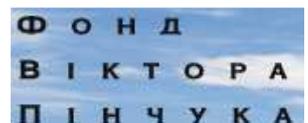




Strategic and Security Studies Group

TRANSNISTRIAN PROBLEM: a view from Ukraine

KYIV 2009



The publication contains the results of the research of interstate relations between Ukraine and Moldova through the lens of Transnistrian settlement problem. The focal points of the research are the assessment of cooperation between two states, issues of citizenship, border regime, interethnic relations, NGOs partnership etc.

The publication is aimed at enhancing the dialogue of Ukrainian and Moldovan experts and politicians.

It was prepared within the project “Transnistrian problem: a view from Ukraine” supported by International Renaissance Foundation (project manager – O.Basarab). Chapters 14 and 16 were prepared with the kind assistance of Open Ukraine Foundation and Victor Pinchuk Foundation.

The project was implemented by “Strategic and Security Studies Group” (SSSG) - non-governmental organization, which has been working since 2003 in the field of:

National security policy and sustainable development of Ukraine

International relations and foreign policy of Ukraine

Regional and international security

European political and integration processes

Euro Atlantic dialogue and integration

SSSG supports transparency in decision-making process and wider discussion regarding foreign, security and defense policy of Ukraine and to promotes democratic changes in society.

Our contacts:

Info[a]gsbs.org.ua

www.gsbs.org.ua

+ 38 (044) 491 - 3830

Publication edited by S. GERASYMCHUK

Authors:

N. BELITSER (Pylyp Orlyk Institute for Democracy)

S. GERASYMCHUK (Strategic and Security Studies Group)

O. GRYTSENKO (Strategic and Security Studies Group)

Y. DOVGOPOL (Independent expert)

Z. ZHMINKO (Strategic and Security Studies Group)

Y. MATIYCHYK (Strategic and Security Studies Group)

O. SUSHKO (Institute of Euro-atlantic Cooperation)

O. CHABALA (Independent expert)

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Summary

INTRODUCTION

The Project "Transnistrian problem: view from Ukraine" is the result of joint efforts of Ukrainian NGOs in the field of researching Transnistrian problem and overcoming its results. The experts affiliated to these organizations: Strategic and Security Studies Group, Pylyp Orlyk Institute for Democracy, Institute for Euroatlantic cooperation more than once participated in the international projects, which were devoted to the research of the frozen conflict in Moldova. The projects had mostly trilateral format though, including the experts from Romania and Moldova. In particular, the following project are worth attention: "Trilateral Plan for Transnistrian Problem Resolution: Regional Partnership for joint Commitment-oriented approaches", "Trilateral approach toward European and Euroatlantic integration" and "Cooperation of Romania, Republic of Moldova and Ukraine for Societal Security", "Efficient Institutional approaches for Combating Intolerance and Extremism in Black Sea Region", quadrilateral research "Interethnic Relation, Minority Rights and Security Challenges: a view from Ukraine, Moldova, Romania and Hungary".

While researching the problem experts of the working group of this project came to conclusion that Transnistrian Frozen conflict on the Ukrainian border is of extraordinary interest from the perspective of national security of Ukraine. Moreover, the existence of the direct interest of the Ukrainian state in Transnistrian conflict resolution demands systematization of knowledge on Transnistrian issue through the lenses of national interests.

The aforementioned circumstances caused the elaboration of this book which was published due to the support of European Program of "International Renaissance Foundation".

Evidently, the completion of such an ambitious task would never be possible without the support of a number of influential international institutions and organizations and institutions from Ukraine and Moldova.

Within this context first and foremost it is necessary to express gratitude to Open Ukraine Foundation and Victor Pinchuk Foundation who supported one of the study trips to Moldova and International round-tables "Transnistrian problem: a view from Ukraine" in Chisinau (03.04.09) and "Ukraine – Moldova relations: the perspectives for cooperation and current challenges" in Kyiv (06.05.09).

No less important was the support of Soros Foundation Moldova and personally manager of the "East-East: Partnership Beyond Borders" Program in Moldova Ms. Ana Coretchi and her colleague in Ukraine Ms. Tetiana Kukharenko. Due to there efforts the mentioned round table was held at Soros Mouldation Moldova premises and had an appropriate media-resonance.

The significant input into organizing the working meetings in Moldova and Transnistrian region belongs to the Ukrainian Embassy in the Republic of Moldova, and personally H.E. Extraordinary and Plepotentiary Ambassador of Ukraine in the Republic of Moldova Dr. Sergiy Pyrozhkov and also Embassy's diplomats, in particular Mr. Eugene Enin.

With the kind assistance of the Ukrainian Consulate in Moldova the meetings of the research group with the Ukrainian community in Belts town became possible as well. In this regard the working group of the project expresses its gratitude to the Consul of Ukraine in Moldova Mr. Svyatoslav Drach.

The authors of this research also express gratitude to Special Representative of Ukraine on Transnistrian Resolution Mr. Victor Kryzhanivsky, who had a briefing with the research group of the project and explained the official position of Ukraine regarding Transnistrian conflict resolution.

We also enjoys the significant support from the official structures of Moldova, in particular Strategic and Security Studies Group and the working group of the project express gratitude to ex-vice-minister of reintegration of RM Mr. Ion Stavila, and current and former MPs of Moldova Mr. Mykola Oliynyk (who simultaneously leads Ukrainian community in RM), Ms. Stela Jeantuan, Mr. Andrei Popov.

No less important for this book was the data provided by the Ukrainian of Moldova: Head of the Ukrainian community in Belts Mr. Mykhailo Kryzhanivsky, Head of "Stozhary" Association in Grigoriopol Mr. Yuri Bogutsky, Head of "Prosvita Association named after T. Shevchenko" Ms. Galyna Rogova, President o Moldovan Center for Interethnic relations Mr. Igor Pyvovar.

An important input in preparation of this publication and setting the contacts with Moldovan experts was provided by the project consultant in Moldova Ms. Iryna Severyn. The added value for understanding of Moldovan politics motivation was provided by the discussions with well-known Moldovan expert Mr. Vlad Lupan.

The elaboration of certain chapters of publication became possible due to the information provided be EUBAM nission representatives and personal assistance of EUBAM ex-chief Dr. Ferenc Banfi.

The working group of the project also appreciates the assistance of MP, Head of European Integration Committee H.E. Ambassador Borys Tarasiuk and the Head of Committee Ms. Svitlana Plachkova in organizing the final project's conference.

The variety of origin of the working group experts allowed combining elements of the secondary data researching, interviewing of the experts and key-players of the Transnistrian conflict resolution, enriching the publication with the journalists' investigation (regarding the assassination of the citizen of Ukraine Eugene Kolobysenko during his military service in "Transnistrian armed forces") in this publication.

The project has also created preconditions for enhancing the dialogue between Ukrainian and Moldovan experts, assessed the outcomes of independent analytical centers researches focused on Transnistrian issue, contributed into elaboration of recommendations regarding further efforts aimed at Transnistrian resolution.

The project researchers expect that their contribution will be of interest for the experts in the field of "frozen conflicts", specialists in geopolitics, politicians, representatives of the respective ministries and agencies and for the wider public.

Please, consider that the authors of chapters were not limited in their right to express private opinion which not necessarily corresponds with the position of Strategic and Security Studies Group. Also, please, keep in mind that the basic version of the research is in Ukrainian language.

1. Once again on the Strategic Interests of Ukraine towards Republic of Moldova

By Oleksandr SUSHKO

Ukraine and the Republic of Moldova are the countries with the evident “deficit of realization” of the objective common interests. Belonging to different “weight categories”, existing in somewhat different systems of gravitation, and suffering from egoism and low competence of ruling elites, these countries do not use a substantial part of their potential for partnership and cooperation.

As a result, up to 2009 both states, though having not overtly hostile relations, are permanently engaged in ascertaining a wide range of technical issues, dealing mostly with the delimitation of borders and problems of property. Such a background makes it problematic to identify and realize the tasks of strategic cooperation in developing and pursuing common interests.

Ukraine and Moldova still remain “far neighbours”. The eloquent symbol of the quality of their relations is a complete lack of direct air connection and abusively long time needed to travel from one capital to another: 15-17 hours (while the distance between them is only 450 km).

Both Ukraine and Moldova are currently in the situation of changing power elites: while Ukraine is passing through the presidential campaign with a clear prospect of replacing the incumbent head of state, Moldova (though having already passed the two circles of parliamentary elections) is still lacking the stable political landscape, because none of the political subjects possess 3/5 of voices in Parliament needed to elect President. So, the next early elections in 2010 look quite probable.

Under such circumstances, there is no ground to expect quick qualitative changes in bilateral relations. At the same time, there is some reserve of time that should be used for recognition of the present situation and working out a common approach to finding exit from the “vicious circle” of senseless policy and mostly egoistic practices, inherent in the Ukraine-Moldova relations.

Commonality of the strategic tasks and practical priorities should become a solid ground for building broad and coherent system of mutual relations. In view of the *internal policy*, such strategic priority is systemic modernization of our countries, to be based on principles of the competitive market economy, rule of law, pluralistic democracy and open society. The *foreign policy priority* for both countries is the development of deeper integrative relations with the EU, defined as “political association and economic integration”, while preserving friendly and productive relations with others foreign partners, particularly, Russia. Both countries consider joining the EU as their strategic goal and are in one “basket” of the current EU foreign policy (the Eastern Partnership) that objectively creates a prerequisite for further efficient cooperation.

Both of the abovementioned dimensions – the internal and the external – are complimentary and do not contradict each other. Moreover, their consistent junction can bring harmony and non-contradictoriness of domestic and foreign policies, thus eliminating the gap between certain elements of state policy and, what is important for mutual relations, creating a strong basis for the long-term partnership between the two states with allied strategic interests.

One of the top priorities for streamlining the productive communication between the two countries is building trust between political elites and the respective state structures that over a long time did not manage to establish them, being instead stuck in solving problems – a task that needs not only political will, but also an ability to seek and find compromises.

The responsible authorities from both sides need to recognize that a long delay in settling technical issues – such as completing legalization of Ukraine’s rights on 7 km of highway near Palanka village, delimitation and demarcation of the border, in particular, near Novodniester hydropower station and Dzhurdzhuleshti port – is not advantageous for either side, and leads rather to degrading international image of both Ukraine and the Republic of Moldova.

In this respect, politicians should either enforce, as soon as possible, those agreements that have already been concluded (Palanka), or prove their ability to engage in responsible dialogue and compromise in those spheres where disputable issues do persist (Novodniester, Dzhurdzhuleshti et al.).

In Ukrainian analytical literature there are a lot of attempts to define Ukrainian interests and ways of their implementation in the mentioned disputable questions¹. That is why in the framework of this analysis we do not intend to concentrate on them. We wish instead to emphasize that in our opinion, both sides are to be blamed for the present situation, because they do not show enough political will and responsibility to find final solutions for and eliminate from the agenda those painful issues, most of which are technical by nature and do not touch strategic, essential interests of the two parties.

So, what are strategic interests of Ukraine on the Moldovan vector of foreign policy?

First of all, Ukraine is interested in the territorial integrity of the Republic of Moldova in its internationally recognized borders. This point is not just a reverence to the international law. Ukraine has an essential interest in the existence of Moldova in its present legitimate borders just because all other scenarios of development contain openly articulated threats to Ukrainian interests.

Ukraine has to promote the most principal political decision: helping to find consent between Chisinau and Tiraspol on the ground of restoring the integrity of the Republic of Moldova as a democratic, Europe-oriented country with competitive market economy, efficient governing and open society, in which fundamental human rights, including the rights of national minorities (one of the biggest among them is Ukrainian minority), will be fully observed and based on the rule of law.

Are there any alternatives to such a development, acceptable for Ukraine? The most spoken out scenario today is a possible legitimization of the partition of Moldova, preserving Chisinau’s sovereignty on the territory that is under its control now, either with the prospect of further unification with Romania (that is less probable) or without such a prospect (more probable). Transnistria, according to such a scenario, would either gain the independent status or become the exclave of Russia like Kaliningrad oblast. Specific version of such a scenario is a hypothetically probable “pro-Ukrainian” drift of Transnistria, in its extreme form - with a perspective of joining Ukraine.

¹ E.g.: Kulik V. Ukraina – Moldova: hde lezhyt naykorotshyi shlyah do sertsya susida? // Dzekalo Tyzhnya, № 19 (747) May 30 — June 5, 2009; Kulik V. Ukraina – Moldova: vidnosyny z ohlyadkoju na vybory // Dzekalo Tyzhnya, № 44 (772) November 14 — 20, 2009.

Despite a seeming attractiveness of the last version, deep and comprehensive analysis shows that all versions of that scenario are dangerous for regional stability and constitute a direct threat to national security of Ukraine.

We will not consider the version of Transnistria's transformation into either fully or partly legitimate Russia's protectorate; the emergence of a one more "small Russia" with the border nearly 450 km long at the frontiers of Ukrainian South-West would mean the essential increase of the geopolitical vulnerability of Ukraine and strengthening of Russia's leverages of influencing both Moldova and Ukraine.

But even a potential "pro-Ukrainian" drift of Transnistria (before 1940 this territory, except the right-bank city of Bendery, was a part of the USSR) looks like a dangerous scenario threatening Ukraine as a country with potential separatist trends of its own.

Any kind of revision of the post-war borders in our part of Europe contains a real danger of undermining the whole complex of factors that ensure integrity and inviolability of Ukrainian borders. If borders of one of the New Independent States – neighbours of Ukraine – would be revised on the ground of historically motivated reasons (e.g., Transnistria being the part of Ukraine before 1940), this would create preconditions for revising Ukraine's borders, particularly those that have been formed due to the political events and decisions of 1939, 1940, 1945 and 1954.

If Ukraine, hypothetically, for territorial bonus, would agree with the revising of the legitimate Moldovan borders (regardless of when and due to what processes they have formed), it risks finding itself in a trap of increasing the separatist potential inside the country – first of all in Crimea – and its usage by powerful pro-Russian forces. Beside that, radical right forces in Romania would gain an extra argument for encroachment on the North Bukovyna and South Bessarabia, because according to the logic of borders "before 1940", those territories (now Chernivtsi oblast and the South of Odesa oblast, respectively) then belonged to Romania.

Beside that, the possibility of the territorial increment of Ukraine with the Transnistrian region of the RM would mean the replenishment of Ukrainian electoral field with the society segment that is evidently pro-Soviet and nostalgic for the past, being thus devoid of any mental ties with the non-Soviet "Ukrainian project". Some kind of "second Crimea" with extremely poor chances of integration into Ukrainian political, informational and worldview space would emerge in Ukraine. At the national level, it will increase the potential of political forces that directly or indirectly promote drawing Ukraine into the neo-imperial project of "*Russian world*". Despite the small amount of the population in the region (about 1% of the population of Ukraine), its compact settlement might have unexpectedly high influence or even become decisive for the outcomes of electoral or referendum campaigns.

Therefore, Ukraine must reject, once and forever, the idea of using weakness and, in fact, partition of its South-West neighbour for ephemeral territorial gains or creating de-facto its own protectorate on the given territory.

Secondly, Ukraine is interested not just in integral but also in a Europe-oriented Moldova. In Kyiv, European orientation of Moldova is understood not so much in terms of strengthening traditional ties with Romania (though such ties are quite natural), but rather as carrying out the consistent course on

adaptation to the European norms and rules via implementing the model of associative relations with the EU (Association Treaty), while keeping alive geopolitical ambitions for gaining, in perspective, the full membership in the European Union.

It is important that friendly, preferential relations between Chisinau and Bucharest (and the perspective of reviving such relations has opened after the recent political changes in Moldova) will not become a substitute for genuine European integration and real reforms. It is in Ukraine's interest if the development of Chisinau's relations with Bucharest and Kyiv would be complementary and produce synergetic effect instead of a confrontation spirit.

Ukraine is not sympathetic to the attempts of certain political circles in the RM to implement its European course by coming back to the "Balkan paradigm" – once such option, conditioned by the RM's participation in the Pact of Stability for Balkans, was vividly discussed, but it has lost actuality since then. Now the attempts to reanimate the ideas of creating a separate model for European integration of Moldova – "the small country" in contrast to big and clumsy Ukraine – are not unlikely. Such attempts, from the Kyiv's point of view, are counterproductive, first of all because of their daydreaming and unrealistic nature.

