and EU should, in fact, be considered a message in itself, discreetly transmitted to the authorities from Chisinau. The European Parliament deciphered this message for the Moldovan authorities during the Parliamentary Moldova-EU Cooperation Committee meeting in Strasbourg carried out on October 22-23, 2008. According to the information of the Ministry of Foreign Affairs and European Integration (MFAEI), in its discourses the European Parliament underscored the need to intensify the efforts of Chisinau Government aimed at efficient implementation of the reforms in such areas as justice, human rights, freedom of mass media¹²⁵. MFAEI Communiqué does

to our country for liberalization of Moldovan-Community visa regime as EU did for the Western Balkans. However, the Moldovan authorities hope that along with signing of a new agreement between Moldova and the Union, EU will grant such a "roadmap" to Moldova as well. Further on, the Mobility Partnership signed between Moldova and Brussels on June 6, 2008 contains provisions similar to the ones outlined in the aforementioned "roadmaps" that the Western Balkans benefit from, a fact which actually can be properly used by our authorities during the next round of consultations with the European officials on the topic of gradual EU visa liberalization regime for Moldovan citizens.

¹²⁴ Later on, the EU Heads of State and Governments unanimously approved the conclusions and recommendations of the Foreign Ministers of EU at the meeting of the European Council of October 16, 2008.

¹²⁵ Press Communiqué of the Ministry of Foreign Affairs and European Integration with regard to the 11th Meeting of RM-EU Parliamentary Cooperation Committee, <http://www.mfa.gov.md/noutati/3717/>

not say a word about the fact that the European Parliament representatives insisted, in particular, on the importance of enforcing the freedom of mass media in our country, reducing the election threshold, legalizing the electoral blocks and enforcing the rights of citizens with dual citizenship to be elected in public functions¹²⁶.

The recommendations of European MPs builds upon the conclusions stated in the European Commission Report for Democracy through Law (Venice Commission) with reference to the amendments introduced in the Election Code of the Republic of Moldova in April 2008¹²⁷. In the Venice Commission Report made public on October 23, 2008, the Moldovan authorities were criticized for increasing the election threshold from 4% to 6%, prohibiting the electoral blocks and restraining the participation of Moldovan citizens with dual citizenship in elections. At the same time, the report mentioned that these amendments contravened the Constitution of the Republic of Moldova, the Code of Good Practices in election matters of the Council of Europe, other European conventions to which Moldova is a party. In particular, the European experts considered that the electoral restrictions imposed on citizens with dual citizenship did not fall under the scope of the European Convention on Nationality ratified by Moldova in November 1999, which envisaged that citizens of other nationalities when residing on the territory of another state should enjoy similar rights and duties as the citizens of the respective state.

Besides, on November 25, 2008, the signals transmitted by the European Parliamentarians were emphasized by heads of EU member states' missions, EC Delegation and EU Special Representative Bureau with residence in Chisinau on the basis of a *Joint Declaration of the European Commission regarding the future Parliamentary elections in the Republic of Moldova*¹²⁸. In this Declaration, the Moldovan authorities were urged to pay attention to some negative evolutions in matters related to ensuring an enabling environment for fair political competition, freedom of mass media and approximation of the Election Code to the pertinent norms of the Council of Europe and OSCE. At the same time, the European diplomats made an appeal to the leadership

¹²⁶ O. Serebrian, "At the EU-Moldova Inter-parliamentary Meeting, the Europeans have been criticizing the election legislation and the situation with mass media", Radio Free Europe, 23.10.2008

¹²⁷ European Commission for Democracy through Law (Venice Commission), "Joint Opinion on the Election Code of Moldova as of 10 April 2008", Opinion No. 484/2008, Strasbourg, 23 October 2008 [http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)022-e.asp#_Toc212527183](http://www.venice.coe.int/docs/2008/CDL-AD(2008)022-e.asp#_Toc212527183)

¹²⁸ Common Declaration on future Parliamentary elections in the Republic of Moldova, Chisinau, November 25, 2008, <http://www.ape.md/libview.php?l=ro&idc=154&id=366>

of Moldova to ensure that the progress in EU approximation efforts be not affected by the deficiencies in implementation of the democratic process.

In the context of the encouraging message transmitted to our country by Foreign Ministers of EU, on October 21, 2008, Andrei Stratan, Head of Moldovan diplomacy, called the National Commission for European Integration to start preparations for negotiation of the future Moldovan-EU agreement. In particular, the Minister Andrei Stratan proposed to develop and approve a preliminary draft composition of the negotiators' delegation, as well as of an operative training program of the members of the negotiators' team that should include fact-finding study tours to Brussels, EU member states, as well as to Croatia, candidate state for EU accession. The proposals enunciated by the Foreign Minister are undoubtedly necessary and timely and, more than that, we believe they should start being implemented along with the launching of EU-Moldova Action Plan (EUMAP). From the very beginning, EUMAP was conceived by the Moldovan diplomacy as a transitory stage for our country towards a new legal framework with EU. Nevertheless, three years after initiation of EUMAP implementation process, volens-nolens, the initiative of the Foreign Minister Andrei Stratan revealed that our potential negotiators urgently needed an additional preparation. This is not a surprising finding for us if we think that it actually reflects the lack of well trained and motivated civil servants in matters of European integration, a reality that is felt more and more acute in our central and local administration institutions.

Nevertheless, this finding does surprise us when we think that building of administrative capacities in Moldova has enjoyed generous technical and financial assistance of EU. To build its administrative resources and conduct the regulatory reform, Moldova receives approximately 20% of the financial assistance of 209.7 million Euros envisaged by EU for the period of 2007-2010. Besides, here we should take into consideration the technical and financial assistance supplied to Moldova through bilateral links by EU member states, in particular, Great Britain, Sweden, Netherlands, Hungary, Lithuania, etc. Further on, the statement made by Minister Stratan does surprise us when we think that the Ministry of Foreign Affairs and European Integration has repeatedly ignored the invitations of the Foreign Policy Association (APE) to delegate its representatives to participate in meetings with the ex-heads of negotiators' team from Romania, Hungary, Latvia and Lithuania who at their time participated in negotiation for accession of these states to EU and who came to Chisinau upon the invitation of APE to share their experience with the potential negotiators from Moldova.

Of course, approval of an operative training program and the study tours to Brussels and other EU capitals will help the Moldovan negotiators to up-

date and enrich their theoretical knowledge about EU and its institutions. Nevertheless, the theoretical knowledge will hardly replenish the professional experience necessary for negotiation of some overarching agreements as the one that Chisinau wants to negotiate with Brussels. We do not deny the fact that the Ministry of Foreign Affairs from Chisinau has young, well-trained diplomats endowed with theoretical knowledge, although their experience in matters of negotiations with EU still raises some question marks. The references made by our diplomats to the experience accumulated by them during “negotiations” of EU-Moldova Action Plan, as well as of visa facilitation and readmission agreements are not sufficiently convincing.

First of all, since EUMAP negotiation did not entail changing the legal premise of the relationship between Moldova and EU but rather a matching exercise of a list of common objectives and actions to meet the political and legal limits unilaterally fixed by EU through PCA and ENP. Secondly, let us not forget that upon initiation of the talks on visa facilitation regime with EU, Moldovan diplomacy requested, no more no less, but total liberalization of the travel regime in EU for Moldovan citizens. The European Commission blankly rejected the request of the Moldovan party, and, in the long run, Chisinau hastily adopted the parameters fixed by Brussels. Thirdly, the new agreement will be, in its major part, dedicated to economic and commercial cooperation and integration of Moldova in the common European market. Or, since the Moldovan diplomats lack the expertise necessary to cover this vast segment of European integration, namely economists will play a dominant role during future talks with EU. Insufficient experience in matters of negotiations with EU will, for sure, be overcome in the years to come; however it is today that Moldova urgently needs a team of well-trained and experienced negotiators, capable to accomplish real objectives pursued by our country in negotiating the future legal framework with EU.

Will Moldova be able to build a team of negotiators excelling in solid theoretical knowledge of European integration issues and having rich experience in negotiation of international agreement? Of course, this thing can be achieved by setting up a team of negotiators that will combine the resources, knowledge, experience and professional skills that the Government and civil society from Chisinau surely has. The forms of such symbiosis can be different, but the experience of Ukraine can serve as an example of inspiration for the Moldovan authorities. In particular, it is worth studying the experience of the Ukrainian diplomacy that knows how to take better use of the career diplomats outside of the diplomatic service, be that in politics, business community or civil society. For instance, former Foreign Ministers of Ukraine can be found in the composition of the Collegium of the Ministry of Foreign Affairs, thus en-

asuring the coherence of the decision-making process and continuity of institutional memory. Also, Ukrainian diplomacy takes maximum benefits from the civil society expertise, being manifested not only in regular dialogues with their representatives at various symposiums, conferences or seminars, but also through consultative assistance provided by civil society organizations to the Ukrainian delegations within cooperation committees with EU. This cooperation is done under the umbrella of the Civic Council of Experts consisting of representatives of the most important non-governmental organizations and strategic research institutions from Ukraine.

3.7. Republic of Moldova needs a realistic strategy in relation to EU

Apart from the fact that our authorities do not have plenitude of time that can easily be spent on training negotiators, until now they have not managed yet to structure a clear, coherent and trustworthy strategy to achieve the objectives set forth in the field of European integration. The current vision formulated on July 17, 2008 within the National Commission for European Integration by Foreign Affairs Minister Andrei Stratan looks more like a list of requests and proposals presented to the European Commission¹²⁹. Some of the requests voiced by Chisinau, likewise negotiation of a deep and comprehensive free trade agreement and travel liberalization in EU do perfectly fall under the objectives laid out in the ENP and thereby will enjoy broader openness and understanding on the part of the European Commission and EU member states.

However, we cannot say the same thing about our wish to sign an association agreement that would formulate a clear prospect for our integration in the European Union. First of all, such agreement would transcend the current political framework provided by ENP. Or, according to the communication made by EU Foreign Affairs Ministers on October 13, 2008, Brussels is ready to deepen relations with our country within the ENP boundaries, which is not an enlargement policy of EU. Secondly, EU is not yet ready to cardinaly overpass the ENO boundaries. EU continues to be dominated by the enlargement fatigue, digestion of the previous two consecutive enlargements has proven to be much more laborious for EU, ratification and implementation of the Lisbon Treaty has in fact become a sine qua non condition for examination of a possible new eastward enlargement of EU, while the international financial crisis and possible economic recession might cause an increase in the number of Euro-

¹²⁹ According to Andrei Stratan, Minister of Foreign Affairs and European Integration, in the future negotiations about the new legal framework, Moldova will seek signing an association agreement which will contain a clear European integration prospect, will envisage gradual creation of a deep free trade area with EU and will presuppose a phased liberalization of travel regime inside EU for Moldovan citizens.

skeptics in EU member states, impelling them to preeminently concentrate on issues of internal development of the European Community.

Moldova needs a pragmatic approach focused on maximum use of the opportunities that EU holds out for a country at this stage of affairs. In fact, the new Head of Political and Economic Division of the European Commission Delegation in Chisinau, Wolfgang Behrendt, enunciated the response to this stringent question as clear as possible during his press conference of November 7, 2008. Mr. Behrendt declared that the new agreement between EU and Moldova would be inspired from the stabilization and association agreement signed with the Western Balkan States, but, and this is of utmost importance, it would not formulate a clear prospect for EU accession. The precision made by the European Commission official does not take us by surprise; it just comes to re-confirm a reality and namely that ENP and its institutional mechanisms, from the very beginning, have been inspired from EU Enlargement Policy.

Analyzing the experience of the first four years of ENP implementation, we can affirm that the latter is an evolving policy, which is gradually endowed with elements previously characteristic only to the Enlargement Policy of EU, such as negotiation and signing of a deep and comprehensive free trade agreements, gradual liberalization of visa regime and accession to Community programs and agencies. In December 2006 EU approved its first strengthening/adjustment of the European Neighborhood Policy resorting to the positive experience of its Enlargement Policy, and now EU is getting ready to build on the same experience for the purpose of strengthening the eastern dimension of its ENP. To do this, Brussels will start using new institutional and legal instruments such as the Polish-Swedish Initiative of an Eastern Partnership between EU and ENP countries from Eastern Europe, and will hence negotiate with them a new generation of agreements with a more ambitious content than the current partnership and cooperation agreements. EU eagerness to make ENP a better framework building upon the experience of its Enlargement Policy is a detail that should be duly taken into consideration and used by our future negotiators. Nowadays, however, it is necessary that our authorities analyze and pay maximum attention to stabilization and association agreements signed with the Western Balkans, in particular, with Croatia, and, based on the respective comparative analysis, formulate its own “negotiation mandate” that will guide our negotiators at the table of negotiations about the future Moldovan-Community legal framework.

One thing, however, is imperative to be understood from the very beginning by our authorities and namely: excessive focus on obtaining a clear EU accession prospect during the future negotiations can become counterproductive for

our country. From tactical point of view, it would be logical that negotiation of the new legal framework to be focused, from the very beginning, on taking on board all institutional objectives and mechanism present in the stabilization and association agreements in such chapters as political dialogue, regional cooperation, free movement of goods, persons and capital; legal approximations and enforcement of the approved laws, justice and home affairs, cooperation in sectorial areas and financial assistance. If the new legal framework between Moldova and EU will not provide an expressly defined European integration prospect, but at least 70% of its provisions will be similar to the Stabilization and Association Agreement between Croatia and EU¹³⁰, it will represent a real success for our country and its citizens. Undoubtedly, the perfect variant would be to have a full match between the form and substance of the new agreement with EU. Nevertheless, taking into account the constraints and opportunities outlined above, this time our negotiators will have to place a particular emphasis on the practical contents of the future legal framework between Moldova and the Union, which eventually will also determine the evolution of the partnership between Moldova and EU.

3.8. Eastern Partnership – a possible stage of transition towards EU accession

On December 3, 2008, the European Commission transmitted its vision on Eastern Partnership¹³¹ to EU member states and the European Parliament – an initiative meant to strengthen the East-European dimension of ENP. As it was expected, the draft of the Eastern Partnership developed by the European Commission in close coordination with the member states of EU does not provide the six Eastern European ENP states¹³², including Moldova, with a clear promise of gradual integration in EU. Viewed specifically from this angle, the new European initiative does, certainly, fall within the boundaries fixed by ENP.

Nevertheless, this new initiative brings new opportunities for deepening the partnership relations between EU and Eastern European states, in particular for those states that do not only make declarations about their wish to join EU, but, more than that, can and are ready to undertake and fulfill their political, institutional, legislative, economic and social obligations necessary in order

¹³⁰ Stabilization and Association Agreement between Croatia and EU was signed on October 29, 2001 and entered into force on February 1, 2005, http://www.euroskop.cz/gallery/5/1702-e98ee3c0_84f8_4666_9b99_1cfe3ad65a1f.pdf

¹³¹ European Commission, Communication from the Commission to the European Parliament and the Council on Eastern Partnership, Brussels, 3 December 2008, COM (2008) 823/4, http://ec.europa.eu/external_relations/eastern/docs/com08_823_en.pdf

¹³² Ukraine, Belarus, Moldova, Armenia, Azerbaijan and Georgia.

to translate this desire into actions. Being analyzed from this point of view, the Eastern Partnership in the form proposed by the European Commission gives notice of a new enlargement of the political limits and, at the same time, a strengthening and tailoring of the institutional mechanisms of ENP to its eastern vector. In this context, the following six parameters of the Eastern Partnership, i.e. parameters that through their contents bring ENP even closer to the Enlargement Policy of EU, are of particular importance for Moldova.

First of all, EU suggests negotiating some new contractual relations with Moldova, Ukraine, Armenia, Azerbaijan, Georgia and Belarus in form of some association agreements. These new agreements will seek to create a close political connection between the signatory states and EU, will contribute to promoting legislative and institutional convergence on the basis of the European Union legislation and standards and, at the same time, will advance cooperation in the following areas: common foreign and security policy; European security and defense policy. Unlike the association agreements signed between EU and Central European and Western Balkans, the association agreements with Eastern European states will not stipulate a secure prospect of their integration in the European family, but will only be limited to recognition of their European aspirations and vocation. Implementation of the future association agreements will presuppose the development of new action plans, which this time will include setting up of timelines and concrete benchmarks for fulfillment of reform obligations undertaken by the signatory states, while assessment of the quality of implemented reforms will be done by comparison with the Community standards and practices. The new agreements, however, will not be negotiated automatically with all Eastern European states but only with those countries that will show proof of sufficient progress in such chapters as democracy, strengthening the rule of law, enforcement of human rights and, in particular, will demonstrate that the electoral legislation and practice is in full concordance with the international requirements in the given field.

Secondly, association agreements will contain the prospect of economic integration of the states in the common European market. In this regard, one of the primordial objectives of the respective agreements will be establishment of a Deep and Comprehensive Free Trade Area, which will cover the entire trade (agricultural goods, industrial commodities, services and intellectual property), including energy. This thing will entail undertaking of some mandatory legal obligations with a view of harmonizing the internal regulatory framework with the *Acquis Communautaire* in trade-related fields. For the long-term perspective, the objective EU seeks to achieve is creation of a network of deep and comprehensive free trade agreements in the Eastern Europe, which will set up the premise of an Economic Neighborhood Community.

Thirdly, EU will initiate mobility and security pacts with the states from the region that will outline the conditions mandatory to facilitate the mobility of the population from the Eastern European states in the Community area. Thus, these pacts will encompass common and unilateral commitments in the area of combating illegal migration, modernization of national asylum institutions to align them to EU standards, setting up integrated border control structures in line with the Union legislation, as well as improving the skills of police and judiciary with a view of efficient combating of corruption and organized crime. Besides, mobility and security pacts shall have to contribute to gradual liberalization of visa regime in EU space. Thus, efficient implementation of visa facilitation and readmission agreements with EU will open the possibility of the beneficiary states to initiate a dialogue with Brussels with regard to introduction of visa free travel regime¹³³. During these dialogues, the Eastern European partner countries will agree with EU on some “roadmaps” of visa liberalization regime following the example of the Western Balkan states.

Fourthly, the future association agreements will include provisions regarding the increase of “energy interdependence” with EU. These provisions should, inter alia, comply with EU policies in the fields of trade, competition and energy. In parallel, Moldova and Ukraine will be supported to finalize as soon as possible their negotiations on accession to the European Energy Community. Besides, our country will be encouraged to sign a Memorandum of Understanding with EU in the field of energy policy, which will foresee measures of support and monitoring of the security of energy supply and transit activities, including energy infrastructure security.

Fifthly, the Eastern Partnership will institute a new multilateral cooperation framework between EU and Eastern European ENP states. In the opinion of the European Commission, the new multilateral cooperation framework should seek to uphold the evolution of bilateral relations between EU and its Eastern neighbors, which will keep being governed by the principle of differentiation, meaning that the pace and depth of their development will depend on the level of ambitions and capacities of each state in particular. At the same time, the new multilateral framework will be more than a dialogue forum; its goal will be to facilitate the development and implementation of some concerted positions and actions to be able to unanimously come to grips with the common challenges. In fact, the new multilateral instrument will imprint a specific substance to the political association that will get established between the Eastern European states and EU on the basis of association agreements.

¹³³ The European Commission already initiated such a dialogue with Ukraine in October 2008.

The hierarchy of the operational structure of the future Eastern Partnership multilateral framework will be done in four stages:

1. biannual meetings at the level of heads of state and governments;
2. annual meetings at the level of Foreign Ministers of EU countries and partner states from the Eastern Europe, which will evaluate the progress of the Eastern Partnership and will map out new objectives;
3. meetings at the level of high-ranking officials which will be organized along four thematic platforms of cooperation, and namely: democracy, good governance and stability; economic integration and convergence with EU policies; energy security; people-to-people contacts;
4. meetings at the level of experts, which will also meet according to the thematic platforms mentioned above.

Such multilateral forum of dialogue and actions initiated by EU will undoubtedly enhance the influence and political profile of EU in our region, a fact that will sooner or later stir up the discontent of Moscow. We cannot exclude that this eventual evolution might influence the position of Chisinau towards the multilateral dimension of the Eastern Partnership, determining our governors to adopt an ambiguous position as in case with GUAM.

Sixthly, the Eastern Partnership will imminently entail increased financial resources allocated by EU for its ENP Eastern European partners. Thus, until 2020 EU will raise its per capita spending in our region from 6 to 20 Euros. This change will cost EU approximately 2.1 billion Euros. Meanwhile, until 2013, i.e. the year when the new community budget will be adopted, EU will allocate new funds for its eastern partners amounting to 350 million Euros, and 250 million Euros more will be re-oriented towards implementation of regional projects within the multilateral dimension of the Eastern Partnership. In parallel, the European Commission will recommend Member States of EU to approve the increase of the lending ceiling established by the European Investment Bank for the Eastern Europe which currently is 3.7 billion Euros and which will be consumed before the year 2015. EU assistance will be focused on promoting democracy and good governance, strengthening administrative capacities necessary for the transposition and implementation of the Community legislation, development and economic integration in the common European market, facilitating the mobility of citizens from the Eastern Europe inside EU, development of regional power markets, making the border control more efficient, etc.

The six elements of the Eastern Partnership that are highlighted above meet the expectations of Moldova as made known to the European Commission

and EU member states by the Minister of Foreign Affairs and European Integration on October 10, 2008. The communication transmitted to European chancelleries through our diplomatic channels mentioned that Moldova considered the below elements as of imperative importance for the bilateral dimension of the Eastern Partnership:

- deepening the political cooperation, including in the area of Common Foreign and Security Policy of EU;
- setting up a free and comprehensive free trade regime;
- creating new opportunities for economic integration, including convergence of the regulatory framework and legal approximation in the relevant fields of the economy;
- continuing the development of comparative advantages generated by Moldova's active participation in cooperation processes in the Southeastern Europe;
- close cooperation with EU with a view of fulfilling the conditions necessary in order to benefit from visa-free travel regime in EU countries in a foreseeable future. Thereby, visa liberalization regime for the citizens of Moldova should be implemented gradually within the Eastern Partnership framework;
- instruments for consolidation of regional development based on the experience and mechanisms of EU.

A simple comparative analysis of the requests furnished by the Moldovan party with the core elements of the Eastern Partnership is sufficient to underline that Chisinau expectations have indeed been taken on board by the European Commission. Nevertheless, the attitude of the Moldovan diplomacy towards Eastern Partnership so far remains ambiguous. It does acknowledge that the new initiative is quite welcome, but insists that Moldova seeks gradual integration in EU through bilateral ties. From the very beginning, our diplomats called for a more differentiated approach to our country in the package of those six countries referred to in the Eastern Partnership Initiative. In other words, they hoped that EU would grant Moldova a singularized chance to be placed on an accelerated trajectory of integration in EU, thus avoiding the situation of coupling our country to the Ukrainian engine. The diplomacy logics does not lack grounds and, surely, it would have had bigger chances of being taken into consideration by the European Commission and EU member states if Moldova had shown convincing progress in the chapter of real democracy, freedom of mass media, justice independence and combating corruption.

At present, Moldova has two options with regard to the Eastern Partnership: to accept or to reject this offer made by EU. An eventual rejection of the Eastern Partnership Initiative by Chisinau would undermine the chances for European integration of our country for many years ahead, would get us isolated in the region, would slow down the process of visa liberalization in EU, would impact the pace of economic integration of Moldova in the common European market and would limit EU financial and technical assistance for modernization of our country's economy. Taking into consideration the possible baneful consequences mentioned above, it is more likely than not that after several rounds of protocol consultations with EU, Moldova will accept the new European initiative. As a matter of fact, the Moldovan diplomacy had an almost similar conduct in case of ENP back in 2004¹³⁴.

The Eastern Partnership in the form announced by the European Commission offers Moldova and other five ENP states from Eastern Europe almost the same opportunities for development of their ties with EU, i.e. opportunities similar to the ones that the Western Balkans currently enjoy, and namely: association agreements, economic integration, mandatory approximation of the legislation to the European norms, free trade relations, gradual liberalization of the travel regime, facilitation of the labor force mobility in the European countries, energy systems integration, access to Community programs and agencies, facilitation of person-to-person contacts, etc. Taking into account the internal constraints faced by EU today, the association agreements proposed by Brussels to the Eastern European states will not make clear reference to the perspective of EU accession. However, they will acknowledge that the respective countries are European states with European vocation. Or, according to Article 49 of the Treaty on the European Union¹³⁵, any European state respecting the principles of freedom, democracy, human rights and fundamental freedoms, and rule of law can candidate for EU membership. But in order for Moldova to candidate for EU membership, it should meet the three Copenhagen Criteria fixed by the European Council in December 2003:

- to have stable institutions that will guarantee democracy, rule of law, human rights of minorities;
- to have a well functioning market economy, as well as to be able to cope with competition and market forces inside the common EU market;

¹³⁴ S. Buscaneanu, „How far is the European Neighborhood Policy a substantial offer for Moldova?, Leeds, August 2006, <http://www.e-democracy.md/files/enp-moldova.pdf>

¹³⁵ Treaty on the EU, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>

- to have capacities necessary to assume the obligations of a EU member state, in particular, to adhere to political, economic and monetary objectives of the Union.

The Eastern Partnership is, in particular, aimed at assisting Moldova and other five states to come as close as possible to meeting the Copenhagen Criteria. The new initiative creates equal opportunities and conditions for all six states covered by the partnership. Besides, it allows the given states to advance towards EU with different speed, depending on their internal ambitions and capacities to implement the reforms and assimilate the Community legislation that contains over 80 thousand of pages. Therefore, this time the Moldovan authorities should demonstrate more clear-vision stance, wisdom, patience and political maturity. However, to be able to rise to the level of these qualities, they need to carry out an ample analysis of the new European initiative.

This analysis should be initiated as soon as possible by the Moldovan diplomacy. If it succeeds in mobilizing the analytical capacities it has today, it would eventually understand that the Eastern Partnership does respond fully to the objective of European integration of the Republic of Moldova. The attempts to prove that Eastern Partnership does not fully apply “the differentiation principle” between the Eastern European states are deemed to failure from the very beginning because the given principle is equally and non-discriminatorily offered to Moldova, Ukraine, Georgia, Armenia, Azerbaijan and even Belarus. However, how well the countries will use “the principle of differentiation” meaning progressive deepening of its relationships with EU will, first and foremost, depend on the level of ambitions for European integration, political willpower, pace and quality of internal reforms, as well as the institutional capacities of each state within the Eastern Partnership framework. Regretfully but our diplomacy and, in particular, the politicians leading our country today obstinately refuse to acknowledge this truth.

4. Relationships of the Republic of Moldova with the Russian Federation

Radu Vrabie, Program Coordinator, Foreign Policy Association (APE)

4.1. Short overview of the evolution in the relationships of the Republic of Moldova with Russia

Almost 20 years after proclamation of its independence, the relationships between the Republic of Moldova and the Russian Federation cannot be assessed univocally. On the one side, formally, there is a partnership between the two countries, the parties are actively cooperating with a view of finding solution to the Transnistrian conflict and also there is a friendship relation between its leaders; on the other side, although Russia officially supports the territorial integrity of Moldova, Russia also plays the role of major ally of Tiraspol administration endorsed with its political, economic, financial and military support. At the same time, the good bilateral relationships are lasting as long as the leadership from Chisinau shows receptiveness to Moscow summons, whereas if it promotes a policy inconvenient for the latter, it is “punished” through various sanctions, as it happened after 2003 when Moldova refused to sign Kozak Memorandum in November 2003.

For Russia, the Republic of Moldova represents a country belonging to its immediate vicinity and together with other ex-Soviet countries it pertains to the group of countries considered by Russia as zones of its exclusive influence. Lately, after the “orange revolutions” in Georgia and Ukraine, the Russian leadership has intensified its efforts with a view of preserving and enhancing the Russian influence in the given territories. The Russian policy towards Republic of Moldova has also changed and became more systematic and consistent. To do this, along with the basic instruments such as the role of Moscow in finding solution to the Transnistrian conflict, military presence, economic sanctions, indirect instruments such as mass media, church, ethnical minorities, etc. are also being used for the given purpose.

At the same time, Moldova seems to have not been able to overpass the status of “younger sister” in relation to Russia. This thing can be noticed in particular after 2001 when the communist leadership from Chisinau relied so much on the Russian card, when the visits of President Voronin with the Russian President (first Putin, then Medvedev) looked more like some “reports” of some functionaries before their bosses. In the Moldovan politics, one can distinguish different opinions about our relationships with Russia. On the one side, there are political forces, in particular right wing ones, such as the Liberal Party (LP), Liberal Democratic Party of Moldova (LDPM), Our Moldova Alliance (AMN), which call for a transparent relation with the

Russian Federation¹³⁶, at the same time pleading for Moldova's integration in the Euro Atlantic structures that run counter to the Russian interests.

However, on the left flank, the Party of Communists of the Republic of Moldova (PCRM) pleads for deepening the relations with Russia, preserving the neutrality status and maintaining its stance in CIS. The central-wing parties have different positions regarding this issue, most often this representing a symbiosis between the standing of the right wing and the left-wing parties¹³⁷. Even in the Moldovan society there are still disputes about how the relations with the Russian Federation should have "looked like". Part of the society, in particular the one with nostalgia about the Soviet times, people of the third generation and ethnical minorities traditionally feel closer to Russia; another part pleads for integration in the Euro Atlantic structures, withdrawal from CIS and establishment of a partnership with Romania. These internal dissensions, both in the political landscape and the Moldovan society, have led to some tension that hinders the development of a coherent and consistent policy with regard to Russia and, at the same time, bestowing Russia with several strong points in relation to the Republic of Moldova.

The period of 1998-2008 in the relations between the Russian Federation and the Republic of Moldova can be divided in several stages.

1998-2001 – This period seemed to be the most balanced one. Formally, the Republic of Moldova continued staying in the zone of influence of the Russian Federation, which remained its main commercial and political partner. Besides, the year 1998 brought with it the biggest economic crisis in Russia and this recession had significantly weakened the position of Russia on the international arena. Given the fact that the Russian market was the main outlet for Moldovan exports, the aforementioned crisis profoundly affected the Republic of Moldova. For the first time, the leadership of the country started understanding the need to find other marketplaces for their products and, in this regard, the EU market seemed to become more and more attractive for Moldova. Nevertheless, the fall of Sturza Government and the beginning of an internal political crisis had postponed this process, thus making the economic dependence on Russia remain at least until 2004. With regard to the Transdnistrian case, one of the most important successes of the Moldovan diplomacy was obtained in the aftermath of the OSCE Istanbul Summit of December 1999 when Russia provided its agreement to withdraw the Russian troops from the Moldovan territory. Later, however, along with the coming to power of Vladimir Putin, this process was suspended.

¹³⁶ See the election platforms of the political parties on www.e-democracy.md/elections/parliamentary/20092/

¹³⁷ *Ibidem*

2001-2003 – In this period, the Republic of Moldova came closer to Russia and the new leadership considered it the closest ally with whose help it could eventually settle the Transnistrian problem and uphold the further development of the Republic of Moldova. More than that, the President of the country, Vladimir Voronin, started promoting a policy “to the liking of Moscow” and constantly attacking and accusing NATO or Romania. In 2001, the Basic Treaty between the Republic of Moldova and Russian Federation was signed. However, in a short while, in November 2003, V. Voronin did not sign the Russian plan for settling the Transnistrian conflict, called the Kozak Memorandum, a fact which upset V. Putin so much.

2003-2006. After the refusal to sign the Kozak Memorandum the relations between the two states have become quite tense. More than that, after 2004 when V. Voronin understood that he would not find support in Moscow, and the latter started directly supporting the Transnistrian leader I. Smirnov, the Moldovan President changed the course of the foreign policy, orientating at least formally to EU. The crowing point of this period was reached in March 2006 after introduction of a new border regime at Moldovan-Ukrainian frontier, a measure interpreted by Tiraspol and Moscow as an economic blockade. In response, Russia imposed an embargo on the export of Moldovan wines, which had gravely affected the Moldovan economy. The latter made President Voronin become more receptive to Russian proposals.

2006-2008. In August 2006, V. Voronin managed to meet with V. Putin and afterwards a period of détente appeared in the relations between the two states. Nevertheless, the trust between the two countries was not the same anymore. On the one side, Moldova tried to establish a balance in its relations with the eastern partners and the Russian ones. On the other side, Russia did not want repetition of 2004-2005 situation, thus trying to give “small gifts” to the Moldovan leadership in exchange for keeping it in its sphere of influence.

During this entire period (1998-2008), the Governments from Chisinau had different approached to managing their relations with the Russian Federation. However, the basic deficiency of the Moldovan foreign policy was lack of consistency, transparency and continuity. More than that, very often these relations were politicized and the results obtained were symbolic rather than real ones. The researcher Nicu Popescu called this state of affairs as “Manichaeism” (a philosophic current neglecting all previous actions). In the Moldovan case, the Governments that existed until 2001 at least tried to find an equilibrium, making an effort also to build first relations with EU, whilst once PCRM came to power this strategy was abandoned and the leadership started opting for a bilateral relationship based on “friendship of centuries”

but the previous governors were criticized for not being so close to the Russian partner. Further on, the new leadership of Moldova accused NATO of its aggressive policy against Russia.

The result achieved by Moldova was rather symbolic: the Basic Treaty (symbolic not based on its contents, which is rather good one for the Republic of Moldova, but based on the fact that Russia, taking advantage of the “right of the strongest”, simply does not enforce it) and a short-term support in the Transnistrian region during the “presidential elections” when the Russian press supported Smirnov’s opponents. Nevertheless, the true intentions of Russia came to light along with the appearance of the Kozak Memorandum, which in fact proposed to transform Moldova into a dysfunctional state by granting Transnistrian some privileges, in particular, the right of veto. The fact that this document was discussed covertly without notifying the Western partners had caused a negative reaction of the latter and, eventually, led to non-signing of the given Memorandum that stirred up the anger of Russia.

The follow-up actions of Moldova came to total contradiction with the policy pursued until then. There was an intensification of the discussions within GUUAM (later – GUAM), an organization of anti-Russian orientation, a re-orientation of the foreign policy to EU and an appearance of pro-European rhetoric of the Moldovan leadership. In response, Russia prohibited import of wines and increased its assistance to Transnistrian. And again the policy of confrontation with Moscow was done without a diplomatic endorsement of the Western partners, which led to the failure of this policy. President Voronin was forced to go to Moscow and become more receptive to the Russian proposals. Speaking about Russian foreign policy towards Moldova, we can affirm that after Kozak Memorandum it has become much more systemic and much more precise. Having identified the weak points of the Moldovan policy, through some symbolic renouncements Moscow managed to get important cessions from the Chisinau leadership (such as the attempt to grant international recognition of the neutrality status of Moldova), “pushed” towards changing the rhetoric from a pro-European to anti-European one, and, as a logical result, succeeded in bringing Moldova back to a bilateral Moldovan-Russian dialogue, a dialogue as a result of which one can hardly imagine Moldova being able to get positive results.

In continuation we will refer to the vulnerable points that currently exist in the Moldovan-Russian relationships. In our opinion, they are the following: Transnistrian conflict, economic relations and dependence on Russian energy resources, influence of mass media, and influence of the Russian Orthodox Church and the role of Russian minorities.

4.2. Role of Russia in settling the Transnistrian conflict

The Transnistrian conflict probably represents one of the major challenges of the Republic of Moldova. Even if according to the public opinion polls, this conflict ranks eighth in the hierarchy of the most stringent challenges faced by the Moldovan society today, no political force, no Government of Moldova can afford treating it as a second-rate issue.

This thing is understood by the Russian Federation as well, which, being involved from the initial phase of this conflict¹³⁸, can maneuver very skillfully around the situation and sometimes support the official Chisinau, other times the administration from Tiraspol, thus through Transnistrian managing to keep the entire Moldova under its control.

In the Transnistrian case, the period 1998-99 was one of the success periods of the Moldovan leadership that managed to internationalize the given conflict. In this context, the most important event took place in December 1999 when at the OSCE Summit in Istanbul Russia promised to withdraw its troops and military equipment from the territory of the Republic of Moldova. Later on, however, after resignation of Boris Eltsyn and Vladimir Putin's election to the function of the President of the Russian Federation, things have changed but nevertheless the Russian troops keep stationing on our territory until now.

Nevertheless a period of coldness could be noticed in the relations between Chisinau and Tiraspol. Igor Smirnov accused the leadership of the country of failure to enforce the provisions of Primakov Memorandum of 1997. In reality, as soon as Transnistrian leaders received certain advantages from the Moldovan government, in particular, the customs specimen giving them the possibility to carry out exports without the agreement of the central authorities, they refused to continue enforcing the obligations included in that Memorandum¹³⁹.

On February 25, 2001, after the Parliamentary elections, PCRM came to power in the Republic of Moldova, and Vladimir Voronin was elected President of the country. The election platform of this party contained a number of items which called for approximation to Russia, among which joining the Union of Russia-Belarus, granting the status of the second state language to the Russian language and other promises that entailed the support

¹³⁸ Mihai Grecu, Anatol Țăranu "Policy of linguistic purge in Transnistria", pp. 12-13, Cluj-Napoca, 2005.

¹³⁹ Memorandum about the basis for normalizing the relations between the Republic of Moldova and Transnistria, www.olvia.idknet.com/memorandum.htm

of Russia already beginning with the election campaign. Thus, the PCRM Chairperson, Vladimir Voronin, was received by the President of the Russian Federation, Vladimir Putin, and the Russian press welcomed the coming to power of PCRM, considering it the only party capable of solving Moldova's challenges through its good relations with Russia¹⁴⁰, while the Russian public television station had a live interview with Vladimir Voronin. One of the priorities declared by the new head of state was reintegration of the Republic of Moldova through settlement of the Transnistrian conflict.

And, indeed, being endorsed with the support of Russia, Voronin started negotiations with Igor Smirnov with whom he met on April 9, 2001, i.e. two days after his nomination to office, and made a declaration that the Transnistrian leader "is a person with whom one may come to terms". However, in a short while, the relations between the two figures worsened and reached its climax on August 2001 when President Voronin was denied access to a monastery located on the left bank of the Dniester river. After this incident, Voronin declared that "he would rather negotiate with devil than with Smirnov", refused to meet with him any more and changed his strategy. The President had then addressed his counterpart from Moscow with a request to nominate a person who should find a solution to the Transnistrian conflict. The designated person was Dmitrii Kozak, a person close to President Vladimir Putin, who came to Tiraspol and Chisinau and in a short time managed to prepare a document known as "Kozak Memorandum". This Memorandum outlined the design of a federal state of the Republic of Moldova with a right to veto granted to Tiraspol and other elements that would have transformed the Republic of Moldova into a dysfunctional state should there be no support coming from Russia, which de facto played the role of an arbitrator between Chisinau and Tiraspol.

Only in the last moment, in the night of November 17, 2003, just before putting his signature on the given document, being exposed to internal and, in particular, international pressure, President Voronin did not sign this agreement having thus drawn the fury of Russia and personally of Vladimir Putin who was supposed to come to Chisinau with a view to be present at the signing of this Memorandum. Despite the attempts of Vladimir Voronin to justify his decision before the Russian President, the latter prohibited even the low-ranking officials to meet with their Moldovan counterparts.

In the subsequent period, being deprived of the Russian support, Vladimir Voronin changed the foreign political course of the Republic of Moldova and declared European integration as its major national priority. The reaction of Russia, which started supporting other political forces from the Republic of

¹⁴⁰ See www.ng.ru/events/2001-02-27/1_authority.html

Moldova, had come to light in a short while as well. Russian mass media was also involved in this anti-Voronin campaign. Quite rapidly the Russian press started accusing Moldova of acceding to orange movements¹⁴¹ and destroying the Community of Independent States¹⁴². However, unlike in 2001 when Tiraspol leaders were accused of hindering the Transnistrian negotiation process, in 2005 Vladimir Voronin had turned into the main “guilty person” responsible for the creation of the deadlock situation in this matter.

The crowning point in that media war unleashed by Russia was reached immediately after March 3, 2006 when the Republic of Moldova jointly with Ukraine introduced a new border regime, which did not allow export of goods and products of economic companies from the Transnistrian region if they were not registered in Chisinau¹⁴³. Both officially and media wise, Russia manifested its attitude by declaring the given action as “economic blockage” and accusing Moldova of generating “humanitarian catastrophe” in Transnistria. Following these events, Russia ceased the import of Moldovan wines, representing one of the most important branches of the national economy of Moldova, although through this registration measure the Moldovan authorities tried to bring the activity of the companies located on the left bank of the Dniester river back into a legally binding framework.

In this context, the rhetoric with regard to the Russian Federation changed. The Minister of Foreign Affairs, A. Stratan, and President Voronin himself declared that Transnistria was occupied by Russia. The Law on the autonomy status of the rayons from the left bank of the Dniester River (Transnistria)¹⁴⁴ was unanimously adopted on July 22, 2005. Also, together with Ukraine Moldova managed to bring the EU Border Assistance Mission (EUBAM) to the Moldovan-Ukrainian frontier.

Nevertheless, without an external support and having to face the economic deficiencies generated by the sanctions imposed by Russia, the leadership from Chisinau had to become more receptive to the Russian proposals. Thus, the so-called “package” proposed by the Republic of Moldova to Russia included a number of very generous provisions such as broader autonomy to Transnistria, acknowledgement of the real estate (property) from the given

¹⁴¹ http://www.ng.ru/cis/2005-02-25/1_kishinev.html

¹⁴² http://www.ng.ru/courier/2005-03-14/9_pohorony.html

¹⁴³ New customs regime and Ukrainian factor: Main piece of resistance or weak link? by Radu Vrabie - <http://www.e-democracy.md/en/comments/political/20060517/>

¹⁴⁴ Law No. 173 of 22.07.2005 on the basic provisions of the special legal status of the localities from the left bank of Dniester (Transnistria), www.lex.justice.md/index.php?action=view&view=doc&lang=1&id=313004

region, special status of the Russian language, permanent neutrality, Russian military presence in the reunited Moldova¹⁴⁵.