The declarative Euro-integration course, which was typical for the period of CPRM rule, while providing certain space for manoeuvring, at the same time has finally, discredited itself because of the disparity between words and deeds. Moldova has remained the poorest country in Europe with the high level of corruption and unattractive image – both for foreign partners and its own citizens. Because of that, a critical gap between ruling elites and the most progressive and active strata of the population has formed, and unprecedented large part of labour force (from 20 to 30%) has gone abroad in search of living and working in the EU, as well as in Russia and Ukraine.

The new government, formed by the Alliance for European Integration, has gained power in autumn 2009 (now it is not clear yet whether it has happened for long or temporarily). This opens a "window of opportunity" for the renaissance of ideology and practices of a genuine European integration of Moldova. The success of such integration complies with vital interests of Ukraine.

Ukraine and Moldova, who appeared in one basket of "Eastern Partnership", can use quite real (though limited) possibilities of cooperation within this format, at least because both countries have commensurable level of existing possibilities.

Ukraine is completing and Moldova is starting negotiations with the EU about the Association Agreement, an essential part of which aims at the comprehensive regime of free trade. The last implies not only a liberal tariff policy but also essential regulatory reforms that should bring the regulatory environment of both countries closer to the EU standards. Coordination or, at least, the exchange of experience of carrying out the respective negotiation process is highly desirable for adoption of best practices and avoiding mistakes that were made by another country, the pathfinder (Ukraine).

Both countries have concluded with the EU the agreements about facilitation of visa regime, and are now justly striving for the EU's complete fulfilment of its commitments, as well as for revising certain points of those agreements in order to extend preferences granted to certain categories of citizens.

Both countries strive to obtain visa-free regime with the EU as soon as possible. Apart from political coordination, the exchange of practical know-how could be useful for that. The Ukrainian side should pay attention to the fact that Moldova has already gone ahead of Ukraine in some essential aspects that compound criteria for obtaining the visa-free regime. Particularly, the citizens of Moldova for already two years can receive foreign passports with biometrical data. In Ukraine, this possibility is not yet available.

It is necessary to avoid such grave mistakes as the one exemplified by the attempt to introduce an openly discriminative regime for Moldova's citizens crossing Ukrainian border. Under such regime those citizens, regardless of a planned term of stay, have had to confirm their financial ability by demonstrating that they own no less than 12.600 hryvnas while entering Ukraine. It is incomparable even with the demands for those persons who are entering the EU (50 euro per person for one day of staying).

At last, taking into account the past experience of other countries – first of all, those of the Visegrad group – Ukraine and Moldova could coordinate closer and more regularly their endeavours in the sphere of foreign policy, thus achieving the effect of synergy in cases when their national interests coincide (there are in fact much more such cases than those marked by the essential divergence).

2. The overview of the development of relations with Moldova and the dynamics of Transnistrian conflict resolution: the Ukrainian perspective

By Oksana GRYTSENKO

2.1. Position of the leading political movements

According to the 2004 census in Transnistria, 160 000 (28.8%) of the region's population were ethnic Ukrainians.² In the exclusive interview by the Consul of Ukraine in Beltsy (Moldova) held within the project framework, it was found out that approximately 70 000 of the region's inhabitants were citizens of Ukraine, thus a potential electorate. Therefore, it does not come as a surprise that this region raises much interest among Ukrainian political forces. Some of them like UNA-UNSO (Ukrainian National Assembly – Ukrainian National Self-Defence) have actively participated in the establishment of the so-called Transnistrian Moldovan Republic and fought on its side. Others started showing their interest not so long ago.

Most Ukrainian politicians have their own views on Transnistrian problem. Quite often those views differ and sometimes even contradict to Kyiv's official position.

«Our Ukraine» - «Narodna samooborona» (People's Self-Defense)

President's block NUNS (Our Ukraine – People's Self-Defense) mainly assesses Transnistria as the region of pro-Russian influence that may be the source of threat to Ukraine. «We have only one hypothetical threat to our national security – it may be caused by instability in the neighbouring Transnistria»,³ declared ex-Minister of Foreign Affairs and currently the Head of Parliament Committee on European Integration, leader of Narodnyi Rukh (People's Movement) Borys Tarasiuk (NUNS faction).

Since 2005, «People's Union «Our Ukraine» have been supporting Yuschenko's plan on a resolution of the Transnistria conflict. On 3 March 2006, «Our Ukraine» members approved the introduction of new customs regulations between Transnistria and Ukraine. Appropriately, NUNS rhetoric coincides with the Yuschenko's position and is confined to the necessity of involving the West (the United States and the EU) in settlement of the Transnistria problem and return of the region under Moldovan jurisdiction as soon as possible. NUNS' members deny the possibility of direct contacts with the government of TMR, apart from some minor exceptions.

As a separate standpoint one may consider the case of Petro Poroshenko, the People's Deputy of III-V convocations and in 2005-2007 – the influential member of «Our Ukraine». Whilst holding the position of the Secretary of National Defense and Security Council, he was engaged in the settlement of the Transnistrian problem on behalf of Ukraine. Poroshenko often participated in the meetings with officials of the unrecognized republic and defended the necessity to hold direct negotiations with Transnistrian government. Referring to his conversation with the «President» of TMR Igor Smirnov, Poroshenko stated: «I can confirm that during my personal meetings with Smirnov he emphasized

² www.pridnestrovie.net/files/pmr-census-2004.doc

³ <http://nuns.com.ua/news/1767/>

*many times the intention to hold referendum on joining Ukraine».*⁴ However, this opinion is single in ranks of pro-presidential forces and Petro Poroshenko was subsequently accused by ill-wishers of lobbying the support of Transnistria regime for his personal business interests on the territory of this region.

After the failure of Yuschenko's plan and slow removal of Ukraine from the Transnistrian negotiation process, NUNS' members turned to the issue mostly to show the next after Georgia source of possible Russian aggression. *“Medvedev says he will contribute to settlement of instability in Transnistria so in order to do that Russia has already deployed there its troops under the disguise of peacekeepers”,* - stated MP Andriy Parubiy. *“That tiny piece of territory with Russian checkpoints and military equipment everywhere reminds of Soviet Union. Possible conflict on the border with Ukraine will have serious consequences for our state since that would endanger not only our territory but also provides reasons for humanitarian crisis and refugees inflow. Therefore Ukraine should arrange the countries of Eastern Europe to standoff Russia”,* - member of “Our Ukraine” is convinced, - *Both NATO and the USA, as well as neighbouring countries, should support us in that issue”.*⁵

«According to the Ossetia scenario Russia at any point can use any grounds and take actions both in Crimea and Donbas as well as in Transnistria”, - repeats another representative of People's Self-Defense Taras Stetskiv.⁶

Party of Regions

Being long-standing opponent to Viktor Yuschenko's supporters, it is natural that Party of Regions has exactly the opposite attitude to the Transnistria issue. One should note that citizens of Ukraine residing on the territory of Transnistria during elections traditionally supported «the white and blue» affiliated with pro-Russian sentiments of the region residents, as opposed to pro-Western «orange».⁷

Members of the Party condemned the introduction of new customs regulations between Ukraine and TMR in 2006. *«Combating contraband is merely the reason for escalation of tension, for political and economic isolation of Transnistria... «The orange regime» has never acted so immorally, cynically and senselessly before»,* – was mentioned in the statement by the PR dated March 6, 2006.⁸

«The Acting President of Ukraine Viktor Yuschenko and the Minister of Foreign Affairs Borys Tarasiuk under the pressure of the West conduct blockade policy regarding TMR», said Yuriy Boldyryev, the member of the Party of Regions during his visit to Tiraspol in September 2006. At that point he also promised that Viktor Yanukovich government and coalition led by the Party of Regions would do everything possible to «ease the tension in the region».⁹ Leaders of Transnistria, with no doubt, were counting on the Prime-Minister Yanukovich to lift the «blockade» of the region. The above was stated by the President of the TMR Igor Smirnov. However, those expectations were in vain. The Party of Regions managed, likewise Russian government, to send few trucks with

⁴ <http://www.pravda.com.ua/news/2006/9/17/47553.htm>

⁵ <http://nuns.com.ua/news/5234/>

⁶ <http://nuns.com.ua/news/4281/>

⁷ <http://regnum.ru/news/892865.html>

⁸ <http://www.partyofregions.org.ua/pr-east-west/440c1c50b7920/>

⁹ <http://nr2.com.ua/pmr/83285.html>

humanitarian aid to Transnistria. Nevertheless, when Viktor Yanukovich headed Ukrainian government in August 2006, customs regulations introduced in March 2006 have not been withdrawn. “Regarding “the testing issue” of supporting Transnistria Viktor Yanukovich so far adopted “pro-European and anti-Russian attitude”, - announced on this subject the “EUObserver” outlet.¹⁰

Yuriy Boyko, the influential MP, and Minister of the oppositional «shadow government», announced current standpoint of the Party of Regions on the Transnistria matter. It comes to the substitute of the rhetoric about Russian threat, so unanimously spoken out by NUNS members, to the threat from Romania. Therefore all Ukraine’s efforts must be aimed at «protection of rights of the Ukrainian speaking residents in Transnistria» and «prevention of forcible Romanisation of the territory». Simultaneously Ukrainian government must demand from the Romanian party renunciation of territorial claims to Ukraine supported by written guarantees. Reunion of Transnistria with Moldova should take place on the basis of federation. Apart from that, would reunion of Moldova and Romania takes place, Transnistria shall have the possibility to separate, – considers the People’s Deputy.¹¹

Block of Yulia Tymoshenko

Probably it would be most difficult to identify the BYT’s attitude to the Transnistria issue. However, taking into account that this block is the second most powerful parliamentary force, it can not be neglected. The complexity lies in the lack of unanimous opinion of BYT members regarding that problem.

The leader of BYT Yulia Tymoshenko in March 2006, whilst still being in the opposition, made statements on supporting territorial integrity of Moldova and introduced customs control on Ukraine-Transnistria border. «*On that particular border it was not possible to control who is carrying, what is being carried and where it is carried*», she declared having remembered her first term as the Prime Minister in 2005 when program «Contraband – Stop!»¹² was launched.

Responsible for foreign policy BYT member and acting Vice Prime Minister Hryhoriy Nemyrya has clearly pro-European point of view on the Transnistria problem. He spoke about “*peaceful settlement of the conflict on the basis of preserving sovereignty and territorial integrity of the Republic of Moldova and granting special status to Transnistria*” at the meeting held in March 2008 with the EU Special Representative for the Republic of Moldova Kálmán Mizsei.¹³

The Deputy of Verkhovna Rada from BYT Andriy Shkil is the former leader of nationalist organization UNA-UNSO (Ukrainian National Assembly-Ukrainian Nationalistic Self-Defense). In 1992 he along with other UNA-UNSO members participated in military operations on separatists’ side and was even awarded the medal for «Defense of Transnistria». Despite the medal awarded by government of the TMR,¹⁴ nowadays Shkil does not see any other future for the region apart from being the part of Moldova as federation. The conflict itself he calls the «tragedy» and involvement of Ukraine – poorly efficient. «*When repartitioning took place, there was a chance to tackle the*

¹⁰ <http://www.ukraine-eu.mfa.gov.ua/eu/ua/publication/content/8017.htm>

¹¹ <http://ua.glavred.info/archive/2008/09/05/185202-0.html>

¹² <http://www.byut.com.ua/ua/news/detail.php?ID=70048>

¹³ <http://eu.prostir.ua/news/9231.html>

¹⁴ <http://www.shkil.org/index.php?id=97>

possibility of influencing the processes which took place there. To make sure the talks on TMR are between Moldova and Ukraine, to remove Russia from negotiations. That was my mission when I was there. We left and instantly, literally in a few weeks time, «Russian Cossacks» arrived there. We left good memories, good relations, however, we, unfortunately, did not have any other achievements». ¹⁵

Other parliamentary forces

Attitude of two another political forces – Communist Party and Lytvyn’s Block - towards the Transnistria issue is difficult to define since it looks like these political forces do not stake on electorate of Ukrainians in Transnistria, hence they do not pay enough attention to the region.

In March 2006 representative of Lytvyn’s Block Oleh Zarubynskyi stated the following: «I do not know the “recipe” to solve [Transnistria – ed.] the problem. In my opinion, in that situation Ukraine should conduct very moderate and tactful policy considering that there are 40 % of Ukrainians in Transnistria. From the other hand, we cannot deny territorial integrity of Moldova since that may cause a range of problems and even some analogies with Ukraine may be drawn». Concerning introduction of new regulations for customs clearance of goods on the border between Ukraine and unrecognized republic, Zarubynskyi also carefully commented: «...it is very difficult to blame somebody since those are international regulations...For that reason I would avoid accusing Ukraine of the blockade». ¹⁶

In the Parliament of VI convocation where Lytvyn’s Block again received representation, the main person in the parliament faction to express standpoint on the Transnistrian conflict is former Chief of Odessa State Regional Administration Serhiy Hrynevetskyi. «Transnistrian issue today is the object for political speculations disguising business interests of both camps {Transnistria and Moldova – author}», ¹⁷ – that how he described the conflict in January 2009. «Coherent creation of integral economic and cultural space between Moldova and Transnistria shall make the basis for settlement of the Transnistria problem», ¹⁸ considers Hrynevetskyi.

Ukrainian communists in the context of Transnistria appeared in public domain only due to their active support of communist party members in TMR. In 1997 they and their leader Oleh Khorzhan were arrested because they called residents of Tiraspol for a full scale protest meeting as the result of deterioration of social living conditions. Ukrainian communists dubbed their Transnistria ideological brothers taken in custody as the «victims of repressions» and accused Transnistria government of «McCarthyism», having made an appeal to the President of Ukraine to promote release of the prisoners. ¹⁹

However, it is worth to emphasize that Ukrainian communists were continuously maintaining working relations with the President of Moldova Volodymyr Voronin. Therefore, the Communist Party of

¹⁵ <http://bilozerska.livejournal.com/64953.html?thread=1773241&format=light>

¹⁶ <http://fraza.kiev.ua/news/06.03.06/21513.html>

¹⁷ <http://ava.md/02-pridnestrove/01886-sergei-grineveckii-pridnestrovskii-vopros-segodnya--eto-obekt-politicheskoi-spekulyacii-za-kotorim-skrivaetsya-biznes-interesi-oboih-lagerei-.html>

¹⁸ Ibid.

¹⁹ <http://kpu.net.ua/makkartizm-pridnestrovskih-vlastej/>

Ukraine, being generally pro-Russian, in its rhetoric and due to the party identification of the TMR main opponent, was rather reserved regarding the Transnistrian issue.

Extraparliamentary politicum

In the context of Transnistria it is impossible not to pay attention to the activity of Progressive-Socialist Party of Ukraine. It has been beyond the Parliament life, however, it is famous for its activity in politically unstable regions one of which is the TMR. Unlike Party of Regions that is playing safe games with Transnistrian government, the PSPU openly calls Transnistria Moldavian Republic a «state» that «proved its political maturity» more successfully than Ukraine which «with all democratic processes recognized by the West is merely a conflagration».²⁰ In March 2006 representatives of that party held full-scaled protest meetings in Kyiv against introduction of new customs regulations between Ukraine and Transnistria and even involved marginal pro-Russian forces in their protesters. At the same time those meetings of protest were not supported neither by Deputies from the Party of Regions, nor by communists or members of SDPU(o) (Social Democratic Party of Ukraine (united)) as «vitrenkivtsi» expected. «I am personally very ashamed for Viktor Yanukovych who, despite his promises, failed to lift economic blockade of Transnistria after becoming the Prime-Minister»,²¹ stated odious leader of the PSPU Natalya Vitrenko during her visit to Tiraspol in December 2006. Such simple curtseys undoubtedly increased the number of electoral supporters of that political force in Transnistria.

Another supporter of Transnistria state who, along with Vitrenko, was organizing protest actions against the «blockade of Transnistria» was the leader of marginal party «Bratstvo» (Brotherhood) Dmytro Korchynskyi. For this startling politician TMR is not only a formation to admire but also a tool for realizing his old hypothetical dream – to establish Orthodox military commune «Slavic Chechnya».²² «Bratstvo» inherited both members of UNA-UNSO and their ideas, particularly, in relation to Transnistria. Therefore «Bratstvo» members justify the establishment of TMR as a response to «obvious, brutal Romanisation». They consider Transnistrian territory as traditionally Ukrainian and urge the Ukrainian state to advance participation in the life of that region in particular by having deployed military peacekeeping forces there.²³

This is just a theory. If we talk about practice, «brothers», well-known for their extremist methods, have multiplied organised actions of protest in Kyiv, involving in them representatives of Ukrainian community of Transnistria. One of the largest protests was organized by «Bratstvo» and «Union of Ukrainians of Transnistria». It was the march to Kyiv in September 2004 aimed at forcing Ukrainian government to open polling stations on the territory of TMR, that resulted in an outbreak of fighting with security based in the Central Election Committee building in Kyiv. «What happened today is a misunderstanding. Nobody planned that. We came having peaceful objectives»,²⁴ – that was the comment on the incident by the Head of the Union of Ukrainians of Transnistria Volodymyr Bodnar who regretted his organization being involved in such events. Although after those events some

²⁰ <http://regnum.ru/news/752755.html>

²¹ Ibid.

²² <http://otherside.com.ua/news/detail.php?lang=1&id=6515>

²³ <http://www.bratstvo.info/bratstvo-text-158.html>

members of the Union refused to deal with Dmytro Korchynskyi's organisation, «Bratstvo» party still has many supporters amongst Ukrainians on the left bank of the Nistru river. One should note that in 2004 Korchynskyi was involved in a publicity campaign seeking the disqualification of Viktor Yushenko from the presidential campaign – thus, that provocation should be regarded as one of the constituents of the propaganda movement in favour of «will expression of the foreign Ukrainians».

Elections and their results

The best indicators for any political force are election results. For this reason it is appropriate to use that criterion to demonstrate the influence of Ukrainian political forces in Transnistria. Presidential elections in 2004 clearly showed preferences of the citizens of Ukraine living in that region. They were all clearly on Viktor Yanukovych's side. According to data from the Central Election Committee, during the repeated voting in the second tour of Presidential elections in 2004 Yushenko had support of 5,5% of Transnistria actual Ukrainian citizens. At the same time «blue and white» candidates received over 92% of votes.²⁵

Let us recall that in 2004 the Ukrainian government planned to establish an additional 420 polling stations throughout Russia. A number of additional stations were also to be opened on the territory of Transnistria. Viktor Yushenko representatives severely resisted to this proposal, arguing that there would be a possibility of electoral fraud in favour of Viktor Yanukovych.

In the end, in Russia, polling stations were only established on territories where Ukrainian diplomatic missions were present. In Transnistria, seven polling stations were established (in Bendery, Grigoriopol, Rybnitsa, Tiraspol, Slobozia, Dnestrovsk and Kamyanets). Most of the voters there supported Viktor Yanukovych. It is possible to list the reasons for non-acceptance by Ukrainians of Transnistria «orange» candidates and preferences towards «white and blue». These reasons would be the following: significant Russian sentiment in the region, unofficial support of TMR government under Leonid Kuchma's regime, as well as personal contacts (especially friendship between the President of TMR Igor Smirnov and influential member of the Party of Regions Mykola Azarov).²⁶ That was the reality and it had to be taken into account by Kyiv. Comparing to 2004 elections when there were polling stations on the territory of TMR open for voting, during the parliament elections in 2006 and 2007 Transnistrian Ukrainians had to travel to the right bank of Nistru since polling stations were only located in the capital of Moldova – Chisinau and cities of Belz where the Ukrainian Consulates are located.

As opposed to 23 000 of Transnistria residents with Ukrainian passports voting in 2004 presidential elections, the total amount of people voting on the territory of Moldova in 2006 was just over 1500 (1732 citizens). And the majority of votes, as expected, went to the Party of Regions (954 votes, 55%), followed by BYT (330 votes, 19%) and finally to Our Ukraine receiving 236 votes (13,6%).²⁷

²⁵ See data on the results of voting on poles of Foreign election district, given at the Central Election Commission website: <http://www.cvk.gov.ua/pls/vp2004/wp336?pt001f01=502&pt005f01=226>

²⁶ <http://www.dt.ua/1000/1600/54521/>

²⁷ <http://www.cvk.gov.ua/pls/vnd2006/W6P046?PT001F01=600&PID019=108>

And finally, during special elections to Ukrainian Parliament in autumn 2007 when even less citizens turned up at the polling stations on the territory of Moldova (1458 citizens), majority was again in favour of the Party of Regions. In particular, at the bigger one of two polling stations in Chisinau (where 1263 voters voted) the Party of Regions received 70,47% of votes. Supporters of other political forces voted as follows: 123 votes (or 9,74%) went to PSPU of Natalia Vitrenko, 65 (5,15%) – to BYT, 50 votes (or 3,96%) were received by «Our Ukraine» - People's Self-Defense. and in the end from 1 to 2% were received by the communists, socialists and Lytvyn's Block which is less than the regulatory election threshold.²⁸

The Transnistrian Ukrainians reckon such results as legitimate and directly related to the efforts made by Ukrainian political forces campaigning in the region. *«The parties which carried out their activity in Transnistria overcame 3 % threshold... Those short-term visits of representatives of Yanukovych' Party of Regions, of Natalia Vitrenko's PSPU and other leaders were efficient. If Lytvyn's Block, Socialist Party and Communist Party of Ukraine received between 1 and 2% of electorate votes this is only due to neglecting the views of Transnistria Ukrainians»,* - concluded Leonid Tkachuk – the head of the Union of Ukrainians of Transnistria.²⁹

Based on everything stated above the following can be summarised: for Ukrainian political players Transnistria is a convenient way to mobilise supporters both on the territory of unrecognized state and in Ukraine. For NUNS this is the method to demonstrate the threat coming from Russia having the military stationed on the territory of TMR, who if deemed necessary could intervene to «protect Russian citizens» just as they did in summer 2008 in South Ossetia. The Party of Regions, on the contrary, strives to show Transnistria as the last outpost of resistance to the Romanian threat that Ukrainian Bukovyna also may face if TMR disappears. Progressive Socialists along with the Party of Regions can not count on significant incensement of their election dividends after having refused from establishing polling stations for the citizens of Ukraine that are residents of Transnistria. However, they still have a chance to «spot» in the media organising campaigns for protection of Ukrainians in Transnistria. And Dmytro Korchynsky's «brothers», when necessary, will use the Transnistria subject for another «ideological» fight.

Surely, the nature of statements by those parties and blocks that do not have a clearly defined standpoint regarding the Transnistria problem is mostly defined by the attitude of certain interested politicians being their members (Hryhoriy Nemyrya, Petro Poroshenko, Serhiy Hrynevetskyi). This vague standpoint leaves more possibilities to maneuver. Therefore for all Ukrainian political forces with no exceptions the Transnistria subject is purely a «tool». It is either a means of receiving electoral dividends, or the way to protect their own business interests, or trade-off at negotiations with the EU or Russia.

It can be anticipated that Ukrainians of Transnistria after the failure of the Ukrainian plan to solve a status of their region, would diminishingly count on both the Ukrainian state and its political forces, becoming instead reoriented towards more active and consistent Russia as the entity being able to offer them moral and material support.

²⁸ <http://www.cvk.gov.ua/pls/vnd2007/W6P046?PT001F01=600&PID019=108>

²⁹ <http://regnum.ru/news/892865.html>

2.2. Position of regional elites

The attitude of local elites' representatives from regions adjacent to Transnistria depends on their current post, business interests, and personal relations of the named persons with leaders of the unrecognized republic (which often can be quite close). The interesting point is that in this case political views of the Ukrainian regional «aristocrats» are of not much importance. Since some of the discussed persons are politicians on all-Ukrainian scale their views were mentioned in the previous subchapter.

Respectively, in this study more attention will be paid to connection of those politicians to Transnistria and their business interests in the region, as well as media information on their involvement in contraband flows on the border of Ukraine and the so-called TMR.

Primarily we will be interested in Odesa and Vinnytsya regions which directly border with the Transnistria region.

Odesa region

Mykola Serdiuk, the head of Odesa Oblast State Administration, in winter during the Ukraine-Russia gas confrontation accused Transnistria of stealing gas from the Ukrainian gas transportation system, which affected gas consumers in Odesa region. At the session of the Odesa Oblast Council on 12 January 2009 Mr. Serdiuk declared that authorities of Odesa oblast adopted the decision to close the valve at the gas measuring station located at Hrebenyky (Reniyskyi district of the Odesa region). "After that residents of Transnistria made attempts to trespass on the territory of Ukraine in order to open that valve. Now Border Troops have reinforced the security of the gas measuring station at Hrebenyky in order to prevent the unauthorized use of gas", - said Serdiuk.³⁰

Subsequently the Embassy of Ukraine in Moldova denied the fact that Odesa governor accused Transnistria of stealing gas, saying that the media had misinterpreted the words of the head of Odesa Oblast State Administration.³¹ In any case, appointed for the post of head of Odesa oblast at the end of 2007, Mykola Serdiuk has not been involved in other scandals related to Transnistria region – or those scandals have not been disclosed by the media.

The same can not be said about the former Head of Odesa State Region Administration (for the period from May 1998 to February 2005) and currently People's Deputy from the Lytvyn's Block Serhiy Hrynevetskyi. Mr. Hrynevetskyi's standpoint on Transnistria problem has been described in the previous chapter. The Hrynevetskyi's family has a profitable business in the form of "Torgovyi Dim "Hlibna Havan" («Trade House «Bread Harbour»), Ltd. The General Director of the company is Serhiy Hrynevetskyi's brother – Valeriy Hrynevetskyi. The newspaper «Komentari» ("Comments") estimated the capital of the latter to be worth 36 million USD as of May 2008.³²

³⁰ Odes'kyi hubernator zнову skarzhyt'sya, scho Prydnistrovia tyryt' haz http://ua.pravda.com.ua/news_print/2009/1/14/87688.htm

³¹ Posol'stvo Ukrainy: Pridnestrovie ne vorovalo gaz <http://www.rosbalt.ru/2009/01/16/610326.html>

³² "Komentari" newspaper, № 16-17 (123) from 2 May 2008.

Though information on Serhiy Hrynevetskyi or his family business interests on the territory of Transnistria is not covered by the media, there are some accusations of this politician being involved in illegal trafficking «business». The following was written about Mr. Hrynevetskyi in the article titled “The bunch of Odessa weeds”: *«Due to Serhiy Rafayilovych, the criminal regime of Transnistria «tsar» Smirnov has become unbelievably rich. People call that phenomenon Transnistria Free Economic Zone. There are several schemes. Container with transit cargo is taken from Transnistria port and goods are unloaded at numerous Transnistria stores. Then, goods are smuggled back... Alcohol, chicken legs, tobacco - contraband on a terrifying scale reaching 85 percent of the port turnover. It inflicts enormous multi-billion damages to Ukraine. And that process involves not only customs officers but local authorities of the Ministry of Internal Affairs and Security Service of Ukraine».*³³

An interesting fact is that Serhiy Hrynevetsky grew up in the town of Rozdilna, a district centre in Odessa region, which borders with Transnistria. No doubt the region is familiar to that politician.³⁴ Serhiy Rafayilovych said during the interview for magazine «Vlast Deneg» (“The power of Money”): *«Rozdilnynskiyi district borders Transnistria. Of course there is a certain peculiarity on that border which is mainly smuggling meat and cigarettes. But now that area is under control of the EU mission... My mother lives in Rozdilna, we (brothers Serhiy and Valeriy Hrynevetski – my remark O.H.) often come here, help local people and for that reason we are on a good standing in that district. Many people considered this was our patrimony. However, after the Orange revolution the new government appointed its head of District Administration and elected its mayor. But one of them has already been dismissed and another one is in prison for bribery».*³⁵

The current mayor of Odessa Eduard Hurvits can be referred to as a supporter of the “orange” government and opponent to the Transnistria regime. As far as in 2003, while being People’s Deputy, Mr. Hurvits called for Ukraine to support joint statement of the EU and the USA on sanctions against Transnistrian Government. *«Transnistria border has become a problem for us. Contraband, drugs, arms are smuggled on a large scale. That creates much tension on the border. It is necessary to do everything possible to strengthen control and support settlement of situation in Transnistria region of the Republic of Moldova»*, - said Eduard Hurvits in his interview to Radio «Liberty».³⁶

In 2005, already holding the position of the city head of Odesa, Hurvits drew attention to the problem of arms trafficking across the Transnistria border at the meeting with administration of the EU mission in Odessa. *«In my opinion, Transnistria is the source of goods smuggling but also arms trafficking. Russian army weapons still remain on the territory of the unrecognized republic. It is no secret that weapons from Transnistria were also used by criminal organizations in Odesa»*, - said Eduard Hurvits at that time.³⁷

However, the media disclosed information on ties between Mr. Hurvits and the government of the so-called TMR. And that information entirely contradicts the statements made by Eduard Yosypovych with regards to the Transnistria problem. The journalist Maryana Chorna wrote about the close

³³ Mykola Kobzar’, Buket odesskih sorniakov <http://maidan.org.ua/static/mai/1111145906.html>

³⁴ Hrynevetskyi Serhiy Rafayilovych <http://who-is-who.com.ua/bookmaket/yuvilyars2008/2/9.html>

³⁵ Sergey Syrovatka, Rasschetlivyi odessit <http://www.vd.net.ua/rubrics-10/13300/>

³⁶ Za vrehuliuvannya prydnistrovs’koyi kryzy <http://www.radiosvoboda.org/content/Article/899714.html>

³⁷ Delegatsiya missii ES posetila meriyu Odessy <http://www.odessa.ua/news/64/>

relationship between Mr. Hurvits and the president of the unrecognized republic. In her article titled «The History of Criminal Mayor of Odesa», published in 1996, she refers to the interview with the colonel Mykhaylo Bergman, ex-commandant of Tiraspol who was the appointee and close associate of the odious General Lebed. The following is a quotation by Mr. Bergman: «...you have a certain Hurvits there. I must tell you this is very powerful and dangerous mafia formation having channels abroad. The port is connected with him and this is a far more important issue than you can even imagine, and extremely dangerous. Money of TMR mafia gained from arms trafficking and money allocated as aid to Transnistria were transferred to Odesa bank and then laundered». ³⁸ Further in the article the journalist states that the abovementioned bank was directly owned by Mr. Hurvits.

The reliability and provability of the abovementioned disclosures concerning Mr. Hurvits and other prominent individuals of Odesa region can be argued. However, it should be noted that the Internet version of Maryana Chorna's article ends with a short remark that journalist was killed shortly after publication of the mentioned material.

Another Odesa politician mentioned by mass media in the context of Transnistria is Yuriy Pluzhnikov, Deputy of Illichivsk City Council, head of Illichivsk city organisation of political party «Reformy i porjadok» (“Reforms and Order”), as well as the Head of Regional President's Office in Odesa region. That influential regional politician in his biography states that during 1998-2001 he was Deputy Commercial Director of «Amos International LTD» in Illichivsk. ³⁹ At the same time in materials of the Internet magazine «Ohlyadach» loudly titled «The Anatomy of Smuggling. Part 3» dated November 5, 2008 one can find the following information regarding that person: «According to information received from sources, the management of commercial enterprise «Amos» (actual owners are Pluzhnikov Yuriy and Stoyanov Hryhoriy - former head of the Department for Combating Trafficking at Illichivsk Customs Office) carries out activities aimed at illegal trespassing and legalization of cargoes on the customs territory of Ukraine. And those cargoes should have actually arrived at the addresses of Transnistria and Moldova consignees». ⁴⁰

According to trafficking scheme mentioned in the article, cargoes having arrived in Illichivsk port and addressed for Ukrainian consumers executed as transit and being resent on the territory of Transnistria. Cargoes acceptance is then confirmed by the company «Sheriff», well-known in that area, whose management has a long standing friendship with «Amos».

«According to the information from different sources, Stoyanov and other founders of «Amos» group are in personal contact with the owner of «Sheriff» Hushan Viktor and have been maintaining friendly relations with him since the establishment of the independent state of Ukraine.