Neither ex-President V. Putin, nor the current President D. Medvedev has given an official answer to the aforementioned proposal, but all actions of the Moscow leadership make us believe that these proposals are not sufficient and that Russia would like to see more provisions, in particular, with regard to neutrality, thus requesting the signing of an international document that will legitimate this matter¹⁴⁶. In general, it seems that Russia would refuse from status quo situation only if this change would make the Russian influence grow in the entire Moldova.

4.3. Economic relations and dependence on Russian energy resources

Moldova does not have a very good geographic position and neither does it have mineral resources. The post-independence reform process unfolded very laboriously, but the then Governments did not have a lot of political support in its implementation. This state of affairs made the Moldovan economy dependent on the Russian market.

Once the relations with Russia have become tenser, the Republic of Moldova started looking to diversify its exports. In this regard, the European market seemed an attractive market, in particular, given its predictability and less dependence on the political factor unlike the Russian market that depends on political fluctuations. In a short while, EU has become the main economic partners of Chisinau and now even the Transnistrian region (which traditionally was closer to Russia) is exporting more to the European countries than to the East. However, Moldova is totally dependent on the Russian gas used by Russia as an instrument to impose its willpower in certain territories. Another problem for Moldova is that because of corruption and certain unbalanced decisions of the Government, many foreign investors are afraid of investing here. Most of the times, the Russian companies are the only entities investing here, which can lead to a situation similar to the one created in Belarus¹⁴⁷.

4.4. Influence of the Russian mass media

Being one of the major sources of information for the majority of the CIS population, Russian press is used as one of the instruments used by Kremlin

¹⁴⁵ N. Popescu, 2008: The EU should re-engage with Moldova's "frozen conflict", see www.eobserver.com/9/26661?print=1

¹⁴⁶ Riina Kaljurand, "Russian Influence on Moldovan politics during Putin era (2000–2008), November 2008, [www.icds.ee/fileadmin/failid/Riina20Kaljurand/Russian/Influence/Moldovan politics during Putin era \(2000-2008\).pdf](http://www.icds.ee/fileadmin/failid/Riina20Kaljurand/Russian/Influence/Moldovan%20politics%20during%20Putin%20era%20(2000-2008).pdf)

¹⁴⁷ N. Popescu, 2008, The EU should re-engage with Moldova's 'frozen conflict', www.eobserver.com/9/26661?print=1

to promote its policy in the given region. The case of the Republic of Moldova represents a proof in this regard where several changes in the attitude of Russian media could have been noticed throughout the last eight years and these changes occurred along with the changes in the official Russian discourse towards Moldova.

Apart from traditional propagandistic instruments in form of newscasts, analytical programs and talk shows, indirect instruments such as movies, concerts, sports and other non-political programs have been used as well. However, the latter are extremely popular outside the borders of the Russian Federation and very often they are more efficient than those bearing an evident political nature.

Besides, as the latest public opinion polls show the Republic of Moldova society is much dependent on television, which represents the main source of information having surpassed other information outlets such as printed media, radio or internet. The same surveys show that television represents the main source of information for about 90% of the population. In this context, for approximately 50% of the population Russian public television channel “Pervyi Canal” represents the most trustworthy TV channel and, generally speaking, Russian TV programs are the most watchable by the Moldovan audience, having gone far beyond the Romanian and local posts¹⁴⁸.

This influence of the Russian press (first of all, that of the television) led to a situation when throughout the years, in the mental map of Moldovans, Russia has become the closest neighbor of Moldova, having excluded Ukraine – its natural neighbor, although the total geographical distance to the Russian border is over 500km. At the same time, it is due to this particular influence that Moldovans know much more about the situation in Russia than about the stay of play in the Republic of Moldova, whereas for many of these people the information news program “Vremea” (“Time”) broadcasted by Pervyi Canal at 8 p.m. local time represents a window through which they see and understand what happens worldwide, whereas the TV program “Mesager” broadcasted at 9 p.m. by the Public Television TVM represents some type of local news about the life in Moldova.

This result can once again be seen from the Public Opinion Barometer which shows that about 60% of the population sees Russia as the strategic partner of the Republic of Moldova and it is also believed that the Russian Federation should become the partner to help us integrate in the European Union (?!). Another paradox can be noticed when we analyze the credibility

¹⁴⁸ <http://ipp.md/barometru1.php?l=ro&id=35>

rating of the world political leaders in the eyes of the population of Moldova. It shows that Vladimir Putin ranks first in this rating, being followed by Dmitrii Medvedev and only afterwards, at a rather long distance from the former, comes Vladimir Voronin, President of the Republic of Moldova (2001-2009), who, as a matter of fact, holds the title of the most trustworthy politician of Moldova. The heads of state and Governments of the Western countries occupy a rather insignificant place in the preferences of the Moldovans.

On the left bank of the Dniester river, i.e. in Transnistria the situation is even more conspicuous since the popularity and influence of the Russian mass media is even higher than on its right bank. This situation is mainly explained by the fact that despite its ethnical composition (30% of Russians, Moldovans and Ukrainians)¹⁴⁹ the population residing on the left bank mainly consists of Russian speakers and, secondly, by the fact that the regime in Tiraspol was constantly supported by Russia, including through mass media.

4.5. Influence of the Russian Orthodox Church

Russian Orthodox Church is regarded as one of the most efficient instruments to propagate Russian interests in the regions considered by Moscow as zones of its influence. In the Republic of Moldova, the Russian Orthodox Church has a big influence because the majority of population is Christian orthodox believers. The Metropolis of Moldova is under the canonic jurisdiction of the Moscow Patriarchy and Moldovans consider the church itself as the most trusted institution in our country¹⁵⁰.

In Moldova church is officially separated from the state, nevertheless it plays an important role in the daily life of Moldovans. Priests are a big authority for the parishioners, in particular in villages. The use of the church for political purposes was and is a practice often found in the political life of Chisinau. The benefits of this practice were quite well understood by the Party of Communists. Initially when it came to power in 2001 it did not incorporate any religious values in its party platform, and Voronin, leader of the PCRM, in the documents presented to the Central Election Commission mentioned that he was an atheist, however in a short while PCRM started paying a special attention to the Church. In this context, under the patronage and during the mandate of President Voronin, several churches and monasteries were repaired and restored; among them were the historical monuments of Capriana Monastery and Curkhi Monastery. These actions endorsed the sympathies of citizens, in particular of elderly people, who actually constituted the core electorate of this party.

¹⁴⁹ www.olivia.idknet.com/overviewru.htm

¹⁵⁰ www.ipp.md/barometru1.php?l=ro&id=35

Apart from this, PCRM also paid a special attention to celebration of various religious holidays, the majority of which were attended by party leaders. It shall be emphasized that already for several years on Easter, which is the most important orthodox holiday, the Holy Fire from Jerusalem is brought by air to Moldova with the financial support of the state, but in cases when Easter coincides with the time of an election campaign this eternal flame is then brought by one of the candidates of the Party of Communists.

Also, in the period when the dispute between the Metropolis of Moldova subordinated to Moscow Patriarchy and Metropolis of Bessarabia subordinated to Romanian Patriarchy emerged, the ruling party supported the first one. The Metropolis of Bessarabia was officially registered only after succeeding to win the case in the European Court for Human Rights (CEDO) versus the Republic of Moldova¹⁵¹.

In response to this attention from the state, the Metropolis Church of Moldova started to actively support the Party of Communists. There were cases noted when during election campaigns, priests organized propaganda actions encouraging people to vote in favor of this party. As mentioned by experts in election matters, this thing produces an important impact on people because the Moldovan society, in particular rural one, fully believes what the spiritual leaders say.

In its relations with the Russian Federation, the leadership of the Republic of Moldova paid a special attention to the Church as well, President Voronin being considered one of the friends of ex-Patriarch Alexei the 2nd whom he visited several times and whom he also managed to bring to Moldova. He decorated V. Voronin with the medal of the Russian Church. President Voronin also participated in the inauguration of the new Patriarch Kiril being the only head of state from CIS region that took part in this ceremony.

4.6. Russian minority as an instrument of pressure

Protection of the co-nationals living outside of the borders of their state of origin is one of the excuses very often used by big powers in their attempt to expand their influence over other states. This thing happened back in 1846 when the USA started its war against Mexico. This is exactly what the Soviet Union did when it attacked Poland in 1939 and specifically this happened in the recent war in Georgia when the Russian Federation intervened with its

¹⁵¹ From religious point of view, the difference between the Metropolis of Moldova and the Metropolis of Bessarabia is insignificant. The only difference is that the first celebrates religious holidays according to the Julian calendar, i.e. old style, while the second – according to the Gregorian calendar, new style.

military forces to defend “the dignity and honor of the Russian citizens from South Osetia”¹⁵².

A similar practice is also used by the Russian Federation in regard to other ex-Soviet states, including Moldova. Every time when relations with Russia become colder, there are discussions in the Russian press about the situation of the Russian community from Moldova, which is presented as rather precarious. However, the situation of Russian minorities from Moldova is different from that in the Baltic countries with whom the Republic of Moldova is often compared in this regard. In the opinion of a number of experts specialized in the issues of national minorities, Moldovan legislation is one of the best in the entire region. It shall be mentioned that when the Law on National Minorities was adopted, it was highly commended even by Valeriu Klimentko, leader of the Congress of Russian Communities from Moldova who stated “finally the power started to manifest some interest about the plight of minorities”¹⁵³.

Starting already with the first article, the Law stipulates that „[...] persons belonging to the group of national minorities are those persons who reside on the territory of the Republic of Moldova, are its citizens, have ethnical, cultural, linguistic and religious particularities, which distinguish them from the majority of the population – the Moldovans, and are considered of another ethnical origin [...]”¹⁵⁴. This article allows them to create communities of their own as compared with other countries where these communities are clearly specified, as it is in the case of Slovenia, for instance.

Out of all national minorities living in Moldova, Russians appear to be the most active one. First of all, this is due to the influence of the Russian language here. Thus, both in official and unofficial settings, Russian language is used along with the state language,¹⁵⁵ whereas in some sectors it is practically the dominant language of communication. According to the Moldovan legislation, all official documents shall be issued in both languages; and all civil servants are obliged to respond to the requests submitted by the citizens in

¹⁵² Statement on the Situation in South Ossetia – www.kremlin.ru/eng/sdocs/speeches.shtml?month=08&day=08&year=2008&Submit.x=4&Submit.y=4&prefix=&value_from=&value_to=&date=&stype=&dayRequired=no&day_enable=true#

¹⁵³ Law on the rights of the national minorities – www.logos.press.md/Weekly/Main.asp?IssueNum=432&IssueDate=07.09.2001&YearNum=32&Theme=8&Topic=5380

¹⁵⁴ www.lex.justice.md/viewdoc.php?action=view&view=doc&id=312817&lang=1

¹⁵⁵ The Constitution of RM stipulates that Moldovan language is the official language of the state. However, the Moldovan language is identical with the Romanian one. But after 2001 when the Party of Communists (“PCRM”) came to power in Moldova and our relations with Romania degenerated, the ruling party replaced the term “Romanian” with that of “the state language”.

the language used in the respective request. However, there are civil servants in the Government and the Parliament of the Republic of Moldova, among them even ministers and MPs, who speak only Russian. Therefore, during many of the high-level meetings, such as meetings in the Government or Presidential Office, the discussions are held in the Russian language, whereas the plenary sessions of the Parliament are simultaneously translated for those Members of the Parliament who do not speak the state language.

According to the last 2004 census, the total number of Russians in Moldova today is 201,212 inhabitants representing approximately 5.9% of the total country population¹⁵⁶, the majority of which, i.e. over 2/3, live in urban areas. Furthermore, one fact appears to be rather interesting and namely that a part of other nationalities consider Russian as their mother tongue language, thus making the Russian-speaking population the largest of all. As mentioned above, the majority of them lives in cities, out of them almost half of the total number is concentrated in Chisinau. Besides, a big share resides in the second largest city of Moldova – Balti and in particular in the northern regions of Moldova.

Also, in Moldova there is a big number of organizations of Russian ethnics that are funded by the central or local authorities from Russia. Among the biggest organizations, we can mention the Russian Community from Moldova and the Congress of the Russian Community. Even if now the organizations of Russian ethnics are not so active as similar organizations from Ukraine or the Baltic States, nevertheless they remain just some pressure groups used by Moscow when the latter needs to provide sufficient mass media coverage of certain events.

4.7. Conclusions and recommendations

The Romanian diplomat Nicolae Titulescu used to say: “Should you want a good foreign policy, give me a good internal policy”. This statement remains true even for the Republic of Moldova, which if it wants to move its relations with the Russian Federation to a higher qualitative level and become a credible and respected partner, it should start promoting its internal reforms.

First of all, it is paramount to apply in practice those good laws that were adopted by the Parliament of the Republic of Moldova, i.e. laws pertaining to the EU-Moldova Action Plan. Besides, it is necessary to repair the drawbacks our country has got, i.e. the ones mentioned in the European Commission report, and namely: independence of justice, freedom of mass media, creation of a legal framework enabling to attract foreign investments.

¹⁵⁶ www.statistica.md/pageview.php?l=en&idc=295#idc=205&

These relationships, although at first sight might look rather far-off from the Moldovan-Russian relations, would contribute to changing the mentality in Moldova and would reduce the ideological dependence of Moldovans on the Russian Federation, which some people still view as “an older sister”. The latter will also contribute to diversification of the media market, which, at the moment, is dominated by the Russian mass media and which makes us view the international relations through “the Russian screen”. It might also contribute to changing the image of the right bank of the Dniester River as perceived by the left one. Today, although the Tiraspol administration acts as a monopoly and its popularity amongst the inhabitants of the Transnistrian region goes down, the official Chisinau does not represent an alternative for them and this is caused by the fact that the situation on the left bank is not so good as well.

Being a small country, in its foreign policy Moldova needs as many credible partners as possible, which will help Moldova achieve its objective of European integration and settle the Transnistrian conflict. Nevertheless, to do this, it is necessary that Chisinau, in its turn, become a predictable partner; promote transparent and foreseeable relations, and thus facilitate the task of partners who are friends of Moldova.

5. Relations of the Republic of Moldova with the USA

Victor Chirilă, Executive Director of Foreign Policy Association (APE)

5.1. Cooperation with the USA – major priority of the Moldovan foreign policy

Development of a close cooperation with the USA represents one of the major priorities of the foreign policy of the Republic of Moldova. The desire of Chisinau to be granted the political support of Washington was and is a natural and logical wish, and, of course, it can be explained by several international, regional and local factors, which until now continue modeling the interest of our country to have USA among its strategic partners.

First of all, the politicians from Chisinau could not make abstraction of the fact that after the breakdown of the Soviet Union, the USA has practically become the only global superpower, whereas its influence in the international organizations that the Republic of Moldova wants to join has increased significantly. At the same time, on the regional arena, the disappearance of the Soviet Union and the political, economic, institutional and social collapse from Russia in the 90s contributed to an increase in the presence and role of the USA as promoter of the market economy and democratic reforms in the ex-soviet space.

In 1992, the American Congress approved the famous Freedom Support Act¹⁵⁷ which definitely determined the strategic objectives of USA in the New Independent States (NIS) that appeared on the territory of the former Soviet Union, in particular: facilitating the transition of the states in the region from authoritarianism to democracy, promotion of market-driven economies and strengthening the regional security and specifically by ensuring an efficient control over weapons of mass destruction (nuclear, chemical and biological weapons). From the very beginning, these objectives coincided with the aspirations and interests of the Republic of Moldova, and the latter in fact created the necessary foundation for the development of a privileged partnership with USA. However, namely the strategic interests of our country related to its survival as an independent and sovereign state represented the decisive factor that motivated all governments from Chisinau to be endorsed by the goodwill and constant political support of the America administration from Washington.

It shall be mentioned that during those 17 years of independence, our country resorted and enjoyed the assistance of the USA in the following processes:

¹⁵⁷ U.S. Government Assistance to and Cooperative Activities with Eurasia, Bureau of European and Eurasian Affairs, Washington, DC, January 2007, <http://www.state.gov/p/eur/rls/rpt/92782.htm>

- accession to a number of international organizations such as the United Nations Organization (UNO), Organization for Security and Cooperation in Europe (OSCE) and the World Trade Organization (WTO);
- participation in a series of important regional initiatives, among which the Partnership for Peace (PpP) of the North Atlantic Treaty Organization (NATO), South Eastern Cooperation Initiative (SECI), Stability Pact for South Eastern Europe (SP SEE), Cooperation Process in the South Eastern Europe (CPSEE) and GUAM;
- negotiation of an adapted version of the Treaty on Conventional Armed Forces in Europe and of the Declaration of the Istanbul OSCE Summit in 1999, which stipulates full and unconditional withdrawal of the Russian munitions and armed forces from the territory of the Republic of Moldova;
- facilitation of the process of identifying a viable and sustainable solution for the Transnistrian conflict (*starting with 2005, the USA and EU have become observers in “5+2” negotiation format*);
- promotion of democratic and economic reforms: *in the period 1992–2007 the total value of the assistance given to our country by the USA amounted to over 700 millions USD¹⁵⁸*;
- modernization of agriculture: *the Land Privatization Program on empowerment of the Moldovan peasants was implemented in the 90s with the technical-financial support of the USA*;
- reform and modernization of the National Army;
- combating corruption and trafficking of human beings: *on December 14, 2006, Moldova was included in the Country Threshold Program of the US Millennium Challenge Corporation aimed at providing assistance in the field of combating corruption worth 24.7 million USD*;
- withdrawal of the Russian armament from the Transnistrian region: *for this purpose the USA allocated over 30 million USD for our country*;
- making the customs control at the Moldovan-Ukrainian border more efficient, in particular on the Transnistrian segment: *the ASYCUDA Customs Control Information System was implemented with the technical-financial assistance of the USA and World Bank*.

¹⁵⁸ Foreign Operations Appropriated Assistance: Moldova, Fact Sheet, Bureau of European and Eurasian Affairs, Washington, DC, January 20, 2009, <http://www.state.gov/p/eur/rls/fs/103478.htm>

5.2. A non-existing privileged Moldovan-American partnership

In the first years of independence, out of all former soviet countries Republic of Moldova managed to get in Washington the reputation of leader of democratic and economic reforms specific for the transition time. This image created a receptive environment for promotion of our strategic objectives in the American capital. More than that, the preconditions necessary to advance the Moldovan-American cooperation to a level of privileged partnership took shape by the end of the 90s. Nevertheless, Chisinau failed to take advantage of this opportunity for several reasons.

First of all, in the period of 2001-2004 *the image of our country as “front runner” or “leader” in economic and democratic reforms stopped being a credible one* among the American officials and politicians from the State Department, National Security Council and the US Congress. It is namely in that period of time that the relations of cooperation between the Republic of Moldova and the International Monetary Fund (IMF) and the World Bank (WB)¹⁵⁹ grew colder and then were put on hold; the privatization process stopped and the reforms in bank, tax, energy and regulatory fields were delayed; attempts appeared to revise the results of the Land Privatization Program implemented with the technical and financial assistance of the USA¹⁶⁰; the second territorial and administrative reform took place without any consideration to the objections given by the Council of Europe and international financial organizations¹⁶¹; local and international observers pointed out to a number of anti-democratic irregularities/abuses during local elections of May 25, 2003 in the Autonomous Territorial Unit of Gagauzia¹⁶²; the Intelligence and Security Service of the Republic of Moldova, having no veridic information, launched a scandal about the Moldovan children “fraudulently” adopted by the American citizens “for the purpose of body organs removal”¹⁶³;

¹⁵⁹ Country Assessments and Performance Measures – Moldova, U.S. Government Assistance to and Cooperative Activities with Eurasia, Bureau of European and Eurasian Affairs, January 2004, <http://www.state.gov/p/eur/rls/rpt/37662.htm>

¹⁶⁰ Ibidem.

¹⁶¹ Igor Munteanu, “Administrative and territorial counter-reform”, Moldova Today, Chisinau, June 10, 2002, <http://www.azi.md/news?ID=19382>

¹⁶² “The US State Department points out to the violations of democratic norms in the Republic of Moldova”, Moldova Today, Chisinau, May 18, 2004, <http://www.azi.md/news?ID=29124>

¹⁶³ On October 16, 2001, the Public Television TVM showed a documentary which made reference to some alleged rings of an international network specialized in fraudulent adoptions that were detected in Chisinau. The documentary contains a number of statements made by col. Mihai Bodean, Unit Head of the Intelligence and Security Service, who affirmed that after falsification of the files by doctors, lawyers from the Maternity Hospital

artificial administrative impediments also appeared in the activity of some American humanitarian organizations¹⁶⁴; also in 2003 Chisinau was negotiating the signing of Kozak Memorandum on settlement of the Transnistrian conflict directly with Moscow, without any consultations with the Western partners – USA and EU, etc. All these and other developments and actions carried out by the Moldovan authorities have led to gradual deterioration of how our country was perceived by political institutions from Washington.

Besides, during the given period of time, *the legal cooperation framework between the Republic of Moldova and the USA has not seen any qualitative deepening*¹⁶⁵. Quite the opposite, this framework remained to be mainly founded on a nucleus of agreements negotiated and signed by the governments from Chisinau and Washington at the beginning of the 90s of the previous century, and namely the following: Agreement on trade relations of June 19, 1992 which granted Moldova the status of *the most favored nation* in its trade relations with the USA; Agreement on investments facilitation signed on June 19, 1992; Agreement on encouragement and protection of investments signed on April 21, 1993; Agreement on cooperation and assistance facilitation signed on March 21, 1994; Memorandum on cooperation in defense and military relations between the Ministries of Defense of the Republic of Moldova and USA signed on December 4, 1995. In addition, until now Chisinau has not succeeded in developing a legal framework of its relationships with Washington that will cover and institutionalize the bilateral political dialogue at various levels.

In its turn, *the Moldovan-American political dialogue was mainly characterized by lack of intensity and consistency*, which is mainly due to the superficial interest manifested by the Moldovan authorities to build a privileged partnership with the USA. The official visit of President Vladimir Voronin to Washington represented an excellent opportunity to introduce

and the civil servants from the State Adoption Committee, foreign adoption agencies had to take over a number of children from Moldova to be transported to the USA and to be used for removal of body organs. The US Embassy in Chisinau stated that it was “profoundly concerned and offended” by the allegations made in the respective documentary. The follow-up investigations carried out by the Moldovan Embassy in Washington and the US Government did not find any violations as alleged in the documentary.

¹⁶⁴ “The US Embassy in Chisinau requested explanations from the Government of the Republic of Moldova regarding the reasons for stopping the humanitarian aid at Balti Customs Control Point”, *Moldova Today*, Chisinau, October 18, 2001, <http://www.azi.md/news?ID=14279>

¹⁶⁵ Bilateral Treaties between the Republic of Moldova and the USA. Ministry of Foreign Affairs and European Integration, <http://www.mfa.gov.md/tratate-bilaterale/>

dynamism in the evolution of our relations with the USA in all areas, political dialogue inclusive. Regretfully Chisinau did not succeed in doing this since the respective visit was not an expression of a long-term strategy that, first and foremost, would aim at raising the Moldovan-American cooperation to a qualitatively new level. By inviting President Voronin to Washington, the Republican Administration of the White House wanted to encourage the Communist Government from Chisinau to continue the course of democratic and economic reforms initiated by Moldova back in the 90s. Unfortunately, the official visit of President Voronin to Washington was not followed by a qualitative transformation of the Moldovan-American cooperation. This reality was confirmed by the subsequent actions of Chisinau, which contravened even the contents of the Joint Declaration on the relations between the USA and the Republic of Moldova made by the two Presidents George W. Bush and Vladimir Voronin on December 17, 2002¹⁶⁶. For instance, contrary to the priorities mentioned in the Joint Declaration, in 2003 the Communist authority from Chisinau started direct negotiations with Moscow about ways to solve the Transnistrian situation, having totally neglected the USA and EU. Also, it practically stalled the privatization process in such areas as energy, banks and telecommunication; delayed the economic reforms; stumbled the relations with IMF and WB; and at the same time, committed a number of abuses during local elections in Gagauzia on May 25, 2003.

Actually, through the given “famous” visit President Vladimir Voronin and his team wanted, more than whoever, to polish the opaque image that the Communist government from Chisinau projected in the Western countries. Analyzed from this point of view, the meeting of Moldovan President Voronin and US President George W. Bush was a genuine political and diplomatic success for the Party of Communists of the Republic of Moldova (PCRM). The messages enunciated in the American capital by the Moldovan President in favor of continuing democratic and economic reforms, acceding to the principles of democracy and respect of the fundamental rights and freedoms of people, European integration of the country, cooperation with international financial organizations, Moldova’s commitment to fight international terrorism and other actions succeeded to somehow improve the way the Communist government was perceived by the American officials. More than that, by sending some reduced contingents of the National Army to Afghanistan and Iraq, the Moldovan authorities managed to ensure the goodwill of the Republican Administration of the White House and prevent the

¹⁶⁶ Joint Declaration of the President George W. Bush and President V. Voronin regarding the relations between the USA and the Republic of Moldova, Washington DC, December 17, 2002, www.prm.md.

undesired radicalization of the critical observations coming from Washington about the internal developments taking in Moldova then.

The visit of President Voronin to the American capital did not represent an impetus for fostering the Moldovan-American political dialogue. On the contrary, the high-level communication between Chisinau and Washington is quite reduced except for some sporadic diplomatic epistles on occasion of certain festive events. The dialogue between the US Congress and the Moldovan Parliament is practically inexistent. A paradox or not but no official visit at the level of Speakers or Deputy Speakers of the Moldovan Parliament, or at the level of the Chisinau Prime Minister to Washington took place from December 2002 until now. Also, during 2002–2008 Chisinau was not visited by any delegation of American Congressmen. At the same time, the working visits to the American capital at the level of Moldovan ministers were quite rare as well, but those that nevertheless took place were more like exceptions and their contents did not reflect the existence of credible and constant interest in favor of initiating a privileged partnership with the USA. Among the few working visits of our ministers to Washington were the ones paid by the Minister of Economy Marian Lupu in January 2004, Minister of Defense Valeriu Plesca in August 2005, Minister of Reintegration Vasile Shova and the Minister of Foreign Affairs and European Integration Andrei Stratan in December 2006. The Moldovan diplomats, by and large, preferred to have “express meetings” with high-rank American officials regarding some international summits under the aegis of UNO or OSCE¹⁶⁷. It is true that most of the times, during such meetings the discussions are limited to mutual exchange of amiabilities and superficial messages, while the serious matters are touched upon only indirectly.

On the contrary, the Republic of Moldova was regularly visited by the American diplomats, most of the times by medium-rank officials, at the level of State Sub-secretary for democracy and global issues, Deputy Assistant of the State Secretary for Europe and Eurasia, the US State Department Special Negotiator for Eurasia conflicts and US Aid Coordinator for Europe and Eurasia¹⁶⁸. In the period February 2002-September 2006 only, the American diplomats paid 16 working visits to Chisinau. Also, on June 26, 2004, on the way to the NATO Summit in Istanbul, the Minister of Defense Donald

¹⁶⁷ The rare visits to Washington of the Moldovan diplomats – Prime-Vice-Minister of Foreign Affairs Andrei Stratan in January 2004, Vice-Minister of Foreign Affairs Eugenia Kistruga in October 2004, Minister of Foreign Affairs Andrei Stratan in December 2006 – took place as follow-up of the express invitations of the US State Department and were not the result of the insistence of the Moldovan side.

¹⁶⁸ Bilateral cooperation Republic of Moldova-USA, Ministry of Foreign Affairs and European Integration, <http://www.mfa.gov.md/politica-externa/us/>

Rumsfeld made a short stop in our country to thank the Moldovan soldiers for their participation in the international operation for reconstruction of Iraq¹⁶⁹. This unforeseen visit for the Moldovan authorities however was not the result of an intense Moldovan-American political dialogue. As a matter of fact, if we compare the frequency of American diplomats' visits to Chisinau with that of the Moldovan officials to Washington, one might get a false impression that USA is the party mainly interested in establishing a privileged partnership with Moldova and not vice versa.

The efficiency of the Moldovan-American dialogue is also affected by the superficial approach of Moldovan officials to the issues related to enforcement of democratic principles, values and rights in the Republic of Moldova. For Chisinau, Transnistrian conflict is the centerpiece in the discussions with Washington, while the issues related to democracy are, most of the times, neglected or marginalized. This situation does not correspond to the vision shared by Washington for whom the Transnistrian conflict, of course, occupies an important role in its dialogue with Chisinau, but the issues related to strengthening of democracy in our country are nevertheless viewed as primordial. Therefore, the support provided to the Republic of Moldova by the USA was always directly correlated to the commitment of Chisinau to continue the democratic reforms. On top of that, from USA perspective, the assistance and political support provided to our country are aimed not only at helping Moldova affirm as democratic, prosperous, stable and integral state but also as a free state able to become a full-fledged partner of the Euro-Atlantic Community¹⁷⁰. Pursuant to the opinion of the US State Department, accomplishment of this objective would contribute to ensuring a long-term stability in the region and complete the process of democratic construction in this part of Europe as well¹⁷¹. Regretfully, throughout 1998–2008 there has never been a full certainty that Chisinau also totally shared the vision expressed by USA.

Chisinau did not manage to make the Moldovan-American dialogue a permanent exercise within an institutional formula. Our diplomacy failed in institutionalizing its consultations with the US State Department according to the formula of the institutional frameworks that existed with the Russian Federation, Ukraine, China, India and other states. For instance, the Moldovan Foreign Affairs Ministry managed to signed consultation protocols

¹⁶⁹ Vladimir Socor, "Rumsfeld in Moldova, Voronin at NATO, Demand Russian Withdrawal", Eurasia Daily Monitor Volume: 1 Issue 44, July 1, 2004, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=30043

¹⁷⁰ US State Department, Moldova: FY 2007 U.S. Assistance to Eurasia, Washington, 2008, <http://www.state.gov/p/eur/rls/rpt/eurasiafy07/115979.htm>

¹⁷¹ Ibidem.

even with Iran, Belarus, Turkmenistan or Cuba – countries that are far from enjoying the status of the most reputable states among the Western democracies. During 2002–2005, Chisinau and Washington tried to compensate this lapse in the political dialogue between the two countries by establishing a mixed Committee on economic cooperation and investments whose agenda also included political issues such as Transnistrian issue, enforcement of democratic principles, freedoms and rights, regional cooperation, cooperation in fighting international terrorism and prevention of proliferation of weapons of mass destruction, etc. But even this positive experience did not last for a long time; after three meetings only the mixed Moldovan-American Committee had come to a deadlock that lasted for more than three years¹⁷².

Lack of an active, coherent and efficient dialogue with Washington had a negative impact on the turnover of cooperation between the Republic of Moldova and the USA. The anemic dialogue combined with the suspicions that existed in the major decision-making institutions from Washington with regard to the seriousness of the Communist Government commitment on the way to reforms and European integration have actually constituted the mixture of negative factors that hindered our country from being admitted concurrently with Georgia¹⁷³ and Armenia¹⁷⁴ to the Millennium Challenge Program launched by the US Government. Republic of Moldova¹⁷⁵ was declared eligible for the Millennium Challenge Program only on August 11, 2006, which enabled Moldova to benefit from a financial assistance package comparable with that of Georgia and Armenia.

According to the generally acceptable opinion, the corruption phenomenon was considered the main cause that impeded the Republic of Moldova

¹⁷² The mixed Moldovan-American Committee for economic cooperation and investments met three times: on 19/10 June 2003, on January 20, 2004 and the last time on November 7/8, 2005.

¹⁷³ Georgia was admitted to the Millennium Challenge Threshold Program on December 9, 2005. Within this Program, Georgia will benefit from non-reimbursable loans worth 295 million USD during a period of five years and this money will be used for infrastructure rehabilitation, modernization of the energy branch and agriculture.

¹⁷⁴ Armenia was admitted to the Millennium Challenge Program on March 27, 2006, and the amount of the assistance package is 235.7 million USD for a period of five years.

¹⁷⁵ Moldova was declared eligible on August 11, 2006, while on November 20, 2008 the Government from Chisinau signed a Memorandum of Understanding on providing support in launching the Compact Program with the Millennium Challenge Corporation. The total value of the non-reimbursable loan is 11.9 million USD, which will be used to conduct technical, environmental and social feasibility studies for the investment projects that will be carried out under the future Compact Program focused on rehabilitation of national roads and modernization of agriculture.

from qualifying in 2005, without any conditionality, for the development funds of the US Government Millennium Challenge Program. Of course, this opinion does not lack grounds. It is true that during the discussion held by our Embassy in Washington with the American officials on the topic of the Millennium Challenge Program, the high level of corruption was permanently mentioned as the major obstacle precluding Moldova from being included in the given initiative. Nevertheless, if we compare the democratic, social and economic parameters that substantiated the decision of the American authorities to admit Georgia to the funds of the Millennium Challenge Program with the parameters that motivated the decision of Washington to delay the admission of our country to the same Program, we can see that the parameters of Moldova¹⁷⁶ were identical with those of Georgia¹⁷⁷. This important detail comes to support our hypothesis that namely lack of efficient and consistent political dialogue with the American Government, as well as the uncertainties existing in the Western capitals with regard to the pro-democratic and pro-European integration commitments of the Communist Government were the genuine causes that hindered the Republic of Moldova from joining the Millennium Challenge Program at the same time with Georgia. On November 8, 2006, the American Government decided that Moldova, in the long run, is totally eligible to be included in the Millennium Challenge Program¹⁷⁸. This decision, however, was taken in the conditions when our country started implementing the Action Plan signed with EU on February 22, 2005, and renewed its cooperation with the IMF in February 2006, and signed the Individual Action Plan with NATO (IPAP). All these events, in particular in the context of some constant political and economic pressures from the Russian Federation in the period 2005-2006, have contributed to alleviating the distrust of the West for the Communist Government and contributed to creation of a feeling of sympathy and solidarity with regard to our country in Washington and EU capitals.

In these circumstances, *Chisinau has always had the temptation to blame the Moldovan Embassy in USA for lack of active dialogue with Washington*. Some people tend to do this due to lack of correct information, others because they deliberately ignore the dysfunctions of our diplomacy. One of the major problems of the Moldovan diplomacy resides in insufficient

¹⁷⁶ Millennium Challenge Corporation, Scorecards for Fiscal Year 2004 Candidate Countries, Moldova, http://www.mcc.gov/documents/score_fy04_moldova.pdf

¹⁷⁷ Millennium Challenge Corporation, Scorecards for Fiscal Year 2004 Candidate Countries, Georgia, http://www.mcc.gov/documents/score_fy04_georgia.pdf

¹⁷⁸ Millennium Challenge Corporation, Moldova, <http://www.mcc.gov/countries/moldova/index.php>

communication and interoperability between the Ministry of Foreign Affairs and European Integration and its diplomatic missions. To make a diplomatic mission capable of fulfilling the duties set forth by the Center (MFAEI) it is paramount to, at least, formulate clearly the medium and long-term objectives of the mission, to have precise/unquestionable indications, to have access to the most recent information supplied constantly from the Center or to receive timely responses/reactions from the Center to the observations/concerns and requests/suggestions of their partners. All these conditions were almost fully deficient in the case of the Moldovan Embassy in Washington in the period of 2002-2004¹⁷⁹. There were no clearly defined objectives even with regard to the Transnistrian conflict, or with reference to the US Millennium Challenge Program, or renewal of Moldova's relations with international financial organizations. The Embassy was left to act autonomously, without concrete indications and credible information and being denied any necessary support from the headquarters in terms of information about the latest progress in internal reforms. Most of the times, it was the US State Department and not our own Ministry of Foreign Affairs that for our Embassy was the most credible and stable source of information about our in-house evolutions, as well as the results of the discussions between the American and Moldovan officials, for instance, with reference to the Transnistrian conflict. However, on several occasions, even the Ministry of Foreign Affairs from Chisinau deliberately disregarded the status of the Mission and of the Moldova Ambassador in Washington. Or, such irresponsible actions have undoubtedly undermined the authority of the Moldovan Embassy in the USA.

Evolution of trade and economic relations could not stimulate the strategic interest of Chisinau in favor of developing a privileged partnership with the USA. In fact, we can say that during the reference time, the Moldovan-American trade relations have been in continuous stagnation¹⁸⁰. For instance, if in 1997 the volume of trade between the Republic of Moldova and USA amounted to 99 million USD; in 2008 it grew to 101 million USD. In other words, after 10 years, the total trade volume between our country and USA has hardly exceeded the limit of 100 million USD. The latter means that the American market still remains an "Eldorado" unconquered and unused by Moldovan exporters. For comparison, if in 1997 the trade of the Republic of Moldova with China amounted to 1 592 000 USD, in 2008 this figure already reached the value of 294 409 700 USD. To a major extent,

¹⁷⁹ In the period 2001-2004, the author of this analysis worked as Counselor at the RM Embassy in USA.

¹⁸⁰ National Statistic Bureau of the Republic of Moldova, Foreign trade of the Republic of Moldova (1997-2007), <http://www.statistica.md/category.php?l=ro&idc=336&>

this significant growth was also facilitated by the very close political relations between the Communist Government from Chisinau and the Communist authorities from Beijing.

In the given period of time, the interest of potential American investors to bring foreign direct investments in the Moldovan economy dropped dramatically and this decrease was mainly explained by the fact that the investment climate in Moldova was considered in optimal by the American authorities¹⁸¹, while the privatization process in the most important fields of the Moldovan economy such as energy, communication and bank sectors got practically frozen. More than that, renationalization of the Romanian-American Pharmaceutical Company “Farmaco” did not go unnoticed by the American investors¹⁸². As a matter of fact, starting with 1994 and until 2008, American investments in the Moldovan economy have come to 36.4 million Euro¹⁸³, out of which 28.5 million Euro were done in 1994–2002¹⁸⁴ and only approximately 8 million Euro in 2002–2008.

The legal framework of commercial and economic cooperation between Moldova and USA did not register any qualitative changes either. For instance, until today the trade relations of our country with the USA have still remained under the scope of the anachronistic Amendment of Jackson-Vanik legislated by the American Congress in August 1972, whose aim was to determine the Soviet Union to respect human right, in particular the right of its citizens to free emigration. In compliance with Jackson-Vanik Amendment, the trade status of the most favored nation granted to our country by the Government of the USA should be reconfirmed / extended periodically by the US Congress.

5.3. Conclusions and suggestions

According to MFAEI Report regarding its diplomatic activity in 2008, “the Moldovan-American dialogue continued to have a constant character”¹⁸⁵. However, the realities described in the above paragraphs prove that the notion

¹⁸¹ Ambassador Pamela Hyde Smith’s Interview offered to Moldova Azi, Chisinau, 2 august 2003, http://moldova.usembassy.gov/sp080503_1.html

¹⁸² “Management of “Farmaco” JSC addressed an open letter to the President, the Government and the Parliament”, Moldova Today, Chisinau, January 16, 2002, <http://old.azi.md/news?ID=17345>

¹⁸³ Global Investment Report of 2008, Moldovan Investment and Export Promotion Organization (MIEPO), <http://www.miepo.md/lib.php?l=ro&idc=124&>

¹⁸⁴ “The American Ambassador declared his disappointment with the reduced level of American investments in the Republic of Moldova”, Moldova Today, Chisinau, October 1, 2002, <http://old.azi.md/print/20959/Ro>

¹⁸⁵ Diplomatic Year 2008, MFAEI, <http://www.mfa.gov.md/evenimente/472644/>

of “constant character” used by MFAEI to describe the evolution in the political dialogue between Chisinau and Washington is nothing but an euphemistic expression which conceals the stagnant character of the cooperation between the Republic of Moldova and USA. Perpetuation of the current state of play might generate high risks for our country’s capacity to efficiently promote its national interest under the conditions of instable regional geopolitical context. The inconstant geopolitical situation in the region was brought to light and, at the same time, became more prominent as a result of the military aggression of Russia against Georgia in August 2008. More and more local and international experts have recognized that Russia was in the process of reaffirming its supremacy in the “immediate neighborhood”.

The Moscow agenda does not coincide with the European Integration aspirations and objectives of the countries in the region: Moldova, Georgia and Ukraine. To be able to cope with the constantly increasing political, economic and military pressures coming from Russia, Ukraine and Georgia being states with Euro Atlantic aspirations have managed to recently advance their political cooperation with USA to the level of strategic partnership¹⁸⁶. At the same time, Ukraine is in the process of redefining the quality of its relations with EU. In parallel, Georgia pursues the same strategic objectives in relation to EU.

Changing the dimension of the relationships with the USA with the aim of developing a privileged partnership should have also become an imperative for the political class from Chisinau and this assumption stems at least on the following two major considerations. First of all, due to the fact that the Transnistrian issue stopped being just a separatist conflict with regional implications, it has instead become an important geopolitical piece used by Russia to prevent enlargement of the Euro Atlantic network in the ex-soviet space; and secondly, because Moscow wanted to renegotiate the security arrangements in Europe, in particular, the adapted Treaty on Conventional Armed Forces in Europe, as well as to convince EU and USA on the need to negotiate a new comprehensive Euro- Atlantic Security Agreement. However, in both cases, a Moldova without strategic partners in the West risks to stand totally unprepared to defend its own interests during the possible future discussions/negotiations regarding the Euro Atlantic security architecture.