The beginning of a mutually profitable cooperation between the two enterprises «Amos» and «Sheriff» was started by an unlawful scheme for illegal re-export of excisable goods (cigarettes and strong alcoholic beverages) to Western European countries, disguised as the return of empty containers. The scheme was in operation from 1992 until 2004. «Amos» is also the founder of an illegal system regarding the importation of spirit from the USA and the Netherlands to Ukraine, using an interrupted

³⁸ Maryana Chornaya, Istorija stanovleniya kriminal'nogo mera Odessy ili zona svobodnaya ot morali <http://www.dosie.pisem.net/avtoritet.htm>

³⁹ Pluzhnikov yuriy Oleksandrovych <http://ilyichevsk-rada.gov.ua/plyj.php>

⁴⁰ Anatomiya “kontrabasa” <http://oglyadach.com/news/2008/11/4/203717.htm>

*transit during delivery to «Sherrif» address or import from Transnistria across the land frontier of Ukraine, bypassing entry points and customs control».*⁴¹

It should be noted that the «Ohlyadach» (Observer) edition also writes that political activity of Mr. Pluzhnikov is caused by his ambitions to obtain the position of mayor of Illichivsk. Also there is another person mentioned in the article, by the name of Hennadiy Skvortsov, the former head of Illichivsk Sea Trade Port, who promoted smuggling. At the beginning of 2009 Mr. Skvortsov was dismissed due to corruption, which was reported by the Minister of Transport and Communication Yosyp Vynskyi.⁴²

Vinnytsya region

Vinnytsya region's local officials are seriously interested in the situation in Transnistria – primarily as an area for personal business interests, and possibly, contraband flows. The former First Deputy Head of the State Customs Service Mykola Salahor in 2005 named Vinnytsya «contraband and vehicle capital of Ukraine» with «the main channels for the importation of many types of goods, first of all expensive cars».⁴³ It is obvious that one of the main channels for smuggling goods was Transnistria.

This is how Salahor described the situation at the customs during the tenure of Vinnytsya region born Volodymyr Skomarovskyi: «*The Head, his First Deputy and three Deputies are from Vinnytsya region. The Department of Customs Guard is administrated by the brother of People's Deputy Sokyrka who is from Vinnytsya. The Head of Accounting Department Cherevko is from Vinnytsya. Skomarovskyi's right hand man – Vovk, who has already been forced to resign, is the same investigator of Vinnytsya Security Service of Ukraine who in 1999 for certain reasons dismissed the case concerning Skomarovskyi's involvement in smuggling. He then became his best friend and godfather to his child. Director of Tax and Duties Department Zhygalov is the former Head of Vinnytsya Tax Administration... The level of Skomarovskyi's team can be assessed by the fact that often completely incompetent people were employed... For the most important post of the Deputy Head of the State Customs Service Mr. Hanzha was appointed— educated as a broker who used to be employed in structures of «Ukrprominvest» concern.*⁴⁴ We would like to remind that concern «Ukrprominvest» is managed by Oleksiy Poroshenko, the father of Petro Poroshenko. The following chapter contains information regarding business interests of that family in Transnistria.

It is important to note that Salahor is well aware of the situation in Vinnytsya region and on the Transnistrian border since he used to fulfill the duties as the First Deputy Head of Vinnytsya Customs Office.

Salahor also handed over to the SBU respective materials. «I was claiming and I still claim that he (Skomarovskyi) was and still is a smuggler», declares Salahor in the same interview. According to Salahor, he handed the State Security Service of Ukraine information regarding imports to Ukraine of

⁴¹ Ibid

⁴² Vins'kyi rozpoviv Tymoshenko, za scho zvil'nyv nachal'nyka Illichivs'koho portu <http://ua.glavred.info/archive/2009/02/03/013705-15.html>

⁴³ Mykola Salahor: «Ya hotovyi pidtverdyty v sudi obvynuvachennya Zinchenka shchodo mytnytsi!» Dzerkalo tyzhnya, № 35 (563) 10 — 16 September 2005. <http://www.dt.ua/1000/1550/51202/>

⁴⁴ Ibid

large quantities of vehicles at reduced customs value by Vinnytsya companies being under Skomarovskyi's control. Those materials were the platform to initiate the criminal case against the latter. In September 2005 Volodymyr Skomarovskyi was accused of covering up smuggling and at that time it was the former Head of the SBU Oleksandr Turchynov who brought up such accusations.⁴⁵

Among other influential residents of Vinnytsya region whose interests include the border and relations with Transnistria we should separately mention farther and son – the Kaletniky's. Hryhoriy Kaletnik – the People's Deputy of Ukraine of IV convocation from SDPU (o) and V convocation from the Party of Regions. He was in charge of the Regional Council (1998-2002) and was the Head of the State Regional Administration (2004-2005). His son Ihor Kaletnik who has obtained the rank of General, used to fulfil the duties of the Director of the State Customs Service Department for Combating Trafficking, Department for Combating Customs Violations, the Chief of Black Sea Regional Customs. He was dismissed from all posts in the State Customs Service by Volodymyr Skomarovskyi, however, subsequently he was reappointed to his position. He ran for People's Deputy in 2006 on party list of Natalia Vitrenko Block and in 2007 Kaletnik-junior was elected People's Deputy from the Communist Party of Ukraine. Currently he chairs the Parliamentary Committee on Combating Organized Crime and Corruption.

At the end of October 2008, Valentyn Nalyvaichenko, acting as the Head of the SBU, hinted of Ihor Kaletnikov being involved in contraband flows. At that point the Head of the SBU stated that his service is well aware of what Deputies are «affiliated with the activity of criminal organisations known as «Vorobyi» (Sparrows), «Dobryaky» (Good Men) and others. With regards to the group «Vorobyi» everything «leads directly to the Committee on Combating Organized Crime and Corruption».⁴⁶

At the same time, during the session of the National Defense and Security Council another allegation was made by President Viktor Yuschenko against the People's Deputies of being engaged in «cover up» of smuggling. He informed that activities of criminal organizations «Vorobyi» and «Khromoy's» are coordinated by the Deputy who is the member of one of the «eternal parties» (journalists perceived this as the hint for the Communist Party of Ukraine).⁴⁷ The President appealed to law enforcement officers to investigate the activity of criminal organisations involved in smuggling, and Deputies affiliated with them. In response to the abovementioned accusations the members of the Committee on Combating Organised Crime and Corruption held a public meeting for the press, refuted the SBU charges, and demanded proof of such accusations against People's Deputies. After that the case was dropped and journalists acknowledged another wave of a «bloodless» PR-campaign.⁴⁸

At that time newspaper «Delo» (“Business”) published an interesting interview with an SBU officer who exposed schemes used by criminal organisations involved in smuggling and the role of politicians in that issue. The following is the quotation from that publication: *«It is very difficult to prove affiliation of a deputy with such schemes, says an officer of «K» division. Members of Parliament gain profits from illegal business but they are not directly participating in that scheme. Moreover, instantly*

⁴⁵ Ni dnya bez skandala <http://podrobnosti.ua/podrobnosti/2005/09/15/243761.html>

⁴⁶ Zlochyntsi sydyat' u komiteti VR z borot'by z orhzlochynnistyju I koruptsijeju - SBU <http://www.unian.net/ukr/news/news-281792.html>

⁴⁷ Yuschenko vymahaye rozibratysya z deputatamy-kontrabandystamy <http://novynar.com.ua/politics/42137>

⁴⁸ Scho dumye deputat Dobriak pro bandu “Dobryaky”, abo yak Tabachnyk vozyt' cherez kordon svoyu “harmoshku” <http://www.unian.net/ukr/news/news-282711.html>

after activity of the smugglers have attracted the attention of the SBU, the Deputies start forwarding to the SBU, the President, the Head of the SBU, General Prosecutors' Office all types of claims for law enforcement officers and the SBU investigators ...By the way, all criminal proceedings initiated due to arrests of contraband cargoes in Odesa, Ivano-Frankivsk and Kyiv have been closed by resolutions of Shevchenkivskiy District court in Kyiv. Criminal proceedings initiated with regards to contraband seized in Kharkiv were closed by the local Prosecutors Office».⁴⁹

On the one hand that quotation shows good organisation and the reliable covering up of smuggling schemes whereas, on the other, it shows complete pointlessness in exposing those schemes and seeking the subsequent punishment of high-level officials.

Local authorities

Local authorities in districts bordering Moldova and Transnistria also have their personal interests with relation to Transnistria. Quite often representatives of local officials at the district level appear in the centre of scandals concerning smuggling from the unrecognized republic. As a result, mayoral elections in Mohyliv-Podilskiy were openly referred to by the media as a battle for control over «smuggling channels and customs».⁵⁰ In the course of the election campaign and after the change of town administration in 2006 multiple conflicts took place between newly elected mayor Savoliuk and his predecessor Petro Brovko. The latter was governing the city for the preceding 12 years.

Referring to the results of inspection held by Vinnytsya Regional Department for Combating Organised Crime in Mohylev-Podilskiy, the ex-mayor was accused of having a Moldovan passport, thus, citizenship as well as involvement in smuggling. Petro Brovko denied «conversations on shadow flows, contraband in the customs...»⁵¹ However it is a well-known fact that during his 12 year tenure as the mayor there were four attempts on his life.⁵²

In April 2008 the mayor of the district town Rozdilna, Odesa region, was taken into custody in his office for the acceptance of a bribe. According to the newspaper «Komentariyi» (“The Comments”), «Rozdilna district is a kind of traffic terminal for Transnistria and Moldova contraband. There were rumours that Kindiuk's arrest was directly related to that fact. He was said to having had some confrontation with the local «contraband kings». However, this is merely speculation», the newspaper emphasised.⁵³

Summary

Summarizing the role of Ukrainian local authorities and their attitude towards the Transnistrian problem, it is worth accentuating a few predominant features. Virtually in all cases interests of local authorities concern advancing their corporate interests but not the development of an effective relations model of a certain region with the problematic unrecognised republic.

⁴⁹ Kak narodnye deputaty zarabatyvayut na kontrabande <http://delo.ua/news/93029/>

⁵⁰ U Mohylevi-Podils'komu vzhe I stinka na stinku. Scho zmusylo yoho zhyteliv shukaty zahystu pid Kabminom ta u Lutsenka <http://www.33channel.vinnitsa.com/2008/08-30-20.php>

⁵¹ Haryacha tochka – Mohuiv-Podil's'kyi mer na mera... <http://www.33channel.vinnitsa.com/2009/09-11-13.php>

⁵² 2000 newspaper, № 26 (78), 29 June – 5 July 2001, p. 17-19.

⁵³ Oleg Konstantinov, Pestyre kartinki odesskogo bespredela, “Kommentarii” newspaper, 22 May 2008.

<http://www.comments.com.ua/?art=1211471491>

The key factors defining interests of Ukrainian local authorities regarding Transnistria are as follows:

- Interest of local authorities in control of contraband flows and other illegal business at the Transnistrian border;
- Aspiration to present the Transnistrian problem as the grounds for manifesting personal political positions, obtaining influence on all-Ukrainian political arena;
- Lack of strategy within the local regional authorities on quality relations aimed at development of an effective standpoint of their regions regarding Transnistria.

This situation has practically remained unchanged since the Transnistrian problem came into existence. Thus, it is possible to say that the attitude to the Transnistrian problem by Ukrainian local authorities is mostly a scaled down model of Ukraine's relations with Transnistria in general.

2.3. Position of business groups and informal groups of interest

According to the information from «Dzerkalo Tyzhnya» (“Mirror of the Week”), 30-35% of capital accumulated in Transnistria is of Ukrainian origin.⁵⁴ Therefore, almost one third of the unrecognized republic's economy is under the control of Ukrainian “players”. Let us analyze who and how represents Ukrainian business interests in the region.

The most important Transnistrian object being partly Ukrainian owned is the Moldovan Metallurgical plant (MMP). Currently the plant is co-owned by Ukrainian and Russian tycoons. Among its co-owners are Ukrainian citizens Yussef Hares (10%), Hryhoriy Surkis (15%) and Ihor Kolomoyskyi (15%). This information was revealed by Mr. Hares himself - a citizen of Ukraine of a Syrian origin. He also named Alisher Usmanov and Vadym Novynskyi as the Russian co-owners (the latter one also owns business in Ukraine). Below is a quotation from Mr. Hares' interview held on January 25, 2007 for the Internet magazine «Ukrainska Pravda»: *«At that Rybnytsya metallurgical plant I have the least of shares – 10%. Surkis has 15% and Kolomoyskyi has 15%, Usmanov controls 30% and another 30% are controlled by Novynskyi».*⁵⁵

Information on the plant owners provided by the newspaper «Nezavisimaya Gazeta» (“Independent Newspaper”) and referring to Russian political analyst Stanislav Belkovskiy contains surnames of other well-known Ukrainian businessmen. *«According to Belkovskiy, other co-owners, apart from Alisher Ustanov, are Russian-Ukrainian businessman Vadim Novynskyi («Smart-Group») and the richest entrepreneurs in Ukraine Ihor Kolomyiskyi and Rinat Akhmetov...As it was told to the «NG» by a source in the Parliament of Moldova, it was due to direct participation of Yanukovych that Ukrainians became owners of MMP in 2004».*⁵⁶

⁵⁴

<http://www.ucipr.kiev.ua/modules.php?op=modload&name=News&file=article&sid=5561&mode=thread&order=0&thold=0>

⁵⁵ <http://www.finam.ru/investments/newsma0000106DAC/default.asp>

⁵⁶ http://www.ng.ru/economics/2007-03-23/1_gazprom.html

The privatization history of the Moldovan Metallurgical Plant, comprising 30% of so-called Transnistrian Moldavian Republic's budget and being the largest enterprise in the region, is not less perplexing than the information regarding its actual owners.

However, analysts and journalists unanimously claim that this plant was purchased at a below market price. «*Moldovan Metallurgical Plant was estimated to be worth 476 million USD, nevertheless, it was sold at only 7 million USD*», - this is how Mykola Buchatskyi, Transnistrian oppositional politician and journalist, describes privatization of the most powerful enterprise of the Transnistrian region.⁵⁷

Such a low price for the enterprise can be explained by the simple desire of the Transnistrian government to dispose of the gas debts. The following is a description of the MMP privatisation by the weekly newspaper «Kontrakty» (Contracts): «*In 1997 the Transnistrian government made a decision to privatise the plant, or it would be more accurate to say, to sell it with the debt to Russian gas supplier— company «Itera». The Russians have acquired 75% shares of Moldovan Metallurgical Plant*». ⁵⁸ Further in 2004 the enterprise was taken over by Hares Group being owned by the abovementioned Yussef Hares and Vadim Novynskyi. «*Shares of Moldovan Metallurgical plant have been attracting Hares group since autumn 2003 — at that stage they purchased 15,6% shares of the Lichtenstein company EI Energy Investment & Management Corporation («Itera» offshore). The analysts estimate the purchase of 90 % MMP shares by Hares Group to be worth at least 50 million USD*». ⁵⁹

Further in the article we will discuss operation peculiarities of the gigantic enterprise. In that part we can note that Ukrainian businessmen, having some property in the unrecognised republic, are interested in keeping it as well as in increasing their profits, and thus, in maintaining the status-quo in the region.

Another well-known Ukrainian businessman related to Transnistria is Petro Poroshenko. He owns a number of companies in Ukraine and abroad, including the most famous one – the confectionery company «Roshen». While being in the position of Secretary of the National Defense and Security Council in the «orange government», Mr. Poroshenko was accused of lobbying the interests of the Transnistrian separatist government. In 2005 the former Head of the SBU Oleksandr Turchynov accused Poroshenko of "*having appropriated strategic objects in Transnistria through his offshore companies*".⁶⁰ Apart from that, Turchynov claimed that Poroshenko illegally purchased property in Moldova, namely the three largest enterprises in Moldova: JSC "Gemini", JSC "Bukuria", JSC "Chisinau Glassware Plant".⁶¹

In 2005 Petro Poroshenko was interviewed by the newspaper «Segodyna» (Today) and denied having any property in the Transnistrian region. He named other powerful financial and industrial entities related to the Moldovan Metallurgical Plant. The following is a quotation from Petro Oleksiyovych's interview:

⁵⁷ From the interview with Mykola Buchatskyi recorded in Transnistria in the framework of this project

⁵⁸ <http://kontrakty.com.ua/show/ukr/article/12/3220043478.html>

⁵⁹ Ibid

⁶⁰ <http://www.pravda.com.ua/news/2005/9/29/33967.htm>

⁶¹ Ibid

«I declare that as of today, October 04, 2005, I do not own any property in Moldova. As I have not owned any during the last five years. But four years ago my niece, my deceased brother's daughter, had a property there. That property was brutally taken from her at Ukraine's request because her uncle dared to join the opposition. Currently that property remains exempted and has not been indemnified. The girl owned a block of shares in the Chisinau Glassware Plant that claimed to manage the enterprise. In 2001 the plant went bankrupt and according to the court resolution it was returned into the property of the state. There was also the Main Department Store which subsequently became «Children's World» in which she also owned a block of shares. However, the court announced them as escheated, and they were transferred to be managed by a law firm that has been paid for that for three years, its management fled and now they are on the wanted list. It was only with «Bukuriya» enterprise that my niece had realised what was going on and managed to authorise the sale of assets in 2001. Regarding Transnistria the former Ukrainian government officials had personal interests there. You can check the shareholders list of metallurgical plant in Transnistria. You will also find there "eyes and ears" both of the group «Pryvat» and of social democrats. Those who are engaged in the metallurgical industry can confirm that. Now Europe and Russia know the following: Ukraine has reliably closed the border with Transnistria. I am proud of that being done upon my initiative and with my participation. However, much to my regret, now I think that Transnistrian pace will be lost ...»⁶²

Contraband and smugglers

Moldovan Metallurgical Plant deals with the processing of scrap metal delivered to the region from Ukraine. That powerful plant requires raw materials which are delivered onto the site by legal or illegal means. It does not come as a surprise that scrap metal is the main object for smuggling through a so-called Ukrainian-Transnistrian border.

The journalists' investigation web-site «ORD» informs that not all scrap metal delivered to Transnistria is used by the MMP. Certain portions of raw materials are sent for export in order to save costs on customs duty. *«In the metal producers environment it is said that a proportion of scrap materials from Ukraine is actually being exported via Transnistria avoiding customs dues in Ukraine (30 Euro per ton)».*⁶³

The scope of contraband flows is proven by the fact that the EU has established a special European Union Border Assistance Mission to Moldova and Ukraine (or in short – EUBAM) in order to combat this problem and has also allocated significant funds for the improvement of border services, etc.

However, Ukrainian Railway for a certain period did not suspend the connection with the so-called Transnistrian Moldovan Republic even after the appropriate decision had been taken by official powers in Kyiv. This confirms that smuggling to Transnistria is a powerful business.

On 25 August 2004, when approved by both Moldova and Ukraine railway «blockade» should have been implemented, the Head of «Moldova Railway» company Myron Gagauz made statements that Ukraine, despite outgivings and agreements concluded with Moldova, actually sabotaged the transport blockade of Transnistria. *«As a result of interference into the operation of the Moldovan railway by territorial authorities of Transnistria, we were forced to close rail connections Rybnitsa-Slobodka and*

⁶² <http://www.proua.com/digest/2005/10/06/104923.html>

⁶³ <http://ord-ua.name/2005/10/18/susanin-dlya-yuschenko/>

*Kurchugan-Levada on August 11. But those connections, despite our prohibition, are still open for trains due to connivance and direct participation of «Ukrzaliznytsya» (Ukrainian Railway)».*⁶⁴

As was stated by the magazine «Delovaya Stolitsa» (Business Capital), the section Rybnitsa – Slobodka is the only access way to the OJSC «Moldovan Metallurgical Plant». That enterprise gained most of its profit from the supply of metal-roll to Ukrainian consumers. «...the refusal of «Ukrzaliznytsya» to adhere to Rybnitsa transport blockade demonstrates friendly relations between plant owners and Ukrainian government. We talk about unprecedented support for Ukraine's domestic capital interests abroad by state institutions», - the magazine stated.⁶⁵

The journalists' investigation web-sites contain much information on contraband flows and names of the well-known Ukrainian politicians affiliated with them. Many officials of adjacent to Transnistria Odesa and Vinnytsya oblasts and customs officers of all ranks are accused of being involved in the full-scale smuggling. Since that subject attracted much attention in the previous chapter here we will review the contraband problem on the lower levels which is just as equal in magnitude.

According to the EUBAM mission, apart from the scrap metal, other very popular smuggling objects include cigarettes, meat, alcohol, fruits and vegetables and also drugs (mostly marihuana).⁶⁶

High numbers of disclosed cases prove the existence of organised contraband channels and its significant scale.

One may also find rumours in Moldovan and Ukrainian media on trafficking of arms from the 14th Army ammunition storage. Here is one such rumour published on the aforementioned web-site «ORD». That information concerns the activity of the abovementioned Ukrainian-Syrian businessman Yussef Hares. To be more accurate, below we present the full quotation: «*Allegedly, Yussef's metallurgical business in fact covers up serious arms trafficking. Arms are delivered to Rybnitsa disguised as the scrap metal, also arms from Russia, and then as the scrap metal it crosses the Transnistrian-Ukrainian border and is forwarded to Illichivsk port. From the port it is shipped to countries being under the UN embargo. There is also information that those arms, using bypass routes via Georgia, make the way to Chechnya. And that discontents Russian special services. At one point there was information in the media that components for multiple rocket launchers «Grad», landmines and other weapons were discovered in the load of scrap metal from Rybnitsa.*»⁶⁷

The EUBAM mission has not found confirmation of that information, having stated the following in its 2008 report: «*There were certain cases of discovering hunting and pneumatic weapons, however no proof of organised trafficking.*»⁶⁸ Nevertheless the European mission does not have any access to military facilities in Transnistria which are completely under control of Russian armed forces. Thus, one can not completely rule out the option of arms trafficking.

⁶⁴ <http://www.dsnews.ua/economy/art16716.html>

⁶⁵ Ibid

⁶⁶ The data was obtained as a result of journey to EUBAM mission in Odesa in the framework of the project.

⁶⁷ <http://ord-ua.name/2005/10/18/susanin-dlya-yuschenko/>

⁶⁸ http://www.eubam.org/files/600-699/642/Mission_Report_2009_ENG.pdf

Apart from a full-scale contraband on the Ukrainian-Transnistrian border talked about by everyone, there is also the so-called «ant type» one that is a small-scale smuggling. Not only criminal organisations but also the locals are involved here. The latter manage to bring in small batches on the territory of Ukraine significant quantities of foodstuff having crossed, legally or illegally, the border many times.

We should note that none of the organisers and protectors of the organised contraband channels from Transnistria were brought to justice. Criminal proceedings regarding corruption are initiated at maximum against the officials of the regional customs. For instance, in November 2008 one of the Deputies Head of the Dnistryansk Customs Office and her eight co-workers were apprehended by the investigators of Vinnytsya Regional Department of the SBU and Prosecutor's Office at the moment of accepting a bribe.⁶⁹

However, it is unlikely that we could talk about the real disclosure of those organisers of the contraband flows in the current situation.

In the materials published by the Ukrainian media Transnistria has become a «black hole» on the border. As the evidence we can mention widely spread rumours about the escape in July 2009 of the former People's Deputy Viktor Lozynskyi, who is wanted by the Prosecutor's Office, to that unrecognised republic.⁷⁰

Transnistrian illegal labour force and emigrants to Ukraine

Due to the old and close ties between Ukraine and Transnistria, as well as high number of ethnic Ukrainians residing in that region, migration of Transnistrian residents to our country has acquired constant and frequent character. Possession of Ukrainian citizenship by approximately 70 000 of Transnistrian residents and availability of educational programmes for gifted youth of that region in Ukrainian higher educational institutions at the expense of Ukrainian state allow many Transnistrian residents coming to Ukraine on the official basis.

However, there is also a large-scale illegal migration. Taking into account difficult economic situation in the region, it does not come as a surprise that Transnistrian residents leave the republic in search of employment in countries with a more reliable economic situation. According to them our country is reckoned to be the one.

According to the data from a report by International Organisation of Migration (IOM) with regards to migration processes in Moldova (2008), Ukraine is one of the main destinations for Moldovan labour migrants (including those from Transnistria) in search of a better life.⁷¹ According to the information of the IOM, Ukraine is the seventh place among destination countries on the list of labour migrants from Moldova (after Russia, Italy, Turkey, Spain, Greece and Portugal).

⁶⁹ Information of SBU press-service //

http://www.sbu.gov.ua/sbu/control/uk/publish/article.jsessionid=04F6AE3A7729E32DD48A05E1A4568D9E?art_id=82782&cat_id=82963

⁷⁰ <http://ua.for-ua.com/ukraine/2009/07/14/162030.html>

⁷¹ http://www.iom.md/materials/studies_reports/2009_05_11_moldova_country_profile.pdf

A report by the Ukraine's office of the IOM reveals that in particular, Moldovan citizens are at the first place among the victims of human trafficking.⁷²

72% of total amount of victims ending up in Ukraine are citizens of Moldova. That official data are far from being complete; however, they are enough to imagine the scale of human trafficking in the region. In the official statistics for 2003-2005 Moldovan citizens were among the leaders, however, over the subsequent years their number somewhat decreased that may prove the effectiveness of efforts by international organisations involved in solving that problem.⁷³

In its turn, the EUBAM mission informs about the case of organising a channel from Ukraine via Transnistria for human trafficking. The following is information revealed by Liva Biseniyetse, a PR specialist of the EUBAM mission in Odesa: «Human Trafficking Prevention Centre in Moldova has documented a human trafficking channel used to send female citizens of Ukraine from a border region nearby checking point Kurchugan. They were illegally conveyed via Transnistrian region of Moldova and then via Chisinau airport to Turkey. The main organiser (of that human trafficking channel) has been arrested and brought to court, his accomplice has also been found. Another accomplice is on the wanted list. One of the victims helped the investigation and testified».⁷⁴

Ethnic Ukrainians in Transnistria

Finally, we can not omit the Ukrainian-Transnistrian problem as viewed by the Transnistrian Ukrainians. One should note that the Ukrainian community in that region is very active and well organised. The most powerful among Ukrainian organisations are the Union of Ukrainians of Transnistria, named after Oleksandr But and led by Leonid Tkachuk, and also Republican non-governmental organization “Ukrprosvita” named after T. Shevchenko whose permanent leader is Volodymyr Bodnar. These organisations are supported both by the Ukrainian government and the government of the so-called TMR which enables them to conduct a successful policy on the preservation of Ukrainian heritage and expand contacts between Transnistria and Ukraine. However, there are also many internal contradictions in the environment of the Ukrainian community of the region. Furthermore, due to the support and even participation in governmental structures of the unrecognised republic (Volodymyr Bodnar is the Deputy of the TMR “Parliament”) many Moldovan experts criticise Ukrainian activists of Transnistria for servility towards separatists, neglecting individual freedoms and being focused purely on ethnographic sentiments.

The expert on non-governmental organisations, training and advising specialist for the CBM centre Serhiy Lysenko commented on situation regarding the Ukrainian community of the Transnistrian region as follows: «*We have organisation of the Ukrainian Community of Transnistria and, as far as I am concerned, it is mainly advancing the issue of preservation of cultural values of Ukrainians of the region. However, that organisation is mostly dealing with ethnic and cultural traditions and to much lesser extent covers certain issues related to resolution of the Transnistrian problem. In my opinion they totally agree with the policy conducted by the Transnistrian government and consider that the*

⁷² http://www.iom.org.ua/img_collection/IOM%20Statistics%20March%202009%20Ukr.pdf

⁷³ Ibid

⁷⁴ The data was obtained as a result of jatrip to the EUBAM mission in Odesa in the framework of the project.

*rights of Ukrainians on that territory are fully secured and protected and also that the Transnistrian state is taking maximum efforts for that».*⁷⁵

Summary

It is natural that Ukraine is an influential factor for the situation in Transnistria. Ukrainian interests are present here both on formal and informal levels. On the Ukrainian political arena the “hot” topics related to an informal group of interests are not often disclosed to the public. After the high-profiled cases in 2005-2006 (accusations of Poroshenko, statements by Skomarovskyi, noisy campaigns on counteracting contraband) there is certain silence in terms of attention towards the Transnistrian issue. Nevertheless, intersection of areas of informal interests makes Transnistria a very influential factor for many representatives of Ukraine’s upper political establishment.

Organisation of large-scale contraband, a convenient foothold for human, drugs and arms trafficking – all these factors mean that the current status of Transnistria is extremely convenient for financial and political groups, primarily as the source of uncontrolled profiting. Those interested in Transnistria’s status quo include: local officials having direct influence on the situation in the near-border settlements; functionaries of customs authorities and law enforcement agencies as well as their protectors in the government; big business representatives for whom it facilitates tax evasion and provides a cheap labour force; and organised crime, naturally being an important factor considering such type of relations. Thus, the Transnistrian-related matters are being developed according to typical for Ukrainian politics scheme – combination of business, power, and crime.

Therefore, the problems of the Transnistrian conflict resolution and elaboration of the efficient Ukrainian policy in the region are actually in contradiction to the existing reality of undeclared, informal interests of the Ukrainian business groups in Transnistria. The abovementioned information (received exclusively from official sources) allows us to talk about a tangle of Ukraine’s business and political interests in the Transnistrian region. Those data provide a firm basis for the assertion that in the existence of such an «offshore» zone as is the unrecognised Transnistrian Moldovan Republic are highly interested not only its leaders and third countries, but also influential representatives of the Ukrainian establishment.

⁷⁵ From the interview with Serhiy Lysenko, trainer-consultant of the training centre CBM, recorded during the Forum of Transnistria NGOs organized by PromoLex

3. The characteristics of cooperation between Ukrainian and Transnistrian business-structures

By Oleg CHABALA

In its foreign economic relations with the so-called Transnistrian Moldovan Republic (TMR), Ukraine observes the principle of territorial integrity of Moldova and preserving its sovereignty over the whole territory. The important point here is the fact that Transnistria is not recognized by the international community and is the integral part of the Republic of Moldova. TMR does not have the status of special customs territory, and, therefore, cannot enjoy any preferences. However, Republic of Moldova is the member of the World Trade Organization and, therefore, all WTO demands and preferences that follow from the integrity of customs territory, apply to Transnistria as an integral part of the Republic of Moldova. That is why Transnistria's right to establish international (and, particularly, foreign-economic) contacts should be realized in accordance with legislation of the Republic of Moldova and its contract-based relations with other countries. Such position of Ukraine follows from the obligations taken according to the norms of international law.

The revival of the ties between business structures of Ukraine and unrecognized Transnistrian Moldovan Republic has taken place after Transnistria has obtained the right to carry out its own foreign-economic activity⁷⁶. The basic document that promoted it was the Moscow Memorandum from the 8th of May 1997 "About the Principles of Normalization of Relations between Republic of Moldova And Transnistria" that was signed by the Presidents of Russia, Ukraine, Moldova, Transnistria and the Head of OSCE. Paragraph 3 of the Memorandum granted Transnistria a right to independently establish and carry out international contacts in economic, scientific-technical and cultural areas and, by the agreement of the sides, in other areas⁷⁷.