¹⁸⁶ On December 19, 2008, Ukraine and USA signed the Charter on Strategic Partnership in Washington, <http://www.mfa.gov.ua./usa/en/publication/print/23512.htm> ; On January 9, 2009, Georgia signed the Charter on Strategic Partnership with USA, <http://www.america.gov/st/texttrans-english/2009/January/20090109145313eaifas0.2139093.html>

To avoid such an evolution, it is necessary that the Chisinau authorities convince the USA about the need in a privileged partnership based on the following principles:

- mutual support for the sovereignty, independence, territorial integrity and inviolability of the borders;
- cooperation in security and defense areas to respond efficiently to threats against security and peace in the region;
- consolidation of the Republic of Moldova as independent, sovereign and democratic state able to contribute to security and prosperity not only of its citizens but of the entire Europe;
- encouraging and supporting the efforts of the Republic of Moldova with a view of deepening its political, economic, social and security ties with the Euro-Atlantic Community;
- supporting full integration of the Republic of Moldova in EU;
- strengthening energy security of the Republic of Moldova by connecting it to the Southern Energy Transit Corridor from the Caspian Sea to Europe;
- developing Moldovan-American economic cooperation through negotiation of a deep bilateral agreement in the field of investments, extending the access of our country to the General System of Preferences and exploring the possibility of signing a Free Trade Agreement.

Such a privileged partnership underpinned by clearly defined objectives can facilitate the evolution and the substance of our country's relationships with the USA in all areas of mutual interest. More than that, the Republic of Moldova would hence be endorsed by a strategic ally in the context of the future geopolitical evolutions in the region.

6. Cooperation of the Republic of Moldova in the Council of Europe

Eugen Revenco, Program Director, APE

6.1. Republic of Moldova accession to the Council of Europe (CoE)

Accession to the Council of Europe represents a process, which formally starts with the status of a special invitee granted to the national legislative body. The delegation of the Moldovan Parliament obtained such a quality on February 5, 1993, and in a couple of months, on April 20, 1993, it submitted the application to join the Council of Europe.

From the very beginning, it shall be mentioned that a number of reforms were initiated and carried out with an essential contribution of the Council of Europe already at the pre-accession stage, for instance development of the Constitution, Law on Special Status of Gagauzia, Legislation on Judiciary Organization and the Law on National Minorities.

Thus, after formal ratification by the Moldovan Parliament, the instrument on ratification of the Council of Europe Charter was filed on July 13, 1995, based on which a series of general and special obligations¹⁸⁷ were formally assumed by the country, and namely:

a) General obligations – most of them presuppose joining the conventions (signing and ratifying) managed by the CoE, refraining from some international actions, as well as enforcement of some universal principles of law:

- to sign the European Convention on Human Rights (ECHR) at the time of its accession;
- to ratify the European Convention and Additional Protocols 1, 2, 4, 7 and 11 within one year from the date of its accession;
- to sign and ratify, within 3 years from the time of its accession, the Protocol 6 to ECHR concerning the abolition of death penalty in peace time and maintain the moratorium on capital punishment until its complete abolishment;
- to recognize the individual right of appeal to the European Commission

¹⁸⁷ The path to accession and the commitments taken by the national legislative body are contained in the PACE Note No. 188 (1995) of 27.9.1995 on the Republic of Moldova request of accession to the Council of Europe, which recommended the Committee of Ministers “to invite Moldova to become a member of the Council of Europe”, concurrently giving the national delegation 5 seats in PACE. Further on, on October 20, 1995, PACE Bureau approved the study on compatibility of the Moldovan legislation with the principles of the Council of Europe.

according to Protocol 11 and the mandatory jurisdiction of the European Court for Human Rights;

- to refrain from ratification of the CIS Convention on human rights and, moreover, not to ratify the CIS Convention without the prior consent of the Council of Europe¹⁸⁸;
- to sign and ratify the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment within one year from the date of accession;
- to sign and ratify, within one year from the date of accession, the Framework Convention for the Protection of National Minorities, while the policies shall be pursued according to the Council of Europe Parliamentary Assembly (PACE) Recommendation 120 (1993);
- to sign and ratify the European Charter of Local Self-Government within one year after accession, as well as to study, for their ratification, the Social Charter of the Council of Europe and the European Charter for Regional and Minority Languages;
- to analyze the possibility of ratifying the European Convention on Extradition, Mutual Assistance in Criminal matters, Transfer of Convicted Persons;
- to sign and ratify the General Agreement on Privileges and Immunities of the Council of Europe within one year after accession;
- to find peaceful solutions to international and national conflicts;
- to ensure freedom of confessions, without discrimination and to find peaceful solution to the dispute between the Metropolis of Moldova and the Metropolis of Bessarabia;
- to cooperate with the PACE monitoring procedure set forth through the Committee of Ministers Declaration of 10.11.1994¹⁸⁹.

b) Special obligations refer to a series of legislative internal measures, which in particular stipulate the following:

- to apply articles 54 and 55 of the Constitution without restrictions for human rights;

¹⁸⁸ A regional competing instrument was developed within CIS and its goal was to create a parallel jurisdiction with its own standards that would regulate the degree and contents of the protection of human rights applicable in all CIS countries.

¹⁸⁹ The procedure was adopted by the Committee of Ministers of the Council of Europe (CNCE Deputies) at the 535th Meeting on 20.04.1995.

- to change the role and functions of the Parliament by transforming this institution into a body functioning according to the rule of law principles and CoE standards;
- to create conditions for the functioning and studying of the state language;
- to transfer the penitentiaries' responsibilities from the Ministry of Interior to the Ministry of Justice until autumn of 1995;
- to adopt a new Criminal Code and a new Criminal Procedure Code within one year after accession;
- to change art. 116 § 2 of the Constitution with the aim of ensuring judiciary independence in compliance with the CoE standards within one year after accession;
- reformation of laws and practices regarding local self-governance according to the European Convention for Local Self-Government.

Thus, in 1995 the Republic of Moldova became one of the first ex-USSR countries that joined the Council of Europe after the Baltic States and the first among the CIS countries¹⁹⁰. During these 13 years of its participation in the organization, the Republic of Moldova has either become a party or signatory of 69 CoE conventions.

Ratification of ECHR was preceded by a compatibility study of the legislation and development of some amendments to the legislation in order to exclude an essential part of contradictory norms susceptible to generate condemning decision of the European Court for Human Rights from Strasbourg. Only after the legislation was adjusted according to the given recommendations, the Parliament published the Decision¹⁹¹ No.1298 of 24.07.1997 on ratification of the European Convention on Human Rights in the Official Gazette No. 054 of 21.08.1999 (in two years). In the context of accession to ECHR, a new office called the office of the Governmental Agent was created and it started representing the interests of the Government in Strasbourg Court.

¹⁹⁰ The Moldovan diplomacy used this argument in its pro-European request. Today, however, this argument can be counterproductive because we are already the first country that does not manage to fulfill the commitments undertaken at the time of its accession, i.e. for more than 13 years!

¹⁹¹ In compliance with the Law on International Treaties of 1992, international treaties used to be ratified through a Decision of the Parliament. The Standing Committee of the Parliament had to ensure its publication. Later on, this function was delegated to the State Chancellery. Later on and until now, ratification of treaties is decided through law.

In 1998, in a regional competition the Moldovan diplomacy managed to attract¹⁹² the opening of the Information and Documentation Office of the Council of Europe in Chisinau for the purpose of supporting the efforts of the Government in dissemination of knowledge about human rights and mechanisms of their protection, democratic processes and standards. This office is not a diplomatic mission and does not fulfill political functions.

Similar to other cases, joining of an international organization presupposes that the country would make financial contributions to its budget. Annual contribution of the Republic of Moldova to the budget of this organization was fixed at the scale of 0.12%. In monetary terms, along with the contributions to other funds managed by CoE, the annually paid amount is about 290 thousand Euros¹⁹³. The Ministry of Foreign Affairs and European Integration was assigned to ensure coordination of activities with CoE both horizontally and vertically¹⁹⁴. Throughout the years, the national budget and the Ministry of Foreign Affairs used to earmark a variable quantity of human and financial resources for this segment. A considerable mobilization of financial and institutional resources took place in 2003 on the occasion of the Moldovan Presidency in the Committee of Ministers of the Council of Europe¹⁹⁵ (including outstanding payments to CoE budget differed for many years).

Adapting the model of membership perception evolution launched by the former Secretary General of the Council of Europe Daniel Tarschis, we can suggest the following classification:

- “ignorance” – which characterizes the first years of sovereignty and independence, i.e. period of 1990-1992;

¹⁹² Under regional competition framework.

¹⁹³ Annual contribution of RM to the CoE budget for 2007 was 295040.46 Euros; for 2008 – 299703.46 Euros; for 2009 – 311.114 thousand euro; while the total for those 13 years of participation in the organization is over 3.5 million Euros.

¹⁹⁴ Vertical coordination meaning coordination of the activities carried out by the Permanent Representation of the Republic of Moldova within CoE in Strasbourg, as well as of the relations with the Government, Parliament and the Presidential office is mainly done by the Ministry of Foreign Affairs.

¹⁹⁵ On this occasion, all financial arrears were paid out, the Permanent Representation was extended to 5 diplomatic units, the CoE division within the Ministry of Foreign Affairs got extended up to 5 units and the technical capacities of the MFA were fostered. Nevertheless, until 2008 all four permanent representatives of the Republic of Moldova in the Council of Europe were appointed based on political criteria, outside of the diplomatic service. Consequently, none of them after being called back continued working in the central headquarters of the Ministry. As a matter of fact, this situation is characteristic to the entire system of the diplomatic service, but in 2008 only one former head of a diplomatic mission was employed in the MFA.

- “prestige and significance for confirmation of the sovereignty of the new independent states” – which characterizes the accession process itself accompanied by fundamental reforms related to the construction of the state that conventionally commenced along with the judiciary organization process, cessation of the war on Dniester, joining of the United Nations Organization and obtaining the CoE membership status that has marked the period of 1992-1995;
- “discovering the advantages, in particular, for gaining and exchanging political experience” - which started after accession to CoE and rediscovered in 2001-2003 in the context of the political crisis and street protests;
- “engagement in European perspectives” – which presupposes completed reforms, democratic institutions, effective protection of human rights.

In this context, we are more interested to look into how efficiently the advantages of engagement in the European prospects held out by the Council of Europe have de facto been used by our country. Thus, in the last 10 years, the Republic of Moldova has been constantly promoting several objectives¹⁹⁶:

- confirming and fostering the sovereignty of the Republic of Moldova over its entire territory through internationalization of the Transnistrian conflict and attraction of support from international community, in particular from EU;
- completing the PACE monitoring over the fulfillment of accession obligations and commitments;
- attracting assistance of the Council of Europe for advancement of democratic reforms, state of law and human rights.

Monitoring of the commitments undertaken under the framework of the Council of Europe

Monitoring of the commitments and obligations undertaken by a state in relation to its accession to the Council of Europe is carried out by the Parliamentary Assembly of the Council of Europe (PACE)¹⁹⁷, according to a special procedure set forth in the Declaration of Committee of Ministers

¹⁹⁶ Other objectives represented either secondary or occasional objectives without benefiting from an upheld commitment.

¹⁹⁷ The monitoring procedure of the Republic of Moldova was initiated on the basis of the PACE Resolution 1155 (1998) on the evolution of the oversight procedures by the Assembly (April 1997-April 1998) adopted by PACE Meeting of 21.04.1998.

of 10.11.1994 and adopted by the Committee of Ministers of the Council of Europe (CMCE, Deputies) at the 535th Meeting of 20.04.1995. PACE resolutions and recommendations adopted in this context bear a political weight and reflect the general will of the institution, but they are not legally binding for all member states. However, under the procedure of monitoring the accession commitments, the latter shall be viewed as guidelines or benchmarks in relation to which the internal reforms will be evaluated.

Regardless of the fact that many obligations and commitments are matched with a certain deadline for their fulfillment, even 13 years after accession to CoE our country has not implemented these commitments yet. Republic of Moldova today is the country with the longest “history” of fulfillment process of its accession commitments!

This reflects the internal efficiency of reforms. First of all, we speak about the efficiency of the legislature, which adopts reforms and tracks the fulfillment of the adopted laws. And secondly, this shows the efficiency of the activity of the executive body, which has the task of ensuring efficient and timely fulfillment of the new legislation and mechanisms. In this case, the role of the diplomacy is mainly confined to the function of information and attraction of the necessary foreign assistance.

The regional economic crisis of 1998 accompanied by the Government dismissal, the constitutional reform in full swing since 1999-2000 shrank or paralyzed part of the resources, in particular of the Ministry of Justice and the legislature. The priorities moved to a short-term internal political agenda linked to the Parliamentary elections and installation of a new political system, which partially explains but does not justify the delay of the democratic reforms committed for by our country. In such a way, part of the undertaken reforms have not been implemented within the agreed timescale (1-2 years), others have failed to be brought to completion (judiciary and legal reform), while others have de facto been sabotaged (reform of the Prosecution authority, transfer of the penitentiaries and custody places to the Ministry of Justice).

Escalation of the political situation and street protests at the beginning of 2002 brought to light the major problems that had to be dealt with in a priority fashion and which were reflected in PACE¹⁹⁸ recommendations and

¹⁹⁸ Resolution 1280 (2002) and Recommendation 1554 (2002) on the functioning of democratic institutions in Moldova adopted on 24.04.2002; Resolution 1303 (2002) on the functioning of democratic institutions in Moldova adopted on 26.09.2002; Recommendation 1605 (2002) on economic development of Moldova: challenges and prospects adopted on 27.05.2003; Resolution 1465 (2002) and Recommendation 1721 (2005) on the functioning of democratic institutions in Moldova adopted on 4.10.2005; Resolution 1572

resolutions regarding the stability of democratic institutions and progress in accomplishing the CoE obligations and commitments. The situation stated by rapporteurs and supported by PACE contains a longer and more pinpointed list of policies and instruments that were in desperate need of reforms. On top of the previous list of arrears, new regressions were identified following the introduction of a number of anti-democratic reforms (e.g. justice, local administration) carried out after 2001, which led to degradation of the internal political dialogue, etc. In spite of the constitutional majority held by the PCRM, the said reforms failed to be adopted and implemented. Even the transition from the rhetoric of confrontation to a more cooperating form of communication with the European institutions by the ruling party and the government institutions from Moldova was done gradually. It shall be mentioned that even the public commitments of the Head of State and leader of the Party of Communists V.Voronin repeatedly formulated and expressed from various platforms, including in front of PACE, did not advance the reforms and did not conduce to closing the chapters subjected to the monitoring procedure. Regardless of the fact that the Republic of Moldova was approaching the time to take over the Presidency in the Committee of Ministers of the CoE in May 2003 and despite the direct and repeated appeals of the Secretary General of the CoE, the Committee of Ministers and Chairman of PACE, the promises formulated by the Moldovan political leaders did not translate into the necessary internal political willpower.

The pro-European stance of the Republic of Moldova has been repeatedly mentioned on various occasions by the leadership of the country starting with 1998. Even in the period of unilateral pro-Eastern orientation of the foreign policy vector, i.e. in 2001-2003 the pro-European rhetoric was nevertheless preserved in the communication with the West¹⁹⁹. Later on, the authorities presented the European Union to the Moldovan society as “the anteroom” of EU. The same thing was confirmed by PACE in its Resolution 1515 (2002), which noted with satisfaction that every time the European Commission prepared its progress reports as part of the accession and pre-accession procedures it used to make systematic references to fulfillment of obligations and commitments before CoE. Also, making references to the European Neighborhood

(2007) and Recommendation 1810 (2007) on honoring the obligations and commitments by Moldova adopted on 2.10.2007; Resolution 1619 (2008) on the status of democracy in Europe, functioning of democratic institutions and progress in the PACE monitoring procedure adopted on 25.06.2008.

¹⁹⁹ See the speeches delivered by V. Voronin before PACE in 2001 and 2003; the declarations made in the context of the meetings with the Secretary General of CoE, and the PACE Chairman.

Policy (ENP)²⁰⁰, the Parliamentary Assembly reminded that enforcement of the obligations and commitments to the Council of Europe was “the preliminary condition for a more advanced European integration”²⁰¹. The EU-Moldova Action Plan signed in February 2005 contained multiple references to commitments and areas of direct action of the Council of Europe.

PACE Resolution 1572 (2007) again expressly encouraged the national authorities to bring the reforms to a successful end, thus ensuring full enforcement of the commitments undertaken by our country. Fulfillment of these conditions was necessary in order to complete the monitoring procedure and launch the post-accession dialogue²⁰². The visit of the Chairperson of the Parliamentary Assembly of the Council of Europe (PACE), Luis Maria de Puig, to Chisinau organized in July 2008, took place before the closure of the summer session of the Moldovan legislature. During PACE summer session, on June 25, PACE adopted Resolution 1619 on the functioning of democratic institutions in Europe, which also made explicit references to the state of affairs in Moldova. This Resolution evaluated the evolution of the situation since the last Resolution adopted in October 2007. It served as another occasion to convey the message about the status of spirit existing in the Council of Europe regarding the fulfillment of commitments and achieved progress directly to the leadership of Chisinau, political parties and the society at large. This position of PACE was publicly reiterated in the speech delivered by Luis Maria de Puig in the Moldovan Parliament.

First of all, PACE Chairperson also underscored that the reforms promised at the time of accession should be accelerated since monitoring of the enforcement of Moldova’s accession commitments lasted for quite a long time – 13 years! The European official also had to mention that the essence of things did not move towards democratic stability and was far from fulfilling the commitments undertaken by the country. It was highlighted once again that along with minor progress irregularities were also found, and namely:

- stagnation in passage of laws, out of which the most pressing and urgent one being the reform of the prosecution authority that has not advanced²⁰³ anyhow;
- regression, including in the electoral legislation; cessation of direct broadcasting of the Parliamentary sessions, etc.

²⁰⁰ Recommendation 1724 (2005).

²⁰¹ P.7.1 Resolution 1515 (2002) on evaluation of the monitoring procedure of Assembly (May 2005-June 2006)

²⁰² Item 21 of PACE Resolution 1572 (2007).

²⁰³ Certain evolutions were registered at the end of 2008.

The problematic areas already represented a kind of “standard Moldovan package”, which included such fields as justice, freedom of expression, combating corruption, administrative reform and conditions for the activity of municipalities, electoral aspects, and reform of the office of prosecution. In other words, Strasbourg expected definite solutions and not just a mere dynamics. A new condition introduced by Resolution 1619 referred to conducting observations over the procedure of preparing and unfolding of the Parliamentary elections of 2009. Consequently, regardless of the speed and quality of the reforms, the Republic of Moldova does not have any chances to complete the PACE monitoring of its commitments by the end of 2009²⁰⁴.

6.2. Thematic monitoring of the Committee of Ministers of the Council of Europe

In compliance with the Charter of the Council of Europe, the Committee of Ministers is empowered to carry out monitoring on various subjects. In this context, the Republic of Moldova is periodically invited to present sectorial reports about fulfillment of the country’s commitments. Most often problems have been identified in such areas as functioning of democratic institutions, freedom of expression²⁰⁵, functioning and independence of the judiciary, situation of local democracy and freedom of conscience and religion.

It shall be mentioned that if the previous mechanisms are normally applied by all states, then the procedure envisaged by article 52 of the European Convention for Human Rights is deemed exceptional and unusual. As a rule, it is initiated by the Secretary General of the Council of Europe in relation to a Member State when there is ground to believe that the actions or policies of the given state runs counter to the provisions of the given Convention. Previously, this procedure was applied only as part of some general supervision measures for all countries, but at individual level it was applied only against the Russian Federation in 1999 in relation to the civil war in Chechnya.

In 2002 the Republic of Moldova became one of the few countries invited to submit such report assessing all policies and practices for application of a number of provisions included in the given Convention, such as: decision on suspension of a political party, education and studying of languages, history and local self-government. Application of article 52 in relation to our country is a proof of a serious concern for the alarming deviations in the stated areas.

²⁰⁴ April 2009 events and the follow-up evolution of internal policies have complicated even more the task of the legislature and executive for 2010.

²⁰⁵ For instance, in 2004 dysfunctions were identified in the work of the broadcasting, in particular, revocation of the broadcasting licenses for the local posts “Euro TV” and “Antena-C”.

This fact shows that there are dysfunctions at the level of politics and institutions applying them, and feeds the fears and suspicions about reversibility of the democratic reforms in the country.

Following the street protests and worsening of the political situation in the country, on October 20, 2002 the Committee of Ministers supported the suggestion of the General Secretary of the Council of Europe to institute and send to Chisinau a special representative with a long-term mandate. Later on, the candidate, his mandate and the length were coordinated; and then an understanding was concluded in a simplified form of exchange of letters between the parties. Initially, the term of this mission had to be limited, while the mandate mainly presupposed facilitation of the dialogue within the permanent round tables of the political parties, functioning as liaison between CoE and Chisinau, coordination of the implementation of the Cooperation Pilot Program and the Joint CoE/EU Program. At present, Chisinau is hosting the Office of the Special Representative of the CoE Secretary General for the 7th year. Its mandate has been expanded and already encompasses political subject as well, including issues related to fulfillment of accession commitments and obligations. This situation can be interpreted as a discouraging signal, which shows that the speed and evolution of the reforms are bad. Meanwhile, in the light of stability of democratic institution the issue of Transnistria has got a new dimension in the relationship agenda between the Republic of Moldova and the Council of Europe. This time it was stated that Chisinau lacked transparency and intentionally tried to remove a part of the political class (political opposition) from the process of territorial reintegration of the country²⁰⁶.

The CoE intervened into the situation with a view of combating any expulsion from the process and make it participatory for the entire society. In May-November 2003, the Republic of Moldova exercised its term of Presidency in the Committee of Ministers of the Council of Europe. Under the condition of internal political crisis of 2002, worsening of the relations with the neighbors, failure to fulfill the decision of the European Court for Human Rights in the case of the Metropolis of Bessarabia, there were many voices that doubted the capacity of the country to take over the given function. An Inter-ministerial Commission led, according to the new tradition, by the head of the state, was created and mandated with coordination of the activities envisaged in a special action plan. Although this Commission had a major political weight in the country according to its membership structure (a kind of a mini-Government), the goals actually accomplished by it had mostly born a technical

²⁰⁶ SG W. Schwimmer at Chisinau Conference on Frozen Conflicts, September 2003, Chisinau

nature. However, the Commission only managed to create a background of tolerance necessary to loose the tension related to Moldova's undertaking of the Presidency term in the Committee of Ministers of the Council of Europe: changing the rhetoric, engagement in various consultation procedures, and adoption of a decision (partial or intermediary) to ensure implementation of the promised recommendations.

The frequent visits to Chisinau paid by the Secretary General of the Council of Europe, Chairperson of the Parliamentary Assembly of the Council of Europe, Chairman of the Congress of Local and Regional Authorities in Europe speak about the concerns of the organization for the low turn-over of political reforms in our country. We should, nevertheless, state the progresses that were achieved namely in the given period of time: complete repayment of arrears to the Council of Europe and Development Bank of the CoE, launching of some projects within the bank; strengthening the institutional capacities of MFAEI by providing human capital and additional materials to the Permanent Representation in Strasbourg, as well as the central apparatus of the Ministry of Foreign Affairs; starting the process of horizontal interdepartmental coordination; gradual, although partial, coming back to some of the reforms; support and appeal of CoE to financial institutions and Member States to renew funding of the Republic of Moldova; a certain positive impact on the country's image, etc.

Also, regardless of the capacities of the Republic of Moldova representatives to lead the work in the Committee of Ministers of the Council of Europe, the impact of this Presidency can also be seen from a different angle, and namely looking at the tense relations with the neighbors (with Ukraine – border disputes; with Romania – accused of being revanchist and attempt on statehood²⁰⁷), and internal dragging of reforms and refusal to effectively take stock of CoE recommendations. From this point of view, the image of the Republic of Moldova as Chair-in-Office in the Committee of Ministers of the CoE has somehow contributed to the decline of democratic standards in the region. Based on the example of its own failures, it has weakened the organization itself and its role. Or, this thing is neither in the interest of its citizens, nor does it correspond to the national interest to expand the democratic standards and human rights in the Transnistrian region.

In such circumstances, we cannot speak yet of an irreversible engagement to embrace the path of European perspective. Low credibility of the national

²⁰⁷ The meeting of the Moldovan President V. Voronin with the Romanian President I. Iliescu on 1.08.2003 on the Prut River to celebrate the 25th anniversary of Stânca-Costești Hydropower Plant, as well as the signing in their presence of a bilateral agreement on water use and fishing in the Prut River did not change the essence of their relations.

authorities before its citizens has led to an increase of the Council of Europe importance. Establishment of small progresses has contributed to general support and encouragement of the process of European integration and territorial integrity of the Republic of Moldova. The minimum criterion of irreversible commitment towards European integration and deepening of the relations with EU depends considerably on fulfillment of the commitments and obligations undertaken at the moment of accession to the Council of Europe. Following the internal events and the regresses stated by the Parliamentary Assembly of the Council of Europe, the monitoring procedure has become more thorough.

Stagnation of reforms is mainly caused by lack of political willpower. The institutional system has come to a blockage caused by centralization of the decision-making power, annihilated any initiative and limited the experts competence to the arbitrary will of a political group. Adoption and implementation of reforms should benefit from an adequate political climate, engaging the society at large in the given modernization process. Local authorities should also be involved in the given process, ensuring also an ample communication with the society. In this regard, reinstatement of local self-governance is one of the required imperatives. European integration and reforms do not represent the exclusive concern of some politicians or civil servants of the Ministry of Justice; these actions should have a participatory character and involve the entire society to make the reforms understood, supported and irreversible.

6.3. Transnistrian conflict on the Council of Europe agenda: lost opportunities

In the process of CoE accession, the Republic of Moldova kept constantly emphasizing that the major threat for its sovereignty originated from “the secessionist movement from Transnistria”, while settlement of the conflict should be accompanied by withdrawal of the 14th Russian Army as stipulated in the agreement signed on October 21, 1994 in Moscow, which still had to be ratified by the Russian Federation. The Committee of Ministers of the Council of Europe and the Parliamentary Assembly of CoE supported this position²⁰⁸.

Withdrawal of foreign military presence (Russian military forces and armament) is a priority of the foreign policy and was promoted in the list of accession commitments of the Russian Federation, which “within 6 months from the time of its accession had to ratify the Moldovan-Russian intergovernmental Agreement of October 21, 1994 and continue withdrawing the 14th

²⁰⁸ “... partisans of unification with Romania whose perspective generated the secessionist movement in Transnistria ...”, item 6 of PACE Commentary Note 188 (1995).

Army and military equipment from the territory of Moldova within 3 years from the date of signing the given Agreement”²⁰⁹.

The Moldovan diplomacy pursued the goal of keeping the subject open on the agenda of the Council of Europe and Parliamentary Assembly of CoE until its complete fulfillment. Thus, PACE stated that in the period 2002-2005 a very small progress was achieved with regard to withdrawal of the Russian troops from Moldova and reminded the Russian Federation that withdrawal of its military forces and munitions from the territory of the Republic of Moldova should be done until October 1997 and had to be fulfilled with no delay²¹⁰.

Internationalization of the Transnistrian conflict aimed at creating the conditions necessary for withdrawal of foreign military forces from the country's territory, as well as attracting the EU and CoE in the process of settling and negotiating the special status of the Transnistrian region. This approach found support and understanding both in the Parliamentary Assembly of the Council of Europe (PACE) and the Committee of Ministers of the Council of Europe (CMCE)²¹¹.

The Council of Europe does not have direct competence related to settlement of some conflicts such as the Transnistrian one. In such situations, its mechanisms of intervention are rather limited: periodic visits and reports of the Committee for Prevention of Torture (CPT) in Transnistria, and of the Commissioner for Human Rights used in various occasions in the context of protection of fundamental human rights; various forms of support of the civil society, and others. A more active involvement in the light of protection of human rights managed to be achieved only in 2004 and that was done in the context of the crisis of the Moldovan schools with teaching in the Romanian language from the left bank of the Dniester River.

In July 2004, the European Court for Human Rights adopted the most resounding judgment on the case “Ilascu and others versus the Russian Federation and the Republic of Moldova”. The latter had brought about new approaches and new concerns. The Strasbourg Court did what the politicians did not have the determination to do, and namely: established the responsibility of the Russian Federation for violation of fundamental human rights in the given region starting with the effective exercising of its jurisdiction on

²⁰⁹ PACE Information Note No. 193 (1996) on the request of the Russian Federation to accede to the Council of Europe, item 10.

²¹⁰ PACE Resolution No. 1455 (2005) on fulfillment of accession obligations and commitments by the Russian Federation, item 3 and item 14 i).

²¹¹ 2001-2003 – for the development of a new Constitution and creation of a federal state; 2004 – for creation of a broader autonomy.

the given territory, as well as for the military, economic and other type of assistance provided by the Russian Federation to the separatist regime that otherwise would have never survived. Besides, the Court decided on the liability of the Republic of Moldova for violation of its positive obligations as soon as it found out that the Republic of Moldova refused to take any efforts to re-establish the violated rights²¹².

Irrespective of the judgment and the efforts of the CMCE in the framework of the oversight procedure regarding the enforcement of ECHR decisions, the aforementioned case still remained one of the very few cases that failed to be executed until now. The political influence of the Committee of Ministers is limited by the willpower of the Member States. In the given situation, PACE states that the responsibility for non-enforcement of the given judgment lies with the Russian Federation, which affirms that “it does not have any influence in the region...- an assertion that cannot be taken seriously”²¹³. In such a way, the Republic of Moldova obtained another set of political, legal and moral arguments before Russia regarding the situation and role of each side in Transnistria, although these arguments should have been duly put to use.

At first sight, the measures of political and legal influence on the Russian Federation have been fully exhausted: CMCE adopted five interim Resolutions on this case; PACE repeatedly requested the enforcement of ECHR judgment on Ilascu case. Having this set of arguments at hand, the Republic of Moldova had at least one more way of acting and namely – to initiate an interstate action in ECHR against the Russian Federation, which is flagrantly opposing the enforcement of the judgment ruled by the Strasbourg Court. However, irrespective of the publicly declared intention to initiate proceedings before international Courts (ECHR, International Court of Justice), this leverage has never been used²¹⁴.

²¹² The liability intervened for the reason and on the time when the Court determined that the head of state publicly requested withdrawal of the application filed with the ECHR as condition for the release of other detainees. The oscillation of the Republic of Moldova position in the given case was interesting: initially it supported the accusations against the Russian Federation, and later the Court stated a change in position, and namely absolving the Russian Federation of any responsibility?! We shall note that the given change in tone happened after the change of power in Chisinau in 2001, of the governmental agent and of the course of foreign policy towards a closer unilateral relationship with the Russian Federation.

²¹³ PACE Resolution No. 1516 (2006), par. 11.2

²¹⁴ Moldova failed to act either in ECHR or UNO, even if the Russian Federation has already introduced the embargo against the Moldovan exports in 2004-2005, while in winter 2006 discontinued the gas supply.

Such experience is well known in the Council of Europe after the interstate actions initiated by Cyprus and Greece against Turkey. It shall be states that refusal to undertake other efforts has come regardless of the trade ban against the Moldovan imports (meat, wine) and cessation of the gas supply by the Russian Federation. For instance, during the last eight years, the Moldovan authorities refused to continue requesting the acknowledgment of the Russian Federation responsibility in the case of Ilascu and others against the Russian Federation and the Republic of Moldova. Trying to make a parallel with refusal to initiate interstate actions before international tribunals, we can state a continuous inconsistency in the actions of the Republic of Moldova with regard to the Transnistrian file after 2001.

7. Cooperation of the Republic of Moldova within the Commonwealth of Independent States

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7. 1. The CIS – a suitcase too heavy to carry

The Commonwealth of Independent States (CIS) is one of the most famous regional organizations in the geographical area covered by the constituent countries. Although quite famous, but yet unknown as an organization, action or achievements, it initially included 12 ex-Soviet states, but later remained with only 11 states in its membership. The organization declared that it had never acted as a supranational power²¹⁵, but nevertheless it managed to create 87 bodies (9 main working bodies and 78 specialized branch bodies).

Initially, at the beginning of the CIS creation, the Republic of Moldova directed its interest towards economic, social and legal cooperation, as well as conflict prevention and resolution, but expressed its reservation with regard to the CIS Statute which excluded participation in collective security, political and military cooperation, foreign policy coordination and migration policy²¹⁶. The Parliament Decision on ratification of the Agreement on creation of the CIS and the CIS Statute are based on “the understanding that the Republic of Moldova will be guided first and foremost by economic cooperation and will exclude interaction in political and military areas”.

The Transnistrian conflict had an imprint on the international relations of the Republic of Moldova in late 90s when Chisinau authorities tried to include the given issue in the agenda of the multilateral discussions. First in June 1999, the Ministers of Interior of the CIS member countries decided to limit contacts with the separatist regions and their administrations. Then, in December 1999, the Foreign Ministers were already invited to discuss the Transnistrian problem. The topmost point in the discussion regarding the given topic was reached at the meetings of the Heads of State and Government on January 25th, 2000. In the hope that the conflict will be resolved soon, the

²¹⁵ Art. 1 paragraph 3 of the CIS Statute.

²¹⁶ Agreement on creation of the CIS was ratified with some reservations through the Parliament Decision No. 40-XIII of 8.04.1994, The Statute of the CIS and the given reservations were ratified through the Parliament Decision No. 76-XIII of 26.04.1994. After certain reservations were withdrawn by the Parliament through the Law no. 1356-XV of 4/10/2002, the Republic of Moldova had still kept in force the reservations included in Article 9, paragraph 4, Articles 11, 12, 13, 14, 15, 30 and 31 of the CIS Statute. www.cis.minsk.by

official delegation of the Republic of Moldova also included representatives from Tiraspol administration²¹⁷.

Even after the change of power in Chisinau, the search for support in settling the Transnistrian conflict within the CIS continued, including at the CIS meetings of the heads of states²¹⁸. Later, the Russian-Georgian war in August 2008 put an end to the illusion regarding the capacity and political willpower existing in the CIS to resolve the conflicts between member states and internal ones, like the Transnistrian conflict. As a result, the CIS has lost one member - Georgia, which decided to leave the organization after the Russian-Georgian war. The Committee of Ministers held a meeting on the 9th of October 2008, but it failed to seriously debate the given issue, and only took stock of this intention and decided to conduct an inventory of the documents that would continue being applied in the future. Thus, the CIS has not been effective in preventing and settling military conflicts between member states and in resolving secessionist conflicts (which have a pronounced foreign tinge) either at the beginning or 17 years after its establishment. In other words, the organization did not fulfill the missions it urged to pursue from the very outset of its creation.

An example of common approach of the CIS member states is the CIS Declaration on the state of affairs in the OSCE adopted at the meeting of Heads of State on July 3rd, 2004 in Moscow. It contains a number of conclusions on the dysfunctions and inefficiency of the respective organization. Meanwhile, the Russian Federation failed to honor its own commitments to withdraw troops, equipment and munitions from the territory of the Republic of Moldova undertaken at the Istanbul Summit in 1999. Therefore, for the Moldovan side, the given Declaration looked more like a concession of national interests²¹⁹ rather than their promotion.

This declaration appears even more unusual given the fact that in the middle of the crisis in relation to the Romanian-teaching schools from Transnistria, the concerns of Chisinau have not found any support in the CIS framework.

²¹⁷ Infotag reported that Victor Siniov, so-called deputy prime minister of Transnistria, and Valeri Litskai, who was considered the secretary of state in the region, were included in the delegation.

²¹⁸ CIS Anniversary Summit in Moscow, 3.12.2001; Heads of State meeting in Chisinau, 7.10.2002

²¹⁹ Moldovan President V. Voronin made an additional (related) statement expressing his dissatisfaction with the fact that OSCE showed more concern for democracy and human rights than settlement of frozen conflicts. But the latter seems more a concern of the party since in several reports the Communist Party has been repeatedly accused of deterioration of democratic institutions and fundamental rights in the country.

Even though the Prime Minister of Moldova, Vasile Tarlev, exercised the Presidency in the CIS Council of the Heads of State, on September 15th, 2004 in Astana, the Russian Prime Minister Mihail Fradkov said after the meeting that “issues related to teaching in Moldovan language in the Transnistrian schools will be solved in complex, along with all other matters related to the settlement of the Transnistrian conflict”. In other words, these matters should not be included in the discussion.

In accordance with the stated priorities of its participation in the CIS, Moldova aimed at establishing a free trade area. Such a multilateral agreement was drawn up within the organization on April 15th, 1994, but was not ratified by the Russian Federation. Paradoxically, the engine and the most interested player in the functionality of the CIS was the one to hinder the process of enhancing the cooperation within the CIS. However, the CIS was the main market for Moldovan exports, representing a share of 50% of total exports in the late 90s. Initiatives and dissatisfaction in this respect have been repeatedly expressed over the years. Therefore, Republic of Moldova has been continuously developing bilateral ties with all the CIS countries, mainly with commercial tinge.

The mood and quality of economic relations among the CIS countries have fluctuated periodically. In the context of internationalization of the Transnistrian conflict, and of the attempts to restore constitutional control on the country's eastern border, the CIS was useless both in terms of “border guards' cooperation” and in the sphere of economic security. With Moldova's accession to WTO in May 2001, customs seals applied on the territory of the country were upgraded and standardized, while the customs stamps granted to the Tiraspol administration in 1997 were withdrawn. These measures were intended to establish customs control by the constitutional bodies on the Transnistrian segment of the Moldovan-Ukrainian border. To this end, joint Moldovan-Ukrainian border control was expected to be introduced on a temporarily basis. This measure was rejected in Kiev, and the bilateral relations suffered an unprecedented deterioration in 2001-2003. Although the CIS got the highest words of appreciation during the Summit of the Heads of State by President Voronin and even though the organization had all the leverage needed to settle the issue, it failed to take over this role. As a result, Moldova and Ukraine found a mediator in the person of the European Union. In 2005, EUBAM mission was established on the Moldovan-Ukrainian border, whose mandate was repeatedly extended.

During 2004-2006, the Russian Federation introduced a trade embargo on agricultural and wine products from the Republic of Moldova and Georgia.

In Chisinau these measures were perceived as sanction for failure to sign the Kozak Memorandum²²⁰ in November 2003. Moldova tried to intensify its contacts with the EU and was “forced” to diversify its export markets. Consequently, in the context of the malfunctioning of the CIS and gradual penetration of the European Union market, the latter became the most important commercial partner of Moldova.

After the Parliamentary elections of February 2005, the legislature reoriented the foreign policy vector of Moldova towards the European Union, thus unanimously adopting a statement to that effect. During the meeting of the CIS foreign ministers in Moscow on August 25th, 2005, the Minister of Foreign Affairs of the Russian Federation, Sergey Lavrov, warned that countries which chose a pro-western foreign policy orientation would have to bear the costs. And already in January 2006, in the context of a dispute over the sudden increase in natural gas prices, the gas supply to Ukraine and Moldova have been suspended. The situation reoccurred in winter 2008-2009. In December 2008 - January 2009, under the pretext of a new trade dispute, Russia again halted gas supplies to Ukraine and Moldova. Similar practices of discontinuation of gas supplies were applied against Georgia as well.

We shall note that, despite participation in the CIS, in its multilateral commitments and bilateral agreements with Russia, the CIS member states, including Moldova, remained vulnerable in the area of energy security. This vulnerability is evident in regards to the Russian Federation, which has not hesitated to repeatedly use this lever. And the CIS as an organization neither prevented the gas conflict, nor defused the situation. In this context, it did not contribute to ensuring of energy security of its member states, maintaining and extending the dominance of a single actor. Thus, the natural desire of the countries affected by these political risks was to seek solutions and achieve their interest by participation in other regional initiatives, like GUAM and the Western Partnership proposed by the European Union.

Benefits of the participation and the organization itself are treated rather controversially by observers and politicians. There are more and more people

²²⁰ Kozak Memorandum is a draft understanding meant to achieve settlement of the transnistrian conflict, negotiated by Russia with Chisinau and Tiraspol. As a result, this document implied the creation of unbalanced and fluid distribution of powers, susceptible to constant deadlocks, where the Transnistrian region had to enjoy the right to veto over the most important political decisions, including foreign policy, while the army of the Russian Federation would have had the right of stationing for at least another 25 years. Under the public opinion pressure and with the support from the West, the Moldovan President V. Voronin gave up the intention of signing the agreed documents on the eve of the expected arrival of Russian President V. Putin to Moldova.

who tend to qualify it as a form of civilized divorce, or a form of maintenance in the area of Russian influence, or a form of spreading the interests of Russia or an improvisation of Russian diplomacy, which sought to somehow replace the USSR, thus creating a regional organization. These voices are clearly heard in Chisinau, Kiev, Tbilisi and even in Moscow²²¹.

Since the creation of the CIS in December 1991 and until December 2008, about 1800 documents were adopted, of which approximately 26% lost their validity, according to official statistics of the CIS Secretariat. Many voices say that a large number of documents signed in the CIS do not work, which has provoked discussion about “reviving” and “restructuring” the organization. Upon completion of such a meeting with the participation of the heads of state, on June 24th, 2006, the then Chairman of the CIS, President of Kazakhstan, Nursultan Nazarbayev, acknowledged that the CIS countries were dissatisfied, and some even very dissatisfied, because the organization had become “a meeting club of the Presidents” and that out of “1600 documents adopted during the entire existence of the CIS, only 10% are still valid”²²².