Signing by the Governments of Ukraine and Republic of Moldova of the Agreement About Cooperation Between the Frontier Regions of Ukraine and Administrative-Territorial Units of Republic of Moldova from the 11th of March 1997 has also promoted the revival of business contacts between Ukrainian and Transnistrian entrepreneurs. According to this document, Transnistria has obtained the right to execute collaboration with Ukrainian territorial units in economic area. In the context of implementing this agreement, Vinnytsya, Odesa and Kherson regions have signed treaties with Transnistria about cooperation in economic, scientific-technical and cultural areas.⁷⁸

Among other documents that promoted it, one can consider the Agreement about the Organizational Basis of Social-Economic Cooperation between Republic of Moldova and Transnistria from the 10th of November 1997⁷⁹, the Protocol Decision about Solving the Emerging Problems in the Field of Customs Services' Functioning from the 7th of February 1996⁸⁰, the Protocol Decision about Mutual

⁷⁶ Gizatulina Elvira, Rpidnestrovskaya Moldavskaya Respublika: sovremennaya situatsiya I perspektivy razresheniya konflikta <http://geoconflict.narod.ru/texts/gizatullina.html>

⁷⁷ "Memorandum on the Foundations of Normalization of Relations between the Republic of Moldova and Transnistria" (signed in Moscow 08.05.1997) <http://www.lawmix.ru/abro.php?id=6291>

⁷⁸ Ukrainian MFA spokesman about I. Smirnov's statements about the preconditions of restoration of Transnistria's foreign economic activity June 6, 2006. <http://www.mfa.gov.ua/mfa/ua/publication/content/6063.htm>

⁷⁹ Attachment. The Transnistrian Settlement (the main documents) <http://www.niss.gov.ua/book/Perep/pril.htm>

⁸⁰ Protocolary Decision About Solving the Emerging Problems in the Field of RM and TMR Customs Services' Functioning 1996 02 07

Recognition of the Validity of Documents, Issued by the Sides' Authorities, on the Territory of Transnistria and Republic of Moldova⁸¹, the Protocol Decision about Harmonization of Tax and Customs Law from the 16th of May 2001⁸², the Protocol Decision about Guaranties for Involvement and Safeguarding of Foreign Investments and Cooperation in the Area of Investment Activity from the 16th of May 2001⁸³, and others.⁸⁴

The Official Level. At the official level, the biggest territorial units of Ukraine that cooperate with Transnistria are Vinnytsya, Mykolaiv and Odesa regions, and the annual exchange of goods with Transnistria is nearing \$270 mln. The share of the Ukrainian metallurgical industry here is nearly \$50 mln. The biggest transport channels, through which the transportation of goods from Ukraine to TMR and vice versa goes on, are Ukrainian railways and Odesa port⁸⁵. Odesa region has the closest economic ties with Transnistria. Particularly, on the 23d of July 1998 the authorities of Transnistria and Odesa region state administration have signed a treaty about the trade-economic, scientific-technical and cultural cooperation and the Protocol to the Treaty.⁸⁶

The main problem in assessing the volumes and nomenclature of the official economic transactions between Ukrainian and Transnistrian entrepreneurs is that statistical data are lacking because TMR is not a state formation. However, the active growth of retail trade sector is obvious. This growth has become the ground for the emergence in the TMR of a large class of entrepreneurs that are oriented mainly on Ukraine, particularly in importing products of agriculture and food industry. This factor has had an essential impact on the growth of Ukrainian export (especially from regions close to "TMR"). Now and then, Ukraine's share in the Transnistrian import varied in the range of 35-38%, whereas its share in Transnistrian export structure amounted to only 3-5%.⁸⁷

According to the official data of the RM's Statistics Bureau, the goods turnover between Ukraine and Moldova, excluding the Transnistrian region of Republic of Moldova, in 2008 made up \$981.8 mln. At the same time the total goods turnover between Ukraine and Moldova including the Transnistrian region made up \$1.347 billion and has increased by 24.8% in comparison with 2007⁸⁸. Hence, one can reach a conclusion that the total goods turnover between Ukraine and the "TMR" in 2008 made up \$455.2 mln. During the last year, the reorientation of export flows from Transnistria could be noted. In

http://www.ist.md/themes/1996_02_07_protokolnoe_reshenie_po_razresheniyu_problemy_voznikshih_v_oblasti_deyatelnosti_tamozhennykh_sluzhb_rm_i_pmr_ch1

⁸¹ Protocol Decision about Mutual Recognition of the Validity of Documents, Issued by the Sides' Authorities, on the Territory of Transnistria and Republic of Moldova May 16, 2001, Tiraspol http://www.olvia.idknet.com/documenti_yr.htm

⁸² Protocol Decision about Harmonization of Tax and Customs Law, May, 16, 2001, Tiraspol www.olvia.idknet.com/customs16.htm

⁸³ Protocol Decision about Guaranties for Involvement and Safeguarding of Foreign Investments and Cooperation in the Area of Investment Activity, May 16, 2001, Tiraspol <http://www.olvia.idknet.com/reshenie16.htm>

⁸⁴ Pridnestrovie; neobhodimy garantii realizatsii prava respubliky na samostoyatelnyuyu vneshneekonomicheskuyu deyatelnost' 02.02.2006 <http://www.regnum.ru/news/583367.html>

⁸⁵ Prydnistrovya prydumalo, yak zahystytysya vid blokady 19.03.2006 14:18 <http://www.pravda.com.ua/news/2006/3/19/39901.htm>

⁸⁶ Ruslan Pavlenko Konflikt Pridnestrovie – Moldaviya: nevozmozhno prodolzhat', nevozmozhno I izzhyt' December, 18, 2002 <http://vybory.org/articles/36.html>

⁸⁷ Oleg Voloshyn, Dmitryi Karaban, Kosovo na Dnestre. Pridnestrovie. Ekspert №11(62) March 18, 2006 <http://www.expert.ua/articles/7/0/1723/>

⁸⁸ Ukrayna – odin iz osnovnykh vneshnetorgovykh partnerov Moldovy. March 09, 2009. NewsMoldova <http://point.md/News/Read.aspx?NEWSID=88148>

2005-2008 near 50-55% from the total amount of Transnistrian export, registered by the Customs Service of Moldova, was due to CIS countries and the rest on the EU and other countries, but from 2008 the decrease of the export to Ukraine and CIS countries was noted. For example, in January – June 2009, 57.3% of all Transnistrian export came to the EU member states, whereas the share of Russia, Ukraine and other CIS countries made up 26.2% from the total amount of exported goods.⁸⁹

“TMR” has exported to the EU countries in January – June 2009 the production of all main groups of goods, among them: metallurgical products, light industry production, the production and equipment of machine-building and electrotechnical branches, electric power and agricultural production. The production of all main groups of goods, except electric energy, was exported to CIS countries. 76 economic agents of Transnistria have carried out export operations. 38 among them have exported their production to the EU countries, *inter alia*, such big enterprises as Moldovian metallurgic plant, Moldovian State regional power station and “Tirotex”. In general, one can state the decrease of Transnistrian export. The Transnistrian export, registered by the Customs Service of Moldova, in January – June 2009 has made up the amount of \$153.7 mln. This is 2.8 times decrease in comparison with the same period in 2008. The export of Transnistrian goods to CIS countries has decreased during this period almost for 80% - to \$40.3 mln, and to the EU countries for 40% - to \$ 88 mmln.⁹⁰ During the respective period exporters have registered 5897 customs declarations, while during the same period of the last year, 14325 declarations were registered.⁹¹

The decrease of the number of customs declarations was stated in the case of economic agents-importers as well. In January – June 2009 they have registered 1595 customs declarations (38% of them were registered by “Tirotex” corporation) while during the same period of 2008 the figure was 2230. At the same time, during the first half of the year the amount of export from the Transnistrian region registered by the Customs Service of Republic of Moldova made up \$153.7 mln (53.7% from the amount of deliveries during the same period of 2005). The largest decrease – 79.2% - was stated in the export of metallurgic production. The export of machine-building and electro-technical production has decreased by 60%, alcohol – by 50%, light industry production – by 21.5%. Beside that, the amount of import in Transnistrian region made up \$39.1 mln during the first half of the year and has decreased by 42% in comparison with the same period of 2008 (67.2 mln) The largest part of import registered by the Customs Service of Republic of Moldova is the share of the EU countries (82%).⁹²

The decrease of both export and import Transnistrian operations with Ukraine could result from the world-wide financial and economic crisis. Although the statistics indicates that both export and import from TMR to Ukraine were insignificant.

Internal political conflict between executive and legislative “branches of power in the TMR” (between “president” I. Smirnov and the then head of the Supreme Soviet of the republic Y. Shevchuk)⁹³ that

⁸⁹ Biznes Pridnestrovia pereorientuvavsya z SND na Yevrosoyuz 21.07.2009 <http://ava.md/02-pridnestrove/02799-biznes-pridnestrovyia-pereorientirovalsya-s-sng-na-evrosoqz.html>

⁹⁰ Biznes Pridnestrovia pereorientuvavsya z SND na Yevrosoyuz 21.07.2009 <http://ava.md/02-pridnestrove/02799-biznes-pridnestrovyia-pereorientirovalsya-s-sng-na-evrosoqz.html>

⁹¹ Eksport i import pridnistrovskogo regiona v iyune snizilys' Info-Prim Neo, July 10, 2009 <http://www.azi.md/ru/story/4338>

⁹² Eksport i import pridnistrovskogo regiona v iyune snizilys' Info-Prim Neo, July 10, 2009 <http://www.azi.md/ru/story/4338>

⁹³ Vitalyi Portnikov “Sherif” protiv sherifa 09.07.2009 <http://www.politcom.ru/8470.html>

negatively influenced Transnistrian economy, has also impeded growth and revival of business contacts between agents of external economic activity of Ukraine and Transnistria. In this context, the package of legislative initiatives proposed by deputy A. Sypchenko (“Obnovlenie” faction), is of certain interest. These proposals include: “About Amendments to the TMR Law “About the Central Bank of TMR” and “About Amendments to the TMR Law “About Currency Regulation and Currency Control”. The draft laws proposed to use the rouble of the RF as a national currency together with the Transnistrian rouble or instead of it. As the initiator of the draft law noted, the proposed novelty should become a factor promoting interpenetration of Russian Federation’s and Transnistrian economics, and thus minimizing the Transnistrian exporters’ expenses relating to the exchange courses during export of goods to the Russian Federation. Beside that, this move could have increased the investment attractiveness of the TMR for Russian investors.⁹⁴ Such activity may affirm the active desire of closer relations with the RF that “Obnovlenie” supports.

One can assume that the lobbyist of these initiatives is “Sheriff” concern that has a significant influence on political and economic situation in Transnistria; being a monopolist in the majority of key branches of the Transnistrian economy,⁹⁵ it supports the “Obnovlenie” party headed by Y. Shevchuk.⁹⁶

***Additional Information.** According to unofficial information, “Sheriff” could be considered almost absolute monopolist in the sphere of providing services, food supplies in the region (approximately 60% of provisions trade), and consumer goods supply (30% of manufactured products trade). The concern possesses approximately 90% of petrol stations and not less that a half of the construction business. Beside that, the subsidiaries of “Sheriff” control almost all phone communications of Transnistria (wire as well as mobile), cable TV, one of the two TV channels in the TMR, radio station, Internet providers and so on. The group also possesses its own publishing house, the biggest textile enterprise “Tirotex”, the wine plant in Rybnitsa, several bread-baking plants, an essential segment of the retail trade, including corporate automobile sales centres “Mercedes” and “Skoda”, and the sport complex. The guard service of “Sheriff” is rather effective and could, under certain circumstances, effectively defend the structure’s interests.⁹⁷ It was the management of “Sheriff” group who has, according to unofficial information, promoted the creation of public and political movement “Obnovlenie” (“Renewal”) and become its active members (the following persons have become the people deputies of the TMR: V. Gushan, co-owner and president of “Sheriff”; I. Kazmali, co-owner of “Sheriff”; Y. Shevchuk, the ex-speaker of the Supreme Soviet of the TMR; S. Cheban, the head of the Parliamentary Commission for foreign policy and international relations, also of that on social policy, health care and ecology; M. Burla, the head of the economic policy, budget and finances Committee).*

In its turn, despite the pro-Russian orientation of “Sheriff” group and “Obnovlenie” party, the Russian group of influence in Transnistria has taken a wait-and-see attitude with regard to Shevchuk – Smirnov conflict. According to unofficial information, both “Sheriff” group and the incumbent president I. Smirnov can count on the support of Russian capital.

⁹⁴ Piotr Stavinskyi Pridnestrovie derzhyt kurs na Rossiyu. May 07, 2009 <http://www.utro.ru/articles/2009/05/07/813559.shtml>

⁹⁵ Roman Konoplev Pridnestrovie: Shvatka pod kovrom 2009-02-26 <http://www.apn.ru/publications/article21369.htm>

⁹⁶ Novoye v politicheskoy borbe v PMR June 12, 2008 <http://novaiagazeta.org.ru/index.php?newsid=269>

⁹⁷ The Situation in Transnistria: Possible Scenarios for further Development http://ceumonitor.group.googlepages.com/publics_en22

At the same time, on the background of intensification of cooperation with the EU and prospects of strengthening economic cooperation with Russian Federation and even the possibility of introducing the common currency, the difficulties with the accounts and transactions become the obstacle for intensification and growth of business contacts between Ukraine and Transnistria. Direct contacts between the banks of Ukraine and the unrecognized republic cannot be established because of the objective reasons: illegality of all TMR agencies in view of international law. According to the valid instructions of National banks of Ukraine and Moldova, there is no legislative basis for cooperation between the National Bank of Ukraine and the so-called “Transnistrian Republic Bank”. Signing agreements between commercial banks of Ukraine and Transnistria and carrying out account operations with them are not possible, because such actions would contradict Ukraine-Moldovan agreements and international law. Particularly, according to the Agreement between the National Bank of Moldova and the National Bank of Ukraine about processing of accounts⁹⁸ (Article 1) from 27th November 1992, accounts and payments for goods and services between juridical and physical persons of Ukraine and Moldova should be carried out through the correspondent accounts of the National Bank of Moldova and the National Bank of Ukraine, which are opened according to legislations of both countries. These clauses are further developed by the agreement between the National Bank of Moldova and the National Bank of Ukraine about inter-bank accounts⁹⁹ dated by 2007¹⁰⁰.

The Transnistrian side, in order to use this fact for exerting pressure on Ukraine and legitimizing (at least partly) its status, emphasizes that the lack of possibilities to open correspondent accounts for Transnistrian banks in financial-bank organizations of Ukraine is an obstacle for intensification of contacts between business structures. That is why, as they affirm, the cash operations are carried out in dollars and not in hryvnias; that creates negative conditions of double-conversion for Transnistrian entrepreneurs, and the movement of currency takes place not directly but through the bank structures of the RF or the EU. Such a situation presents obstacles for small business, first of all because not all small enterprises, especially agricultural ones, have a possibility to open account in foreign currency. As a result, the border trade is developing poorly.¹⁰¹ Though such position is unreasonable, the Transnistrian side uses it for speculations.

Not fully justified is also the position of Transnistrian authorities concerning the problems of railway transport and customs that are, according to them, extra factors hampering intensification of contacts between the respective business structures.¹⁰² In this area, Ukraine follows its international obligations according to Ukrainian-Moldovan contractual-law base; Transnistria, however, does not take into account those legislative norms and jurisdiction. E.g., as far back as in 2004, TMR has proclaimed the part of the Moldovan railways that is located on the territory of the unrecognized territorial formation

⁹⁸ Agreement between the National Bank of Moldova and the National Bank of Ukraine about the arrangement of accounts. Document 498_007, version from 27.10.1992. http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=498_007

⁹⁹ Document 498_135, version from 08.05.1997, valid http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=498_135

¹⁰⁰ Ukrainian National Bank's Letter “About the Correspondent Relations With Bank Organizations of the Transnistrian region of the Republic of Moldova” № 13-120/1353-2639 from 21.04.2000 <http://zakon.nau.ua/doc/?uid=1045.1025.0>

¹⁰¹ V Benderah sostoitsya pervyi mezhdunarodnyi biznes-forum 12.06.2008 <http://www.tiraspol.ru/news/?action=show&id=441>

¹⁰² V Benderah sostoitsya pervyi mezhdunarodnyi biznes-forum 12.06.2008 <http://www.tiraspol.ru/news/?action=show&id=441>

(42 km long) the “state” property. After that the enterprise “Transnistrian Railways” was established on the base of eight branches of the Moldovan Railways.¹⁰³

On 4 March 2006 the management of the Moldovan Railways has taken a decision to stop the railway traffic at the Transnistrian section, being not able to control the safety of the traffic. As a result, the railway communication with Ukraine and the RF was halted. Russian and Transnistrian sides proposed in November 2006 to establish a four-sided consortium: Transnistrian International Railway Transport Consortium (TIRTC) with participation of the RF, Transnistria, Moldova and Ukraine.¹⁰⁴ Russian and Transnistrian interests in this case have coincided unlike Ukrainian ones (because of supporting territorial integrity of Republic of Moldova) and Moldovan ones (TMR is a part of Moldova). That is why the proposal was supported by neither Ukrainian nor Moldovan side: otherwise, in such a way formal recognition of the TMR’s ownership of the 42-km long section of Republic of Moldova’s territory and legalization of the “state” Transnistrian Railways, would occur.

Aiming to exert pressure on Ukraine with regard to TMR’s recognition, the Transnistrian side also claims that establishing, beginning from 3 March 2006, the new rules of customs registration of goods according to the agreement between Ukraine and Republic of Moldova from 30 December 2005, is also a negative factor in development of business contacts between Ukrainian and Transnistrian entrepreneurs. The agreement provides for the unification of the procedures of customs registration of goods, particularly from the “Transnistrian Moldovan Republic”. According to it, all cargos that cross the Moldovan-Ukrainian border (in its Transnistrian section) have to be registered in the customs of the Republic of Moldova.¹⁰⁵ However, the representatives of Transnistrian party, appealing to the business interests of Ukraine and “TMR”, forget about the international law standards and Ukrainian position about Moldova’s territorial integrity.

One could not agree also with the assertion that Moldovan party has introduced a highly complicated non-transparent scheme of dealing with Transnistrian enterprises in order to exert pressure on Tiraspol. The statistics indicates that the number of residents of foreign economic activity of Transnistria, registered by Moldovan authorities, has not decreased but increased over the time after the agreement’s enforcement.

In general, the “customs problems” between Ukraine and Transnistria present certain inconveniences for businessmen but are not critical. It is testified by the fact that Ukrainian-Transnistrian trade* does not stop. Ukraine in this process has fulfilled its obligations and raised the effectiveness of cooperation on counteracting contraband and illegal cross-border movement of cargo and goods thus limiting – at least, partly, re-export of goods on its territory.