In fact, the situation can not even be different given that during each meeting of the Heads of State and Government about 30 new documents are adopted in a record time. These documents are not preceded by a thorough analysis at the national level, are often of a poor quality and produced hastily. On the other hand, responsible administrations in the respective country prefer to accept the signing of these documents only to remain “politically correct”, without any intention of implementing these commitments. Withdrawal from the CIS is brought regularly into the discussions in the Parliament and to that effect a legislative initiative was even submitted in July 2006.

The viability and usefulness of the organization are called into question by analysts and observers from Moldova, Ukraine, Georgia, and Russia. On the one hand, the Russian Federation has redefined its interests for a deepened regional integration with members of Euro-Asian Economic Union (EAEU) and countries participating in Collective Defense. On the other hand, the reality opens up new opportunities and forms of development for countries in European Union’s neighborhood, at least for those interested. Therefore, leaving the CIS started to be more and more often invoked by the politicians, journalists and experts. The last legislative initiative in this regard made by a group of MPs in July 2006 was rejected by the government and the parliamentary majority faction.

²²¹ Foreign Policy Debates and Synthesis, www.ape.md 02.2009.

²²² Infotag, 24.07.2006.

7.2. Republic of Moldova - between the CIS and the EU²²³

After 17 years of our country's membership in the CIS, the position as if the European Union (EU) does not want us, and integration in the CIS is our only chance to be included in the process of economic globalization raises more and more questions in Chisinau. This trend is not at all accidental. For instance, until now, economic, commercial and political advantages promised to the Republic of Moldova by the CIS have remained unfulfilled. At the same time, the EU is constantly increasing its political, economic, social and cultural influence and attraction upon our country, particularly since the former became its immediate Western neighbor.

In these circumstances, it is not at all surprising to hear more and more voices in Chisinau who stand for abandoning the CIS and focusing exclusively on Moldova's integration efforts in the EU. For supporters of the latter, the CIS and the EU represent two distinct integration processes, even contradictory, and ultimately the Republic of Moldova will have to make a choice in favor of one of them. This view is not shared by the pro-CIS politicians in Chisinau, who, being aware that the increasing presence of the EU in Moldova will considerably weaken their strategic option, are still trying, however, to "eat one's cake and have it". Thus, most advocates of the CIS support the idea of simultaneous integration of Moldova in the CIS and the EU, because, in their view, there are no incompatibilities between the two integrationist entities.

Criteria and instruments

Note that so far neither the supporters of the pro-EU integration vector exclusively, nor did those who stand for bi-vector integration "EU + CIS" manage to produce arguments that would demonstrate the CIS incompatibility or compatibility with the EU. Both sides are content to formulate their options pro or against the CIS, using vague political statements meant to persuade citizens of the Republic of Moldova whether the objectives pursued by the CIS and those of the EU are compatible or not; if values and democratic principles of the CIS correspond to those of the EU or not; if Free Trade Agreement signed in the CIS is or not contrary to the interests of Moldova to integrate gradually into the European Union's economic space; if the CIS is or not open towards European standards etc.

In the below paragraphs, we will speak briefly about the four aspects that are often referred to by our politicians in their declarations regarding the future prospects of Moldova's relations with the CIS. This time, however, we deem necessary to examine those issues proceeding from the agreements that formed the foundation of the two integrationist entities, the CIS and the EU,

²²³ <http://www.info-prim.md/?a=10&x=&y=14920>

especially the Minsk Agreement on the Foundation of the Commonwealth of Independent States, signed by Russia, Ukraine and Belarus on December 8th, 1991, and respectively, the Treaty of Rome from 1957 on the creation of the European Economic Community (EEC), predecessor of the current EU.

The EU versus the CIS: are their objectives compatible?

We will start the analysis by addressing the following question: are the CIS objectives compatible with those of the EU? It is a well known fact that the major purpose of the Treaty of Rome from 1957 was to build a much closer union among the peoples of Europe, “determined - as mentioned in the preamble of the Treaty - to ensure economic and social progress of their countries, acting together to remove barriers which divide Europe”. To achieve this goal, the signatory states of the Treaty of Rome agreed to create a common economic market, a customs union, to develop and implement common policies in agriculture, trade and transport.

Unlike the Treaty of Rome, the Minsk Agreement on the creation of the Commonwealth of Independent States was conceived by its founding fathers (Belarus, Russia and the Ukraine) in order to dismember the Soviet Union (USSR) - the most integrated and extended political and economic union in Eastern Europe and Eurasia at that time. Therefore, by its content, the Minsk Agreement offered the former Soviet republics the necessary political and legal framework for conducting a consensual and peaceful disintegration of the Soviet Union, avoiding a sudden rupture, especially a violent one, of political, economic, social and culture ties, which existed between the peoples of the USSR. Thus, not accidentally, the given Agreement stipulated the core values and principles guiding the collaboration between ex-Soviet states in the new conditions created after the collapse of the USSR.

For example, parties to the Minsk Agreement committed to the objectives and principles of UN Charter and the Helsinki Final Act of 1975 and declared that they would guarantee their citizens equal rights and freedoms regardless of nationality and other differences; also agreed to initiate and develop mutually beneficial cooperation in political, economic, commercial, cultural, humanitarian, scientific and other areas of common interest on the basis of equal rights of people and their countries; agreed to recognize and respect the territorial integrity and inviolability of existing borders within the CIS. They also agreed to support the sole control of the former USSR nuclear weapons. Moreover, by article 7 of the Minsk Agreement, the parties acknowledged that the scope of their joint action consisted of: coordination of foreign policy activities, cooperation in the fields of creating and developing a common economic space, customs policy, development of transport and communications

systems, environment, migration policy, fighting against organized crime²²⁴.

Although the parties to the Minsk Agreement assented on common areas of collaboration, they failed to give the cooperation within the CIS a real dimension in terms of economic integration, as was it was formulated by the EU in the Treaty of Rome in 1957. For example, although art. 7 of the Minsk Agreement referred to cooperation in establishment and development of common economic space, the agreement did not contain any specific commitment to create a common market of goods, a customs union or to develop and implement common policies. Therefore, if the CIS were to operate only according to the objectives set by the Minsk Agreement, it would have remained in history as an organization whose purpose was to ensure the peaceful disintegration of the USSR.

However, an important change took place in 1993-1994 when the CIS members agreed to endow the organization with the economic integration dimension as well, thus taking over the European Union model. For instance, following the signing of the Agreement on Economic Union (September 1993) and also of the Agreement on creation of a Free Trade Area (April 1994) by the CIS member states, the CIS acquired the same objectives of economic integration as the EU, and namely: development of a common market for goods, services, capital and labor, creation of a customs union, gradual creation of a monetary union, development and implementation of common policies on customs, trade, monetary, social, environmental, transport and communication, etc.

Republic of Moldova and its prospects within the CIS

In this context, we have to ask ourselves whether the coincidence of objectives existing in the case of the CIS and the EU is compatible with the desire of countries like Moldova to integrate in the EU. In order to find an answer to this question, I think we should first of all try to respond a few questions that our politicians, to a large extent, are reluctant to raise in front of us, the citizens of Moldova.

First of all, it would be appropriate to ask whether our country can simultaneously be integrated in the EU and the CIS, provided that the latter is conceived as a distinct political-economic union and competing against the EU.

Secondly, just like the EU, the CIS presupposes gradual creation of an economic union between its member states, therefore, I think, it is necessary to inquire whether the Republic of Moldova can be part of two economic

²²⁴ International treaties, vol. 16, Moldpres, Chişinău, 1999, p. 6.

unions, which involves creation of two different markets of goods, capital, services and labor, two separate customs unions, different duties, two different monetary unions, two different tax systems or different common policies.

Thirdly, as shown by the EU experience within a common economic union the implementation of common policies is the prerogative of supranational institutions. In the EU, this task is first and foremost delegated to the European Commission. However, for the supranational institutions to perform their responsibilities effectively, the member states of the respective economic union have to delegate some of their decision-making sovereignty. The same should happen in the CIS, of course, if it truly wants to become a viable organization. Or, if the Republic of Moldova continues its path towards being integrated into the EU in parallel with the deepening of its integration within the CIS, then our politicians, sooner or later, will have to answer the following dilemma: *can the Republic of Moldova delegate the same amount of its decision-making sovereignty to two competing supranational centers, which could take decisions that might run counter, yet nonetheless mandatory for our country?* The fact is that so far no country in Europe has managed such a performance.

Fourth, a country's integration into the EU takes place in parallel with assimilation by the respective country of the European legislation, which amounts to over 80 thousand pages and is known as the *Acquis Communautaire*. A similar process of legal approximation accompanies integration in the CIS, and this time it entails the CIS legislation. We can even admit that the CIS legislation will be as bulky as that of the EU. Moreover, it may be assumed that it will be far from similar. It is therefore appropriate for our politicians to answer one question already now, i.e. whether Moldova has the capacity and institutional resources, human and financial resources necessary to assimilate two different sets of Community legislation, which in many respects will contain contradictory provisions. Also, they should wonder whether the Republic of Moldova can afford to waste valuable time and its meager resources to achieve two troublesome processes of legislative harmonization, namely: approximation of the national legislation to the EU laws, and its alignment to the CIS legislation. And not least important is that our politicians should know quite well that economic integration within the EU, just likewise into the CIS, is accompanied by political integration. Therefore, it would be reasonable to ask them how they see our country's integration into two rival political entities: the EU – with the capital in Brussels and the CIS – with its center in Minsk and Moscow.

According to the views of politicians from Chisinau, the EU and the CIS are by no means rivals because they have a foundation of common values and democratic principles which may be found in the UN Charter, the Helsinki

Final Act or Conventions for the protection of human rights signed under the aegis of the Council of Europe. Indeed, both the EU and the CIS are based on the adherence of the member states to the same set of values and democratic principles. However, lately, the commitment of the CIS member states to follow these values and democratic principles is increasingly questioned because it is impossible to not notice, for example, that between the democracies of the EU member states where heads of state (presidents) are elected for a limited period and Kazakhstan where the president is elected for life, there is an incompatibility of substance. Or, for instance, that freedom of expression is a natural right of the citizens of the EU member states, while in Russia freedom of expression is treated by the authorities as being rather a potential threat to security and national stability. Also, under no circumstances, we can consider the political systems in Belarus, Uzbekistan, Turkmenistan and Tajikistan as democratic.

It became obvious that the CIS democratic practices are becoming more and more distant from the democratic principles assumed by the CIS member states through their membership in a series of international treaties and conventions requiring promotion and protection of fundamental freedoms and democratic rights. In addition, it appears that within the CIS we are dealing with an interpretation of values, principles and democratic rights, an approach which clearly differs from the manner in which it is perceived in the Euro Atlantic area where the EU belongs. This reality is also emphasized by the conclusions of the CIS election monitoring mission in Ukraine (2004), Uzbekistan (2005), Tajikistan (2005) and Kyrgyzstan (2005), all of which were in contradiction with the verdicts rendered by OSCE and the Council of Europe in regard to the same elections. For example, while the OSCE and Council of Europe assessed the 2004 presidential election in Ukraine to be organized and conducted in accordance with democratic standards, the CIS election monitoring mission denied their democratic character and demanded that they be considered illegal. Instead, in the case of parliamentary elections in Uzbekistan (2005), Tajikistan (2005) and Kyrgyzstan (2005), the CIS election monitoring mission has considered the latter as "legitimate, free and transparent". This conclusion was not supported by the OSCE monitoring mission of the election process, which said that those elections did not meet the commitments made by the visited countries in the OSCE and other international standards for organization and holding of democratic elections.

Most of the CIS leaders are aware that because of many conceptual, structural and democratic shortcomings of the organization and the centrifugal tendencies within it the CIS is a dysfunctional entity and lacks cohesion needed to achieve its major objectives. Moscow itself, through its Foreign Minister Sergei Lavrov, expressed its disappointment with the CIS, stating, in

March 2007: “The Commonwealth of Independent States failed to become a fully integrated and effective association on the international stage”. Minister Lavrov’s declaration is rather hard to contest since in the opinion of the experts, out of all the agreements approved within the CIS, and they exceeded 1600, only 10% are still viable. Also, Mr. Lavrov is absolutely right if we take into account the fact that unlike the European Economic Community (predecessor of the EU), which in its first 17 years of existence managed to create a common market, a customs union and implemented the common agricultural policy, in its first 17 years of activity the CIS has been unable to achieve at least one of these objectives.

Even the above-mentioned considerations should be sufficient to understand why the need for the CIS reform is on the lips of so many of the CIS Heads of State and Government. Moldovan President Vladimir Voronin is no exception in this regard. In his view, the CIS would be reformed in accordance with the European values and standards. The question is whether the CIS is ready to absorb these norms and values characteristic to the European spirit. However, the CIS realities regarding democratic values would rather contradict than confirm President Voronin’s excessive expectations on reforming the CIS according to the EU pattern. Moreover, it appears that his wishes disregard article 11 of the Minsk Agreement on creation of the CIS, which provides: “*Since the time of the signing of this Agreement it shall be prohibited to apply the rules of a third party, including those of the former USSR, on the territories of the signatory countries.*”²²⁵

Therefore, viewed in this light, for the CIS states the rules of the EU member states shall be treated as nothing but “rules of third parties”, whose implementation should be prohibited in the CIS. If we follow this logic, then under this article 11 of the aforementioned Agreement, the Action Plan signed with the EU in 2005 can be easily considered a flagrant violation of the Minsk Agreement by the Republic of Moldova, as this Action Plan provides for the assimilation and application by our country of a number of the EU rules. Obviously, if the CIS were a serious organization that truly cares for its internal cohesion, the founding members of the CIS should have long ago required the exclusion of the Republic of Moldova from the Commonwealth, based on Moldova’s failure to abide by the Agreement establishing the CIS creation.

Recently, the CIS failure to reaffirm itself as a viable organization has given rise to many questions in Ukraine, Georgia and Moldova regarding the fact whether it is still beneficial to remain in the CIS. In Chisinau there are doubts

²²⁵ International treaties, vol. 16, Moldpres, Chişinău, 1999, p. 7.

about the cooperation within the CIS not only among the representatives of opposition parties, but also among current government representatives, including the President Vladimir Voronin. However, while some opposition parties opt for the Republic of Moldova's immediate exit from the CIS, the present government headed by President Vladimir Voronin considers the CIS a "suitcase without a handle", which "is very hard to carry, but at the same time feel bad to leave it". President Voronin himself made the given statement in the context of the GUAM Summit in Kyiv, May 2006, which shows that the current government representatives in Chisinau still hope for a possible revival of the CIS. They avoid, however, recognizing that, during the 7 years of government, they have contributed to undermining the CIS more than all previous governments.

Against their will and strained by internal and external realities, they were forced to engage the Republic of Moldova further on the path of centrifugal tendencies in relation to the CIS, which will get our country slowly but surely out of the CIS and will increasingly integrate it into the Euro-Atlantic world. For example, despite the pro-CIS discourse of the current communist government, the Republic of Moldova continued to work within GUAM, the country joined the Southeastern European Stability Pact, Southeastern European Political Cooperation Process and the Central European Free Trade Agreement (CEFTA), also signed the Individual Partnership Action Plan with NATO and especially the EU Action Plan, etc. Through these actions, the government in Chisinau contributed to undermining the cohesion and authority of the CIS. Therefore, the eventual inclusion of the official Chisinau leadership in the list of the CIS gravediggers would not be devoid of substance.

In the view of some representatives of the opposition parties from Chisinau, the need for integration of Moldova into the EU will impose its exit from the CIS. This assertion is not void of contents. Conversely, the experience of several EU countries shows that while joining the EU they were determined to renounce their membership in trade and economic associations potentially rival to the EU. For instance, the United Kingdom, Denmark, Ireland, Austria, Finland and Sweden abandoned the European Free Trade Association (EFTA), and Poland, Czech Republic, Hungary, Romania and Bulgaria ceased participation in the Central European Free Trade Agreement (CEFTA). Whether Moldova's membership in the CIS will have a similar destiny remains to be seen. After all, Moldova's future development trajectory depends, first of all, on us. Meanwhile, for many of us it is becoming increasingly clear that the Republic of Moldova's advancement towards European integration will inevitably lead to increasing mismatches between the CIS and the option represented by the EU.

8. Regional cooperation of the Republic of Moldova in the Southeastern Europe

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8.1. From the CIS to regional cooperation in the Southeastern Europe

Right from the beginning of Moldova's existence as an independent country, regional cooperation was among the ongoing foreign policy objectives and concerns promoted by the central authorities in Chisinau. The importance attached to regional cooperation by Moldovan politicians and, especially, the Moldovan diplomacy is hardly coincidental or circumstantial.

Regional cooperation was seen, interpreted and used by the young Moldovan diplomacy as a valuable politico-diplomatic tool to make the most out of the objectives crucial to the existence of the young state, such as strengthening of the sovereignty and independence of the Republic of Moldova, restoring the country's territorial integrity by solving the conflict in the Transnistrian region, extending and deepening of trade and economic relations, connecting the Republic of Moldova to the European integration processes, thus, facilitating our country's possible integration into the EU.

Moldova's accession to the Commonwealth of Independent States (CIS) is the first regional cooperation effort undertaken by our country as an independent state. Actually, the signing of the Agreement on creation of the CIS was determined largely by external factors, particularly economic and political pressures exerted by Moscow. However, internal reasons based on achieving the national objectives specific for that time cannot be excluded entirely. The primary objective at that stage was to strengthen the independence of Moldova.

It is true that joining of the CIS did not prevent the emergence of the separatist conflict in Transnistria, however, during the first years of independence, the regional cooperation of the Republic of Moldova within the CIS has allowed, to some extent, to mitigate the negative consequences of political and economic disintegration of the former USSR and to prevent possible outbreaks of military conflicts, like those in the former Yugoslavia, regarding the drawing of new borders or dividing property of the defunct Soviet Union. Also, the CIS helped establish new relationships of bilateral cooperation with former Soviet states members of the CIS. From the prospect of today, it is clear that the CIS has failed to become a viable regional organization for economic integration, following the EU model. And yet, it may seem paradoxical, but given that the Moldovan political class has not made a final strategic choice between East and West, the CIS has nevertheless contributed, within its limits, to the Republic of Moldova's affirmation as an independent state.

On June 25th, 1992, the Republic of Moldova signed the Istanbul Declaration on Economic Cooperation in the Black Sea regional and thus became a founding member of the Black Sea Economic Cooperation initiative (BSEC)²²⁶. By adhering to the BSEC whose geographic area stretches from the Adriatic Sea to the Pacific Ocean, for the first time the Republic of Moldova's regional cooperation policy exceeded the limits of ex-Soviet space. Our country succeeded in asserting itself and in being accepted by its foreign partners as a regional player with legitimate interests in the Black Sea pond, along with other countries such as Russia, Romania, Ukraine, Bulgaria, Turkey, Greece, Serbia, Montenegro, Albania, Armenia, Azerbaijan and Georgia. Moreover, becoming a member of BSEC, the Republic of Moldova was connected to the processes of economic globalization and regionalization in the Black Sea area. As a matter of fact, the core purpose of the BSEC has been and continues to be the acceleration of economic and social development of member states through increased multilateral cooperation, facilitating thus their integration into European and world economy. No less important is the fact that the multilateral format of the BSEC has created favorable conditions for Moldovan diplomatic efforts to extend the contractual relations with partner states in the area of Black Sea and Southeastern Europe. BSEC has deliberately avoided from the very beginning to include in its founding documents any political or regional security objectives considered inappropriate at the time of its creation, including the frozen conflicts in the Black Sea region²²⁷.

In 1996, following the accession of the Republic of Moldova to the Central European Initiative (CEI)²²⁸, the regional cooperation of the Republic of Moldova registered a further extension of its geographical area. CEI was created in 1989 as an intergovernmental forum for political, economic and cultural cooperation among its members, to assist the states in transition from Central Europe to increasingly approach the European Union (EU). Also, along with enhancement of the EU membership prospect for the Southeastern European countries, CEI priorities have been refocused to fit the states from this region.

²²⁶ On April 30, 1999, Meeting of Foreign Ministers of BSEC member states decided to transform the BSEC into Black Sea Economic Cooperation Organization (BSECO), which became a regional body for cooperation in economic field.

²²⁷ However, at the special meeting of the Ministerial Council in Istanbul held on June 25, 2004 a Joint Statement of Foreign Ministers of BSEC member states on the contribution of the organization to security and stability in the Black Sea region was adopted, which marked the gradual entering of BSEC cooperation into the sphere of politics.

²²⁸ CEI is a flexible form of regional cooperation, which currently brings together 18 countries (9 members and 9 non-EU countries): Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Italy, Macedonia, Republic of Moldova, Montenegro, Poland, Romania, Slovakia, Slovenia, Serbia, Ukraine, Hungary.

As for the Republic of Moldova, CEI accession actually meant its engagement in the European integration process in Central and Southeastern Europe. CEI Membership allowed the Republic of Moldova to benefit from the experience and assistance of the Central European states in implementing democratic economic and social reforms, necessary to overcome transition to a real democracy and a functioning, sustainable and stable market economy. CEI also facilitated the transfer and implementation of European standards and values in our country, CEI, however, was unable to open the way for clear perspective of EU integration for Moldova.

In April 1999, in the context of political crisis in Yugoslavia, German EU Presidency has proposed the creation of the Stability Pact for Southeastern Europe (SPSEE), bringing together all existing initiatives for multilateral cooperation in the Balkans at that time. The EU accepted the role of leadership in this initiative and on June 10th, 1999, in Cologne (Germany), the founding document of the SPSEE was signed, which included the European Union's commitment to act in order to approximate the states in the South Eastern Europe to the prospect of full integration in its structures as much as possible, including their possible accession to the EU under full-fledged membership status.

These declared perspectives, of course, aroused interest among the Moldovan political class and diplomacy for the new regional initiative launched under the auspices of the EU. Keen interest and great hopes that the political class and diplomacy in Chisinau have nurtured with regard to the Stability Pact for Southeastern Europe were everything but circumstantial, they were fueled, in particular, by the belief that the new regional initiative could help the Republic of Moldova to obtain a clear perspective of the EU membership.

At that stage, the Moldovan authorities were becoming increasingly dissatisfied with the Partnership and Cooperation Agreement (PCA) between Moldova and UE229, which did not give our country any prospect to accede to the EU, but, instead, placed our country's relations with Brussels on a trajectory of horizontal partnership in a team with Ukraine, Russia, former Soviet states of Central Asia and even Mongolia. Under the conditions when Brussels insisted on the need to implement the PCA, Chisinau saw the Stability Pact for Southeastern Europe as a long desired opportunity to overcome the intransigence of the European Commission, as well as major EU countries, including Germany and France. Moldova initially asked to be included in the beneficiary states of SPSEE, but did not meet the consensus of the EU member states. European Union's refusal to include our country in SPSEE was based, in particular, on the need to circumscribe SPSEE to the

²²⁹ PCA was signed in 1994 and entered into force on July 1, 1998 for a period of 10 years.

geographical area of the Western Balkans²³⁰, while Moldova was seen by the EU as part of another geographical area, namely that of former USSR.

8.2. Regional Cooperation in South-Eastern Europe: accomplishments and prospects

It was in this context that Republic of Moldova's affirmation as a Southeast European state and its detachment from the ex-Soviet space became an imperative for the Chisinau diplomacy. To achieve this, regional cooperation in South Eastern Europe was then defined, first unofficially and later officially, as being a complementary mechanism for Moldova's advancement on the path of European integration²³¹.

Aiming to persuade Western partners, especially the EU, to view the Republic of Moldova separately from the ex-Soviet space, Chisinau decided to increase its presence in regional initiatives in South-Eastern Europe. In particular, special attention was paid to Moldova's participation in the South-Eastern European Cooperation Initiative (SECI) initiated under the auspices of the EU and the U.S. in December 1996, after signing the Dayton peace agreements that ended the civil war in Bosnia-Herzegovina. SECI is also the first regional initiative in South-Eastern Europe designed to facilitate the integration of Western Balkan states into European structures, encouraging multilateral cooperation among its members.

The signing of the Declaration on creation of SECI of December 6th, 1996 provided the Republic of Moldova with rather wide opportunities to connect to regional cooperation projects in South-Eastern Europe related to facilitation of border crossing, review of visa regime, development of transport infrastructure, energy security, private sector development, fighting against cross-border crimes, etc. However, with the emergence of SPSEE, the security component of SECI has become predominant. As a result, the Republic of Moldova also guided its efforts in the same direction and on May 26th, 1999 it signed the SECI Agreement on preventing and combating cross-border crime. Apparent coincidence between the SECI and SPSEE objectives convinced the EU and the U.S. of the need to incorporate SECI into SPSEE, something that was achieved during 2002 when the SECI Coordinator, Erhard Busek, was also elected coordinator of SPSEE²³².

²³⁰ Bulgaria and Romania were declared beneficiary countries of SPSEE only due to their support given to the North Atlantic Alliance (NATO) and EU during the 1999 Kosovo conflict and the damage they suffered as a result of that.

²³¹ This is stipulated in the Government's program for the years 2005-2009 "Modernization of the country - welfare of the people" and the program of the Government of Moldova for 2008-2009 "Progress and Integration".

²³² SECI was incorporated into Working Table no. 3 SPSEE "Security Issues".

Republic of Moldova's presence in SECI was, ultimately, the decisive argument skillfully used by the Chisinau diplomacy to persuade the EU to allow our country to join SPSEE as a full-fledged member. The formal Act of Accession of the Republic of Moldova to SPSEE took place in Brussels on June 28th, 2001, but not before Chisinau agreed to accept the conditions imposed by the EU. They sought to prevent Republic of Moldova from raising two major subjects within the SESP, namely: conflict in the Transnistrian region and achieving the prospect of the EU accession. Tacitly accepting the conditions imposed by the EU, Republic of Moldova became the only the CIS country member of the SPSEE, but Chisinau diplomacy failed thus to achieve its strategic objective - to put Moldova on the path of gradual integration into the EU.

Consequently, although Moldova was admitted to participate in all three SPSEE²³³ working meetings, unlike other Member States of the SPSEE, it was removed from the ultimate objective of the Stability Pact, which meant helping and preparing the Southeast Europe countries, in particular those from the Western Balkans, for their closer approximation to the prospect of integration into the EU structures as a full-fledged member of the latter. Exclusion of the Republic of Moldova from receiving an European integration perspective through SPSEE became more pronounced after 2000 when at the Zagreb Summit of November 24th, the EU launched the Stabilization and Association Process in agreement with the Western Balkan²³⁴ SPSEE member states.

Stabilization and Association Process was designed by the EU to highlight the European integration dimension of SPSEE for the Western Balkan states, which got translated in the signing of Stabilization and Association Agreements²³⁵ with them, providing necessary training to these countries to make them ready to become EU member states. Subsequently, on May 21st, 2003, in its Communication on "Western Balkans and European integration" the European Commission proposes the EU Member States to

²³³ Working Table no. 1 "Democratization and Human Rights", Working Table no. 2 "Economic Reconstruction, Development and Cooperation", Working Table no. 3 "Security Issues".

²³⁴ "The Western Balkans" is a term launched and promoted heavily by the EU to deprive the Republic of Moldova and, especially, Ukraine of the geographical argument for inclusion in the Stabilization and Association process designed and initiated by EU for the Southeast European countries in 2000.

²³⁵ The process of signing the Stabilization and Association Agreements between EU and the Western Balkans was completed in 2008: Macedonia - on April 9th, 2001, Croatia - on October 29th, 2001, Albania - on June 12th, 2006, Montenegro - on October 15th, 2007, Serbia - on April 29th, 2008, Bosnia-Herzegovina - on June 16th, 2008.

strengthen the Stabilization and Association Process by inclusion of elements from the Enlargement Policy, thus, further strengthening the EU integration perspective for the Western Balkan states. On 19th and 20th of June 2003, the Thessaloniki European Council approved the recommendations of the European Commission, repeatedly confirming the European perspective of Western Balkan states, as well as the role of the Stabilization and Association Process as a framework for their accession to the EU.

The Republic of Moldova's alienation from the European integration dimension of the SPSEE did not decrease the ambitions of Moldovan diplomats to use regional cooperation in South Eastern Europe with a view of determining the EU to accept the inclusion of Moldova in the "Western Balkans package" of the Stabilization and Association Process. Conversely, given Brussels' reassurance regarding the commitment to assist the Western Balkan states to get them ready for eventual accession to the EU, the attractiveness of the Southeast European regional cooperation course has increased significantly in Chisinau's view, which in 2004, after the failure of Kozak Memorandum meant to resolve the conflict in Transnistria, suddenly shifted its foreign policy vector westward.

Wishing to acquire as many arguments for its inclusion in the Stabilization and Association Process, the Republic of Moldova turned successful in becoming visible in major cooperation projects and initiatives undertaken under the umbrella of SPSEE, such as projects initiated within the 1st Working Table on "Democratization and Human Rights" focused on human rights and national minorities matters or on media legislation adjustment to European standards, as well as the initiatives articulated during the Working Table No. 2 initiatives on "Economic Reconstruction, Development and Cooperation" regarding the development of regional infrastructure²³⁶, development of a regional electricity market²³⁷, facilitation and liberalization of trade²³⁸, de-

²³⁶ The initiative sought to unite the efforts of the South-Eastern European States to increase stability and prosperity in the Danube region. In October 2001, the Republic of Moldova was accepted for funding in the context of two projects aimed at developing regional infrastructure, namely "Trade and Transport Facilitation in Southeast Europe" and "Modernization and rehabilitation of national road M3 Chisinau-Cimislia-Giurgiulesti".

²³⁷ On December 8th, 2003, Republic of Moldova was admitted with the status of observer to the "Memorandum of Understanding on regional electricity market in South-East Europe and its integration into the common EU energy market – II", known as "Athens Process –II". However, the Republic of Moldova made public its wishes to adhere to the full "Athens Process –II".

²³⁸ Under the aegis of this initiative, during 2001-2004 the beneficiary countries of the Stability Pact for South-East Europe negotiated and signed a network of Free Trade Agreements, which in December 2006 were replaced with a single free trade agreement within the Association of Central European Free Trade Agreement (CEFTA).

velopment of information technology in Southeastern Europe²³⁹, promoting investments²⁴⁰, as well as initiatives under Working Table no. 3 “Security Issues” focused on fighting organized crime (SPOC)²⁴¹, fighting corruption (SPAI)²⁴², combat human trafficking²⁴³ or promoting cooperation between police authorities. By participating in these projects and initiatives, Chisinau sought to convince the EU that the Republic of Moldova is part of the area of South-Eastern Europe.

Concurrently, along with the deepening of cooperation under SPSEE, Chisinau continues its endeavors aimed at joining new structures and initiatives for regional cooperation in Southeast Europe, bearing the same purpose: to impart more credibility to Republic of Moldova’s status as a Southeast European state, and thus to determine the EU to treat our country in block with the rest of South-East European countries. In other words, to be given similar opportunities and prospects for development of its relations with the EU with those enjoyed by Western Balkan states. Driven by this strategic objective, in December 2003 the Chisinau diplomacy managed to achieve the EU approval for inclusion of the Republic of Moldova as observer in the “Memorandum of Understanding on Regional Electricity Market in Southeast Europe and its integration into the internal market of the EU”

²³⁹ Republic of Moldova was accepted to this initiative in May 2002 by signing “Joint Declaration of intent on the development of Information Society in Southeastern Europe”. Subsequently, the representatives of our country actively participated in drafting the „Action Plan for the Development of Information Society Initiative” approved in October 2002.

²⁴⁰ The initiative sought to stimulate and support the implementation of structural reforms aimed at improving business and investment climate in the Member States of the Stability Pact for South-East Europe.

²⁴¹ SPOC involves a judicial reform program and a series of training programs for police units. Republic of Moldova appointed a National Representative and created a working group on national implementation of the provisions of the initiative.

²⁴² By joining SPAI in June 2001, the Republic of Moldova undertook to adopt and implement European and international instruments on combating corruption, promoting good governance at the central and local levels, to ensure transparency in business, to contribute to the affirmation of vibrant civil society, etc.

²⁴³ Alignment to the objectives of the Anti-Trafficking Declaration of Palermo (Italy) in December 2000, the Republic of Moldova agreed with these countries to conduct joint anti-trafficking activities: prevention programs, support and protect victims, legislative reform in this area, raising public opinion on the issue, instructing and special training to facilitate cooperation between border guards, judges, prosecutors and consular staff. Under this initiative, the Republic of Moldova participated in the implementation of the Council of Europe project “Reform of criminal law in the field of human trafficking in South East Europe”.

launched by the European Commission under the SPSEE on November 15th, 2002, in Athens. The essence of the Athens Memorandum was to assist the SPSEE beneficiary countries in reforming their energy infrastructure in line with the EU standards, having, however, as an ultimate goal the integration of national electricity systems of Southeast Europe into the common electricity market of the EU.

Also in 2006, after a long diplomatic effort, Moldova was allowed full membership in the South East Europe Cooperation Process (SEECF)²⁴⁴. It received a de jure member status of SEECF²⁴⁵ on October 10th, 2006, when the Republic of Moldova signed the *Charter of good neighborly relations, stability, security and cooperation in the Southeastern Europe*. Accession to the SEECF is qualified by Chisinau diplomacy as a high-profile project, which “grants the Republic of Moldova not only with geographical membership in Southeastern Europe, but also a political one and represents a qualitative advancement in the path towards EU integration”²⁴⁶.

The accession of the Republic of Moldova to the Central European Free Trade Agreement (CEFTA)²⁴⁷ also falls in the range of actions meant to give more substance to Moldova’s desire to be considered a Southeast European country that deserves to be included in the “Western Balkans’ Package” for EU integration. Republic of Moldova became a member of CEFTA on December 19th, 2006 after signing the new CEFTA Agreement²⁴⁸. The new Free Trade

²⁴⁴ Decision was taken at the SEECF Summit in Thessalonica (Greece), on May 4th, 2006.

²⁴⁵ SEECF was created in 1996 and is a regional initiative for political cooperation, without an institutional structure. The major objective pursued by the SEECF is creating a Southeast Europe whose future lies in peace, democracy, economic prosperity and its full integration into European and Euro-Atlantic structures. SEECF Member States are Albania, Croatia, Bulgaria, Bosnia and Herzegovina, Greece, Macedonia, Montenegro, Romania, Moldova, Serbia and Turkey.

²⁴⁶ Speech of Mr. Andrei Stratan, Deputy Prime Minister, Minister of Foreign Affairs and European Integration of the Republic of Moldova at the Meeting of SEECF Foreign Ministers in Pomorie (Bulgaria) held on May 20, 2008, <http://www.mfa.md/evenimente/2757/>

²⁴⁷ CEFTA is the most important multilateral agreement for free trade in Central and South-East Europe and is considered a “waiting room” and a preparatory stage for integration into the EU common market. CEFTA was established on December 21st, 1992, with the following countries as its founding members: Czech Republic, Slovakia, Poland and Hungary. Later, Slovenia (1996), Romania (1997), Bulgaria (1999) and Croatia (2003) joined the given organization. Following their accession to EU, at first the Czech Republic, Slovakia, Poland, Hungary and Slovenia in 2004, and then Romania and Bulgaria in 2007 ceased participation in CEFTA.

²⁴⁸ Taking into account the role played by CEFTA in preparing the mentioned states for joining the EU, in 2006 Romania proposes embedding Western Balkan states plus Repu-

Agreement was designed to integrate into CEFTA that was considered a waiting room on the way to the EU all Western Balkan countries plus the Republic of Moldova. In this way, the new CEFTA agreement replaced the network of 32 free trade agreements signed between countries of South-Eastern Europe, members of the SPSEE during the period of 2001-2004. Thus, the Republic of Moldova became part of a single free trade area in Southeastern Europe, whose purpose was to prepare the economies of CEFTA member states for their gradual integration into the common economic space of the EU.

The participation of the Republic of Moldova in projects and activities of SPSEE, as well as adherence to the new mechanisms of regional integration in South East Europe, anchored our country in the integration processes of the region, increased the visibility of its presence in the evolution of political and diplomatic relations of South Eastern Europe, contributed to promoting the image of the Republic of Moldova as a country with aspirations for European integration, but perhaps the most important thing to remember is that the Republic of Moldova's policy of cooperation in Southeastern Europe facilitated the penetration and assimilation of European values, standards and practices in various areas of our country's domestic policy.

Without diluting the positive impact that the policy of regional cooperation in South Eastern Europe had on the Republic of Moldova's coming closer to the EU, nonetheless we can not help but notice that Chisinau's policy of enhancing our country's presence as a south-eastern European state has not convinced the EU to include it in the Stabilization and Association Process of the Western Balkans. Moreover, the EU continues to treat Moldova as part of the post-Soviet space, along with Ukraine, Russia, Belarus, Armenia, Azerbaijan and Georgia. The European Neighborhood Policy (ENP)²⁴⁹ is a clear confirmation that Chisinau could not determine the EU to calibrate its vision about Moldova in terms of its affiliation to South Eastern Europe. In reality, our country's image as part of South Eastern Europe did not gain the critical mass necessary to prevail in the minds of the EU decision makers over its status as a post-Soviet Eastern Europe country. It was from this very position of East European state,

blic of Moldova into CEFTA. Romania's proposal materializes on December 19th, 2006 by signing a new CEFTA agreement. The new CEFTA agreement was signed at the CEFTA Summit in Bucharest on December 19th, 2006, organized under the slogan of "bringing us closer to Europe". The Republic of Moldova signed the CEFTA agreement together with the Western Balkan countries (Albania, Croatia, Macedonia, Montenegro and Serbia).

²⁴⁹ ENP was launched by EU in 2004 in the context of its Eastern enlargement and its aim was to avoid new dividing lines between the enlarged EU and its neighboring states excluded from the policy of enlargement. Although ENP has some structural elements inspired from EU enlargement policy, yet it remains a policy different from the latter.

that Republic of Moldova was included in the ENP²⁵⁰, developed by the EU to create a circle of friendly, democratic, prosperous and stable countries, which would have the same economic and trade benefits as the EU Member States, however, without being offered any clear prospect of political integration into the EU. In this way, the Republic of Moldova has come to be included by the EU into a regional package that includes both the states of Eastern Europe - post-Soviet²⁵¹, and non-European countries from Mediterranean region²⁵², all together excluded from the European Union enlargement policy.

In this context, a legitimate question arises why the so-much acclaimed successes achieved in the realm of regional cooperation policy in South Eastern Europe has not translated in the inclusion of the Republic of Moldova in the package of Western Balkan states with clearly defined prospect of the EU integration?

Chisinau's failure to take full use of its policy of regional cooperation in South Eastern Europe may be partially justified by the enlargement fatigue that conquered the EU member states after accession to the latter of a dozen new countries from Central and Eastern Europe in May 2004 and January 2007, also by the need to digest these two enlargements before embarking on any new process of eastward expansion and by the need for internal adjustment of the EU supranational structures to the requirements dictated by the need for streamlining their conditions of operation given the fact that the number of the EU member states increased from 15 to 27.

These considerations can not, however, invalidate the internal causes that hindered diplomacy in Chisinau to anchor the Republic of Moldova to the Western Balkans package for the EU integration, by using in this context the direction of South-Eastern European regional cooperation. Thus, in our view, the policy of the Republic of Moldova on cooperation in Southeastern Europe has been and, unfortunately, continues to be affected, in particular, by three major deficiencies, namely:

- the existence of a visible gap between the message regarding the European integration of the Republic of Moldova and the Chisinau authorities' efforts to reinforce this message by means of continuous, consistent and credible implementation of political, economic and social reforms mandatory for the advancement on the path of European integration;

²⁵⁰ The Republic of Moldova formally adhered to the ENP, on February 22, 2005 after signing the EU Action Plan, which is a political instrument of implementation of the ENP.

²⁵¹ Ukraine, Armenia, Azerbaijan, Georgia and Belarus.

²⁵² Algeria, Egypt, Israel, Jordan, Libya, Lebanon, Morocco, Palestine, Syria and Tunisia.

- promotion of an oscillating foreign policy, which has the effect of reducing Moldova's credibility in terms of the European Integration message and effort;
- weak institutional capacity enabling to take proper use of all available opportunities, benefits and prospects of regional cooperation, particularly in the area of South-Eastern Europe.

Without overcoming these structural deficiencies, the turn-over of the European integration efforts undertaken by Chisinau through its policy of regional cooperation in south-eastern European is likely to remain low and apparently in mismatch with the European ambitions of Chisinau. Evolution of the Republic of Moldova in the period 1998-2008 is full of arguments that come to confirm our conclusion. It is no secret that because of the gap between Moldova's option for European integration and action taken by the Moldovan authorities in order to materialize that option, our country's seriousness regarding its pro-west commitment was always questioned.

This fact is vividly clear from the messages and reports of the U.S. Department of State and international institutions with respect to the promotion and observance of democratic values and freedoms in Moldova made public in 2001-2005, when the Republic of Moldova was more likely to be included in the Western Balkans package, rather than after its inclusion in the European Neighborhood Policy. For example, on February 27, 2002, during a working visit to Chisinau, Mr. Steven Pifer, Deputy Assistant for Europe and Eurasia of the U.S. Secretary of State, had a press conference in which he brought to the attention of the authorities in Chisinau that in recent months there had been actions that made Washington to question whether the Republic of Moldova still remained devoted to its course of reform and European integration²⁵³.

Also, the U.S. State Department reports on human rights in Moldova in 2001, 2002, 2003, 2004 and 2005 highlighted the existence of serious shortcomings in areas considered important for the proper functioning of democracy in Moldova, such as ensuring independence of the judiciary system, media freedom, access to information of public interest or the implementation and enforcement of legislation in the respective spheres²⁵⁴. The U.S. State Department reports on the state of freedom of religious confessions

²⁵³ <http://www.azi.md/news?ID=17971>

²⁵⁴ <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8304.htm>; <http://www.state.gov/g/drl/rls/hrrpt/2002/18381.htm>; <http://www.state.gov/g/drl/rls/hrrpt/2003/27854.htm>; <http://www.state.gov/g/drl/rls/hrrpt/2004/41697.htm>; <http://www.state.gov/g/drl/rls/hrrpt/2005/61664.htm>

in the world in 2001, 2002, 2003, 2004 and 2005 can be added to this list, which stated that the Republic of Moldova legislation in this field still contained restrictions that inhibited the activity of certain religious organizations²⁵⁵.

Conclusions and concerns reached by the U.S. officials in their reports on the Republic of Moldova are also reflected in Freedom House reports²⁵⁶, while the views expressed by the Organization for Security and Cooperation in Europe (OSCE) and Council of Europe regarding the interference of central government during the repeated elections for the Governor of Gagauzia in 2002²⁵⁷, direct political involvement of the central authorities in the editorial policy of “Teleradio-Moldova”²⁵⁸, unsatisfactory carrying out of the local elections of May 25th, 2003²⁵⁹, suspension of the broadcasting licenses of the municipal radio station “Antena C” and “Euro TV”²⁶⁰ channel, or regarding the low protection of foreign investment in our country²⁶¹. The suspension of financing of the Republic of Moldova by the International Monetary Fund (IMF) in 2003 also sent a message of concern to the West about the state of economic reforms in our country²⁶².

Chisinau’s path of reform remains uneven and ambiguous even after the Moldovan authorities made tangible commitments in their relations with the EU through the EU-Republic of Moldova Action Plan of February 22nd, 2005. This state of affairs was set forth in the European Commission report of December 2006 and April 2008 with respect to Chisinau’s implementation of the Action Plan agreed with the EU. Both reports pointed out the discrepancy between the process of adopting laws by the Parliament and their effective implementation by the central authorities, especially in regard to such issues as judicial independence, media freedom, fighting against corruption and developing a favorable business environment to attract foreign investments in the economy of the Republic of Moldova.

At the same time, promotion of an oscillating foreign policy only increases the state of uncertainty around the real foreign and domestic policy objectives pursued

²⁵⁵ <http://www.state.gov/g/drl/rls/irf/2001/5635.htm>; <http://www.state.gov/g/drl/rls/hrrpt/2002/18381.htm>; <http://www.state.gov/g/drl/rls/irf/2004/35473.htm>; <http://www.state.gov/g/drl/rls/irf/2005/51569.htm>

²⁵⁶ <http://www.azi.md/news?ID=24662>; <http://www.azi.md/news?ID=34218>; <http://www.azi.md/news?ID=37306>

²⁵⁷ <http://www.azi.md/news?ID=21312>

²⁵⁸ <http://www.azi.md/news?ID=22589>

²⁵⁹ <http://www.azi.md/news?ID=24184>

²⁶⁰ <http://www.azi.md/news?ID=27824>

²⁶¹ <http://www.azi.md/news?ID=28540>

²⁶² <http://www.azi.md/news?ID=25117>; <http://www.azi.md/news?ID=26597>

by the Chisinau authorities after February 2001 when following the democratic process the Party of Communists of Moldova (PCRM) took over the executive power in our country and announced that the CIS integration and joining of the Union of Russia-Belarus would be among the strategic foreign policy objectives of the Republic of Moldova. Focusing almost exclusively on the eastern vector to the detriment of the western one resulted in the appearance of the notorious 2003 Kozak Memorandum on the settlement of the Transnistrian conflict, which, if accepted by Chisinau, would have firmly placed the Republic of Moldova in the sphere of influence of the Russian Federation. Although rejected at the last minute by Chisinau, Kozak Memorandum emphasized the uncertainty and caution of the Western partners towards the Republic of Moldova.

Moldova's accession to the European Neighborhood Policy through signing of the EU-Moldova Action Plan, refining the partnership with the North Atlantic Alliance by negotiating and signing of the Individual Partnership Action Plan with NATO in 2006, the increased presence of the EU and USA in Moldova beginning with 2005²⁶³, tremendous EU financial and technical assistance enjoyed by Moldova²⁶⁴ - all these are signs that the western vector has all chances to prevail in our country. However, the uncertainty of the West with regard to the Republic of Moldova did not disappear. Currently, the new discussions with Moscow initiated by Chisinau in 2006 regarding the settlement of the Transnistrian conflict without direct participation of the EU and U.S. representatives and conducted in a semi-transparent manner has contributed to further increase of the suspicion of our Western partners about the seriousness of our commitment in favor of the European integration.

However, the efforts of Moldovan diplomacy to fully capitalize on the South-Eastern European dimension were undermined by weak institutional capacity mobilized by the government to coordinate the participation of the Republic of Moldova in various regional initiatives. For most ministries and government agencies regional cooperation is a collateral effort to their primary activity, not having, even until now, human and material resources appropriate to ensure a constant involvement in cooperation projects in South-East

²⁶³ Starting with 2005, the EU and the USA became observers in the settlement of the Transnistrian problem in the "5 +2" format. Also, since the same year, EU introduced the mandate of Special Representative of EU Council for Moldova, a permanent delegation of the European Commission in Chisinau and a Monitoring and Assistance Mission to Moldova-Ukraine border (EUBAM).

²⁶⁴ During 2007-2010, under the European Neighborhood Policy Instrument (ENPI) Moldova will receive financial assistance worth 210 million EURO from EU. The Republic of Moldova has got the highest per capita financial assistance among European states of the European Neighborhood Policy.

Europe. Accordingly, full responsibility for promoting regional cooperation in the area of South-Eastern Europe went to the Foreign Ministry, whose institutional capacities were equally limited. Creation of European integration divisions in ministries and government agencies should have improved the situation in this respect. Unfortunately, however, the situation changed very little. Moreover, insufficient training of Moldovan officials on the subject of European integration was underlined by Foreign Minister, Andrei Stratan, himself in a speech held during the meeting of the National Commission on European Integration on September the 26th, 2008.

9. Cooperation of the Republic of Moldova within GUAM

Victor Chirilă, executive director, APE

9.1. Historical background and affirmation of GUAM

In fact, GUAM was created in May 1996 in the context of discussions within the OSCE on the implementation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) and the negotiations on the adapted version of the CFE Treaty, signed in 1999, in Istanbul. The initiative to form the GUAM consisting of Georgia, Ukraine, Azerbaijan and Moldova belonged to the Deputy Minister of Foreign Affairs of Azerbaijan, Araz Azimov. His initiative would not have taken root, if all four countries had not shared a set of common strategic interests:

- Enforcement by Russia of its commitments to reduce conventional forces in Europe undertaken under CFE Treaty;
- Coordination of their positions in the context of negotiating an adapted version of the CFE Treaty;
- Respect and reinforcement of their sovereignty, independence and integrity;
- Coordination of positions on the settlement of frozen conflicts within international organizations (Council of Europe, OSCE, UN);
- Energy and economic security through development of alternative transport corridors that would link Europe to the Caucasus and Central Asia, bypassing Russian Federation. In this respect, GUAM member states invested great hopes in the project of the European Union (EU) - Transport Corridor Europe-Caucasus-Central Asia (TRACECA)²⁶⁵, which sought the recovery, in the modern version, of the famous “Silk Road” that linked Europe and Asia during Middle Ages.

At the same time, undeclared agenda of most GUAM countries was to create a pole of a counterweight to Russia in the framework of the Commonwealth of Independent States (CIS), and shaping a center of gravity with pro-western aspirations in the post-Soviet space. Also, an important detail to be considered is the fact that all four founding countries refused to join the CIS Treaty on collective security²⁶⁶.

Officially, GUAM was established as an association of countries at the meeting of Heads of State of Georgia, Ukraine, Azerbaijan and Moldova,

²⁶⁵ <http://www.traceca-org.org/default.php?l=en>

²⁶⁶ Vladimir Socor, “GUAM Summit: A New Lease on Life (Parte 1)”, http://jamestown.org/edm/article.php?volume_id=407&issue_id=3304&article_id=2369620

which took place on October 10th 1997 in Strasbourg, in the context of the Council of Europe Summit. The fact that the event occurred in the capital of European democracy was essentially a message sent to the West about the geo-strategic orientation of the GUAM. Although EU viewed the emergence of GUAM with a certain amount of reticence, the United States welcomed and strongly supported the new regional association from the very beginning²⁶⁷.

Encouraged by the USA, GUAM held its next summit in Washington DC, during participation of the GUAM heads of state in the NATO Summit on 23-24 of April 1999. GUAM Summit in Washington entered in the history on the basis of its decision to approve the accession of Uzbekistan to the GUAM group. Therefore, GUAM had become GUUAM²⁶⁸ and its geographical scope extended to Central Asia. Uzbekistan's presence in GUUAM will prove to have a short life. Beginning with 2002, Uzbekistan suspended its participation in the activities of the regional association, and in 2005 announced its exit from GUUAM, the reason brought about by it was excessive focus of cooperation on ideological and military-patriotic component, settlement of frozen conflicts, creation of joint military arrangements, and review of the existing security system. Incidentally or not, but the arguments made by Uzbekistan to withdraw from GUUAM in 2005 were almost identical to the position of the Russian Federation with regard to this organization.

Right after the establishment of GUAM, Moscow was dissatisfied with its creation. For Moscow Government and the vast majority of Russian media, GUAM has been and still remains an organization to be regarded and treated with suspicion and even hostility, as in the opinion of the Russian authorities the main "raison d'être" of GUAM is creating a political-military alliance against Russia's national interests. Interested in GUAM's collapse, Russia has constantly sought to undermine its authority in the eyes of the West, intentionally distorting the essence and objectives of cooperation within GUAM. Concurrently, Russia has always exerted pressure on some member states to force them move away from the GUAM project, and the Republic of Moldova is a relevant example in this regard. Simultaneously, Moscow has become accustomed to use the existence of GUAM²⁶⁹ as an additional argument to support the secessionist enclaves in Georgia, Moldova or Azerbaijan²⁷⁰.

²⁶⁷ In 2001, US Congress approved about \$45 million dollars to finance the project of GUUAM, and in 2002, with the assistance of the US State Department began two projects of cooperation within GUUAM: Creating a Virtual Information Center on Combating Terrorism and Organized Crime and Trade and Transport Facilitation in GUUAM region.

²⁶⁸ In the GUUAM formula, Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova, the organization existed until 2005, when it went back to GUAM.

²⁶⁹ Vladimir Socor, „GUAM Summit: A New Lease on Life (Part 1)”, http://jamestown.org/edm/article.php?volume_id=407&issue_id=3304&article_id=2369620

²⁷⁰ Ibidem.

Of course, Russia's hostile position recoiled negatively on the effectiveness and cohesion of GUAM. But equally true is the fact that during 1998-2005, GUAM failed to make clear their collective mission and especially to give compelling reason to its existence through tangible achievements in areas such as energy cooperation, development of transport networks and facilitate trade between them. GUAM's failure to become a viable organization in the period 1998-2005 was caused, however, by several internal and external factors. For example, one can not overlook the fact that during this period we witnessed the departure from the political scene of the GUAM craftsmen: Moldovan President Petru Lucinschi in 2001, Georgian President Eduard Shevardnadze in 2003, Ukraine's President Leonid Kuchma in 2004 and President of Azerbaijan, Heidar Aliev in 2003. Given the conditions under which cooperation within GUAM was not well institutionalized, but instead highly personalized, departure of key political leaders of GUAM has negatively impacted the effectiveness of the organization. Also, in this context, one should also consider the by-vector, full of ambiguities foreign policy of our country promoted by the respective leaders of GUAM countries.

In 2001, at the GUAM Summit in Yalta, Ukraine resumed the initiative of institutionalizing GUAM. At the given Summit, the member states adopted the GUAM Charter, which formally institutionalized the cooperation and political dialogue at the level of heads of state - as the supreme forum of the organization, at the level of foreign ministers - as its executive body and at the level of national coordinators –experts responsible for monitoring the implementation of joint projects and preparing meetings at the level of heads of state or foreign ministers. Moreover, the Yalta Summit in 2001 agreed on the creation of a permanent secretariat and an information office located in Kiev. But all these measures stipulated in the GUAM Charter adopted in Yalta remained almost entirely unimplemented, just like the Free Trade Agreement signed by GUAM member states in 2002.

The ambiguous attitude of the EU towards GUAM is included in the factors that undermined the authority, viability and effectiveness of GUAM²⁷¹. For example, the EU's neglect of the TRACECA project stripped the GUAM states of a crucial partner and, especially, an investor necessary in order to strengthen their energy and economic security by building alternative transport corridors that would connect Europe to the Caspian and Central Asian energy resources. Almost total disinterest of the European Union to finance GUAM projects

²⁷¹ This attitude of the EU continues until today. Currently it is not yet apparent whether the Russian-Georgian war in August 2008 will change EU position regarding GUAM. It is possible that future Eastern Partnership of EU, which is currently in the process of development, would provide details in this regard.

coupled with the inability of Member States to invest their financial resources for implementation of such projects had the effect of reducing the credibility of GUAM as a regional organization able to achieve its objectives.

During 2003-2005, in Ukraine, Georgia and Azerbaijan new leaders of modern pro-European vision come into sight: Mikhail Saakashvili became president of Georgia in 2003; Ilham Aliyev was elected President of Azerbaijan in 2003 and Viktor Yushchenko was elected President of Ukraine in 2004. And the Republic of Moldova came to a point when its foreign policy had suddenly shifting to the West. Metamorphosis of Moldova's foreign policy fell into place after the failure of the Kozak Memorandum on settlement of the Transnistrian conflict, this fiasco led to worsening of the relations between Chisinau and Moscow under the pressure of the colored revolutions in Tbilisi and Kiev and the campaign for parliamentary elections in 2005. Moreover, precisely in this period there were consecutive waves of eastward enlargement of NATO and the EU, so that the frontier of the Euro-Atlantic space reached immediate proximity of GUAM. These internal and external developments in 2005 offered new opportunities for GUAM revival. Encouraged by this new regional conjuncture, GUAM member states agreed to capitalize on this favorable moment.

Since the GUAM Summit in Chisinau, on 21-22 of April 2005, we witnessed a series of actions and initiatives aimed at reviving the regional organizations by overcoming the structural weaknesses that undermined its authority and prevented it from becoming a viable and credible regional organization. The first step was made at the GUAM meeting of heads of state in Chisinau, where the challenge to create an area of security and democratic stability based on European norms and values was formally defined as a common strategic goal of GUAM. In order to put this common goal into effect, GUAM member states agreed to transform their association into a regional organization. Thus, according to the Declaration following the GUAM Summit in Chisinau entitled "In the name of democracy, stability and development"²⁷², the new regional organization had to be based on adherence to the same principles, values and objectives, including:

- respect for the principles of democracy, rule of law, human rights and freedoms;
- resoluteness of Member States to jointly contribute to support of peace and stability, and their intention to establish a political and military cooperation;

²⁷² The Chisinau Declaration of the GUUAM Heads of States „In the name of democracy, stability and development”, <http://guam-organization.org/en/node/438>

- condemnation of the destructive nature of separatism and enhance concerted efforts of the GUAM member states to resolve the separatist conflict in Moldova, Georgia and Azerbaijan;
- assuming the policy of deepening the European integration of GUAM countries by establishing partnership relations with the EU and NATO aimed at creating a common Euro-Atlantic space of security, economic cooperation and transport;
- implementing the Agreement on creation of a free trade area, as well as deepening cooperation in the energy sphere.

The process of institutionalizing and defining a common mission for GUAM continued at the GUAM Summit in Kiev on May 23rd, 2006. At this Summit, GUAM heads of state decided to transform their association into an international organization entitled “Organization for Democracy and Economic Development – GUAM”²⁷³. This decision represented an initiative for formal institutionalization of GUAM into a new framework and with a clearly stated common mission²⁷⁴:

- creation of a regional area of democracy, security, stable economic and social development;
- materializing the common European option;
- implementation of common policies aimed at strengthening relations with the EU and NATO.

During 2006-2008, measures were undertaken to foster practical cooperation in areas such as trade, transport and energy security. For example, the Protocol on bringing into effect of the Free Trade Agreement signed in 2002 was signed at the GUAM Summit in Kiev. Also, during this period we could become witnesses of formal expansion of the GUAM partner states, which now includes not only the USA but also Bulgaria, Poland, Romania, Hungary, Lithuania, Latvia, Estonia and even Japan. At the same time, by including GUAM countries in the European Neighborhood Policy, the EU managed to increase its political visibility in GUAM region. In the field of transport, GUAM manages to establish partnership cooperation with the International Road Union, which launched a New Eurasian Transport Initiative (NELTI). Under this initiative, the GUAM states will participate in creating a trans-

²⁷³ GUAM Summit Communiqué, 23 May 2006, Kyiv, <http://guam-organization.org/en/node/442>

²⁷⁴ Vladimir Socor, „GUAM in Kyiv: Another Summit of Good Intentions”, http://jamestown.org/edm/article.php?volume_id=414&issue_id=3739&article_id=2371115

portation corridor for goods and passengers, which will link Europe to the Caucasus and Central Asia along the historically famous Silk Road²⁷⁵.

Launching the concept of creating an *energy transit area Caspian Sea - Black Sea - Baltic Sea* can be included in the same list of actions. This new concept was approved at the Energy Summit in Kiev on 22-23 of May 2008 attended by presidents of Ukraine, Azerbaijan, Georgia, Poland, Lithuania, Latvia and Estonia, as well as the official representatives of the EU and USA²⁷⁶. The new concept of energy transit stipulated the connecting of oil and gas producing countries from the Caspian region, through the Southern Caucasus and Ukraine, to consumer countries of the EU. Seen in the light of this new concept, the GUAM area can become an indispensable component of future the EU policy on energy security.

Notwithstanding that and despite the given positive developments, GUAM, in its new form, has not yet managed to get rid of its structural impediments. Because of its ambiguous foreign policy, the Republic of Moldova remains a weak binder of GUAM. In turn, the Ukrainian political elite does not have a common vision regarding the GUAM. While pro-western parties opt for a deeper cooperation within GUAM, the same can certainly be said about the influential Party of Regions, led by Viktor Yanukovych, who stands for a balanced policy in relation to Moscow. Ratification of the GUAM Charter in the Ukrainian Rada, in March 2008, confirmed once again that reality. As it is known, the GUAM Charter was ratified by the Ukrainian parliament with the lowest possible margin, meaning 226 votes pro. Also, among the deficiencies of GUAM, the following can still be named:

1. slow implementation of 2002 Agreement on creation of a Free Trade Area;
2. lack of credible Western projects to build pipelines for energy resources and inland transport corridors, which would pass through the territory of GUAM, connecting the Caspian Sea area, rich in energy resources, with the EU;
3. passiveness of the EU to initiate an active partnership with GUAM, in particular for the revival of earlier projects such as TRACECA, or to implement new projects for the transportation of energy resources from

275 Vladimir Socor, "Guam Summit Held amid Adverse Trends on Energy and The Frozen Conflicts", http://jamestown.org/edm/article.php?volume_id=427&issue_id=4548&article_id=2373204

276 Vladimir Socor, "Transit Space Concept Launched at Kyiv Energy Summit", http://jamestown.org/edm/article.php?volume_id=427&issue_id=4505&article_id=2373098

the Caucasus and Central Asia to the EU, such as NABUCO²⁷⁷ project;

4. failure to resolve the separatist conflicts in Azerbaijan, Georgia and Republic of Moldova, in addition to Russia's military presence in the last two states offers Moscow important leverage to undermine GUAM activities. Republic of Moldova is a classic example on this line. As a matter of fact, through its military aggression against Georgia in August 2008, Russia showed how far it can go on to assert political influence in the GUAM area, considered by Moscow as part of its geo-strategic fief.

9.2. The participation of the Republic of Moldova in GUAM: cooperation full of contradictions

The association of the Republic of Moldova to the GUAM Group was, first of all, determined by political considerations, and in particular by the need to make the position of Chisinau be heard and considered during negotiations on the adapted version of the CFE Treaty and the need to counterbalance the influence of the Russian Federation in the settlement of the Transnistrian problem.

It might sound paradoxical to some politicians from Chisinau, but economic calculations played a secondary role in the establishment of GUAM and especially in the accession of the Republic of Moldova to this regional forum. Economic considerations were not decisive in Chisinau's conviction of the practical value of GUAM. Commercial and economic realities speak for themselves. In 1997, which was the year of formalization of the GUAM, exports of the Republic of Moldova to Azerbaijan constituted 0.17%, to Georgia 0.44% and to the Ukraine 5.6% of the total exports. In the case of imports things were not too different. Imports of the Republic of Moldova from Azerbaijan, Georgia and Ukraine were 0.30%, 0.02% and 18% of total imports of our country in 1997.

Also, some politicians from the Republic of Moldova are inclined to believe that the TRACECA project sponsored and encouraged by the EU was included in the reasons substantiating the creation of GUAM. This hypothesis looks even less plausible if we consider that in 1997 TRACECA was more an idea under discussion than a structured project that would have enjoyed a financial and logistical support from the potentially big international investors. As a matter of fact, the latter did not even happen until today. Only one year after the establishment of GUAM, namely on September 8th, 1998, the

²⁷⁷ Nabuco project envisages construction of a natural gas pipeline of 3.300 kilometers, which would link EU consumers to producers in the Caspian Sea region, passing through Turkey, Bulgaria, Romania, Hungary and Austria.

Multilateral Agreement on international transport regarding the development of the Europe-Caucasus-Central Asia transport corridor was signed in Baku, which represented the cornerstone of the TRACECA project designed to revive the modern version of the historically famous Silk Road.

However, the decision of the Republic of Moldova to join the GUAM Group does not derive from the idea of signing a Free Trade Agreement between Member States either. As noted above, in the year of the GUAM foundation, Moldova's trade with Azerbaijan and Georgia were insignificant to motivate the creation of a free trade area with these countries at that stage. Meanwhile, in 1997, trade and economic relations between Moldova and the Ukraine already benefited from the free trade agreement signed between Chisinau and Kiev on August 29th, 1995.

The political dimension, however, was the aspect that dominated the cooperation among GUAM members from the very beginning. Also from the very start, the Russian factor played an important role in the interpretation of GUAM's rationale by Moldovan officials. Policy makers in Moldova were always aware of Moscow's discontent with the development of a new regional political association with pro Western aspirations on post-Soviet territory that was, furthermore, perceived by Kremlin as a direct threat for the Russian interests in the region. Therefore, it is not at all accidental that Moldovan authorities perceived and continue to interpret GUAM as representing a regional association motivated, first and foremost, by the need to develop and deepen the economic cooperation between its members. In this way, Chisinau hoped to spare and mitigate the susceptibilities of the Russian Federation regarding its participation in the political cooperation within GUAM.

Unlike Moldovan President Petru Lucinschi, the President, Vladimir Voronin, has almost continuously diminished the political character of GUAM, thus, aiming to calm the suspicions of Moscow. However, President Vladimir Voronin has deliberately exaggerated the economic role of GUAM, which then allowed him to criticize the latter for its failures in the realm of economic cooperation. The criticism brought by President Vladimir Voronin against GUAM ignores, however, the structural shortcomings of the organization. Consequently, it creates the impression that the given criticism is said not to find solutions to the challenges faced by GUAM, but, firstly, to make the case for Moldova's unclear position and its reluctance to be actively engaged in the unfolding of the GUAM projects, as well as not to offend Moscow which, as President Voronin believes, is the key to political settlement of the Transnistrian problem. The fact is that neither President Vladimir Voronin, nor the rest of the decision makers in Chisinau realize that the blame for the inefficiency of the cooperation within GUAM also lies

with Chisinau, which since the spring of 2001 until the present time has been mostly promoting an ambiguous, passive and unpredictable policy in respect to GUAM. In fact, the rhetoric and actions of the Republic of Moldova with regard to GUAM have gone through several major shortcomings, which had a negative impact on the image of Chisinau as a predictable partner and the efficiency of political and economic cooperation within GUAM.

Firstly, the commitment of the Republic of Moldova to GUAM has been and continues to be altered by the Russian factor. Unlike during the period of 1997-2000, starting with 2001 the Russian factor has become more articulated in our country's decisions and actions related to GUAM. From 2001 until present, the vision of President Vladimir Voronin about GUAM remained virtually unchanged. The elements that defined the Republic of Moldova's policy towards GUAM in the period 2001-2008 were formulated yet on the eve of the GUAM Yalta Summit held on June 6-7 2001²⁷⁸, and namely:

- Moldova opposes GUAM's transformation into an instrument of political speculations²⁷⁹;
- GUAM appeared in a contradictory atmosphere, with a very confusing political connotation;
- Moldova is willing to take part only in economic projects and has no interest in political projects;
- institutionalization of GUAM, without the development of effective economic projects, makes no sense;
- GUAM should not weaken the role and importance of the Commonwealth of Independent States but rather contribute to its consolidation.

Secondly, the Republic of Moldova has never had a coherent strategy with regard to the development of economic cooperation within GUAM. Official Chisinau has always been dissatisfied with the results of economic cooperation within GUAM. Its critical attitude is, however, less credible given that the Republic of Moldova has demonstrated inconsistency and lack of political will to remove existing obstacles in the way of boosting economic cooperation. For example, in June 2001, President Vladimir Voronin declared that GUAM was of interest for the Republic of Moldova, especially in the context

²⁷⁸ <http://www.azi.md./news?ID=1717>

²⁷⁹ In order to avoid the annoyance of Moscow, on the eve of the Yalta Summit of 6-7 June 2001, President Vladimir Voronin proposed that the Russian Federation should be invited as an observer to GUAM meeting of heads of state, but the other member states did not support the given proposal.

of restoring the famous silk trade route, which, in his view, would significantly increase the revenues of GUAM member states. In order to implement this objective, the Republic of Moldova signed the Agreement on creation of a Free Trade Zone between the GUAM member states at the GUAM Summit in Yalta that took place on 19-20 of June 2002. On the same occasion, President Vladimir Voronin declared that Moldova did not get any practical support as a result of its membership in GUAM and, moreover, “the entire complex of economic, social and cultural matters, which are included on the agenda of GUAM only today, have been developed with no less attention and prospect in the programs that are already operating in the CIS”²⁸⁰. At the same time, being so “extremely interested” in boosting economic cooperation between GUAM member states, the Republic of Moldova nevertheless temporized the ratification of the Agreement on creation of a Free Trade Area signed in June 2002 for three years²⁸¹.

The Republic of Moldova’s desire to improve economic cooperation within GUAM was also questioned by the delay in the process of GUAM institutionalization considered an essential condition for making this regional organization more effective. At the 2001 GUAM Summit in Yalta, President Vladimir Voronin signed the GUAM Charter, a document meant to institutionalize cooperation within GUAM. And again, as with the Agreement on creation of a Free Trade Area, the Moldovan Parliament ratified the GUAM Charter only on April 14th, 2005, thus, after four years after the time of the signing.

At the GUAM Summit in Chisinau, on April 22nd, 2005, President Vladimir Voronin reiterated the strategic interest of the Republic of Moldova in promoting energy cooperation within the organization. This stated interest is contradicted by the real facts, like for instance the absence of President Vladimir Voronin at the Energy Summit in Kiev on 22-23 of May 2008, where the presidents of Ukraine, Azerbaijan, Georgia, Poland, Lithuania, Latvia and Estonia endorsed the concept of creating the *Energy Transit Area of Caspian Sea - Black Sea - Baltic Sea*. Also, President Vladimir Voronin was absent from GUAM Summits in Baku, 2007 and Batumi in 2008, whereat the development of joint projects in energy security were discussed.

All these events, of course, pose a lot of questions about the sincerity of Republic of Moldova’s discourse and the credibility of its commitment regarding GUAM. Thus, given the inconsistency and incoherence displayed so far by Chisinau, both in political and in economic cooperation within

²⁸⁰ <http://www.azi.md./news?ID=19979>

²⁸¹ The given Agreement was ratified by the Parliament of Republic of Moldova on the eve of the GUAM Summit in Chisinau, on April 22nd, 2005.

GUAM, it is easier to understand why the Republic of Moldova has remained outside the Odessa - Brody - Plotsk Project, a pipeline which was supposed to transport oil extracted in Azerbaijan and Kazakhstan to the EU, bypassing Russia. Moreover, Chisinau's anger for not being connecting to the given project appears even more pointless.

Thirdly, the participation of the Republic of Moldova in GUAM activities did not benefit from the government's clear political willpower as well as the constant and strong commitment to support the process of deepening the cooperation within GUAM. Recurrent criticism and, in particular, wavering commitment of the Republic of Moldova in relation to GUAM gave rise to frequent speculations on the imminent exit of the Republic of Moldova from GUAM. That was during 2001-2003 when the participation of President Vladimir Voronin at the GUAM Summits in 2001 and 2002, both held in Yalta, were preceded by tough statements about the nature and prospects of GUAM²⁸². In 2003, President Vladimir Voronin refused to attend GUAM Summit in Yalta in order not to take over the presidency in this regional organization. Thus, Chisinau again avoided offending Moscow, which was engaged, at the request of the Moldovan leadership, to negotiate a political solution between Tiraspol and Chisinau without the participation of the Westerns partners.

Since 2006, Chisinau has been again in a constant race to persuade Moscow to accept its package of proposals regarding the settlement of the Transnistrian conflict²⁸³. Incidentally or not, but exactly from 2006 onwards we have been witnessing a further deterioration of Chisinau's position in respect to GUAM that eventually ended the rather short period of Republic of Moldova's active participation in GUAM, which lasted from the second half of 2004 till spring 2006. Aspiring to make Moscow's position more flexible regarding Chisinau's package of proposals, President Vladimir Voronin resorted again to harsh criticism of GUAM, just like in 2001-2003. The most trenchant of his statements was the one made on March 11th, 2008, in an interview for the Moscow newspaper "Kommersant Daily", wherein being asked about participation in GUAM, Moldovan President Vladimir Voronin

²⁸² <http://www.azi.md./news?ID=1717> and <http://www.azi.md./news?ID=19962>

²⁸³ Until now this package has not been officially made public by the Moldovan authorities. However, it is known that among the main elements of the package include the withdrawal of Russian troops from Moldovan territory in exchange for the commitment of our country to remain a permanently neutral state, granting broad autonomy to the Transnistrian region, participation of representatives from Transnistria in the activity of central institutions and the recognition of Russian Federation economic agents property in the region of Transnistria.

said: “The presence in any organization should bring tangible benefits. If it does not reap any results there is no interest to be part of such organization. The prospects of GUAM are bleak”²⁸⁴.

Meanwhile, President Vladimir Voronin came back to the practice of ignoring GUAM Summits. He did not participate in the GUAM Summit in Baku on June 19th, 2007 under the pretext of participating in the Republic of Moldova-EU Cooperation Council, which took place on June 20th, 2007. Instead, the Prime Minister Vasile Tarlev, who, according to the stipulations of the Partnership and Cooperation Agreement with the EU, should have led our country’s delegation within the Cooperation Council in Brussels, represented the Republic of Moldova at the Baku Summit. Later, President Vladimir Voronin ignored the GUAM Summit in Vilnius held on October 10th, 2007 organized on the occasion of the 10th anniversary of GUAM. He also neglected the GUAM Summit in Batumi on July 1st, 2008, this time designating the interior minister, Valentin Mejninschi, to take his place, a decision that aroused bewilderment among his counterparts within the organization.

Delayed ratification of important arrangements for the proper functioning of GUAM, like the GUAM Charter (signed on July 20th, 2002), the Agreement on creation of a Free Trade Area (signed on July 20th, 2002) or the Interim Status of GUAM Information Office in Kiev (signed on July 20th, 2002) are also other moments that highlight the true extent of Republic of Moldova’s participation and contribution to the transformation of GUAM into an effective and viable organization²⁸⁵. For that matter, ratification of the above documents and the Republic of Moldova’s adherence to the Declaration of GUAM Summit in Chisinau in April 2005 was not due to substantial changes in Chisinau Government position regarding GUAM, but rather was the product of political conjuncture and temporal change of viewpoint determined by domestic and foreign policy reasons.

Pro-GUAM attitude shown by Chisinau during 2004-2006 should be considered in light of the 2003 Kozak Memorandum epic, the failure of which led to worsening of the Republic of Moldova’s relationships with the Russian Federation, but also dissatisfied the USA and the EU who found themselves cheated by the Republic Moldova, which embarked on the path of secret negotiations with Moscow. Thus, threatened by a possible international isolation on the eve of 2005 parliamentary elections, the Chisinau government

²⁸⁴ <http://info-prim.md/?a=10&nD=2008/03/11&ay=13649>

²⁸⁵ All three of the above mentioned documents were ratified by the Parliament of the Republic of Moldova on April 14th, 2005, i.e. after three and respectively four years from their signing, on the eve of the GUAM Summit in Chisinau on April 22nd, 2005.

abruptly shifted its foreign policy vector westward and, therefore, overnight the direction of GUAM had become priority in this new political context.

Currently we are on the threshold of 2009 parliamentary elections and we cannot exclude that the GUAM direction could again regain the attention of the Chisinau Government. However, as long as the foreign policy of the Republic of Moldova will oscillate according to electoral cycles and if structural weaknesses in its policy towards GUAM will not be overcome, an eventual warming of Republic of Moldova's relations with GUAM will continue to be lacking credibility in the eyes of its partners.

10. Republic of Moldova's relations with the North Atlantic Alliance (NATO)

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10.1. History and arguments

The last ten years of cooperation of the Republic of Moldova with the North Atlantic Treaty Organization (NATO) represented a decade during which our country's closeness to the Alliance changed into so called "pragmatic relation" as called in the official language and vice versa. Like other aspects of external relations of the Republic of Moldova, this area also went through a period of oscillations, which depended on the perceptions of political elites from Chisinau about their relations with Russia and the resolution of Transnistrian conflict or the prospects for European integration, within which military reforms would have to be implemented, in particular, and in the security sphere in general.

Sometimes the perceptions formed in the Soviet times generated a number of reserved attitudes in respect to NATO both among the population and among political elites in the country. However, regardless of temporary perceptions, in the last ten years there has been evidence of increased quality of cooperation with the North Atlantic Alliance, increased number of joint exercises and projects, in particular non-military ones. Eventually, our closeness to Europe will inevitably bring us nearer to Euro-Atlantic institutions, ultimately making us neighbors of NATO. Often, because of preconceived attitudes regarding NATO, the advantages of cooperation with this organization were not fully exploited. In order to understand these uneven developments, it would be good to look back into the history of the Republic of Moldova relations with the Alliance.

During the Cold War, being part of the USSR Moldova contributed to the Warsaw Pact. The covenant was technically a military cooperation agreement for the socialist camp, but politically, this was an anti-NATO military alliance, with full propaganda package, but also agreements on limiting conventional forces. There were two major implications of the presence of the Republic of Moldova as part of the USSR and the Warsaw Pact, which influenced our country's relations with NATO.

First implication is related to the anti-NATO propaganda waged in the Soviet Union, which - for reasons of these two blocks balancing against each other - did not have an objective vision of the opponent and which still has an impact on the perception of the Alliance by citizens of the Republic of

Moldova. The second implication, which is yet important for Moldova, relates to the treaty that the Warsaw Pact negotiated with NATO, and namely the Treaty on Conventional Armed Forces in Europe (CFE). One of the provisions of this Treaty, as the negotiators promoted it, refers to the necessity of the host State agreement allowing the stationing of the troops of the members states on its territory.

As paradoxical as it might look, but with respect to the relationships with NATO, we inherited two contradictory elements from the Soviet times: on the one hand, a reserved attitude in certain cases or antipathy towards NATO, and on the other hand, a positive attitude regarding the provisions about the presence of foreign forces negotiated by the then Alliance against which there is the antipathy mentioned above. Except for the given two elements inherited from the Soviet period, the independence of the Republic of Moldova and its attempt to build relationships with international organizations from the early 90's, including the North Atlantic Alliance, resulted in a cooperation that, to some extent, succeeded to reduce the negative attitude towards the organization. However, contradictions were felt throughout the entire period of the Republic of Moldova's cooperation with NATO, including during the last 10 years.

Cooperation between Moldova and the North Atlantic Alliance begins from the time of its independence. The Republic of Moldova became a member of the North Atlantic Cooperation Council (NACC) on December 20th, 1991. NATO decided to establish the Council on 7-8 of November 1991, several months after the dissolution of the USSR. As it was said at the meeting in December 1991, the Council had the goal to provide a forum for consultation between the former adversaries in key European security issues. Given that the Republic of Moldova had to face the consequences of the recent conflict in Transnistria as well as witnessed the Russian involvement therein, the topics related to our country's security in the Euro-Atlantic context became a matter of concern and reason for discussion in specialist international forums. Security cooperation structures created by NATO served for our country as bodies in which the official Chisinau managed to make known and promote some of its interests. Meaning, both the political dialogue within the NACC where the concerns of Moldova regarding the Transnistrian conflict were presented and also our further participation in the Partnership for Peace created in 1994.

The first meeting of the President of the Republic of Moldova with NATO Secretary General was held on March 16th, 1994 in Brussels and it was followed by the signing of the Framework Document of the "Partnership for Peace (PfP)". The Republic of Moldova became the 12th signatory to the

PfP and, respectively, the second signatory out of all the CIS member states after Ukraine. Institutionalization of military and civilian contacts in the Partnership for Peace answered a number of concerns of Moldova in respect to the quality of our armed forces and their ability to cope with military action, as in the case of the Transnistrian conflict. Thus, the PfP framework allows the Republic of Moldova to use the experience of the states participating in this program in building its military architecture with a view of constant improvement of the standing of its armed forces, staff education, language training of the Army officers of the Republic of Moldova, as well as provides access to information, statistics, sources of political, technical and financial support. A special attraction was the opportunity for Moldovan military personnel to become acquainted with peacekeeping operations.

In 1997, the Republic of Moldova explained its interest in the Partnership for Peace, in which it has been involved for more than three years, by providing the following considerations:

- a) cooperation with NATO (as with other European structures) engages Moldova in the entire process of European integration;
- b) the program offers real and equal opportunities for all countries to participate in building new security and cooperation relationships in Europe;

“Partnership for Peace” offers the Republic of Moldova favorable opportunities in creating a modern and professional national army, as required by democratic principles and international standards. The Republic of Moldova considers the development of cooperation within the PfP as a condition to increase its own security, regional and international security.

Also, in 1997 there was an overall change in the level of cooperation with NATO in the area of political dialogue. Countries took note of the potential, importance and intensity of the dialogue within NACC, which was supplemented by the Partnership for Peace, and decided in Sintra, Portugal, on the transformation of the North Atlantic Cooperation Council (NACC) in Euro-Atlantic Partnership Council (EAPC), which should run in parallel to the PfP. Thus, the cooperation has advanced to a more complex level of relationship, in the form of partnership.

10.2. Partnership for Peace – a “menu” to choose from ourselves

At the same time, although we talk about ensuring the security of states, we have to mention that the PfP does not have this purpose at its core. It is just a mechanism for cooperation and establishing trust between former foes during the times of USSR. Although this program provides a framework

for cooperation and support mechanisms for modernizing the armed forces of PfP member states, the program in question is not aimed at increasing the potential of the partner countries' armed forces, but at their reformation pursuant to the democratic principles. In other words, states themselves must learn to build their forces as required and one of the implicit requirements is democratic control over the armed forces.

Since 1994, due to its availability and importance, PfP has been an effective instrument for cooperation with new partners, especially for countries of Central and Eastern Europe. Accessibility of this mechanism is explained by the fact that PfP member states were not in any way obliged to become members of NATO. At the same time, states could cooperate with each other depending on the respective field of interest. Furthermore, certain stages of training or exercises began to be organized by NATO partners and not the Alliance itself. Thus, a partner state like the Republic of Moldova could organize a military medical training, involving more non-NATO members than members of the Alliance.

10.3. Republic of Moldova – Partnership for Peace, from IPP to IPAP

The participation of the Republic of Moldova in joint exercises often depended on the state's financial capabilities, even when there was political will-power to do so. The very participation of the Moldovan officials to training courses in various scientific, social or military spheres depended largely on external financing, which currently raises still more questions.

Thus, the participation of the Republic of Moldova in PfP activities occurs mainly due to the assistance offered by the US Government through the “Warsaw Initiative” from June 1994. Under this initiative, until 1999 Moldova benefited, for example, from assistance worth 1.6 million USD, in 2000 – 561,000 USD; in 2001 – 334,000 USD; in 2002 – 332,000 USD; and in 2008 the assistance provided by the USA to the military authorities of Moldova exceeded the amount of 400,000 USD.

We can see that the U.S. government offered Republic of Moldova permanent support in order to professionalize its army and other services related to all areas of state security. Meanwhile, the structure of the allocated funds changed in accordance with Moldova's developments within the PfP. To understand how this development took place, it should be reminded that, historically, the Republic of Moldova's accession to PfP could be divided into five stages:

1. signing of the Framework Document on March 16th, 1994 when the Republic of Moldova became the 12th signatory country and 2nd of the CIS countries after Ukraine;

2. preparation of the presentation Document;
3. development of the Individual Partnership Program (IPP) on the basis of the offers of PfP participating states published in a compendium of proposals for exercises and professional trainings, and based on the presentation Document. The Individual Partnership Program develops with time and gets transformed from a political-military cooperation into an instrument of cooperation, which remains dedicated to military training component, but at the same time extends its area of application for the Republic of Moldova in several fields, such as science, environment etc.
4. accession of the Republic of Moldova to the Partnership Review Process (PARP) in 1995;
5. adoption of the Individual Partnership Action Plan (IPAP) in 2006.