The trans-border level. Implementation of the projects of trans-border cooperation, including those in the Euroregion “Dniester” (which will consist of Vinnytsya oblast (Ukraine), Sorok, Floresht and

¹⁰³ Rossiya i Pridnestroviye predlozhyli Moldove i Ukraine sozdat’ transportnyi konsortsium 18.11.2006
<http://press.try.md/view.php?iddb=Main&id=78544>

¹⁰⁴ Rossiya i Pridnestroviye predlozhyli Moldove i Ukraine sozdat’ transportnyi konsortsium 18.11.2006
<http://press.try.md/view.php?iddb=Main&id=78544>

¹⁰⁵ ES nezrozumilo, chomu Prydnitroviye samoizolyuvalos’ 11 March 2006
<http://oglyadach.com/news/2006/3/11/72606.htm>

* “Ukrainian-Transnistrian trade” is used for convenience because of “unrecognized” status of the territorial formation Transnistrian Moldovan Republic.

Sholdanshet regions (Republic of Moldova) and Kamyansky region (Transnistria) could have a positive influence on business contacts between Ukrainian and Transnistrian entrepreneurs on people-to-people level. In order to intensify the process of establishing the Euroregion and working out respective draft documentation, the Working Group headed by V. Merezhko, the deputy chief of International Cooperation and European Integration Department of the Vinnytsya oblast state administration, was formed.¹⁰⁶

Cooperation in the field of telecommunications. Among certain negative factors that partially hamper business contacts between Ukraine and the unrecognized Transnistria, failures in functioning of the communication systems of TMR and neighbouring countries could be reckoned with. These failures relate to the Transnistria's orientation toward autonomy in this area. Unrecognized status of Transnistria does not ensure the sufficient cooperation with international and regional organizations in telecommunications field. However, in order to find the solution for this situation, "Interdniestercom" company (Transnistria, Moldova) was founded by "TMR representatives" with further registration of the affiliate company "Intertelecom" in Ukraine (Odesa). Despite Moldova's counteraction to legalization of the respective companies in legislative field of our country, the owners of the company not only strengthen their positions in Transnistria but also develop their business in Ukraine.¹⁰⁷ It is interesting that the owners of the parent company ("Interdniestercom") as well as the affiliate Odesa enterprise of CDMA communications ("Intertelecom") are Victor Gushan (who has the Russian citizenship) and Illya Kazmali (who has the Ukrainian one). Both of them, beside that, possess the certain share of the "Sheriff" company.¹⁰⁸ For the detailed information about these businessmen, see above.

The businessmen, in fact, control the phone communication of unrecognized TMR, the cable TV, the single Transnistrian private TV channel, the radio station, the single Internet provider. They also own the publishing house, several bread-baking plants, automobile service centers, a number of petrol stations, enterprises of the building industry and a part in the cognac plant "Quint". The respective co-owners have an essential political influence in Transnistria. Transnistrian media regard V. Gushan and I. Kazmali among founders of public-political movement "Obnovlenie".¹⁰⁹

One can state that Transnistrian business has an essential influence in Ukraine, too. Thus, "Intertelecom" company provides services of local and mobile communication in CDMA-800 standard as well as wireless access to the Internet in 21 region of Ukraine. The number of company's subscribers is more than 280 000. That is why the operator can be considered the third one in Ukraine for its number of subscribers and the first one for the regional coverage. Intertelecom, Ltd. has obtained the license to use the radio waves and to provide services of mobile communication, local phone communication and fixed local communication using the wireless access with the CDMA technology in Donetsk, Dnipropetrovsk, Zaporizhzhya, Luhansk, Lviv and Kharkiv oblasts (the Decision of NCRC of Ukraine N 1571 from the 9th of July 2009) as well as the license for the additional frequencies in the regions where the operator has already fulfilled the plan of development of the radio waves resource (Kyiv and Sevastopol, AR Crimea, Odesa, Poltava, Mykolaiv, Vinnytsya,

¹⁰⁶ Дипломатична хроніка. February 24, 2009 <http://www.mfa.gov.ua/mfa/ua/publication/print/26849.htm>

¹⁰⁷ Gorelova E., Shelar' G. Izderzhki pridnestrovskogo konfliktu i vygody ot ego uregulirovaniya / Elena Gorelova, Galina Shelar'. – Kishinev. 2009. - p. 63

¹⁰⁸ INFOBAZA Agropromyshlennogo kompleksa <http://baza.proapk.com/p/425> or <http://baza.proua.com/p/425>

¹⁰⁹ Poslednii iz mogikan. 03.03.2008 <http://www.3g.co.ua/publications.aspx?id=385>

Zhytomyr, Kherson, Volyn, Transcarpathian, Ivano-Frankivsk, Sumy, Kirovohrad, Rivne, Ternopil, Cherkasy, Chernihiv, Chernivtsy and Kyiv oblasts). At the same time, “Intertelecom” has a possibility to develop the network and provide services on the base of CDMA 3G 1X and EVDO on 100 per cent of the territory of Ukraine.¹¹⁰

Investment contacts. One can say that Ukrainian business agents are interested in participating in the privatization process in Transnistria because, despite the active privatization inside Transnistria, process is still not finished yet. According to some researchers, the part of the Ukrainian capital in Transnistria makes up approximately 30-35%,¹¹¹ and this number is not final, though Russian business interests and Transnistrian re-orientation towards RF may set obstacles on this pathway.

First, there are objective economic processes connected with the financial-economic crisis: the activity of foreign economic agents, as well as their purchasing competence, is rather low. That is why the level of demand for both imported and exported goods both in Ukraine and the “TMR” is also low.

Second, a number of factors that can be defined as “subjective” also prevent active contacts. The “TMR high authorities” try, in any possible way, to legalize the “recognized” status of Transnistria and, therefore, to politicize establishing business contacts, viewing them in the light of recognition of TMR as a subject of international relations. Sometimes it scares away those Ukrainian economic agents that operate in the legal framework.

At third, economic agents of “TMR” perceive the position of Ukraine in settlement of the “Transnistrian conflict”, proceeding from the necessity of preservation of the territorial integrity and sovereignty of Moldova, quite negatively.

At fourth, foreign economic agents of Transnistria during the last time re-orient both export and import operations from post-Soviet countries to the EU. This situation is caused by the fact that the majority of industrial enterprises of the TMR are privatized – that is why they are managed, to a large degree, by the Russian business that legitimize the foreign economic activity of the “TMR” in the eyes of European partners.

At the same time, strengthening of the economic ties between Ukraine and Transnistria could promote the settlement of the Transnistrian conflict, because it could become a certain alternative to the not quite constructive (or, rather, destructive) influence of the RF which, aiming at weakening Moldova, considers the undefined status of Transnistria as a suitable mechanism of influence on the Republic of Moldova. For that, Moscow has essential economic leverages. Moreover, according to unofficial data, Russian business tries to conquer and monopolize Transnistrian economy, putting up a resistance to business contacts on high and partly on medium level with business structures of other countries, including Ukraine.

In this context, Ukraine also faces a dilemma: from the one hand, Kyiv is interested in economic cooperation on cross-border level with Moldova (Transnistria); from the other hand, intensification

¹¹⁰ “Intertelekom” zaplatil 63,648 mln hrn za polucheniye dopolnitel’nyh CDMA-litsenzii, kotorye dayut pravo rabotat’ na 100% territorii Ukrainy July 20, 2009. <http://expert.com.ua/33116.html>

¹¹¹ Olena HETMANCHUK, Trans-Dniester Region: The Specifics Of The Third Economic Blockade Zerkalo Nedeli № 9 (588) March 11 — 17, 2006 <http://www.mw.ua/1000/1600/52857/>

and deepening of cooperation create formal preconditions for TMR's recognition and provide support for this "unrecognized formation". In this context, it is rather difficult to find the necessary balance that could facilitate the economic growth of Transnistria and its reintegration into the Republic of Moldova without promoting the "centrifugal" actions of the "TMR" vis-a-vis Moldova.

The trilateral contacts between the business structures of Moldova, Ukraine and Transnistria could become the necessary precondition for economic development. They could have a positive impact not only on the individual countries but also for the region in general, because effective integration can take place, as experience of the EU evidences, on the ground of economic factors that in future promote the political integration. Therefore, it is extremely important to find effective schemes by which Moldova's integrity and solving the Transnistrian problem (security and integration) are to be ensured by economic and democratic means.

4. The problems Ukrainian minority faces in Transnistria and the rest of Moldova

By Sergiy GERASYMCHUK

Ukrainian ethnos numerically is the second one in Moldova. According to the 1989 census, the overall number of Moldovan Ukrainians amounted to approximately 600.000 and their share in the ethnic structure of the republic was 13.8%. The 2004 census data provides the number of 282.198 Ukrainians living in the country (excluding the left bank regions). According to the Ministry of Economy of the unrecognized TMR, the census of November, 11, 2004 recorded the Transnistria population size as 555.500 persons; 28.8% or 159.984 among them were Ukrainians.¹¹²

Taking into account such statistics and Ukrainians' reintegration potential on the both banks of Dniester, the problem of Ukrainian minority in Moldova and Transnistria was one of the priorities of the given research. Therefore, the research of "Moldovan Ukrainians problem" was based not only on the analysis of relevant literature but also on the in-depth interviews with Ukrainian representatives, research visits to the Ukrainian-language schools, and contacts with the Ukrainian organizations in Moldova and Moldovan politicians/Parliament members of Ukrainian origin.

The problem of Moldovan Ukrainians is worth special attention also because it becomes sometimes the subject for speculations, aimed at awakening the "ethnic sentiment" in Ukrainian political establishment. As a result, wrong interpretation of Ukrainian minority interests in Moldova and Transnistria region takes place, as well as wrong perceptions regarding a role of the country of origin in satisfying those interests. Partly, the Russian Federation's activities in defending "compatriots" in the Transnistria region and elsewhere are taken as an example. Particularly, the attention is paid to the efficient work in the region of such institutions as: the Russian Academy of Natural Sciences Centre; the South Department of the Russian Education Academy; Methodological Centre of Moscow and Transnistrian State Universities; Centre of Testing, and Methodological Centre of Vocational Guidance. Russian Ministry of Education carries out certification of the scientific degrees.

On this background, some specialists from Ukraine complain that all education in Transnistria (from preschool to the higher one) is carried out according to Russian standards. Obviously, Russian influence in this region in the perspective will remain strong enough. One can hardly hope that the processes of national revival among Ukrainians could go on with appropriate quality if pupils and students (of Ukrainian ethnic origin) are studying Russian "History of the Fatherland", not the Ukrainian history.¹¹³

Moreover, as a result of the false interpretation, the attempts of sheer copying of Russia's policy towards so-called "compatriots" are undertaken. Particularly, the example of such copying was the result of the work of Ukrainian NGOs that engaged in the Civic mission "Ukrainians in Moldova". The most active participants of this mission, and those who share their views, presented the results of their research and recommendations for Ukrainian government at the 12th Meeting of the Parliament Club of

¹¹² Kozhuhar V. H., Kozhuhar K. S. ta in. / *Ukrainci Moldovy. Istoriya ta suchasnist'*. – Chisinau: "Elan Poligraf", 2008/ - P.11.

¹¹³ Filipchuk H. *Ukrayinstvo Pridnistrovia: realii i problemy* <http://www.rius.kiev.ua/conf/fil1>

NGOs that took place on November 16, 2005. Particularly, the representative of the Kharkiv branch of National Institute of Strategic Studies O. Sherstobayev proposed to “discuss the possibility of founding the Parliament Committee of Compatriots’ Affairs in Verkhovna Rada of Ukraine, following the example of the respective committee of the State Duma of Russian Federation”.¹¹⁴ Such an approach, despite its superficial effectiveness, obviously does not correspond to the widespread in the EU practices of symmetrical protection of national minorities by their countries of origin. Moreover, being presented by Russian Federation, such approach acquires the pronounced destructive features.

However, Moldovan participants of the mentioned mission went even further in their recommendations. Particularly, V. Ciurkchu who took part in the meeting of the Parliament Club, proposed to “develop and sign intergovernmental documents to make possible the double citizenship for ethnic Ukrainians that live on the territory of the Republic of Moldova”.¹¹⁵ The appropriate clause of Ukrainian Constitution was, evidently, totally ignored.

Taking into account the abovementioned and the general sensitiveness of the national minorities’ protection problem, it is necessary to consider the situation with the rights of Moldovan Ukrainians in detail, as well as the level of their cooperation with Moldovan authorities.

In this context, the field of education for national minorities, that arouses reproaches from some Ukrainian researchers, should be considered first of all. It should be mentioned that in this sphere, beginning from 1991-1992, the study of Ukrainian language in the schools of all levels was introduced, and the subject “History, culture and traditions of Ukrainian people” for pupils of 1-9 forms was introduced beginning from 2003-2004.

According to the data of Ministry of Education of the Republic Moldova, in 2005-2006, Ukrainian language, literature, history and culture of Ukrainian people were studied in 54 schools.

Five Universities prepare specialists in Ukrainian philology: the State University, Chisinau Pedagogical University, Beltsy Pedagogical University, Comrat Pedagogical University, and Teraklei Pedagogical University.¹¹⁶

The department of history, language and culture of Moldovan Ukrainians was established in 1991 in the structure of the Institute of Interethnic Research of Moldovan Academy of Sciences.

Radio journal “Vidrodzhennya” (“Renaissance”) and Ukrainian program “Svitanok” (“Dawn”) are broadcasted at the National TV Company of Moldova. They became a kind of chronicle of local Ukrainians’ life. In Beltsy city at the North of Moldova, the Ukrainian-language newspaper “Ridne Slovo” (“The Native Word”) is published.

Public activities of Moldovan Ukrainians are also worth attention. Currently, eight all-republican Ukrainian ethno-cultural organizations are functioning in Moldova. These are: Ukrainian Society

¹¹⁴ www.regnum.ru/news/494177.html

¹¹⁵ Ibid

¹¹⁶ Interethnic Relations, Minority Rights and Security Concerns: A Four-Country Perspective (Ukraine – Moldova – Romania – Hungary)/ed. N.Belitser, S.Gerasymchuk. – Kyiv, 2008. – p. 107.

(headed by M. K. Oliynyk), The Society of Ukrainian Culture (O. F. Maystrenko), The Union of Moldovan Ukrainians (S. T. Myslytska), The Women's Society of Moldova (V. S. Moraru), "Prosvita" ("Education") Society (H. M. Rohova), The Charitable "Vidrodzhennya" ("Renaissance") Foundation (Y. P. Oseredchuk), The Unity of Moldovan Ukrainians "Zapovit" ("Testament"), Youth Organization "Zlahoda" ("Consent") (D. Lekartsev), as well as over 70 local organizations. All heads of the all-republican societies are the members of the Coordination Council of the Bureau of Interethnic Relations.¹¹⁷

"Ukrainian Society" remains the most influential non-governmental organization of Moldovan Ukrainians. Any other ethno-cultural organization does not have as wide network of regional branches as that of "Ukrainian Society". According to 2006 data, 70 village, city and regional branches of the "Ukrainian Society" operate in the republic.¹¹⁸

However, it should be mentioned that despite this positive statistics, Moldovan Ukrainians do face some problems. Particularly, printing of the periodical press remains the serious problem. Only the abovementioned Ukrainian-language newspaper "Ridne Slovo" (Beltsy city) is issued regularly, while other printed outlets could not even pretend for such stability and quite often vanish soon after being established.¹¹⁹

As for the obstacles the authors of the Ukrainian programme "Svitanok" face in their creative work, they consist of excessive guidance of the TV and Radio Company's management. It intervenes actively into the choice of topics, planning and director's decisions. Under such circumstances, the authors have to struggle all the time for being trusted, asserting permanently their knowledge, professionalism, responsibility, commitment to needs and interests of the Ukrainian community.

The most upsetting fact in the last years is the considerable decrease of the Ukrainian-language broadcasting time. Upon the time when the Public TV and Radio Company was established, the duration of broadcasting decreased twice – from 4 transmissions monthly with the total duration of 120 minutes to 2 30-minutes ones. This is also the subject of public concern. The management of the company justified it as a step forced by the financial difficulties that caused general decrease of TV and radio broadcasting.¹²⁰

Ukrainians of the right-bank Moldova face also some divisions. Particularly, M. Kryzhanivsky, leader of the Ukrainian community in the North of Moldova, has pointed out during the interview with the participants of the Working group that Ukrainian community in the North of Moldova makes its input in the development of Ukrainians' ethnocultural development in the region mostly by itself and with only a small help from Beltsy municipality. Considerable support has been provided by Moldovan businessmen of Ukrainian ethnic origin. For example, "Ukrainian House" in Beltsy is supported by private donations, including M. Kryzhanivsky's private costs. According to his words, Ukrainian community in the North of Moldova does interact with Ukrainians at the left bank of Dniester but such contacts are usually limited to visiting cultural and art events; no common projects are carried out.