In general terms, the IPP is a list of exercises, training courses which includes the following areas of cooperation: arms control and disarmament, civil protection, crisis prevention and resolution, planning and conducting joint peacekeeping operations, training of personnel and other aspects of military activity, scientific cooperation, etc. Each state also decides on a set of commitments, which it voluntarily accepts and commits to implement. Meanwhile, from the IPP list any state may choose the courses and exercises it considers necessary, based on its interests and participates in them.

According to the 1995 IPP, which has evolved enormously since then, the Republic of Moldova took the following commitments:

- to prepare a sub-unit for peacekeeping operations under the aegis of UN;
- to provide medical military personnel for peacekeeping operations;
- to provide the Marculesti airport if there need be for peacekeeping operations, humanitarian assistance operations according to PfP activities;
- to offer the Bulboaca Training Center for training and tactical maneuvers under the PfP;
- to make available a cargo plane and two transport helicopters for PfP activities.

At the same time, IPP allowed participation of the Republic of Moldova in military exercises, peacekeeping operations, but also implementation of humanitarian, scientific, educational projects. Thus, cooperation within the PfP through IPP should be seen much larger than a simple military cooperation with NATO, which is a limited and distorted view.

Starting with 1997, the Republic of Moldova expanded its cooperation with the Alliance within the **Science for Peace** Subprogram.

- NATO supported two projects of the Academy of Sciences of Moldova worth about 153,000 USD, which consisted of connecting the Academy of Sciences to Internet and further development of its network.
- The project on creation of an information network at the Academy of Sciences was completed with NATO financial support in 1999.
- NATO financial support was also received by the “Polytechnics community information network” developed by the Academy of Sciences and Technical University of Moldova.
- NATO contributed to the creation of RENAM association, which is education- information oriented. Moldovan researchers received scholarships in Italy, Canada and other countries. Thus, four scholarships were awarded to scientists from our country that worked together with their partners from within the Alliance. Another 24 scientists participated in Thorough Research Workshops sponsored by NATO, and in depth studies of institutions. Six scientists from our country benefited from scholarships and other three – from fact-finding (documentation) scholarships at NATO.

Also, although belonging to the scientific dimension, projects related to **security environment** have been implemented with the support of the Alliance as well. In this context, a project on disposal of obsolete pesticides dangerous for the population is unfolding at this time. Another project deals with water management in the Dniester and Prut rivers, whose aim is to establish a mechanism for continuous testing of the level of pollution in both rivers and alert if it exceeds critical indicators.

Moreover, NATO offered the Republic of Moldova **necessary assistance in implementing of some international commitments on arms control and reduction**. In winter 2001, experts from the NATO Agency for technical and logistical maintenance (NAMSA) visited the Republic of Moldova and gave positive opinion enabling our country to benefit from assistance in implementation of the Ottawa Convention banning anti-personnel landmines. Cooperation with NAMSA provided funding through the PfP Fund (PfP Trust Fund) set up for countries like the Republic of Moldova for implementation of two projects aimed at destruction of ammunition and extremely dangerous and unstable military chemicals, which the national army possessed.

Thus, there were also projects launched for destruction of out-dated ammunition belonging to the Moldovan National Army, and of the oxidant

for “mélange” type missiles. This contributed to the implementation of the projects on neutralization of “mélange” and destruction of stockpiles of anti-personnel mines in Moldova. Thanks to this project, a significant large-scale environmental hazard was eliminated which conduced to avoiding frequent and tragic situation that happened in the former Soviet space, when the stockpiles of obsolete explosives detonated. As a result, the basic provisions of the Ottawa Convention were completed ahead of schedule.

As mentioned above, **the political-military component** remains very important in the Partnership for Peace, which uses the IPP in order for the partner state to better find its way in the partnership and choose the exercises it needs. It is clear that in the military sphere, during all these years, the Republic of Moldova was focused on preparation for peacekeeping operations build on domestic needs of the country and the idea of contributing to regional and international security. Thus, under IPP, throughout these years a series of actions were taken to prepare the participation of Moldovan soldiers in UN peacekeeping operations. In recent years, several contingents of the National Army engineers participated in international humanitarian mine clearance operations in Iraq.

The evident advantages of cooperation and dialogue with NATO led to the decision to strengthen cooperation mechanisms on the part of the Republic of Moldova, which would advance the cooperation to a more effective level. Consequently, on December 16th, 1997 the Republic of Moldova’s mission to NATO was established and the Ministry of Defense has delegated a permanent representative to the PfP Coordination Cell in Monk, Belgium. Also, in 2008, a separate post of liaison officer was created within the Mission of the Republic of Moldova to NATO.

In order to ensure a more effective transition to a professional army, in 1995 the Republic of Moldova became member of the Planning and Review Process of the Partnership for Peace (PARP). The essence of the process was to assess the implementation of IPP and, in particular, the actual state of national armies and security structures of partner countries in order to set up essential steps in implementation of defense and security reforms. This goal is achieved by providing advice and mutual support between NATO and partner countries in all aspects of security and defense, by accomplishing the 28 objectives/requirements of general interoperability. Several cycles of PARP assessment mission took place in the Republic of Moldova. As of the time of writing this paper, the last assessment was conducted in spring 2008. Shortcomings in the IPP implementation and functioning of the national army were found out in each assessment. Also, questions arose regarding the integrity and smooth operation of the national security system.

After the independence and the war of 1992, the Republic of Moldova became more open for military ideas, military reform under the principle of effectiveness of armies and services that ensure state security, which were in accordance with democratic European rules. Contact with NATO members produced an influx of new ideas on military effectiveness and one of the declared goals of the cooperation with NATO included also the reforms necessary to reach the Republic of Moldova's integration in the European Union. The first documented attempt in military reform came from the Defense Ministry in 1997-1998, when it drafted the Concept of Military Reform. Discussions on this draft concept extended for an unexpectedly long time, showing that the Parliament of the Republic of Moldova was still unprepared to conceptually embrace such a document. Only after an extremely long, five year period, the concept was approved by the legislature in Chisinau on July 26th, 2002.

Military reform concept stated that the principles of cooperation with other armies should be based on democratic control over armed forces. The second phase of reform (2005-2008) involved the creation of civil and military structures of the Armed Forces, with detailed division of powers in the spheres of political, administrative and military command. It also noted that the document aimed to respond to the current geopolitical situation, the need to adapt to new realities, risks and threats, military missions of a new kind. The concept recognized the deplorable state of the Armed Forces and the requirement to adjust the needs to the available funding²⁸⁶.

The problem of the given concept is that it was produced too late and did not take adequate account of the ratio between opportunities and needs as stated in the document. Thus, the concept was made in 1997-1998 prior to the change of threats regarding the security of countries, particularly after the terrorist attacks on the United States and the realities of Kosovo and other international developments that made this concept obsolete even before being approved.

10.4. PARP assessment and the necessity to proceed to an IPAP

NATO summit in Prague in 2002 proposed the establishment of special mechanisms within the PfP, which would respond better to security needs of partner countries in terms of a changing security environment - Individual Partnership Action Plan (IPAP).

While in 2002 the European countries adopted the criteria meeting the need to adapt the security sector to new realities, the Republic of Moldova finally adopted the concept of military reform also in 2002, which was obvi-

²⁸⁶ The Military Reform Concept, Official Monitor of the Republic of Moldova, no. 117-119 of 15.08.2002

ously outdated. What was, however, important for the Republic of Moldova was that this Concept of Military Reform resulted in the understanding that efforts of military institutions only would be insufficient and would require a much broader reform in legal sphere in accordance with the European criteria and obligations before the Council of Europe, and, eventually, in economic matters.

In reality, an effective security sector reform to be in line with the European criteria and provisions of the Council of Europe require more substantial changes in a set of much broader areas than just the military field. As demonstrated above, the results of the mentioned reforms have become an important issue in the dialogue on PARP, which is based on the European criteria for construction of the security sector that shall be controllable, transparent and ensure state security in a democratic manner and, besides, shall also ensure democracy within the country. Undoubtedly, such a system requires involvement of all state powers, i.e. legislative, executive and judicial, and not just intelligence and military services.

Thus, PARP evaluated the performance of military security structures after the reform of the armed forces and found that the Republic of Moldova was able to take part only in four PFP exercises and also two exercises in the spirit of PFP. Financial constraints continue to hamper the participation of Moldova in other exercises, which it wanted and indicated in IPP. These data suggest that the economic situation of the Republic of Moldova remains precarious.

Experts have come to the conclusion that serious lack of funding is repeated year after year, and has a harsh impact on the ability to command and maintain the armed forces. PARP audit is a very open way to discuss existing and identified problems and has readily recognized that although the Concept was approved, it was not based on a national security strategy, which would correspond to the situation and neither on real expenditure estimate. For example, the concept foresaw that the defense budget should be raised from 0.5% to 2.5% of the gross domestic product (GDP) over a period of 12 years, and NATO experts have determined that such an increase would be difficult to achieve. Therefore, the Concept is not implementable from the very beginning.

Moreover, since the Concept was formulated in 1997, it is a known fact that it was based on the national security strategy of 1995, which had lost its topicality because of the changes that occurred in the security climate since September 11, 2001. It was in this context that it was concluded that Moldova needed external assistance to proceed to a revision of its defense system, which required that all state documents should be brought into line with its current needs and a comprehensive reform of the security system in

the Republic Moldova should be carried out²⁸⁷. The best and the only way to ensure such comprehensive reform, involving all branches of power, was only possible through the adoption and implementation of an Individual Partnership Action Plan - IPAP, which was prepared for these purposes.

10.5. IPAP, a complementary plan to the EU – Republic of Moldova Action Plan

The idea of adopting an IPAP was not accepted immediately because it was even newer than the proposals made in the newly adopted Concept of military reform. Although this Concept was obsolete even before its adoption, for the authorities it represented a novelty in this area and therefore adoption of new ideas that would go further than the Concept itself under such circumstances was rather difficult.

At the same time, the geopolitical factor also intervened. Cooperation with NATO was a subject of dissatisfaction in the relations between the Russian Federation and the Republic of Moldova, especially during the preparation of the Kozak Memorandum, which provided for demilitarization of Moldova. Thus, as with the Concept of military reform, it took longer for the idea to be accepted. Also, the new international circumstances following the refusal to sign the Kozak Memorandum in autumn 2003 generated the turn of the Party of Communists of Moldova (PCRM) to closer cooperation with the West, negotiation of an action plan with the EU and enhancement of cooperation with NATO in order to ensure security sector reforms. Using the favorable situation for promoting the idea of IPAP, in the winter of 2004 diplomats and military representatives from the Republic of Moldova suggested adopting an individual plan with the North Atlantic Alliance.

In early 2004, the President of the Republic of Moldova agrees in principle to develop IPAP. In 2005, on June 7th, President Vladimir Voronin went to the NATO headquarters to attend the meeting of the North Atlantic Council (NAC), during which NAC announced the intention to adopt an Individual Partnership Action Plan for the Republic of Moldova. In the course of negotiations between the Alliance and the Republic of Moldova, NATO stated that it understood the European aspirations of Moldova and suggested that IPAP be formulated so as to constitute an additional to the EU – Republic of Moldova Action Plan. The need for IPAP to be complementary results from the fact that European integration will not be complete without the

²⁸⁷ Vlad Lupan, *Moldova: implications of NATO/EU enlargement, Security Sector Reform and Transparency Building, Needs And Options For Ukraine And Moldova*, The Centre of European Security Studies (CESS), Groningen, The Netherlands, 2004, p.103-111.

security sector reform. However, NATO is the organization that has experience, expertise and capacity to assist us in reforming the security sector of our country.

10.6. IPAP: objectives and mechanism

Individual Partnership Action Plan provides for concrete actions in several areas to implement the security sector reform. These areas, as stipulated in Chapter I of IPAP, are European integration and reforms under the EU – Republic of Moldova Action Plan, enhance dialogue and deepen relations with Euro-Atlantic structures. The clearest explanation in respect to the areas where changes are needed to implement a security sector reform according to democratic norms necessary for European integration can be found in the summary of this Chapter, presented below:

Chapter 1. Political and security issues

- Deepening cooperation with European and Euro-Atlantic structures and institutions

- Territorial integrity and relationships with neighbors

- Democratic reforms, human rights, rule of law, fight against corruption

- Combating terrorism and organized crime

- Democratic Control of Armed Forces

- Economic development and priority policies

- Cooperation with other international organizations

Note that for an effective security sector reform, the Republic of Moldova must actually implement provisions stipulated also in the EU - Moldova Action Plan. The explanation for these similarities is that democratic reforms, human rights, rule of law presuppose reformation and functioning of security and defense services under the same laws and democratic rules specific to a predictable and transparent European system of governance. Therefore, implementation of IPAP is an indispensable element for the democratization and Europeanization of our country.

To support the above argument, we will quote from this chapter of IPAP, which explicitly states: “*During implementation of IPAP, the Republic of Moldova will coordinate its actions with the EU and international organizations active in our country with a view of ensuring compatibility between IPAP, and European Union - Republic of Moldova Action Plan as well as the Economic Growth and Poverty Reduction Strategy (EGPRS), and also to avoid duplication and overlapping of activities*”.

Although IPAP provides a solid foundation for security sector reform in Moldova, its future depends on many factors. One of the security problems faced by Republic of Moldova is the Transnistrian conflict. Attempts to resolve this conflict have often interfered with the plans set forth in the defense and security sector reform, and in fact with the foreign policy objectives. During 2007-2008 we have witnessed dramatic changes in this respect.

For example, the initiatives presented by the President of the Republic of Moldova on October 10th, 2007 talked about total demilitarization of Moldova in the context of confidence building measures aimed at settling the Transnistrian conflict. At the same time, they sought to resolve the conflict directly with the Russian Federation, based on a package of documents. In circumstances where development of the 2007 proposals were not clear and the Russian Federation called to stop cooperation with NATO, implementation of IPAP was finally reduced to technical projects.

According to conceptual framework of IPAP, already in 2006 the Republic of Moldova committed to develop a national security Concept, which, subsequently, should be followed by the developed of a National Security Strategy and a National Military Strategy. These documents would allow proceeding to the active phase of security and defense system review and developing recommendations on the adjustments required by this system to meet both the Concept and the two Strategies. Unfortunately, developments in 2008 showed that the reforms necessary for the state security had fallen prey to geopolitical games with the Russian Federation. The Concept adopted in May 2008 and the emergence of the draft National Security Strategy in December 2008 showed that both documents were made so as to spare the Russian Federation's interests and not those of the Republic of Moldova.

10.7. Conclusions and recommendations

- Cooperation of the Republic of Moldova with NATO proved fruitful;
- Cooperation with NATO has not only military connotations, but also humanitarian, scientific, social, along with projects implemented by NATO that, all together, had positive effects in Moldova, particularly in reducing ecological risks;
- Terrorist attack on U.S., the military conflict in Kosovo, five days war of Russia against Georgia and recognition by the Russian Federation of the separatist enclaves, fighting for domination of energy resources and their use by Russia as political weapons against countries such as Ukraine and Moldova shows that changes in the international security

climate still continue. In this context, it becomes imperative to adjust the position of the Republic of Moldova in order to ensure the necessary protection by the most reliable security institutions;

- NATO is the only organization that has the necessary expertise for a qualitative, democratic and European reform of the security sector and the resources necessary to assist the Republic of Moldova on this path;
- Republic of Moldova's European integration cannot be complete without implementation of reforms stipulated by IPAP. Without these, our country's EU integration reforms will not be complete;
- It should be reminded that the overwhelming majority of NATO member states are also EU members. Moreover, coordination and information meetings on IPAP implementation as a complementary document for European integration of the Republic of Moldova took place between NATO and the EU;
- We should follow the IPAP implementation in the development of concepts and strategies of state security based on the national interest of the Republic of Moldova;
- Implementation of IPAP is in the interest of the Republic of Moldova. Reforms on rule of law or freedom of mass media under IPAP are necessary for the democratic future of the country;
- The Republic of Moldova cannot afford to be only a security consumer. We believe that discussion on the necessity of the armed forces can be summarized by the analysis «Does Belgium need an army?» made by the United Press International in 2006, in which Even Elio Di Rupo, leader of the Belgian French-speaking Socialists, said: «*We cannot ask to be protected from any threat, or to require that our territory's security be guaranteed by our partners and, at the same time, not contributing to it. We should at least show some solidarity*»²⁸⁸. This line of reasoning is also valid for the Republic of Moldova, because no one can ask to be protected without contributing to that protection;
- During an initial stage, such contribution may be prepared with the assistance of NATO member states in order to participate in international peacekeeping operations, possibly under the aegis of the EU, with non-military forces, police, lawyers and Carabineer units. Such

²⁸⁸ Analysis: Does Belgium need an army?, Published: Feb. 14, 2006 at 2:33 PM, By GARETH HARDING, UPI Chief European Correspondent, http://www.upi.com/Security_Terrorism/Analysis/2006/02/14/analysis_does_belgium_need_an_army/3197/

participation would in no way contradict the neutrality status of the Republic of Moldova. By contrast, it would facilitate Moldova's coming closer to the EU;

- Republic of Moldova's neutrality did not lead to withdrawal of Russian troops and settlement of the Transnistrian conflict. In the current regional and international developments, we must be prepared to face possible risks and constantly changing threats and the year 2009 might be the right time to rethink our relationship to the neutrality issue and NATO in order to clarify the future path of the Republic of Moldova.

11. Evolution in settlement of the Transnistrian conflict

PhD. Ion Stăvilă, ex-deputy minister of the Reintegration Ministry of Republic of Moldova

11.1. Background of the issue

Probably without any exaggeration the Transnistrian conflict is the worst problem inherited by the Republic of Moldova from the Soviet era. Shaking the Moldovan society from its foundation in the late 80's of the last century, "Transnistrian syndrome" had a very powerful impact on the social and political life of the Republic of Moldova in the period after proclaiming the independence of the state in 1992, sometimes jeopardizing its historical destiny. For 20 years the Moldovan political class and civil society have been really and constantly concerned with the Transnistrian problem, mobilizing impressive human and material resources in seeking an appropriate solution.

Despite the different perceptions and visions about the causes and nature of the Transnistrian dispute, the absolute majority of the population and political forces on both banks of the Dniester, with certain exceptions, is deeply interested in overcoming the problems generated by this conflict as soon as possible, the latter being often viewed as artificial and absurd. Resolution of the conflict would help overcome many problems faced by ordinary people on both sides of the Dniester, also opening new prospects for the acceleration of socio - economic development and building a modern, democratic and prosperous state.

According to the quasi-general belief, Transnistria, unlike other "frozen" conflicts in the former Soviet space, is a less complex one; this is likely to provide for a relatively easy identification of an appropriate solution in a limited time. The artificial nature of this conflict, inspired from the outside, and the lack of ethnic or religious antagonisms constitute favorable conditions for the development of realistic settlement scenarios. Despite some differences in mentality and the negative impact of the 1992 hostilities on public consciousness, people living on both banks of the Dniester do not harbor feelings of hatred and enmity to each other. Moldovans, Ukrainians, Russians and other nationalities from both sides - mostly Orthodox Christians united by deep historical roots, family ties, mixed marriages, common culture and traditions - are generally compatible and able to live in peace and understanding in a single state. Their joint impulse is to overcome as quickly as possible the everyday difficulties that are flooding them and have a better life.

Direct involvement of the EU and U.S. as observers in the negotiation process along with the OSCE, Russian Federation and Ukraine acting as

mediators inspires plausible optimism in resolving the Transnistrian conflict. Taken together, the respective international actors have the necessary political and economic potential and resources needed to effectively contribute to the Transnistrian settlement based on a reasonable compromise able to provide a balance of geopolitical interests in this part of Europe.

In the light of the „positive” characteristic of the transnistrian problem, which distinguishes it from other similar regional crises, more natural questions appear of which two are self evident: Why efforts to settle the transnistrian conflict during nearly two decades have not been successful? What are the possible plans and scenarios for the transnistrian conflict settlement?

It is clear that the Transnistrian issue stirred up a sparked a fervent interest for researchers, observers and political analysts, prestigious centers of analysis and strategic studies, representatives of civil society, whose works were used to develop the current study²⁸⁹.

289 Moldova: No easy solutions exist. Report No 147 MGPK Europe 12 August 2003, http://www.crisisgroup.org/library/documents/europe/147_moldova_rus.pdf

Moldova: regional tense relationships in Transnistria. Report No 157 MGPK Europe, 17 June 2004, http://www.crisisgroup.org/library/documents/europe/moldova/157_moldova_transdnistria_tensions_rus.pdf

Unclear future of Moldova. Report No 175, Europe, 17 August 2006,

http://www.crisisgroup.org/library/documents/europe/moldova/175_moldova_s_uncertain_future_rus.pdf

Bar Association of New York. Special Committee on European Affairs, “Thawing a frozen conflict: legal aspects of the separatist crisis in Moldova”, <http://www.justice.gov.md/upload/Raport%20Transnistria%20Meyer%20rus.doc>

Charles King, „Post-soviet Moldova: A Borderland in Transition”. Iași: The Center for Romanian Studies, 1997. 118 p.

Iulian Chifu, „The breakthrough crisis of a quick solution in Transnistria”. In: Iulian Chifu, Oazu Nantoi, Oleksandr Sushko. București: Curtea Veche, 2008.

Oleg Serebrian, “Politosfera”. Ed 1. Chisinau: Cartier, 2001, 272 p.; Id. “Geopolitics in the Black Sea region”. 2nd revised edition Chisinau: Cartier, 2006, 208 p.; Id. “About geopolitics”. Chisinau, Cartier, 2009, 176 p.

“Ovidiu Șincai” Institute. Policy Analysis Report: Transnistria, the evolution of a frozen conflict and prospects for settlement. Bucharest, September. 2005.

http://leader.viitorul.org/public/555/ro/raport_romania%20on%20transnistria%5B1%5D.pdf

B. Koppiters, M. Emerson, M. Heyssen, T. Kovziridze, G. Nutcheva, N. Tochi, M. Vali. Europeanization and settlement of conflicts: specific researches of European periphery. With comments Nicu Popescu, G. Nodia, Translation from English 2005, 312 pages.

11.2. Origins of the Transnistrian conflict

Identifying the nature of “Transnistrian syndrome” and the real causes that generated its appearance is useful and necessary, especially for those directly involved in developing mechanisms, plans and scenarios suitable to overcome it. Obviously, given the political implications and controversies that are going on for many years is not an easy thing to do. In attempts to uncover the origins of the Transnistrian conflict, not only ordinary citizens but also politicians, for various reasons, often confuse the concept of “cause” with that of “excuse”. Thus, some consider the Law adopted in August 1989, under which the Moldovan language, based on Latin script was given the status of the state language to be the main cause for the appearance of the conflict.

Such an approach can be easily challenged as a simplistic and stereotypical one. It is hard to imagine, for instance, that ethnic Moldovans, who constitute the majority of population on the left bank could perceive the assertion of their mother tongue role in the political life of society as a fact contrary to their interests, and that it could serve as the cause for expressing discontent, protest or even lead to military confrontation. Attempts to consider the refusal of the then Moldovan political leadership to grant the status of a free economic zone to the region as the cause of the conflict are groundless. The respective circumstances were only pretexts put forward by the administrative nomenclature on the left bank, which has seen the trends outlined at the time as a threat to its dominant position, to have cause escalation of the conflict, which reached its climax in the tragic events of 1992. In reality, the true causes of the emergence of “frozen conflicts” should be sought in the complex processes that have taken place in the last years of the Soviet Union. It is absolutely clear that the outbreak of conflicts on the territories of some “rebellious” republics” were inspired, stimulated and used by the center, which was concerned to maintain effective control of all union republics

Pro et Contra: 2006, September - December. <http://www.carnegie.ru/ru/pubs/procontra/>

Igor Boțan. Transnistrian settlement: a European solution. Chisinau: Arc, 2009, 88 p.

Phenomenon of Transnistria, 2nd edition, Tiraspol: RIO TSU, 2003, Chisinau, April 27, 2004.

Dumitry Minzarari „No natural preconditions for federalization of the Republic of Moldova.” 16 October 2008. <http://old.azi.md/investigation?ID=51546>; Idem. „Moldova shall seek a new paradigm for settlement of the Transnistrian conflict. Part 1. Reconsideration”. October 26, 2008. <http://old.azi.md/comment?ID=51681>.; Idem. „Moldova shall seek new paradigm for settlement of the Transnistrian conflict. Part 2. Resistance.” November 5, 2008. <http://old.azi.md/comment?ID=51847>

using this tool to counteract their natural aspirations to sovereignty, freedom and national revival²⁹⁰.

Attempts to inject ideas about “civilization differences” between people who live on both sides of the Dniester, about the need for a “civilized divorce” and the existence of certain “Transnistrian people” are certainly coercive, tendentious, artificial and far from objective reality. Even if we admit the existence of certain regional specificity, population on both banks of the Dniester is compatible in every respect and can live in peace and understanding in a democratic and indivisible state, which can be built together²⁹¹.

Being well aware of the potential and extremely limited capabilities to overcome the secessionist conflict with its own forces shortly after its outburst, but especially after trying to solve it by the use of force in the early ‘90s, Moldovan authorities that alternated in the Government always tended to pool their efforts with some interested foreign partners, including through their involvement as substantial and consistent as possible. According to the approaches of the settlement strategy, the mechanisms used and the political conjuncture, the Transnistrian conflict settlement process can be conventionally divided into two major periods: the first would cover the years 1992-2001, the second - the years 2002-2009. Naturally, these stages were strongly marked by the subjective factor in the person of the three Moldovan presidents who were at the helm of State: Mircea Snegur, Petru Lucinschi and Vladimir Voronin, and the Transnistrian leader Igor Smirnov, respectively.

11.3. Evolution of the settlement process during the years 1992-2001

The first efforts of peaceful diplomatic settlement of the Transnistrian conflict through internationalization means were undertaken even in the midst of hostilities on the Dniester River in spring and summer of 1992. Despite high expectations, as well as attempts to drive Romania, Russian Federation and Ukraine into the so-called mechanism of “the four” and the intention expressed by President Mircea Snegur in a letter on May 23rd, 1992 addressed to

²⁹⁰ Semyon Niculin, Vladimir Solovyov, Dmitrii Minzarari „Role of the Russian federation in settlement of the Transdnistran conflict. <http://www.eurasianhome.org/xml/t/expert.xml?lang=en&nic=expert&pid=1077> ”First part - breakdown of the USSR and conspiracy of the center” March 26, 2007. <http://politicalmoldova.wordpress.com/2007/03/>. “Second part – struggle of elites and ambitions of great power”. April 6, 2007. <http://politicalmoldova.wordpress.com/2007/04/06/>. “Third part: two-face diplomacy and the choice of Russia, April 23, 2007”. <http://politicalmoldova.wordpress.com/2007/04/>

²⁹¹ Bar Association of New York. Special Committee on European Affairs, “Thawing a frozen conflict: legal aspects of the separatist crisis in Moldova”, <http://www.justice.gov.md/upload/Raport%20Transnistria%20Meyer%20rus.doc>

United Nations Secretary General, Boutros Boutros-Ghali, with a view of formally notifying the Security Council if the Russian Federation will not stop “the act of aggression against the Republic of Moldova and will not withdraw its forces engaged in the conflict from the left bank of Dniester”²⁹² did not gain a proper development, essentially remaining at the stage of intentions.

Internationalization of the Transnistrian conflict settlement process and its sustainable institutionalization practically began with the signing of the agreement on “principles of peaceful settlement of the armed conflict in the Transnistrian region of Republic of Moldova” in Moscow on July 21st, 1992 and adoption in December 1992 of the decision on establishment of a special mission of the CSCE in Moldova at the Ministerial Meeting of the Conference for Security and Cooperation in Europe (CSCE) in Stockholm. Peacekeeping mechanisms established under the aforementioned Agreement, i.e. creation of the Joint Control Commission and of the so-called “peacekeeping forces” (“so-called” because they do not meet generally accepted international criteria), helped preserve the ceasefire regime in the region. They, ultimately, proved ineffective in achieving all the objectives set in the agreement, particularly that of a demilitarized zone of security and the conditions necessary for free movement of goods, services and people between the two banks of the Dniester River²⁹³. Tiraspol regime still maintained some military and paramilitary formations in this area and installed new “customs” and “border guards” checkpoints, thus creating serious obstacles to free movement²⁹⁴.

In accordance with the Agreement of July 21st, 1992, Moldovan-Russian negotiations held during 1992-1994 with the participation of Tiraspol representatives aimed at determining the status, procedures and deadlines for withdrawal of the Russian military formations, successor of the former 14th Army, from the Republic of Moldova did not produce the expected results. After the necessary negotiations, the Agreement signed on October 21st, 1994, which involved “synchronizing” the withdrawal of Russian troops with the process of political settlement of the conflict, remained dead because of the refusal of the Russian Federation to proceed to its implementation. Thus, the question

²⁹² The Message of the President of Republic of Moldova, M. Snegur addressed to UN Secretary General, B. Boutros-Ghali, in connection with the 14th Army interference in internal affairs of the Republic of Moldova.

²⁹³ „Agreement on peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova of 21.07.92. Attachment of the Transnistrian settlement (main report)”, <http://www.niss.gov.ua/book/Perep/pril.htm>

²⁹⁴ Mihai Gribincea. Russian policy of the military bases: Georgia and Russia, Chisinau: Civitas, 1999, 207 p.; Idem. The Russian policy on military bases: Georgia and Moldova. Ed. Cogito, Oradea, 2001, 320 p.

about withdrawal of the Russian troops from the region designed *ab initio* as being closely related to the political conflict between Chisinau and Tiraspol did not find an adequate solution in terms of bilateral relations between the Republic of Moldova and the Russian Federation. Moscow was not persuaded to withdraw its troops from Moldova either in the framework of multilateral diplomacy, particularly within the OSCE/CSCE²⁹⁵. Russia blatantly ignored the decisions taken with its consent by the OSCE/CSCE, including the acts adopted at the Budapest Summit in December 1994. According to the above-mentioned decisions, Russian troops had to be withdrawn “during appropriate time, orderly and completely”. Thus, withdrawal of the 14th Russian Army and identification of a political solution to the issues related to the eastern part of Moldova (Transnistria) were considered as “two parallel processes that will not obstruct each other”²⁹⁶.

In the initial period, the Moldovan authorities did not have a clear and coherent plan of the transnistrian conflict settlement. Voicing readiness to provide autonomous status to the country’s eastern districts, during the dialogue with representatives of the Tiraspol regime, Chisinau supported this particular concept. In turn, the self-proclaimed authorities of Tiraspol, ostentatiously reproaching Chisinau for its refusal to acknowledge Transnistria as a “free economic zone” and categorically rejecting the proposed autonomous statute, strongly promoted the idea of creating a Moldovan confederation in which Transnistria would enjoy the status of subject with equal rights with Chisinau, meaning being granted powers of a state entity.

The first concept for the status of the Transnistrian region was developed by the CSCE / OSCE Mission opened in Moldova in April 1993 and described in Report no. 13²⁹⁷. According to the authors of this project that was proposed as “basis for negotiations between the two parties in the conflict”, the region in question was to obtain a “special status” following a “balanced distribution” of powers between the center and Tiraspol administration. The powers were classified in three categories: exclusive powers of the center, the region’s exclusive powers, and mixed powers. Exclusive powers of the center included: citizenship (single - Moldovan), state powers and the anthem, foreign policy, defense, intelligence, and monetary policy. Exclusive powers of the region included: independent organization within an agreed regional system of ad-

²⁹⁵ See: Mihai Gribincea. Op. cit.

²⁹⁶ CSCE 1994 Summit, Budapest, 5-6 December 1994, Budapest Document 1994. http://www.osce.org/documents/mcs/1994/12/4050_en.pdf

²⁹⁷ Report No. 13 by the CSCE Mission to Moldova, 13 November 1993. http://www.osce.org/documents/mm/1993/11/454_en.pdf

ministrative structures and organs of power, regional law, regional budget, regional symbols (used along with the state ones), education, and culture.

Most of those powers were to be mixed: the language (center establishes “the state language”, and the special region - additional official regional languages); finance (single tax service with a regional department); economy (basic central legislation, central macroeconomic policies with self-economic government at regional and local levels, the region’s right to establish direct foreign trade); police (criminal police, central, regional police); court system (regional judicial system with a regional supreme court of justice subject to the Constitutional Court of Moldova). Besides, it was also proposed to have proportional representation of Transnistria in Moldova’s Parliament and other key central institutions such as the supreme courts of justice and some ministries.

Proposals and suggestions of the CSCE / OSCE Mission to Moldova on the special status of districts from the left bank of Dniester (Transnistria) were to serve as “basis for negotiations between the two parties in conflict”, the ultimate goal being creation of a “Special Region of Transnistria as an inalienable part of Republic of Moldova with a considerable degree of self-governance”. The statute under discussion had to be established by agreement between both parties with the support of OSCE and provided for in the Moldovan law and guaranteed by the provisions of the new constitution.

The following issues were raised as relevant arguments in favor of granting Transnistria a special status: a pronounced perception by the Transnistrians of their historical, psychological and cultural identity; negative impact of the 1992 armed conflict on the population of the region; reluctance of the majority of Transnistrians to be governed by the center; failure to duly satisfy the interests of Transnistrians within a unitary state; fear of possible unification of Moldova with Romania, for which some political forces in Moldova advocated. The mission considered the given special status as “an irreplaceable argument” helping to convince the Transnistrians that they had a future within Moldova and encourage them to deny their claims for independence. Rejecting the unitary state model, the Mission also ruled against the project of forming a confederation, strongly promoted by leaders of Tiraspol, which presupposed the existence of separate states, but which would not be recognized internationally. In the vision of the mission, granting special status to Transnistria “is the key to peaceful settlement of the conflict and thus to restoring territorial integrity of Moldova”.

Insisting on the territorial integrity and inviolability of borders in contemporary Europe, authors of the analyzed project wanted to draw attention to the serious threats posed to stability by the tendencies in some regions or eth-

nic groups in former Yugoslavia and the former Soviet Union to secede and to create their own mini-states, which could lead to “emergence of unviable state formations”. In principle, denying these regions of the right for “external self-determination” and unilateral change of borders, at the same time the Mission recommended Moldova, “as a matter of exception”, to guarantee the right to “external territorial self-determination” “in case Moldova gives up its statehood to join Romania”.

Considering that Republic of Moldova would not be able to defend itself against any of its neighbors, the Mission recommended Moldova to become practically demilitarized. According to the Mission’s view, lack of an army is likely to strengthen confidence in the readiness of the central government to respect the special status of Transnistria. Similarly, the Mission recommended that Russia accelerated withdrawal of the 14th Army from Moldova.

Authors of the given project also indicated upon the desirability of examining the situation regarding the city of Bender and districts around Comrat (Gagauzia), suggesting, among other things, that those units “be not placed under direct administration of the center” and that many of the recommendations provided for the Transnistrian region could be applicable for these areas as well.

Despite the fact that the concept of the special status of Transnistria described in report no. 13 of the CSCE Mission to Moldova, which was not a clear one, was not immediately and unconditionally accepted by Chisinau and Tiraspol because as some experts used to say it gave “too much freedom” to the region, while others believed “too little”, it nevertheless outlined the main directions and topics for subsequent discussions and negotiations. Most of the recommendations, suggestions and judgments made in the report were taken and developed by almost all stakeholders in the process, and these being reflected in various other wordings and approaches used in many projects, scenarios, plans, agreements, official documents and other papers prepared and submitted later. A fact highly relevant to the Transnistrian conflict settlement process was the inclusion in the Constitution of the Republic of Moldova, adopted on July 29, 1994, of the provisions that “localities from the left bank of the Dniester River may be assigned special forms and conditions of autonomy in accordance with the special status adopted by an organic law”, and also proclamation of permanent neutrality status, according to which the Republic of Moldova “does not allow deployment of military troops of other states on its territory”²⁹⁸.

²⁹⁸ Constitution of the Republic of Moldova, adopted on July 29, 1994. <http://www.prese-dinte.md/const.php?lang=rom>

During the reporting period, the Moldovan authorities have persevered in their efforts to persuade their dialog partners - leaders in Tiraspol and the leadership of the Russian Federation, both in bilateral contacts and meetings of larger formats as well as international fora, to agree on the concept of a “broad autonomy” status for Transnistria within the Republic of Moldova as a key to solving the conflict. Chisinau efforts, however, proved unsuccessful in either settlement of the conflict, or in the matter of withdrawal of the Russian troops.

Meanwhile, showing readiness to discuss the status of the region, leaders of Tiraspol tenaciously promoted various projects aimed at “sharing powers” and creating a “Moldovan confederation”, whose real aim was building an independent state entity. Political steps taken in this direction were strengthened through practical actions, including regulatory framework and institutional development characteristic for a state, establishment of “customs” and “border guard” checkpoints along the Dniester, organization of “plebiscites” on matters of “state-building”, issues about keeping Russian military presence and promoting interests abroad. In December 1995, following such a “referendum”, a “constitution” was adopted stating that the self-proclaimed Transnistria was a “sovereign and independent state” with the name “Transnistrian Moldovan Republic” that had three official languages with “equal status”: Moldovan, Russian and Ukrainian²⁹⁹. Spokesmen of the Tiraspol regime addressed more assertively the Russian Federation, requesting to increase support for efforts to affirm the Transnistrian statehood, to maintain the military presence in the region and to strengthen the peacekeeping forces.

In turn, permanently seeking to affirm itself in a three-fold aspect, i.e. of a “mediator, peacemaker and guarantor” in the Transnistrian settlement process, the Russian Federation never hesitated to overtly express its sympathies and spirit of solidarity with Transnistria / Tiraspol regime. The State Duma was particularly active in this respect, and thereby organized a strong lobby for Transnistria. Also, for quite a while, there was also a special commission on the Transnistrian problem functioning within the Russian Duma. The largest number of contacts with emissaries of Tiraspol took place in the parliamentary dimension, including visits to Tiraspol, especially to attend solemn “state” events, inquiries and appeals to the executive power, parliamentary hearings and taking positions on the Transnistria issues. For example in 1995, following such hearings, the State

²⁹⁹ Constitution of the Transnistrian Moldovan Republic (adopted at the national referendum of December 24, 1995 and signed by the President of the Transnistrian Moldovan Republic on January 17, 1996. The existing wording of the Constitution in compliance with the changed introduced by the Constitutional Law No. 310-KZID of June 30, 2000), <http://www.olvia.idknet.com/constit.htm>

Duma refused to ratify the Moldovan-Russian agreement on withdrawal of Russian troops from Moldova and recommended President B. Yeltsin to examine the appropriateness of recognizing the independence of Transnistria.

Main topics addressed in negotiations between Chisinau and Tiraspol with the participation of representatives of the OSCE Mission to Moldova, Russian Federation and Ukraine (which became involved in the process in 1997) as mediators were mainly aimed at finding ways of solving problems arising in relations between Chisinau and Tiraspol, developing a statute for Transnistria, distribution of powers, establishment of common areas, regulate economic and trade activities etc. In the years 1996-2001, wishing to boost the resolution of the Transnistrian conflict, Chisinau showed impressive flexibility, making a series of considerable and bold concessions, which thereof undermined its positions and made it more vulnerable during the negotiations and talks. Such a concession was, for example, signing on February 7th, 1996 of the protocol Decision “on addressing the issues arising in the work of customs services of the Republic of Moldova and Transnistria”. According to the given understanding, the Transnistrian “customs posts” installed at the entrance into the region from the right bank should “have been removed”, while “joint customs points” should have been established at the border with Ukraine; all goods exported from the region were to be cleared with a new type of customs stamp with the inscription “Republic of Moldova. Transnistria. Tiraspol Customs”, while the Transnistrian part pledged to introduce customs duties on goods imported from “far abroad”, except for food, adequate to those existing in the Republic of Moldova³⁰⁰.

Thus, elimination of internal customs barriers and performing joint customs control on the Transnistrian segment of the Moldovan-Ukrainian state border, as decided in that document, was a significant step in restoring control over the entire customs territory under the Moldovan authorities and, respectively, on traffic of goods and people in / from the Transnistrian region. However, obtaining the possibility to use Moldovan customs stamps and to legalize its trade, which was one of the most important sources of revenue to the regional budget, the Tiraspol administration, to the political detriment of Chisinau, virtually refused to implement the other objectives set forth in the respective Protocol.

In the same context, one can mention the Memorandum on the basis for normalization of the relations between Moldova and Transnistria” signed in Moscow on May 8th, 1997 by Moldovan President Petru Lucinschi and Transnistrian leader Igor Smirnov and countersigned by Russian President

³⁰⁰ Protocol Decision on settlement of issues arising in the activity of the customs service of the Republic of Moldova and Transnistria of February 7, 1996. Attachment to the Transnistrian settlement (basic doc.). <http://www.niss.gov.ua/book/Perep/pril.htm>

Boris Yeltsin and Ukrainian President Leonid Kuchma, in the presence of the OSCE Chairman-in-Office, Foreign Minister of the Kingdom of Denmark, Niels Helveg Petersen. Also known as “Primakov Memorandum” named after the then head of Russian diplomacy, who had a significant contribution to its preparation, it was the most important document agreed on since the halt of hostilities on the Dniester River in 1992.

Under the provisions of the Moscow Memorandum, the Republic of Moldova and Transnistria pledged to “normalize their relations” and continue to “establish legal state relations” within a “common state” within the borders of the Soviet Moldova, according to the situation as of January 1990³⁰¹. The nature and principles of that relationship would be defined by the “status of Transnistria”, to the development of which the parties were to proceed immediately after signing the memorandum, taking into account all the arrangements of principle previously agreed. Anticipating the necessary discussions on the actual status, Transnistria acquired the right “to participate in the implementation of foreign policy of the Republic of Moldova in matters affecting its interests”, and the respective decisions would “be taken by agreement of the parties”. Chisinau recognized also the right of Transnistria to “establish and maintain free-standing international contacts in the economic, technical, scientific and cultural, but in other areas - with the agreement of the parties”. The parties reaffirmed their commitment not to resort to force or threat of force and to settle differences by peaceful means only. They welcomed the willingness of the Russian Federation and Ukraine to be “guarantor-state with respect to enforcement of the status of Transnistria”, agreed on continuing the peacekeeping actions and development of a “security mechanism” by all participants in the negotiation.

“Primakov Memorandum” was an asymmetrical document, politically benefiting the Tiraspol regime to the detriment of the Chisinau authorities. Subsequently, Russian diplomats and representatives of Transnistria skillfully took advantage of the provisions of this reference document to promote their pattern for resolving the conflict. Expressions such as “normalizing relations” or “leadership of the Republic of Moldova and Transnistria” put on a par the Moldovan authorities with the leaders of Tiraspol, while the confusing and controversial notion of “common state” practically imposed by Primakov gave the opponents of Chisinau the opportunity to continue pleading for a “Moldovan confederation” or a “union of two sovereign states”. The given Memorandum did not say anything about the need to respect the principle of sovereignty and territorial integrity of the Republic of Moldova.

³⁰¹ Memorandum on the basis for normalization of the relations between the Republic of Moldova and Transnistria, May 8, 1997. <http://www.olvia.idknet.com/memorandum.htm>

One consolation in this respect for the Moldovan officials was the Joint Declaration of the Presidents of the Russian Federation and Ukraine at the signing of the memorandum in which it was stated that the provisions of the memorandum can not be “interpreted or applied in contradiction to the principle of the Republic of Moldova’s sovereignty and territorial integrity”, and the special status of Transnistria was supposed to define this region “as part of the united and integral Republic of Moldova”³⁰². When signing the Moscow Memorandum and the additional declaration, the Ukrainian head of state eloquently demonstrated the interest of Kiev to play a more active role in the Transnistrian settlement.

The signing of the Moscow Memorandum did not boost the process of negotiations on the status of the transnistrian region, as Chisinau wanted. Generally satisfied with the concessions received, especially in what regards the autonomous promotion of foreign trade, leaders of Tiraspol appeared less and less interested in constructively negotiating of “another special status”. In the absence of relevant agreements on security mechanism, “guarantor states” were practically unable to ensure full achievement of objectives set forth by the Moscow Memorandum, just like in case with other agreements.

Enthusiastic about the diplomatic successes achieved in the years 1997-2001, Transnistrian leaders started to act more zealously towards building “legal state relations” with Chisinau. A number of documents were signed to this end, followed by joint statements, agreements, protocol decisions, and memoranda in all fields: economic, social, transport, infrastructure, energy, customs, postal services and communications, fighting organized crime, health, etc. Although the agreed arrangements were not legally binding, they in particular demonstrated the political will of the Moldovan authorities to settle the problems generated by the conflict, to reinforce trust and create favorable conditions for developing the special status of the region and to encourage the Tiraspol leaders to show flexibility and spirit of compromise in this respect. To the great disappointment of Chisinau, concomitantly with the expansion and consolidation of the list of “understandings” and “agreed issues” considered by some as gradually “acquired status”, Tiraspol nevertheless avoided de rigueur negotiations on the statute itself³⁰³.

OSCE Istanbul Summit of November 1999³⁰⁴ had a significant impact on

³⁰² Joint Declaration of the Presidents of the Russian Federation and Ukraine with regard to the signing of the Memorandum on the basis for normalization of the relations between the Republic of Moldova and Transnistria of May 6, 1997, Attachment the Transnistrian settlement (basic doc.) <http://www.niss.gov.ua/book/Perp/pril.htm>

³⁰³ Protocol of agreed issues of March 11, 1996. Attachment of Transnistrian settlement. <http://www.niss.gov.ua/book/Perp/pril.htm>

³⁰⁴ OSCE. Istanbul Summit, 1999. Istanbul Document 1999. http://www.osce.org/documents/mcs/1999/11/4050_en.pdf

the Transnistrian conflict settlement process. The commitments made by the Russian Federation at this meeting and also at the Summit of States Parties to the Treaty on Conventional Forces in Europe (CFE), to withdraw by the end of 2002 its troops and munitions from the territory of Republic of Moldova, were aimed to produce cardinal changes in the situation around Transnistria should they be respected.

11.4. Evolution of the settlement process during the years 2001-2009

Victory of Moldovan Party of Communist in the parliamentary elections of February 2001 and the election of Vladimir Voronin as president of the country set up the beginning of a qualitatively new period in the settlement process. The new leadership of Moldova undertook a series of measures designed to show a more determined and more pragmatic political willpower than in the past with the purpose of speeding up the final settlement of the Transnistrian problem, including starting debates on some new political paradigms. In his actions, President Voronin relied mostly on the support of the Russian Federation, whose leadership had to appreciate the political steps taken during the election campaign related to granting the Russian language of the status of state language, accession to the Russia-Belarus union, availability for concessions and compromise in the settlement of the conflict.

The first actions were directed at strengthening the regulatory and institutional framework, identifying new approaches to the settlement process, increasing contacts and direct dialogue with leaders of Tiraspol and international partners involved, particularly with the Russian Federation. A special presidential decree issued on May 15th, 2001 stipulated that the settlement of the transnistrian conflict “is the primary task of utmost importance”, and supported the initiative on creation of parliamentary committees of the Republic of Moldova and Transnistria “to ensure the legal framework” needed in this sense³⁰⁵.

A little later, the Ministry of Reintegration was formed, which replaced the Interdepartmental Commission that functioned earlier. After two meetings of President V. Voronin and Transnistrian leader I. Smirnov in April-May 2001, a joint declaration was signed followed by four protocols on harmonization of customs legislation, enabling investment climate, stimulation of mass media. The most controversial of these was the protocol on “mutual” recognition of the acts issued by respective institutions, among which the transnistrian “passports” were included³⁰⁶. “Animated” by the desire to reinvigorate the process of

³⁰⁵ Decree no. 46 of 15.05.2001 on the settlement of the Transnistrian problem <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=290505>

³⁰⁶ „Protocol on mutual recognition of the validity of the documents issued by competent authorities of both parties on the territory of Transnistrian and the Republic of Moldova”,

negotiations focused on “normalization of the relations between the Republic of Moldova and the Transnistrian Moldovan Republic (TMR)” and to “boost confidence”, on May 5th, 2001 I. Smirnov, in “sign of goodwill” and following the request of President Voronin, released from detention Ilie Ilascu, who was considered “terrorist” in Tiraspol and “great patriot” in Chisinau. In return, through a letter to Voronin, the Transnistrian leader requested him to take “appropriate decision”, including on “condemnation of the aggression of 1992 against the people of Transnistria”, “full payment of property damage” and “providing apologies for pain and sufferings caused by this aggression”. In the view of Tiraspol leader, the signed documents should have facilitated the strengthening of “the basic provisions of the Moscow Memorandum – TMR’s economic independence and equality of parties in negotiations”³⁰⁷.

In a short term, flexible and conciliatory attitude of the communist authorities in Chisinau came to a clash with the uncompromising and irreconcilable position of the leadership of Tiraspol regime, whose ambition was to obtain recognition of Transnistrian independence. Already in the summer of 2001, dialogue and direct contacts at “high level” between Chisinau and Tiraspol were interrupted for a long time, and were resumed only in April 2008. “Parties” returned to the policy of open confrontation, unleashing a real “cold war” between the two sides of the Dniester River. The grounds for this was the failure of President Voronin’s attempt to visit a monastery near the city of Bender without previously “coordinating” the plan with I. Smirnov and the response reaction of the Chisinau Government that decided to withdraw the Moldovan customs stamps used successfully by Tiraspol bodies to promote the region’s legal exports since 1996, beginning with September 1, 2001.

Although perceived by some people as an act of Voronin’s revenge, in fact withdrawal of the stamps, qualified by Tiraspol as “economic blockade” of Transnistria and flagrant violation of the Moscow Memorandum, meant relinquishment by the Moldovan authorities of the tactic of “unilateral concessions” applied by them practically since 1992, after the halt of hostilities. This qualitative political change started from the understanding that negotiations can be constructive and effective only in terms of exercising pressure on the regime in Tiraspol to determine them to honor their commitments and accept mutual concessions in the spirit of reasonable compromise.

The sudden tensions between Chisinau and Tiraspol affected the Moldovan-Russian relations, but did not prevent continuation of the dialogue between

http://www.olvia.idknet.com/documenti_yr.htm

³⁰⁷ „Iliye Ilascu released from Tiraspol prison. Tiraspol manifested its political will”, <http://press.try.md/view.php?id=5473&iddb=Main>

Chisinau and Moscow, which the Moldovan President much more relied on. A remarkable success in this regard was the signing the Treaty of Friendship and Cooperation between Republic of Moldova and the Russian Federation on November 19th, 2001 by Presidents V. Voronin and V. Putin in Moscow. The event had a special political connotation in the context of Transnistrian conflict settlement efforts. According to this Treaty, both countries expressed their “commitment to the process of political settlement of the Transnistrian problem based on respect for sovereignty and territorial integrity of the Republic of Moldova”; condemned “separatism in all its forms of manifestation”; mutually pledged “not to support separatist movements” and to refrain “from any actions that might harm the sovereignty, independence and territorial integrity”³⁰⁸.

The strong desire to overcome the Transnistria conflict as soon as possible with a more active involvement of international factors and in the context of a general aversion of the Moldovan society towards the controversial models of the country’s federalization as possible scenarios for conflict settlement, in summer 2002 V. Voronin initiated broad and much-wanted discussions on projects based on implementation of the so-called concept of “asymmetric federation”. According to the project prepared with the contribution of experts from Chisinau, Tiraspol, OSCE, Russian Federation and Ukraine, the Transnistrian region was to obtain the characteristic powers of subjects of known federation, but not under an agreement with other federal subjects, but rather a constitutional act approved in a referendum.

As a result, a draft statute for such a Transnistria was developed by a group of international experts under the aegis of the OSCE and presented in July 2002 in Kiev. The project in question, which represents a pattern for distribution of powers between Chisinau and Tiraspol inspired from the Constitution of the Russian Federation, was welcomed in principle by the Moldovan officials, but was rejected by the administration of Tiraspol³⁰⁹. Due to diametrically opposed political approaches, Chisinau’s attempts, which aspired to “re-integration of the country”, and Tiraspol, which wanted a “civilized divorce”, soon failed in bringing their own plans on how to overcome the Transnistrian conflict into discussion.

In such circumstances, in November 2003 the Memorandum on basic state building principles of a unified country appeared which had a strong reso-

³⁰⁸ Friendship and Cooperation Agreement between Republic of Moldova and the Russian Federation. Signed in Moscow on November 19th, 2001. In: *International treaties to which Moldova is a party (1990-2002)*, Ed of., Vol. 29, Chisinau: Moldpres, 2002, p. 337.

³⁰⁹ Press communiqué of the delegation of the Transnistrian Moldovan Republic. <http://www.olvia.idknet.com/ol34-07-02.htm>

nance in “space and time”³¹⁰. Well known as “Kozak Memorandum”, named after its main author - Dmitry Kozak, the second person in the administration of the Russian President V. Putin, this new Russian plan soon became one of the most controversial scenarios for the Transnistrian settlement, which Moscow has basically not given up until today. According to the document in question, which essentially was a materialization of the idea of the “common state” launched by Primakov, the Transnistrian problem would be permanently solved by “transforming the Republic of Moldova’s state structure in order to build a single independent and democratic state, based on the federative principles defined within the state borders of the Moldavian SSR as of January 1st, 1990”.

The new state called the “Federal Republic of Moldova” included two federal subjects – “Transnistrian Moldovan Republic” and “autonomous-territorial formation of Gagauzia” - and was to be developed gradually in a long time (till 2020), in accordance with a jointly drafted and adopted constitution and be “based on the principle of territorial unity and single principles of organization of state power, a single defense space (for a transitional period), customs, currency”. Federation subjects were endowed with very wide powers, including the right of veto, practicality enabling them to block any decisions on paramount issues in the federal bicameral parliament and other state bodies. Chisinau and Tiraspol were to address the Russian Federation with the “proposal to provide security guarantees”. Thus, the Russian Federation was to deploy “stabilizing peacekeeping forces with a man power that would not exceed the figure of 2,000 people” for a period until 2020 on the territory of the future federation, which should have been based on a bilateral Moldovan-Russian agreement.

Provisions of the “Kozak Memorandum” soon became widely known to the general public, and caused a real uproar in the Moldovan society, scandalizing also the international community. In this context, the opposition forces of Moldova formed a common front against adoption of “Kozak Memorandum” and for defending the Constitution with the encouragement and support of the European institutions, OSCE, EU, Council of Europe and the U.S. They strongly criticized this Memorandum, in particular, the veto power given to the federal subjects, since the latter would have made the future “reintegrated state” totally inoperative and non-viable, as well as the possibility to place the Russian peacekeeping troops on its territory for a long term and to hold

³¹⁰ Memorandum on basic principles of state establishment of the unified state (2003), „Kozak Memorandum: Russian Plan for unifying Moldova and Transnistria. <http://www.regnum.ru/news/458547.html>

secret negotiations behind the back of other interested international actors. Being aware of the serious political risks assumed internally and externally, at the last moment, on November 24th, the day before President's Putin arrival to Chisinau, President Voronin decided not to sign the document that was negotiated and initialed with his personal participation.

As a result of that, he had to face extremely harsh criticism from Moscow and Tiraspol that, in particular, reproached him of having succumbed to Western pressure, but more difficult was to the political, diplomatic and economic counteroffensive triggered against the Republic of Moldova. The "school crisis" and "the railroad war" which came after the attack from the security forces of the separatist regime on the Romanian-teaching schools in the region and forceful seizure of "the Moldovan Railway" property on the left bank and the city of Bender, halting the withdrawal of Russian troops from the Republic of Moldova and suspending the participation of Chisinau representatives in the format of negotiations raised a number of serious obstacles in the settlement process for many years to come.

In the aforementioned context, in 2005 the European Union and Ukraine started being more active in the process of the Transnistrian conflict settlement. The EU enlargement and installing of its eastern frontier on the Prut River, which occurred on January 1st, 2007, had significantly contributed to enhancing the interest of Brussels in the Republic of Moldova and, implicitly, about the Transnistrian conflict perceived as a dangerous hotbed of tension for the entire continent. The signing of the European Union - Republic of Moldova Action Plan in February 2005 and the appointment of the EU Special Representative for Moldova in March 2005 is an eloquent proof of that interest. The EU-Republic of Moldova Action Plan had a special chapter dedicated to the issue of Transnistrian conflict settlement and development of good neighborly relations with Ukraine³¹¹.

In virtue of its geopolitical situation and the increasing aspirations for Euro-Atlantic integration, Ukraine, in turn, tended to assert itself as a more positive stabilizing factor and provider of security not only in the region, but also in Europe as a whole. Animated by this impulse, in May 2005 at the GUAM Summit in Chisinau the authorities in Kiev that came to power after the "Orange Revolution" decided to present a new plan for the Transnistrian conflict settlement suggestively entitled "Settlement through democratization". In essence, the Ukrainian plan, known as "Yushchenko plan" represents a conflict settlement scenario in three phases within a short period of time,

³¹¹ Republic of Moldova – European Union Action Plan, http://aap.gov.md/common/util/PlanulActiuniRM_UE.pdf

based on preparation and conducting of free and democratic elections to the regional legislative body under a strict international monitoring. Such elections should have led to the legitimization of the authorities in Tiraspol, with whom the special status of this region stemmed on respect for sovereignty and territorial integrity of the Republic of Moldova had to be negotiated. The draft of the special status was to be developed and adopted by the Moldovan Parliament³¹².

Following the development of “Yushchenko plan” supported by Moldovan authorities and, with certain reservations, by I. Smirnov as well, on June 10th and, respectively, on July 22nd 2005 the Parliament of the Republic of Moldova adopted almost unanimously two calls for the democratization and demilitarization of the Transnistria region, and a law entitled “On the main provisions of the special legal status of the localities from the left bank (Transnistria)”³¹³.

Showing availability for the development of closer cooperation, on June 2nd, 2005 the presidents of the two neighboring countries signed a joint letter addressed to the EU leadership, requesting to establish a special Border Assistance Mission to Moldova and Ukraine, as well as the protocol through which Moldova supported the accession of Ukraine accession to the World Trade Organization. In the same spirit, on December 30th, 2005 the Prime Ministers of Moldova and Ukraine signed a joint declaration, by which the two governments pledged to bring into force the Protocol concluded in May 2003 by the customs services, according to which access for goods on the customs territories of the two countries could be provided only based on the legal customs requisites³¹⁴.

Thus, the situation around Transnistria changed dramatically starting from November 30th, 2005 when the EUBAM Mission began its activities and also since March 6th, 2006 when the new customs regime on the Transnistrian segment of the Moldovan-Ukrainian state border was put into place. The EU

³¹² “Plan of Settling the Transnistrian issue (Yushchenko Plan)”. Included in: collection of documents related to the joint declaration of the Prime Ministers of Moldova and Ukraine. Chisinau, 2006.

³¹³ Decision of the Moldovan Parliament No 117 of 10.06.2005 on the initiative of Ukraine regarding the Transnistrian conflict settlement and measures for democratization and demilitarization of the Transnistrian region. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=307472> Law of the Republic of Moldova no. 173 of 22.07.2005 on the main provisions of the special legal status of localities on the left bank of Dniester (Transnistria) <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313004>

³¹⁴ Joint Declaration of the Prime-Ministers of Ukraine and the Republic of Moldova. Kiev, 30 December 2005, <http://www.eubam.org/files/300-399/304/Joint%20Declaration-301205-eng.pdf>

involvement in resolving the existing challenges in this sector of the border and improving cooperation between the EU, Moldova and Ukraine in combating illicit phenomena visibly contributed to restoring indirect control of the Moldovan authorities on export-import operations in the Transnistrian region, which were one of the main sources of revenues for the budget of the Tiraspol regime, but also the enrichment of its representatives. In retaliation, the Tiraspol leaders refused to help promote “Yushchenko Plan” reproaching Kiev policy as “biased” in favor of the Moldovan side and Chisinau for its attempts to “subject” Transnistria to an “economic blockade” and “impose” its own plan for settlement of the conflict. To show its solidarity with the Tiraspol regime, which, in Moscow’s view, was facing a “humanitarian catastrophe”, in March 2006 the Russian Federation introduced a ban on imports of Moldovan wines on the Russian market.

Meanwhile, significant developments took place in the format of negotiations on Transnistrian conflict settlement. Since September 2005, at the invitation of Chisinau and Tiraspol, The EU and US started to be directly involved in the negotiation process as observers, thus extending the negotiation to the format of “5+2”, which hence opened promising perspectives in the efforts to identify an appropriate solution to the conflict. However, because of obstructionist behavior displayed by the representatives of Tiraspol backed by Russian diplomats, after five rounds of negotiations in the “5 +2” format, in February 2006 the formal meetings under this format were suspended.

Efforts undertaken in the framework of direct contacts and high level Moldovan-Russian dialogue and the attempts of mediators and observers who met repeatedly in a “3 +2” format in order to re-launch the process of negotiations in the “5 +2” format proved to be unsuccessful. Moldovan-Russian consultations that were held with an increased intensity during November 2006 - January 2007 in Moscow did not deliver on the expected results in this respect either, thus Moldovan emissaries failed to persuade their Russian partners to accept a qualitatively new design of the Transnistrian conflict settlement. According to the presented project, the political aspects (democratization and the special status of Transnistria), security (demilitarization and neutrality status), economic (privatization and Russian properties) and social (guaranties for people of Transnistria) related to the conflict were to be negotiated “in package” under the “5+2” format³¹⁵.

Thus, unlike the previous projects, according to which conflict settlement had to be done gradually, in stages, starting with socio-economic problems and

³¹⁵ Declaration on the principles and guarantees for the Transnistrian settlement. <http://novaia gazeteta.org.ru/index.php?newsid=721>

coming to the adoption of the special status of the region, under “the package” plan all aspects of conflict were supposed to be negotiated based on the principle “Nothing is agreed upon unless everything is agreed”. Such a pragmatic and audacious approach that took into account the interests of all stakeholders, including the Russian Federation, but avoided the idea of federation and the concept of “shared competences” was in principle supported by EU, USA and Ukraine. Moscow, however, showed a refractory attitude rather than a reserved one towards “the package” plan submitted by Chisinau and on different occasions it displayed its propensity for the “Kozak Memorandum”.

The discussions that were subsequently held in various configurations on “the package” plan, which appeared to be the most rational of all that existed before that time, gave no concrete results. How to resolve the conflict in the “5 +2” format was addressed in a diametrically opposed manner: Chisinau consistently insisted on the development and adoption of the special status of the Transnistrian region based on respect for sovereignty and territorial integrity of the Republic of Moldova; Tiraspol with the same strength advocated for “normalization of relations” between Transnistria and Republic of Moldova based on “existing realities”, meaning in fact the recognition of Transnistrian statehood.

The following “arguments” were raised in favor of secession: the so-called “Transnistrian people” who might have the “right to self-determination”, the existence of Transnistria as a “de facto state”, as well as the results of “referendum” held on September 17th, 2006 showing that “the overwhelming majority” of the region’s population was in favor of Transnistrian “independence” and “its future accession to the Russian Federation”³¹⁶. The format designed to identify relevant solutions was also perceived differently: while Chisinau chose to hold the necessary negotiations in the “5 +2” format so as to ensure reasonable compromise and a balance of interests between all stakeholders, Tiraspol insisted on taking part in the negotiations as an “equal party” but only in a “1 +1” format (Chisinau - Tiraspol) or the “trilateral” format (with the participation of Moscow), whereas “5 +2” format being considered as one for “consultations” solely. In such circumstances, the international actors involved - the OSCE, EU, U.S. and Ukraine - supported the principles promoted by the Moldovan authorities. Meanwhile, the Russian Federation as a “mediator, peacekeeper and guarantor” generously supported all undertakings of the Transnistrian regime and provided Russian citizenship to the residents of

³¹⁶ Address of the president of the Transnistrian Moldovan Republic, I. N. Smirnov, to the people of Transnistria about the results of the national referendum, <http://www.olvia.idknet.com/ol161-09-06.htm>

the area, thus consistently showing its willingness to “support any agreement” that would be agreed upon by both Chisinau and Tiraspol “equal parties”³¹⁷.

Wishing to stimulate the settlement process, in October 2007, President Voronin launched a series of initiatives to strengthen confidence and security between the two banks of Dniester³¹⁸. Preparation of concrete projects in the social-economic, humanitarian and security spheres, including with the help of international partners, by the working groups set up for that purpose in Chisinau and Tiraspol as well as their joint implementation intended to contribute effectively to helping the people and, at the same time, creating conditions for carrying out the necessary negotiations on political settlement of the conflict. In the same context, the Moldovan government tended to expand the national population assistance programs into the transnistrian region, including those promoted by the international donor community.

These include, in particular, providing social security to the population, providing citizens with free identification documents and granting businesses in the region trade preferences offered by the EU to the Republic of Moldova in March 2007³¹⁹. Relying on a reciprocal treatment, Chisinau always insisted on removal of all obstacles to free movement of persons and goods between the two sides of the Dniester, as foreseen by the Moldovan-Russian agreement of 1992, requiring, in particular, dissolution of arbitrarily installed checkpoints in the Security Zone and abolition of “registration fees” for persons and “duty” of 100% for goods from the right bank. Originally, the Tiraspol leaders considered these initiatives as a “PR action”, but subsequently showed interest in promoting such measures in the social-economic sphere. At the same time, they completely rejected the proposals for the demilitarization of both sides of the Dniester. As an alternative, Tiraspol tenaciously promoted its draft “agreements” on “friendship and cooperation”, “guarantees/benefits schemes”, “non-use of force” etc., designed essentially as between two equal

³¹⁷ See: Protocol on the results of the working meeting of the Deputy Chairperson of the Russian Federation A.D. Zhukov with the President of Transnistria I. N. Smirnov. Moscow. May 23, 2006. <http://www.olvia.idknet.com/ol131-05-06.htm>

³¹⁸ President of the Republic of Moldova, Vladimir Voronin: “There should be no breaks in the Transnistrian settlement”. <http://www.presedinte.md/press.php?p=1&s=5372&lang=rom>, <http://www.presedinte.md/press.php?p=1&s=5457&lang=rom>

³¹⁹ Decision of the Government of Republic of Moldova no. 959 of 09.09.2005 “On measures to ensure the confirmation of citizenship and documentation of the population from villages on the left bank of Dniester (Transnistria). <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=305730> Government Decision no. 814 of 02.08.2005 “On confirming the main guarantees for the people of Transnistria”. <http://lex.justice.md/view-doc.php?action=view&view=doc&id=304892&lang=1>

subjects of international law³²⁰. Thus, the visions of Chisinau and Tiraspol on measures to strengthen confidence and security were different. While the Moldovan authorities considered those measures as indissolubly linked to the process of negotiations on political settlement of the conflict, the Tiraspol administration regarded them as a policy tool to strengthen the Transnistrian statehood.

Developments in recent years around the conflicts in the Balkans and Caucasus, new trends in the foreign policy of the Russian Federation, including the use of commercial levers and “energy weapon” as instruments of pressure, use of force to resolve regional crises, and aspirations of Ukraine and Georgia to join NATO have raised new risks and challenges in the context of the Transnistrian settlement. Kremlin’s attempt to use the Kosovo case as “precedent” and “universal model” for resolving territorial conflicts in Georgia by way of armed intervention, as well as recognition of Abkhazia and South Ossetia as “sovereign and independent states” generated confusion and serious political difficulties in other areas of conflict in the former Soviet space, including around Transnistria.

Although Chisinau firmly rejected any analogies and parallels with the Kosovo “precedent” and the Caucasus, the latter continued to hover like “phantoms” over Transnistria. In such circumstances, the Republic of Moldova felt somehow encouraged by the “Declaration of the State Duma on the Russian Federation’s policy towards Abkhazia, South Ossetia and Transnistria” adopted in March 2008 as a result of some parliamentary hearings, through which the request of the Tiraspol leaders to recognize the Transnistrian independence was practically ignored, unlike the addresses coming from the Georgian entities.³²¹

However, they have not denied the secessionist ambitions, continuing to strongly and consistently promote the policy of strengthening the Transnistrian statehood, including through claiming confirmation of the “previously agreed arrangements”, the recognition of “the equality of parties” and “existing realities”, rejecting the “exercise of pressure” and lifting the “economic blockade”

³²⁰ Agreement on friendship and cooperation between the Republic of Moldova and Transnistrian Moldovan Republic. Draft of the Transnistrian side of April 11, 2008. <http://www.olvia.idknet.com/ol116-04-08.htm>

Agreement on the basis of the guarantee system in the Moldovan-Transnistrian settlement. Moscow, March 18, 2009. <http://www.regnum.ru/news/1139474.html>

³²¹ Declaration of the State Duma on the policy of the Russian Federation with regard to Abkhazia, South Osetia and Transnistria. www.duma.gov.ru/index.jsp?ums_zayavlen/z_0308.html

around Transnistria, etc. The attempts to present at the negotiating table new draft proposals on “bilateral Moldovan-Transnistrian agreements” and to reanimate the old scenarios, such as, for example, that of the “deferred status” fall into the same context. Eloquent in this regard is the opinion of one of the veterans of Soviet diplomacy, Jyly Kvitsinski, expressed during the referred hearings in the Russian State Duma that “a deferred status is a status which has not yet been established by international agreements and decisions of the UN Security Council”. It is however “the path that leads to recognition of independence”³²².

New impediments in the struggle for a Transnistrian conflict settlement occurred after the meeting in Moscow on March 18, 2009 between the Moldovan President V. Voronin and Transnistrian leader I. Smirnov, “in the presence of the President of the Russian Federation,” D. Medvedev³²³. The Joint Declaration signed in this meeting likewise the meeting itself was perceived by some as an attempt to undermine the negotiations in the established “5 +2” format that would create serious political disadvantages both for Moldova and its Western partners, the EU and the U.S.

Under the provisions of that declaration, which put “the leadership of Republic of Moldova and Transnistria” practically on equal footing without any reference to the sovereignty and integrity of the Republic of Moldova, Chisinau and Tiraspol pledged to “pursue direct contacts to energize the negotiation process” and create, together with other participants, “conditions” to “re-launch” the work in the “5 +2” format as soon as possible, although these conditions were not specified. The indications “to transform” the current peacekeeping operations into a “peace guarantee operation under the aegis of the OSCE after the Transnistrian settlement” caused serious controversy, being interpreted as a change of principle in the approaches to the Transnistrian settlement strategy promoted by the leadership of Republic of Moldova in recent years, also taking into account the OSCE Istanbul Summit decisions regarding Moldova and the Final Act of the CFE Treaty adopted in November 1999.

Being faced with unprecedented challenges, including those generated by the fierce political battle in the election campaign of April-July 2009 and the developments in the Transnistrian region, the Moldovan political elite started to rely much on the support of its Western partners, the EU and

³²² „Deferred” independence, 13.03.2008. <http://www.rosbalt.ru/print/464804.html>

³²³ Joint Declaration adopted based on the results of the negotiations President of Russian Federation D. A. Medvedev and President of the Republic of Moldova V. N. Voronin and the Head of Transnistria I. N. Smirnov, Braviha, March 18, 2009. http://www.mid.ru/brp_4.nsf/0/0C29B78403398C46C325757D0056C04E

the U.S., since without their support the efforts to overcome the difficulties facing the country have no odds to succeed. The EU's trends to deepen cooperation with the Republic of Moldova within the Eastern Partnership and ingraining a new dimension to the dialogue with the Russian Federation, in the context of Moscow's initiatives on building new security architecture in Europe, inspire optimism in this respect. Thus, early finding of a solution to the Transnistrian problem suggested by German Chancellor Angela Merkel and French President Nicolas Sarkozy would be likely to help create an atmosphere favorable for putting into force the adapted CFE Treaty considered a pillar of the European security³²⁴.

Analysis of the Transnistrian conflict settlement paradigm would be incomplete without mentioning the contribution made to that effect by different representatives of the civil society from the Republic of Moldova, Ukraine, Romania and Russian Federation. In recent years, various experts, foundations, NGOs and politicians have presented different plans, scenarios and projects for solving the transnistrian problem at various conferences and roundtables, as well as printed them in various publications. Among the most relevant contributions in this regard stands the strategy of "3 Ds" developed in 2004 by the Institute for Public Policy of Moldova that was supported by 26 NGOs. The given strategy stated that democratization, demilitarization and decriminalization of the Transnistrian region would be the key required to ensure conflict settlement³²⁵. Similar ideas and suggestions have been made in the "trilateral plan for solving the transnistrian problem" presented in 2006 by a group of Moldovan-Ukrainian-Romanian experts³²⁶.

The so-called "Belkovski plan" named after its author, Russian political analyst Stanislav Belkovski, also stirred up passionate controversy in 2004. This plan stated that the two sides of the Dniester river, given the "civilization break between their population were to achieve a "civilized divorce" to provide opportunity "for Moldova to unite with Romania and Transnistria - to become independent"³²⁷. According to a more recently proposed scenario sug-

324 Angela Merkel, Nicolas Sarkozy, "La securite, notre mission commune", *Le Monde*, 03.02.2009.

325 Oazu Nantoi, "3D" Strategy - from "extremism" to consensus? November 3, 2004. <http://www.e-democracy.md/comments/political/200411031/>

326 Trilateral plan to solve the Transnistrian problem. Bucharest-Chisinau-Kiev, January 2006. <http://www.ipp.md/biblioteca.php?l=ro&idc=34> Igor Boțan, Transnistrian settlement: a European solution. Chisinau: Arc, 2009, p. 31-32.

327 „Станислав Белковский предложил Румынии Молдавию в обмен на Приднестровье”. 11.06.2004. <http://www.lenta.ru/world/2004/06/11/romania/> Id. "Приднестровье в обмен на Бессарабию. 11/06/2004. <http://www.vremya.ru/print/100451.html>

gested by the former Romanian Foreign Minister Adrian Cioroianu in 2009 and shared by some Moldovan politicians, the policymakers and civil society in the Republic of Moldova were invited to “seriously ponder on the possibility of decoupling Transnistria of the state borders for a specified period, during which it would fall under a protectorate mandate with international guaranties”. A. Cioroianu suggested to the EU to assume that “difficult task” and to thus materialize its own “neighborhood policy”³²⁸. As it is natural, some rational ideas and suggestions contained in the described scenarios are harmonized with the plans promoted by different actors involved in formal negotiations on the Transnistrian dispute settlement³²⁹. Meanwhile, extraordinary, radical and extravagant ideas, which restrained and produced political discomfort, were categorically ignored and rejected by the official negotiators.

11.5. Conclusions and suggestions

In light of the analysis of Transnistrian conflict settlement paradigms, the answer to the question raised in the introductory section of this article can be a simple and trenchant one. Despite many positive premises, reasonable plans submitted the efforts and involvement of actors with a special weight in international affairs, such as the Russian Federation, Ukraine, EU and U.S., the Transnistria conflict has not been solved yet because of its eminently geopolitical character. Immutable interests of the Russian Federation to maintain at any cost the Republic of Moldova in its sphere of influence led it to plead rather in favor of “freezing” the conflict around Transnistria, instead of supporting a compromise solution that would adequately meet the interests of all actors involved.

Lack of political will on the side of the Russian Federation, which under known circumstances continued to play a crucial role in the region, having in its hands the main “keys” to settlement of the given conflict, caused the inefficiency of peacekeeping mechanisms and negotiation formats used over the years to overcome the Transnistrian crisis. Russian Federation's refusal to honor its commitments made at the OSCE Summit in Istanbul on the full withdrawal of its troops from the Republic of Moldova and its attempt to perpetuate its military presence in this region effectively contributes to promoting separatism in Transnistria. Political, economic, financial, humanitarian and moral support granted to Transnistria by the Russian Federation in a

³²⁸ Adrian Cioroianu, Foreign Policy Scenarios of Romania for Republic of Moldova: Decoupling Transnistria. July 4th, 2009. <http://jurnal.md/article/18941/>

³²⁹ For a European Settlement of the Transnistrian conflict. Open letter from a group of NGOs representatives of from Republic of Moldova, June 7, 2007. <http://www.azi.md/news?ID=44665>

straightforward manner and at the same time, application of levers of political pressure and measures of economic coercion on the Republic of Moldova stirs up serious doubts about its quality of impartial mediator in the settlement process. In such circumstances, obstructive, uncompromising and irreconcilable behavior shown at the negotiation table by the representatives of Tiraspol, often presented as the main cause of dragging on the conflict settlement process, is actually a derivation of the Russian policy.

Therefore, the Russian diplomacy marked by stereotypes and ambitions of neo-imperial origin, by supporting and encouraging secessionist regime in Tiraspol, the use of exponents of the regime as an instrument of pressure and influence, promoting inconsistent settlement plans and mechanisms for negotiations, unsubstantiated dismissal of relevant commitments undertaken internationally and tending to satisfy its security concerns at the expense of the legitimate interests of its weaker partner, made the expectations nourished by the Moldovan political elite for a speedy and fair settlement of the transnistrian problem to crumble.

Efforts to settle the Transnistrian problem did not give the expected results because of methodological errors, such as tactical and strategic, committed by the Moldovan authorities over the years. Serious unilateral concessions made by officials in Chisinau willing to overcome the ambitions of Tiraspol leaders and encourage them to adopt a constructive attitude at the negotiating table, without receiving adequate mutual reactions, had an opposite effect. Completely rejecting the idea of compromise and reconciliation, representatives of the regime in Tiraspol have taken full advantage of the benefits derived from concessions, in particular, the customs seals and recognition of the right to external relations in trade and economy, of accepting the concept the federation and the “common state”, equal treatment in the negotiations, etc., with the aim to consolidate virtually all structures of the Transnistrian secessionist entity and build a de facto state.

Remarkable changes that have occurred since the Orange Revolution in Ukraine's policy in respect to the Transnistrian issue strongly fueled the aspirations of Chisinau aimed at obtaining considerable support in its efforts to restore sovereignty and territorial integrity of the Republic of Moldova. Consequently, the contribution of the new authorities in Kiev to the qualitative change of the situation around Transnistria was really impressive, if you consider the positive effects of launching the “Yushchenko plan” on the Transnistrian conflict settlement, the establishment of the EUBAM Mission and the implementation of the Moldovan-Ukrainian agreements on customs, which contributed to securing the border and restoring control of the

Moldovan authorities over the customs points scattered throughout the country. But Kiev's tendency to play a positive role in the Transnistrian settlement had its limits, subject to geopolitical interests and the persistence of sensitive issues in relations between the two neighbors. Thus, the same "geopolitical syndrome" and national complexes that control the Ukrainian foreign policy were the most serious impediments to fully exploit the potential of this important regional player in overcoming the transnistrian crisis.

Direct involvement of the EU and U.S. as observers in the "5 +2" negotiation format and Chisinau proposals to address "in package" the main problems related to conflict within this format, along with initiatives to strengthen confidence, have positively contributed to changing the general atmosphere in the Transnistrian settlement process. But despite the promise of positive dynamics that took shape during the years 2005-2006, the actions taken by these two of the most influential international players again had to face the resistance of the Russian Federation, which hindered the accomplishment of real progress in the negotiations regarding the development of a special status of the Transnistrian region.

Despite the inherent difficulties, the process of Transnistrian conflict has real prospects for settlement. The Moldovan authorities must persevere in their efforts to achieve the goals set forth in this context, using more rationally the political capital and practical experience gained. Possible resumption of meetings in the "5+2" format has to be oriented in a forthcoming direction and its final purpose would be to solve the main problem of the conflict based on a "package" approach, namely the development and adoption of the special status of the Transnistrian region based on respect for sovereignty and territorial integrity of the Republic of Moldova. Final settlement of the Transnistrian conflict should lead to creating a functional and viable state that cannot be conceived on federalist principles.

A pertinent analysis of the experience gained over the years and lessons drawn from it should lead to understanding the need for proof of firm and daring political willpower to adopt new approaches based on new principle in order to change the current state of affairs and setting priority directions for short-term perspective. However, the Republic of Moldova will have to continue relying on the methodology of solving key issues "in package", such as political, economic, social, humanitarian and security issues related to conflict resolution, through negotiation and approval of the necessary arrangements in the "5+2" format. Only such a rational and pragmatic approach that takes into account the major interests of key actors concerned, in particular, the Russian Federation is likely to stimulate the process of negotiation and open promising perspectives.

It is necessary to act more assertively and tactfully to capitalize more effectively on the potential of Ukraine to settle the Transnistrian conflict. For this, the Moldovan authorities should cooperate more closely with Ukraine in order to overcome the animosities that still persist in bilateral relations and to support its aspirations to assert itself as a leader in regional and Euro-Atlantic integration. Thus, Kiev could become a valuable geopolitical co-sponsor in promoting a joint project with the Russian Federation and the EU able to break “the transnistrian knot”.

In its further actions, the Republic of Moldova will have to interest, methodically and intelligently, its traditional partners involved in the “5+2” format in order to achieve settlement of the Transnistrian conflict as soon as possible, which would meet the interests of all actors concerned. The EU and U.S. contribution in the Transnistrian settlement could increase with the enhancement of their status from observers to mediators and by attaching a higher importance of the Transnistrian issue on the agenda of dialogue with the Russian Federation, to develop common approaches in solving the problem around Transnistria and replacing the current peacekeeping operation with a multinational civil mission under an international mandate. Assuring fulfillment of all decisions of the OSCE Istanbul Summit on full withdrawal of the Russian troops from Moldova's territory is likely to contribute substantially to creating the conditions necessary to overcome the deadlock situation in the issues of CFE Treaty and stimulate the process of conflict settlement.

Raising the awareness of international bodies, particularly the UN, OSCE, EU, the Council of Europe, whose agenda include the issue of Transnistria, it is necessary to ensure favorable conditions, including in building democratic institutions, defense of human rights and demilitarization, and to obtain political support to identify appropriate solutions to resolve the transnistrian crisis.

Consistent promotion of confidence and security building measures, particularly through constant support of the population, stimulating business development and exports from the Transnistrian region, establishing large-scale social and economic projects, including the international donor community's support, is likely to strengthen ties between the two sides of the Dniester and encourage the tendencies of restoring the integrity of the Republic of Moldova. In their efforts, the Moldovan authorities should continue to rely on the widest possible support from civil society and political forces, without which the country's reintegration policy has no chance to succeed. Continued improvement of social-economic situation, raising living standards of people and making cardinal democratic transformation in the context of European integration would undoubtedly increase the attractiveness of the right bank

for the people of the left bank of the Dniester, thus accelerating integrationist tendencies. “A short time will pass, said a public opinion leader in the region, where, instead of a miserable Bessarabia, residents of Transnistria will see on the other bank of the Dniester a brilliant showcase of the European Union before the Moldovan-Transnistrian conflict will start to solve by itself”³³⁰.

³³⁰ Maxim Shvedov. What does Russia wants in Moldova and Transnistria? <http://ava.md/034-kommentarii/02886-chego-hochet-rossiya-v-moldavii-i-pridnestrove.html>

12. Foreign policy in the view of political leaders: state of affairs and prospects

Lina Grâu, journalist

During the month of December 2008, the Foreign Policy Association conducted interviews with leaders and representatives of major political parties in Chisinau, during which questions were asked on the key foreign policy issues and challenges faced by the Republic of Moldova. In the below paragraphs, we would provide the responses on some topics provided by the politicians representing the Party of Communists of the Republic of Moldova (PCRM), the Liberal Democratic Party of Moldova (PLMD), the Liberal Party (PL), Our Moldova Alliance (AMN), and the Democratic Party of Moldova (PDM).

12.1. Foreign policy priorities of the Republic of Moldova

Question: *What should be the foreign policy priorities of the future government of the Republic of Moldova formed after parliamentary elections of spring 2009?*

In the view of **Marian Lupu, Speaker of the Parliament of the Republic of Moldova during 2005-2009**, for the Republic of Moldova it is essential to have ensured continuity in foreign policy guidelines - to maintain the vector of European integration and further development of bilateral relations with Eastern partners unchanged. "We start from the famous phrase that *large countries make grand foreign policy and small countries must make an intelligent foreign policy*. In my view, we should have a very rational approach to foreign policy and a very pragmatic one that would ensure political interests, but for Moldova - especially and first of all economic interests. Foreign policy instruments should be put into service for achieving those interests", said Marian Lupu.

According to him, this means keeping the European integration vector unchanged. "It is an objective decision, which is not only for the political class. Thus, the opinion polls show that about 80% of the population is in favor of this particular trend that is why I find it hard to believe that this vector can be changed or modified. It is reasonable, makes sense, is very pragmatic in all respects and represents an objective that is consistent with our values - political, democratic, economic, and social", said Marian Lupu.

"Speaking about the question of bilateral cooperation relations with the West, I would mention the relations with the neighboring countries because a stable and balanced neighborhood is of particular interest to any country. Relations with neighbors are therefore still a priority," added Marian Lupu. Meanwhile, he pointed out that the same pragmatism "does not dictate a formula according to which strengthening relations with the West, in this case the EU, should lead to deterioration of relations with the East".

“We have important interests, particularly economic, in the East. I refer to energy security, which is a rather vulnerable issue for the Republic of Moldova. Secondly, the Moldovan economy is an export-based economy, which means that we are interested in export markets and Eastern markets are still very, very important, and will continue to be so in the future, because they represent large and very interesting markets. The EU member states are also showing a vivid interest for these markets. Then the question is - why should we lose them?”

“And among the priorities, the Transnistrian issue definitely plays a special role. We have the 5+2 negotiation format, which must remain fundamental for holding consultations and making decisions regarding the settlement of the Transnistrian conflict. We have our bilateral but also regional dialogue partners present within this format, which shows once again the importance of strengthening relations with these actors both as partner countries and in their role as participants in the 5 +2 format,” concludes Marian Lupu.

Vladimir Filat, president of the Liberal Democratic Party of Moldova (PLDM), believes that continuation of the efforts aimed at European integration and restoration of good relations with our neighbors - Romania first of all, but also the Ukraine are among the immediate priorities of the Moldovan foreign policy. “The new Government will have to change the approach used in our foreign policy, i.e. the pro-European statements should be followed by concrete actions. European integration is number one priority. But nevertheless, the relationships with our neighbors- Romania and Ukraine represent an equally important action,” says Vladimir Filat. “It is paramount that our relations with Romania return on the track of normality, but also we should define our relationship with Ukraine because until now we did not have a clearly defined relationship. Taking into account the importance of Ukraine for the Republic of Moldova, the significance of Ukraine’s involvement in issues Moldova faces becomes a determining factor. It is necessary to channel more energy to build an effective relationship.”

According to **Dorin Chirtoaca, mayor of Chisinau, and Vice President of the Liberal Party (PL)**, beginning with the 90s the Republic of Moldova has failed to have a clear direction in terms of its foreign policy and today the Republic of Moldova does not have an official course of action reflecting the reality either.” The declared course of European integration is more of a superficial one in order to get some money and financial support from the EU and the U.S. In fact, there are still negotiations with the Russian Federation to maintain the Republic of Moldova under the influence of Moscow,” said Dorin Chirtoaca who also points out that PL is categorically in favor of integration into NATO and the EU. “Our target is to be Europeans together with other European nations,” says Vice President of PL.

“How can this be achieved? Of course, the Transnistrian problem represents a roadblock in this endeavor, but nevertheless everything starts from the democracy built in our own home country. If we meet our obligations as members of the Council of Europe, our commitments within the EU- Republic of Moldova Action Plan, which provide for enforcement of the European standards of freedom of the press, freedom of expression, functioning democratic institutions, independence of the judiciary, local self-government, then we have every chance to find ourselves in a genuine partnership with the European institutions in order to achieve approval of the new roadmap that would bring the Republic of Moldova closer to integration into these structures. What we can set forth as realistic objective for ourselves provided that the democratic majority comes to power after elections is for the Republic of Moldova to acquire an associate member status during the 2009-2013 period” said Dorin Chirtoaca. According to him, if the status of associate member is not obtained within a period of four years, the objective of the EU accession cannot even be discussed.

As mentioned by **Serafim Urechean, president of the Alliance Our Moldova (AMN)**, his party has been definitely advocating for the European integration vector. “We must once and for all decide who we are, what we want and where we are going. Our future is related to a positive membership within the civilized world, the European world, where in fact we, the citizens of the Republic of Moldova, belong to,” said Serafim Urechean. He noted that the last 8 years of the Communist government in the Republic of Moldova “were just a mimicry of European aspirations”, a smoke screen behind which the President Vladimir Voronin and the Communist government were attracted not by the European values, but by loans, donations and humanitarian aid coming from the EU. “The future democratic government must clearly meet all commitments undertaken by our country under the Republic of Moldova - EU Action Plan for 2005-2008 that remained unfulfilled, to engage in aligning the Republic of Moldova’s legislation to that of the EU, to not only mimic the reforms but actually advance them in real life – reforms in economy, justice system, and the media,” said Serafim Urechean.

According to **Oleg Serebrian, Prime Vice President of the Democratic Party**, Moldovan foreign policy priority is to restore good relations with its neighbors, i.e. Romania and Ukraine, to drive towards European integration and Transnistrian settlement in a manner favorable to the Republic of Moldova. “Priority is, first of all, improving relations with the neighboring countries - Romania and Ukraine, subordination of foreign policy to the key desideratum of the national policy, i.e. European integration and good relations with the U.S. that would help us together with the EU and Ukraine

find proper ways to settle the Transnistria dispute. Certainly our relationships with the EU, USA and neighboring countries must aim at opening new markets for Moldovan products, both agricultural and industrial. The second our most important foreign policy issue in order of priority is finalizing the Transnistrian dossier in a manner favorable to the Republic of Moldova,” said Oleg Serebrian. Another priority should be, according to him, returning to normal relationships with the Russian Federation, to a partnership that should be based on principles of equity and not on subordination.

12.2. Republic of Moldova's relations with Ukraine and Romania

Question: *Could you make an assessment, list the problems and speak about the future relationships of the Republic of Moldova with its neighbors - Ukraine and Romania.*

Marian Lupu (PCRM) says that in regards to its northern neighbor, Ukraine, the Republic of Moldova does not have any serious political bottlenecks. As for Romania, the dialogue of this country with Chisinau “has to be a civilized one, based on European values”. “I do not think that at present moment this dialogue is based on these values,” said Marian Lupu.

“In the case of Ukraine, the subjects that appear to be more intensely discussed are the ones related to trade and economic issues. We have some disagreements about border demarcation with Ukraine, which, at the first glance, appears to be a purely political matter, but in reality it is linked to pure economic issues. The issues discussed in this context are the port of Giurgiulesti and environmental issues raised by the Ukrainian side, the Novo-Dnestrovsk hydroelectric power plant on the river Dniester, some issues related to trade because Ukraine is a partner with whom we have a negative trade balance,” said Marian Lupu.

Speaking about Romania, said the politician, this is an important economic and trade partner of the Republic of Moldova, let alone the relations and specific ties determining the need to develop a balanced dialogue, a qualitative and productive dialogue. “Basic problems that exist are related to certain positions that lack flexibility. The good relations we need depend on the positions taken by both parties. It takes a little more flexibility both in Chisinau and Bucharest. I think, first of all, it must be clearly established that these relationships are between two countries, between two state entities. And that these state entities - one of which is a member of the EU, the other has strong European aspirations – have no other way than to base their bilateral relations on European political, legal, moral and ethical values and standards. And these things, once declared, should also be implemented in practice”, Marian Lupu said.

Vladimir Filat, President of PLDM, believes that the relations of the Republic of Moldova with Ukraine are not properly formalized, and those with Romania are crushed by the Romanian-phobia of the authorities, which is detrimental to all citizens of the Republic of Moldova. “The problem can be solved very simply – by returning to natural relations, normal, arising out of our past, present and, most importantly, our common future,” said Vlad Filat.

“I start from the premise that we do not have very clearly formalized relations with Ukraine. We declare them as being important for our country, but do not act accordingly. However, proper management of the challenges faced in our relations with Ukraine requires time and professional approach. And I do not refer only to matters pertaining to the properties of the Republic of Moldova located on the territory of Ukraine, which until now have not been resolved, but I am also referring to the way we interact in respect to the Transnistrian issue,” says Vladimir Filat. He stated that the efficient management of the Moldovan-Ukrainian border would not have been possible without the most direct involvement of the Ukrainian government, even though the contribution of the European Union through the EUBAM was also important. “Kiev might also have an important contribution to other areas of interest for Chisinau, for example, regarding our accession to the European values,” believes Vladimir Filat.

Referring to tensions in the relations between Chisinau and Bucharest, Vladimir Filat says that they are rooted primarily in Romano-phobia “which crushes the mind and sometimes the soul of those who, unfortunately, lead the Republic of Moldova”. “Romano-phobia comes from fear of all that is alien to their understanding and mindset. And this problem, which is, unfortunately, a serious threat to all Moldovan citizens, not only for those who govern, can be solved very simply - by returning to natural relations, normal, arising out of our past, present and, most importantly, stemming on our common future,” says Vladimir Filat.

Dorin Chirtoaca, Vice President of PL, believes that Republic of Moldova, instead of supporting Ukraine in its efforts to depart from its totalitarian Soviet past and to step towards Europe, has lately become rather unsympathetic towards Ukraine, “which represents an unfriendly and incorrect gesture”. “We need a very strong partnership with Ukraine to maintain control over the situation in Transnistria.”

“As regards Romania, there was a case of chronic repugnance of all governments of the Republic of Moldova towards Romania and there have always been conflicts with Romania caused in order to maintain an artificial mode and in the hope of consolidating hatefulness about Romania at the level of

the society. However, these attempts failed, failed completely, since practically most Moldovan citizens want the citizenship of Romania, at least for the European perspective. And being used as an argument for maintaining in power and for gaining the trust of the citizens, an increasing antagonism in the relationships between the Republic of Moldova and Romania is an unsuccessful way and I do not think it will ever return to public attention and onto the political scene, and if it does return, it will simply remove those political actors from political stage,” said Dorin Chirtoaca.

Serafim Urechean, AMN President, believes that relations with neighbors have to be changed radically. Romania’s potential, but also that of Ukraine should be used for accelerating the process of European integration of Moldova.

With Ukraine, says the AMN leader, the Republic of Moldova has many things in common, “because so many of our fellow nationals - hundreds of thousands - live on the territory of Ukraine”. The existing problem between Kiev and Chisinau regarding the properties must be solved and border demarcation must be completed since they represent a problem leaving a negative imprint on good relations with our neighbors. It is very important to be more forbearing in our assessments and statements, and not artificially straining our relations. The EU assistance mission on the Moldovan-Ukrainian border, i.e. the EUBAM, is very important, and it is particularly important for using the help of Ukraine in order to control the situation on the Eastern borders, along the Transnistrian segment of the border. The future of the Republic of Moldova is highly dependent on the Ukraine, on how be the situation in Ukraine will be developing in the future, whether or not Ukraine will integrate into the EU and NATO,” believes President of AMN, Serafim Urechean.

“During the European integration process, we should use the potential of those countries that are spiritually close to us, especially that of Romania, as it is not only a neighboring state, it is a sister country, which could provide considerable support for promoting the image of the Republic of Moldova and its advancement towards the EU,” said Serafim Urechean. He believes that after 2009 parliamentary elections, the small-scale border traffic agreement must be signed, which would diminish the impact of the global crisis on the Republic of Moldovan and also Romanian consulates will need to be opened in Cahul and Balti. “We must also demonstrate that European integration vector of the Republic of Moldova is not only a mimicking but that, indeed, the strategic course of our country is to obtain the possibility of visa-free travel throughout Europe,” said the AMN leader.

Oleg Serebrian, Prime Vice President of PDM, believes that Chisinau should find a new approach to overcome old problems in relations with Kiev. Regarding relations with Romania, there are no real problems here, but only some artificially created by the Chisinau government. The support of Moldova in its European integration process should become a priority in these relationships.

“I think, so far, the main bottleneck in our relations with Ukraine is the border issue. It does not mean that there are any mutual territorial claims, but I mean that many problems remain unresolved regarding the border demarcation in certain sensitive areas, such as Giurgiulesti, Palanca, Naslavcea. The second issue that is still unresolved with Ukraine is the Moldovan property on the territory of Ukraine. The third matter is the status of the Romanian minority in Ukraine. The fourth point is still unclear position of Kiev regarding the Transnistrian problem. In these four key issues, Chisinau should have a fresh approach and exceed those disagreements which existed until the present,” said Oleg Serebrian.

Regarding Romania, says Serebrian, the border remains the most important problem, namely the Convention on small border traffic, which will be addressed as a priority immediately after the elections of April 5. “In our point of view, there are no other real problems, but there are many artificially created challenges fueled by Chisinau. If a democratic government comes to power after April 2009, we believe that the priority issue in our relations with Bucharest should be the support provided to the Republic of Moldova in its European integration process and the assistance that Romania may give us in this respect,” said Oleg Serebrian.

He noted that the issue regarding the adoption of a basic bilateral treaty is no longer an up-to-date issue. “Currently, the interstate relations in Europe are based more on multilateral documents rather than bilateral agreements. In the light of the declaration of the EU accession as the main objective of the country and given that Romania is part of the EU community, bilateral agreements are no longer considered as of primary importance. These agreements were popular right after the 2nd World War or during the early 90s, when new types of relationships were taking shape between the new states. At that time, the Republic of Moldova needed the recognition of the neighboring countries. Currently, the existing legal framework is quite sufficient – over thousand of agreements between Romania and Moldova, which virtually cover all areas of vital importance in relations between the two countries.” Oleg Serebrian believes that the insistence on signing the basic bilateral treaty is, in fact, the political rational pushed by some power groups from Chisinau, but not necessarily the ones based on goodwill. “Speaking about the border agreement, strictly from legal point of view,

Romania has already signed such agreement with the Soviet Union. Moldova is a legal successor of the Soviet Union in terms of international treaties and, from this viewpoint, I am not sure if it is necessary to have a new agreement signed between the Republic of Moldova and Romania, in particular, given that there are no mutual territorial claims,” concluded Oleg Serebrian, Prime Vice President of PDM.

12.3. Prospects for the development of the relationships between the Republic of Moldova and the EU

Question: What should be the mandate of the Republic of Moldova in negotiations for future agreement with the EU?

Marian Lupu (PCRM) argues that Moldovan negotiators will have to focus, first of all, on visa facilitation and trade liberalization by negotiating an asymmetrical free trade agreement with the EU. In his view, “the document is meant to be a comprehensive agreement, with many details, and, according to the classical formula, the position of the Republic of Moldova will be to achieve maximum effects and results. Clearly, the Republic of Moldova is not in the position to claim membership in the EU or the status of candidate for accession at the moment of concluding this agreement, whose negotiations could take from 1 to 3 years”. In this context, he argues that the issue of visas and trade are the most important ones. However, there are other subjects as well that refer to industrial, inter-sector, education, humanitarian collaboration, which would be included in the document to be negotiated with the EU.

Vladimir Filat, President of PLDM, believes that the new document should clearly phase in the four values the Republic of Moldova so much aspires to achieve until the moment of accession, and namely free movement of people, goods, capital and services. Thus, in his opinion, following the negotiations, “Chisinau should acquire the most important: a firm commitment from the EU regarding the prospect of its accession and eventual stages of this process. It is important to have it vividly phased until the final point - the membership, the four values we strive to achieve: free movement of people, goods, capital and services”. He believes that “an ordinary citizen wants to see concrete outcomes and effects as a result of its closer approximation to the EU”, and in this context it is important “to see what the prospects are and when we have the chance to get there”.

Dorin Chirtoaca, Vice President of PL, says the most important thing is for Chisinau to determine the EU not to rush in taking a final decision about the Republic of Moldova because halting the EU enlargement process would leave the Republic of Moldova outside of Europe. He argues that so far the EU has given us a generous framework, since we can also export to the East

and to the West without payment of any duties under the unconditional support provided to the Republic of Moldova, but “the next negotiations should demonstrate seriousness of the government to meet the undertaken commitments”. He also thinks that a greater involvement, a more active position of the European Commission Delegation in Chisinau should be sought, which would allow to speed up the process of accessing funding, not only for government but also for the local public administration.

Serafim Urechean, AMN President, claims that the new political agreement with Brussels will practically be the continuation of the EU – Republic of Moldova Action Plan with minor changes and adaptations, and Chisinau should make all necessary efforts to eliminate the backlog it has regarding the fulfillment of this document. “Republic of Moldova is not in a position to demonstrate ambitions. Our image is very shaky, we have arrears in the first agreement, therefore we should be cooperative, flexible, but, of course, not to give up the national interests of the Republic of Moldova. We should not only count on the fact that we are coming closer to the EU, and, instead, we must defend our interests but in a real way and hence show our great interest in this process”. In his view, to make the country more attractive, first of all, the reforms we assumed to undertake must be fulfilled and only after we remove all these fundamental drawbacks, then “we could be more assertive and talk tall, as well as ask for concessions or privileges or a more advanced degree of communication and cooperation with the EU.

Oleg Serebrian, Prime Vice President of PDM, considers that the positions we should necessarily ask from the European Union are: liberalization of movement and negotiation of a Free Trade Agreement with the EU. He argues that there are some matters, which should be necessarily requested - free movement or, rather, liberalization of movement. But at the present moment “the Republic of Moldova is on a blacklist – we are an European country that is the worst treated in terms of rules of border crossing with the EU countries, even worse than the Russian Federation or Ukraine. Economic issues are also very important; our success in talks with the EU on concluding a free trade agreement should necessarily be included in this document. These two aspects most directly concern the interests of the vast majority of the citizens of our country.

12.4. Relationships of the Republic of Moldova with the Russian Federation and USA

***Question:** Could you please make an assessment, mention the challenges and speak about the future relations of the Republic of Moldova with Russia and the United States of America.*

Marian Lupu (PCRM) believes that the only problem, but also the biggest one in the relations with Russia, which continues to be the strategic partner of the Republic of Moldova is the Transnistrian conflict. The Transnistrian conflict also makes our relationship with the U.S important, along with the financial and logistical assistance programs undertaken by Washington in the Republic of Moldova. In his view, Russia remains a strategic partner of the Republic of Moldova, as well as a very important one. “The economic dimension, energy, exports, people to people relationships are still on the agenda. I do not think we have any challenges in other areas; at least we do not have any major issues other than Transnistria. This was the issue that affected the entire situation, including the wine embargo and, in fact, all the difficulties derive from this problem. In addition to that, if we are to make an assessment of the current relationships, I think they have been generally normalized, at least during 2007-2008. The Transnistrian issue remains to be the only problem,” said Marian Lupu.

Speaking about the United States, he sticks to the opinion that lately the American presence may seem to have become less active in the Republic of Moldova but, in reality, it is not. “After the parliamentary elections in the Republic of Moldova, having already overcome the situation with the elections in the United States, as well as with the election of the new president and the new administration, I am absolutely convinced that the intensity of these relations will occur at its fair value.” In the opinion of Marian Lupu, the United States of America are an important partner, a strategic geopolitical partner and the interest in the context of this cooperation “derives from the negotiations on the issue of the Transnistrian conflict settlement because the U.S. together with the EU are observers in the negotiation format. On the other hand, there are a number of other programs besides the Millennium Challenge Account and all these programs provide significant financial resources, significant logistical resources while, at the same time, supporting the promotion of reforms that have been declared European reforms”.

Vladimir Filat, President of PLDM, says that to make the relations with Russia be in the national interest of the Republic of Moldova, some truths need to be told, no matter if people from Moscow like it or not. Chisinau has a future in its relations with Russia only if assisted by the Western partners. And the role of U.S. is crucial for the future of the Republic of Moldova. In his opinion, “the fact that in recent years the relationships with Russia have fluctuated between enmity and friendship to death, having led to a situation that we do not have a very clear position towards Russia. To make the relationships with Russia be in the national interest of the Republic of Moldova, some truths need to be told, no matter if those in Moscow like it or not. And once we say the truth, there will be a need to establish some

pragmatic relations. For us it is important that the economic relations be in favor of the Republic of Moldova. Let us not forget that we have so many of our citizens working in the Russian Federation and we should address this pragmatically, not sentimentally. I am absolutely convinced that in our relations with the Russian Federation we only have a chance if heavily assisted by our Western partners.

Speaking about the apparent weakening of the U.S. presence in the Republic of Moldova, V. Filat believes that the reason for that “is the poor understanding and efficiency of government officials in attracting their presence. You may know very well that anything can be imposed by force, except for something good. I think that after the elections we are to review these relations with Washington. From my point of view, the U.S. role is crucial for the future of the Republic of Moldova.

Dorin Chirtoaca, Vice President of PL, finds it difficult to have relations based on mutual respect and collegiality with Russia since Moscow always considered itself one of the great powers of the world and does not follow any standards in its relations with small countries. Total energy dependence on Russia further reduces the operating space of Chisinau. Speaking about our relations with U.S., he said that the generous gesture of being included in the Millennium Challenge program is only due to the pro-European statements of the Republic of Moldova. Speaking about the relations of the Chisinau government with the Russian Federation, he believes that “unfortunately, until now we have not had a strategic approach and a correct partnership with the Russian Federation. We have not had, in fact, an agenda with the Russian Federation; we have always acted according to the orders coming from Moscow, but not depending on whether it would be better for the Republic of Moldova. It is quite difficult to have relations based on mutual respect and collegiality with Moscow because, being a large country, Russia always considered itself one of the great powers of the world and has never followed the standards in its relations with small countries, it always tried to reverse the things using blackmail and this attitude makes things more complicated.

However, D. Chirtoaca says, “if it was the case - as in the Baltic States – to have a National Strategy regarding the relationships with the Russian Federation, then things can be changed. This means that the Republic of Moldova should, first of all, solve its energy problem by doing away with the monopoly among the supplies of these services and, once this situation is settled, any other issues can be discussed more easily with Moscow. As long as we are one hundred percent energy depend on the Russian Federation, it would be virtually impossible to negotiate certain things related to the interstate relations”.

With regard to the relations with the United States, U.S. authorities have offered the Republic of Moldova the possibility to join the Millennium Challenge program, which, in his view, “means a considerable financial support provided to the Republic of Moldova only due to its pro-European statements. And this is a generous gesture on the part of the United States. But I believe the U.S. offers the EU an opportunity to be more present in the Republic of Moldova because Moldova is to be integrated in the EU, it cannot accede to USA”.

Serafim Urechean, AMN President says that the Republic of Moldova has to reestablish good relations with Russia, on which it depends both from energy and economic point of view despite whether we like it or not. And the U.S. support is crucial, including in the matter of withdrawal of the Russian troops from the Republic of Moldova. Therefore, he is convinced that “we must restore our good relations with former partners, on whom we depend, whether we want it or not, in terms of energy and labor market for the Moldovan citizens and here I mean Russia. Our goods are unlikely to become competitive on the EU market any time soon, so we need to restore our good relations with Russia”.

Speaking about the ties with the United States, in his opinion, it is “a country we can rely on and it is very important to keep good relations, to fulfill the US-funded programs, for instance, the Millennium Challenge program and not only. U.S. has a huge influence on the communist regime of V. Voronin in the Republic of Moldova. And for the future it is very important that we take the U.S. model as a model of democracy and try to implement it in the Republic of Moldova”. Also, Mr. Urechean believes that “without the United States, it will be very difficult to have the Russian troops withdrawn from the Republic of Moldova. Soon it will be 10 years since the Istanbul decision on the deadlines for withdrawal of these troops, but probably due to lack of a mechanism for enforcement or monitoring of these commitments by OSCE or the fact that nobody wants to strain its relations with Russia because of the Republic of Moldova, the decision has not been implemented up to this day.

Oleg Serebrian, Prime Vice President PDM, claims that the biggest problem in relations with Russia is the Transnistrian conflict. At the same time, Chisinau needs diplomacy that could make Washington inclined to put the Republic of Moldova on the agenda. In his view, “in relations with the Russian Federation there is only one problem, but nevertheless a very important one - the Transnistrian conflict, linked to the Russian military presence on the territory of the Republic of Moldova. All other issues arise from the Transnistrian problem, such as for example the privatization in Transnistria, the investments made by some Russian companies or individuals in the given

area”. He did not rule out that the dialogue would be difficult, but a necessary one, because “over the past years we were convinced that without a dialogue with Moscow but also without ignoring the EU and U.S. that have been our reliable partners in the negotiations for settlement of the transnistrian conflict, a resolution of the given issue would be unlikely”. He also believes that in our relations with the Russian Federation emphasis should be put on the bilateral relations: “If in respect to Romania, we say that the multilateral aspect prevails because we see Romania as part of the EU, while in case of Russia a bilateral approach would be more welcomed – but only Russia and not the CIS. We need a bilateral relationship with Russia and not inclusion of the Republic of Moldova in structures such as the CIS or Eurasian Community”.

Regarding our relations with the U.S., O. Serebrian sticks to the opinion that lately the attention paid by Washington to the Republic of Moldova has decreased significantly. He argues that the administration in Washington has tempered its enthusiasm about the Black Sea region, and countries like Ukraine, Republic of Moldova and Georgia have gone somewhat in the shade. Meanwhile, Mr. Serebrian is convinced that America is an important partner - both in terms of political-military and economical dimension. An eventual withdrawal of the U.S. from the Black Sea area would mean a failure for our country. In this context, we need a “diplomacy that could make Washington inclined to put the Republic of Moldova back on the agenda. This can be done only in collaboration with our partners within GUAM, because we are too small to do this exercise alone”.

12.5. The CIS versus the European Integration

***Question:** Do you find any incompatibility between membership in the CIS and the European integration?*

Marian Lupu (PCRM) believes that in the short and medium term there is no incompatibility between membership within the CIS and European integration because the Republic of Moldova participates only in socio-economic cooperation in the CIS and follows its own economic interests. In his view, the CIS is not a classical, multilateral and legal structure. Therefore, he considers that today the CIS represents “a system of bilateral agreements between countries participating in this community. Free trade agreements, i.e. documents that are very important for us, are functioning not on the basis of multilateral free trade agreement, but rather on the basis of bilateral agreements between the countries, such as between the Republic of Moldova and Ukraine, Republic of Moldova and Russia, Republic of Moldova and Belarus, Republic of Moldova and Kazakhstan and so on. Thus, there are no incompatibilities in this regard”. However, from political point of view, these

incompatibilities may arise only when the Republic of Moldova reaches the most advanced stage in its relations with the EU, i.e. practically on the eve of its accession when it will have to become part of the EU single market, European customs Union.

Vladimir Filat, President of PLDM, said that the incompatibility between membership in the CIS and European integration is a large one and oscillation between the two vectors is due to indeterminacy and inconsistency of Moldovan foreign policy. In his opinion, commitments made on the eastern dimension come into conflict with what we are setting for ourselves along the western path, and even then we take one step forward and two backward. However, he claims that namely this inconsistent attitude “made so that the Republic of Moldova did not have a concrete foreign policy, which would be implemented, regardless of the weather outside or situation that occurs at one time or another”.

Dorin Chirtoaca, Vice President of PL, points out that the CIS is an organization that does not function at all and by means of which the Russian Federation is trying to maintain its influence in the former Soviet space. Consequently, he believes that there is an incompatibility between membership in the CIS and European integration because the CIS is an organization used by “the Russian Federation seeking to maintain its influence in the Republic of Moldova. It is an organization where the Russian Federation makes very beautiful statements, but actually uses extremely tough mechanisms, even tougher than with non-members of the CIS”. In this regard, he points out that regardless of it being a member of the CIS, the Republic of Moldova has been paying the highest price for gas; and also being a member of the CIS it has gone through political and economic blackmail.

Serafim Urechean, AMN President, believes that despite the fact that CSI is a dead body the Republic of Moldova should not abandon the Community in the foreseeable future, as its European perspective is very uncertain. Thus, he argues that “at this moment when the European prospect of the Republic of Moldova is within a 20-30 years distance and it is not even known whether the EU will continue its expansion or not, it is very problematic to refuse membership in an organization like the CIS, even if it is already a dead organism”.

Oleg Serebrian, Prime Vice President of PDM, believes that remaining in the CIS and the EU integration are completely incompatible because you cannot be in two free trade areas or in two different areas of free movement. In his view, “staying in the CIS and the EU integration are two absolutely incompatible things. It is very clear that you cannot be part of two international mechanisms, two regional cooperation mechanisms that have

completely different purposes. You cannot be in two areas of free trade or in two spaces of free movement. When the United Kingdom, Denmark and other Scandinavian countries joined the European Community, they had also abandoned the European Free Trade Agreement (EFTA), which, in principle, is much closer to the EU than the CIS.

12.6. Relationships of the Republic of Moldova with NATO

***Question:** What do you think how necessary is cooperation with NATO in the context of European integration?*

Marian Lupu (PCRM) believes that the Republic of Moldova has a sufficient level of cooperation with NATO within the Partnership for Peace. “It is an interesting and beneficial program and has very many connotations beyond those of political character. Under this program, in addition to the technical assistance provided to the Republic of Moldova, there are developments in the context of structural changes of the armed forces and the security system. There are, however, many other sectors that also benefit from this program. An example is related to the environment - NATO offered the Republic of Moldova important financial assistance for removing and neutralizing pesticides and other chemicals from our country. That is why I think we have a sufficient level of cooperation between the Republic of Moldova and NATO within the framework of Partnership for Peace Program”.

Vladimir Filat, President of PLDM, argues that accession of the Republic of Moldova to the largest security organization in the world would ensure the foundation required to implement the complex process of European integration. In his view, “NATO membership would accelerate the process of European integration of our country. It is a viewpoint that was assumed by the Liberal Democratic Party of Moldova. Speculations as if the neutrality status would provide greater opportunities for the Republic of Moldovan to achieve settlement of the Transnistrian conflict and ensure more benefits are false ones. The Republic of Moldova, beyond the problems it has, has an even greater security-related problem”. Given the geographic location and challenges faced by the Republic of Moldova, as well as its past and present, “a close relationship – let us not mention accession - with this organization would mean much more than it may appear at the first sight. In fact, it would mean the foundation necessary to implement the complicated process of European integration”.

Dorin Chirtoaca, Vice President of PL said categorically that his party would support the Republic of Moldova’s accession to the EU and NATO, including as solution to the Transnistrian conflict. NATO membership would serve as a clear signal to Western investors to come to the Republic of Moldova

and economic development of the right bank of the Dniester River will lead to implosion of the separatist regime in Tiraspol. In his view, if we succeed in meeting our obligations as members of the Council of Europe and our commitments within the EU- Republic of Moldova Action Plan, i.e. obligations to enforce the minimum European standards on freedom of the press, freedom of expression, functioning of democratic institutions, independence of judiciary, local autonomy, “then we are likely to be in serious partnership with the European institutions, both the EU and the European Council and also NATO in order to develop and receive the approval of a roadmap for coming closer and integrating the Republic of Moldova into these structures”.

Serafim Urechean, AMN President, believes that, on the contrary, the possible accession of the Republic of Moldova to NATO would undermine the Transnistrian settlement that is why this issue must take into account the Moldovan Constitution, which provides for the status of neutrality. Thus, the Republic of Moldova is currently cooperating with NATO, but in terms of integration into NATO “we should consider the Constitution of the Republic of Moldova and the fact that only about 20% of the population would accept integration of the Republic of Moldova into NATO. The geopolitical situation in the region must also be taken account in this context”. In his view, if we wish to reintegrate the Republic of Moldova and reach settlement of the Transnistrian conflict, it means that this issue should be secondary. Thus, our number one priority should be the withdrawal of foreign troops and reintegration of the country.

Oleg Serebrian, Prime Vice President of PDM, claims that the relationship with NATO is not a priority in the eyes of the EU. Cooperation with NATO, in his opinion, is not something specifically requested by the EU. “There are also the EU member countries that are not part of NATO, including the ones that belonged to the 2004 wave of accession. For instance, Cyprus and Malta joined without being members of NATO. Moreover, lately the EU has been trying to set up its own pan-European defense structure. It does not mean that the relationship with NATO would be a priority from the European Union point of view. One thing does not hinder the other - NATO agenda and the EU agenda, however, are different agendas, although many people confuse them in Chisinau.”

12.7 Withdrawal of Russian troops from the territory of the Republic of Moldova

Question: *In the context of the relations with Russia, do you think it necessary to withdraw the Russian troops from the Republic of Moldova’s territory as a condition for the Transnistrian settlement?*

Marian Lupu (PCRM) says that there is an understanding in the current government that withdrawal of the Russian troops is not necessarily a precondition for solving the Transnistrian problem. However, the status of neutrality of the Republic of Moldova must be not only a *de jure* but also a *de facto* one. “Withdrawal of Russian troops should be an indispensable element of the package of instruments for Transnistrian settlement, of the pattern solution itself, and I endorse the idea of withdrawal of the Russian troops in the context of implementing this model”.

Vladimir Filat, President of PLDM, believes that withdrawal of Russian troops from the Republic of Moldova’s territory is clearly one of the preconditions for a lasting settlement of the Transnistrian conflict. Therefore, “withdrawal of Russian troops from the Republic of Moldova, whose presence is illegal, is one of the preconditions for the settlement of the Transnistrian conflict. Furthermore, we have the law that provides for the basic principles of conflict settlement, which in a separate section stipulates for military withdrawal, democratization and decriminalization as preconditions for that settlement, and here I want to stress - a sustainable settlement of the Transnistrian conflict.

Dorin Chirtoaca, Vice President of PL, believes that “withdrawal of troops from the Transnistrian region is an obligation of Moscow undertaken at international level. Obviously the military withdrawal should be a precondition for the settlement because the reality of the past 16 years shows that those troops are not there to keep the peace, but rather to defend the illegal regime of Igor Smirnov”.

Serafim Urechean, AMN President, claims that Moscow does not have much interest in Transnistria in terms of state policy and Chisinau should give a hand to Russia in order to find a peaceful settlement formula, even a friendly one, for the Transnistrian conflict. In this regard, he believes that “withdrawal of Russian troops should be one of the prerogatives of the future government. But here we have to find peaceful means through negotiations and not based on ambitions and provocations because Russia is a great force and childish attempts of some small countries ... , let us take even Georgia - you saw what the result was. The USA and the EU will not risk their good relations with Moscow neither for the sake of Georgia, nor for Moldova”.

Oleg Serebrian, Prime Vice President of PDM, says that without the withdrawal of Russian troops, the settlement of the Transnistrian conflict will be both impossible and unlikely. He also believes that withdrawal of Russian troops “is a political condition acceptable to those who believe that in future the Republic of Moldova should be a neutral state and also for those who think that the Republic of Moldova should be part of a Western military-po-

litical alliance. We believe that the future government, whatever it is, should keep the relationships with Russia as a priority, but (...) also stay firm on the issue of withdrawal of the Russian troops from the national territory of the Republic of Moldova”.

12.8. Settlement of the Transnistrian conflict

Question: How long do you think it will take to reach settlement of the Transnistrian conflict, what formula will be chosen and whether the conflict is an impediment to the European integration?

Marian Lupu (PCRM) says that the settlement formula should be based on the Law regarding the basic principles on the status of eastern districts adopted in 2005 by the Chisinau Parliament, while the discussions should be held on the basis of the “5+2” format. In his opinion, “discussions should start not from the name of the state model that is about to be set up at the time of settlement, but, on the contrary, things should be totally different. Discussions should be related to the content, distribution of responsibilities and the package of powers offered to Tiraspol, the system of interaction at the level of central agencies, local bodies etc. And when eventually we come to an agreement on these issues with the Russian Federation and within the “5+2” format, only then will we be ready to sit down and see how we call the state formation that would come as a result. It must not start from the positions that Tiraspol categorically requires federation or confederation while Chisinau insists on autonomy - and here we have all got stuck in the given deadlock... For in any case, the powers that are projected for Transnistria offer a very wide degree of autonomy even in comparison with models of autonomy applied in other countries. Thus, we should start by discussing the content and only then get to the form of implementation.

Dorin Chirtoaca, PL Vice President, said that if democracy worked on the right bank of the Dniester and should there be clear signs that the Republic of Moldova would become exactly what Poland, Czech Republic and Germany have managed to become today in the EU, most citizens of the left bank would opt for the same European destiny of Moldova. In this context, he argues that “the Transnistrian settlement can take place only if an effective control over the border between Moldova and Ukraine and also the internal border is maintained in order to prevent illegal activities. Chisinau should not respond to any provocations that may come from the illegal regime of Tiraspol, from the Russian Federation or the occupying troops. It requires our sustained action on the right bank of the Dniester in terms of economic development, followed by a series of actions to ensure better information and a greater access to public information for the people on the left

bank as well as build bridges between Transnistria and the right bank of the Dniester. Following this agreement, people will see the difference and will have a different and better perspective about the right side of the Dniester, which could become a reality for them and their children.

Serafim Urechean, AMN President, believes that a Transnistrian settlement is impossible within the Voronin - Smirnov formula, and the Transnistrian conflict is a major obstacle in the process of European integration of the Republic of Moldova. In his opinion, "EU is not interested in embracing a state with economic and military instability, as well as with presence of foreign troops on its territory. A divided country, with a communist government ruling the country and integrated in Europe is an enigma and a problem".

Oleg Serebrian, Prime Vice President of PDM, believes that the timeframe during which the Transnistrian conflict could be resolved is virtually impossible to estimate: "The Transnistrian conflict is undoubtedly an obstacle on the path of Republic of Moldova's integration in the European family. It is a factor that slows down the process of democratic development of the Republic of Moldova itself. It is very difficult to say how long it will take to solve it - may be very fast, but it can also remain preserved for quite a long time".

12.9. The quality of diplomacy in the Republic of Moldova

Question: *How do you assess the performance and competence of Moldovan diplomacy?*

Vladimir Filat, President of PLDM, believes that Moldovan diplomats serve the interests of the Party of Communists and not those of the Republic of Moldova and establishment of a genuine diplomacy might take a long time. Thus, he argues that "we must go a long way to build a genuine diplomacy in our country. Unfortunately, there are people working in this area that have nothing to do with diplomacy, with the knowledge and qualities that a true diplomat should possess. We have to work very hard to attract skillful and valuable people into this very difficult, responsible and important job for the future of a country, to allow diplomats serve their country, not just to meet senior officials at the airport and take their luggage to the hotel. I am not speaking about all diplomats, but, by and large, this is the mission of our diplomats today, who have to precisely obey the instructions given by the Central Committee of the Communist Party. Our diplomacy has demonstrated that during these eight years of communist reign it was penetrated by ideology to the bone and flesh.

Dorin Chirtoaca, Vice President of PL said that Moldovan diplomats are in an “extremely perverse” situation – they are forced to speak in the West about the pro-European orientation of Chisinau, while the communist government keeps the Republic of Moldova enslaved by the Russian Federation: “I would say that there are people in the Foreign Ministry who would like to say more and do more for the Republic of Moldova, but I am sure they are in an extremely perverse situation because the real official instructions are aimed at maintaining servitude to the Russian Federation, but as eyes service and also in order to maintain the appearance of good relations with the EU and pro-European aspiration of the Republic of Moldova, they have to declare something else in the West”.

Serafim Urechean, AMN President, believes that he may qualify the Moldovan diplomacy as “poor or very poor”: “Republic of Moldova has never had a diplomacy, but rather some players often very incompetent and often highly dependent on comrade Voronin, who were never free to act on behalf of the Government and of the people, but instead had to meet the individual ambitions of the number one person in the country”.

Oleg Serebrian, Prime Vice President of PDM, claims that the only success of Moldovan diplomacy is that it managed to completely ruin its relations with all countries – be it neighboring or more distant ones: “I believe that the main weaknesses of our diplomacy are lack of clarity, lack of professionalism and frequent change in foreign policy orientation. This meandering was counterproductive - for 8 years Republic of Moldova has changed its partners very frequently. I do not what to mention what frequent change of partner means, including in terms of foreign policy. In any case, it does not generate feelings of admiration for diplomacies that use such techniques. Speaking about the strengths of our diplomacy, it is not that I am malicious, but I find it rather hard to name any success that Moldovan diplomacy has managed to achieve lately. The only success is that we have succeeded in completely destroying our relations with all countries – be it neighboring or more distant ones”.