¹¹⁷ Kozhuhar V. H., Kozhuhar K. S. ta in. / *Ukrainci Moldovy. Istoriya ta suchasnist'*. – Chisinau: "Elan Poligraf", 2008/ - P. 16

¹¹⁸ Ibid. - P. 203

¹¹⁹ Ibid. - P. 15.

¹²⁰ Ibid. P. 192.

The community's direct ties with Ukraine are much closer. Kryzhanivsky has especially emphasized the support provided to Ukrainian community in Beltsy by Kyivan community and Kyiv Council deputy V. Pylypyshyn.

As for the contacts with all-Moldovan Ukrainian organizations, they are rather limited. Kryzhanivsky has pointed out the unhealthy competition for the priority in relationship with the Embassy of Ukraine in the Republic of Moldova that takes place sometimes, as well as for the access to limited resources provided for national minorities by the state. This explains, inter alia, the low level of coordination with the leader of Ukrainian society of Moldova M. Oliynyk.

At the same time, in the conversation with the vice-primar of Beltsy city A. Usaty it appeared that Ukrainians of the region keep balance between the radical groups of pro-Russian and pro-Romanian Moldovan citizens. No radical mood among Ukrainians is observed in the region. A. Usaty has pointed out that Beltsy municipal council takes efforts to promote ethnocultural development of Ukrainians but their level is limited by Moldovan law (that is the subject of reproaches from Ukrainian community in Beltsy).

The existence of pro-Rusyn (Ruthenian) movements on Moldovan territory should be considered separately. Enthusiasts of "rusynism" (that is known in Ukraine as "political rusynism") in Moldova, following their "colleagues" from Ukraine, insist on such successive chain of definitions: "Rusyns" – "Russians" – "Russian citizens" ("Rossiyane").¹²¹ The most known person for his "Rusyn" activities in Moldova is S. Suliak. His "scientific works" and public activities are aimed at the expansion of the mentioned phenomenon on Moldova as well. That presents a number of challenges for the statehood of the Republic of Moldova having, besides that, a number of difficult unsolved internal problems dealing, not in the last turn, with separatism. Moreover, such activity could become a reason for misunderstandings and complications in Moldovan-Ukrainian relations in the case of Ukraine's support for it.¹²²

S. Suliak is one of the apologists of "rusynism". In all ways he tries to emphasize the ethnographical differences between Rusyns and Ukrainians, the specificities of their respective folk traditions and rites. At the same time, he totally ignores the fact that the very notion "Rusish" (the descendant of Kyivan Rus') is in no way equal to the notion of "Russian". Beside that, in the old Moldovan language the word "Ruses" ("Rush") was applied just to Ukrainians. S. Suliak also does not mention the fact that the ethnonym "Ukrainian" did not spread at once and therefore, the population of Ukraine had a lot of local names, a number of which have been preserved in the names of certain ethnographic groups of Ukrainians: Lemky, Boyky, Hutzuly, Polischuky, Lytvyny, etc.¹²³

Beside that, the fact that Moldovan Ukrainians are sometimes disorganized and not always can join their efforts for promoting their interests, leads to certain conformism and russification. For example, according to the President of the Centre for Interethnic Research of Republic of Moldova I. Pivovar, in 2004 census 64,1% of right-bank Moldovan Ukrainians have mentioned Ukrainian as their native

¹²¹ Ibid. P. 32.

¹²² Ibid. P. 37.

¹²³ Ibid. P. 32.

language. At the same time, 50% of Ukrainians use mostly Russian. Beside that, only 40% of Moldovan Ukrainians speak the state language of the Republic of Moldova.

The specific situation is also formed in the cultural area. There are no Ukrainian theatres in the Republic of Moldova (while two Russian ones, one Gagauz and one Bulgarian theatre have functioned there), and no Ukrainian museums (while there are two Russian, four Gagauz and two Bulgarian ones).

Moreover, currently Ukrainian community of Moldova with the majority of 84% supports parties that share communist ideology. It is a sign of the low level of political culture and understanding the values of plurality.

Reintegrational potential of Ukrainian communities of the left and right bank of Moldova is dispersed as well, though the leader of “Ukrainian Community” M. Oliynyk says that there are possibilities for its strengthening. The parliamentary mentioned school Olympiads in Ukrainian language and literature where pupils from both banks of Dniester take part, as a positive example on this path.

However, to his mind, the task of Ukrainian community’s leaders is preserving the ethnocultural identity of Moldovan Ukrainians, at the same time acquiring respect to the country, the citizens of which they are.

The situation in Transnistrian region is somehow different. As an example of it, a visit of the working group of the project to Lesi Ukrainky Ukrainian secondary school N 1 in the Rybnitsa city is worth attention. Interviews with pupils, teachers and management of the school revealed that Ukrainian traditions are respected there. The school is popular among Rybnitsa’s residents: ethnic Moldovans and Russians send their children to this school, too. A number of school graduates enter high schools in Ukraine. But from the other hand, while implementing innovative pedagogical methods and trying to ensure national and cultural education of Ukrainians of the left bank of Dniester by establishing pupils’ self-governance according to principles of so-called “Ukrainian national school” and “Cossacks pedagogic”, the pedagogical team consciously or unconsciously becomes the re-broadcaster of propagandistic ideas implanted by the leaders of Transnistrian separatists.

Certain Ukrainian societies of the Transnistrian region carry on activities of the cultural-educational and art nature as, for example, Ukrainian Society “Stozhary” headed by Y. Bohutsky. He is also the vice major of Grigoriopol city that gives him, as he claims, additional possibilities to promote development of the local Ukrainian community. “Stozhary” society avoids “the specific cultivation of Ukrainian nationalism” and participation in political actions of any orientation. Such approach reminds tradition and concept of activity of the historically known organization of the 1st half of XX century in Western Ukraine: “Luh” (“Meadow”). At the same time, the conversation revealed that the general Grigoriopol Ukrainians’ attitude towards Chisinau is politically disloyal and intolerant. Y. Bohutsky asserts that the main reason for such attitude is Chisinau’s own attitude towards Moldovan Ukrainians rather than Tiraspol’s propaganda. Transnistrian Ukrainians are first of all dissatisfied with the Chisinau’s “concealed and at the same time senseless policy of either Russification or Romanization of Moldovan Ukrainians”.

So, Ukrainian communities in the Transnistrian region carry out their ethnocultural development in nationalistic direction that ruins the consolidation of Moldovan Ukrainians on the left and right banks

of Dniester. At the same time, this factor makes the first ones antagonistically oriented towards Moldova and Romania, thus transforming them into the instrument for implementation of Tiraspol's separatist policy that presents a serious external ethnopolitical challenge for Ukraine.

Cultivation of nationalistic self-consciousness of Moldovan Ukrainians from Transnistria in the direction of loyalty towards the idea of TMR's "gaining statehood" and intolerance towards the "betrayal" policy of Ukraine (which openly does not support the policy of separatism and, on the contrary, strongly supports the policy of state reintegration of Moldova) takes place due to Tiraspol's political prompt. The strange paradox has formed: "Ukrainian nationalism" in Transnistrian region of Moldova is used to achieve the aims of TMR separatist policy and Russian foreign policy in Eastern Europe.

Moreover, due to the well-planned informational operations, the ambiguous situation of Moldovan Ukrainians leads to the distortion of the public opinion about Moldovan Ukrainians' problems in Ukraine itself.

Under such circumstances, the research group has drawn a conclusion that situation with ensuring the rights of Ukrainians in Moldova is not proper. Sometimes it is the result of economic difficulties that influence all citizens of the Republic of Moldova without exception. In some cases, the situation is complicated by high level of Russification of Moldova at the Soviet times, as well as by passive policy of ruling for a long time Moldovan Communist Party that actually led to the continued process of Russification. However, currently it concerns not so much the titular nation but rather affects national minorities which usually have limited possibilities to study in native language. Instead, Russian becomes the language of national minorities. At the same time, the assertion about Romanization of national minorities in the right-bank Moldova is an overstatement (if not completely groundless).

The situation is further complicated by the Ukrainian state that, in its turn, hardly promotes overcoming this problem by being oriented predominantly on the Ukrainians of Transnistria. Such approach does not take into consideration the fact that while providing support mostly for Ukrainians of the Transnistrian part of Moldova, Ukraine, in fact, deepens the split inside Ukrainian community of Moldova. Therewith, it supports, at the best, the outflow of the left-bank Moldovan Ukrainians to Ukraine.

The fact that Ukrainian community of the left bank is not less heterogeneous than on the right one is also not taken into consideration. Meanwhile, official Tiraspol, guided by the political reasons, supports only those organizations of Transnistrian Ukrainians that are loyal to the separatist regime but in doing so, makes the impression of providing proper support for the whole Ukrainian community.

The collected observations by no means testify against the necessity of supporting Ukrainians of Moldova. But it is necessary to take into account the mentioned facts and to concentrate on supporting projects that could unite Moldovan Ukrainians. Besides, it is necessary to strive for the elimination of the Russification practices targeting national minorities of Moldova.

The educational work, aimed at spreading information about the means and instruments of ensuring the rights and satisfying the needs of the respective ethnic communities in the two countries, would

also be welcome because currently, only a small part of the Moldovan population is aware of the actual situation of these minorities and does not care of reaching parity in this area.

5. The Issue of Ukrainian-Moldovan border

By Yaroslav MATIYCHYK

5.1. General assessment of the condition of Ukrainian-Moldovan border

Activities on Ukrainian-Moldovan border, stretching for a length of 1222 km (including the Transnistrian section of 462 km), are governed primarily by the Treaty on Good Neighbourliness, Friendship and Cooperation concluded between Ukraine and the Republic of Moldova (in 1992), the Treaty on Cooperation for the period of 1998-2007 (concluded in 1998), the Treaty between Ukraine and the Republic of Moldova on the State Border (concluded in 1999), Additional Protocol to that Treaty (with regards to transfer into the property of Ukraine the section of Odessa-Reni highway located nearby the settlement Palanka in the Republic of Moldova as well as the land plot beneath that section and its operation conditions; concluded in 1999), Regulations on Demarcation of the State Border between Ukraine and the Republic of Moldova (concluded in 2003), Protocol on Cooperation for Safeguarding of Ukrainian-Moldovan State Border (concluded in 2003), Protocol on Cooperation in the border entry points at Ukrainian-Moldovan State Border (concluded in 2001; came into force in 2002), Treaty on visa-free travels of the citizens (concluded in 2001; came into force in 2002), Additional Regulations to the Regime for mutual trips of the citizens of Moldova and Ukraine (concluded in 2005).¹²⁴ Regulatory documents for Ukraine's customs regime include the Customs Code of Ukraine, laws of Ukraine and other statutory instruments concerning customs affairs, international convention (acceded to by Ukraine and Moldova) and state/interdepartmental Ukrainian-Moldovan agreements.¹²⁵ Both in Ukraine and Moldova organization of border activities, in the framework of international practices, provides for coherent cooperation primarily between the departments of the border and customs services.

Currently the **issue of the interstate border is the priority in the Ukrainian-Moldovan relations** since the demarcation process has not yet been completed; still there are urgent issues regarding efficient customs and border control, in particular at the Transnistrian section; an integral part of relations is political dialogue and cooperation on the international level in the frameworks of Transnistrian «frozen conflict» settlement.

Considering the factor of the present «frozen conflict» and the necessity to counteract contraband, illegal migration and the spread of weapons and narcotic substances **the issue of the Ukrainian-Moldovan border operation activities** is not problematic only to Ukraine and Moldova interstate relations but it is **also in focus of the international community (in particular of the European Union) due to the reason of preservation/providing regional stability in an all-European security context.**

The analysis of numerous independent interdepartmental researches by Ukraine, Moldova and Europe proves the following: **disadvantages of the Ukrainian-Moldovan border operation activities are primarily in the entwinement of separatists (Transnistria) and contraband factors. The solution of the following problems is of high importance for ensuring due border activities:**

¹²⁴ The data of the State Border Service of Ukraine (in more details: <http://www.pvu.gov.ua>)

¹²⁵ The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

— **political intractability (between Ukraine and Moldova) with regards to completion of the border demarcation process;**

— **insufficient material and technical facilities;**

— **lack of quality organization for the customs and border control regimes:** providing «reliability of the contraband filter» and «human friendly» – from the legal and political points of view – regime of customs and border control (movement of people and goods).

It is important to understand that, **although determinative mechanism for getting things under control at the border are measures within the frameworks of the Ukrainian-Moldovan relations, their potential is not sufficient, thus, cooptation of the broader international efforts and experience is essential.** In particular, the key determinant for the situation in the entire region is the Russian factor, objectives and priorities of the Russian Federation foreign policy in the Eastern Europe and the Caucasus, its motivation in the regional format of multilateral relations in particular with regards to resolution of the Transnistrian conflict etc. The essential for the region is also European Union policy¹²⁶ having for a certain duration “amorphous” character. Now it obtains more distinct features through the instruments/possibilities of Joint external and security policy, the «Black Sea strategy», program of «Eastern Partnership» and growing understanding of the role of the EUBAM mission.¹²⁷ One can not underestimate the role of the United States of America which together with the European partners have exerted substantial and constructive efforts to settle the Transnistrian conflict, counteract contraband, aid development of material and technical facilities and establish more effective operation activities on the Ukrainian-Moldovan border.

Therefore, **the aforementioned factors and problems are not strategic priorities only in the Ukrainian-Moldovan relations and directions for further goal-oriented joint measures/actions by the Ukrainian and Moldovan parties but they also compose a number of priorities in their cooperation with the European, Russian and American partners.** Assessment of the actual situation shows that **these directions for improvement of situation at the border are tightly interweaved and for that reason accentuated attention should be drawn to the necessity of simultaneous, agreed and consecutive exertion of efforts** in diplomatic, political and legal, procedural and organizational, resources related areas. **That could be implemented only within the new strategy of regional cooperation,** as separate international and actions program by the EU and OSCE. As it has been proved by the current situation, without a complex attitude towards the settlement of the described problems it will become more complicated to solve them separately, the situation will acquire conservative and stagnation features.

Having summarized the above, **the strategy for establishing the reliable border operations should provide for the simultaneous intensification of efforts regarding the following directions:**

¹²⁶ From the interview of Reintegration Minister of Republic of Moldova I. Stevile IA “Ukrains’ki novyny”, – December 2008, – (<http://www.ukranews.com/rus/article/167480.html>)

¹²⁷ <http://ua.for-ua.com/ukraine/2009/01/28/184650.html>

- (1) international realization of the problem, strengthening of cooperation and coordination of international efforts, ensuring persistence and progression in actions concerning the actual settlement of the Transnistrian conflict and state reintegration of Moldova;
- (2) introduction of more severe and systematic measures on counteracting smuggling and corruption, illegal migration and the spread of weapons and narcotic substances;
- (3) finding political compromise between Kyiv and Chisinau regarding completion of the border demarcation process and accelerated implementation of actual demarcation measures;
- (4) enhancement to the required extent the resources provision in order to improve material and technical facilities at the border as well as to duly execute customs and border control.

In the context of condition and operation activities of the Ukrainian-Moldovan border it is necessary to focus attention on the aspects having the direct relevance to the problem, namely, ensuring efficiency of the border and customs control regimes.

5.2. Problems of ensuring border regime at the Ukrainian-Moldovan border

As previously mentioned, the problem of completion of the demarcation process is the leading one among the issues of ***ensuring border regime***. It is necessary to mention that this regime is mainly influenced by the first from the aforementioned two factors – the separatist’s one (the Transnistrian conflict).

The Ukrainian-Moldova state border, stretching for 1222 km (Chernivtsi, Vinnytsya, Odessa region), is usually divided into the northern, central (the Transnistrian region) and southern sections taking into account the peculiarities of domestic political situation in the Republic of Moldova. The state border between the countries runs through agricultural lands, lands of other purposes (terrain), lands of the state forest and water fund as well as development lands (settlements). Until 1999 the set of measures on delimitation of the Ukrainian– Moldovan state border was completed (apart from its central section due to the existing Transnistrian problem). Subsequently, before 2002 the sufficient legal and regulatory framework for the demarcation of the delimited section of the border was created. Thus, in March 2002 Joint Ukrainian-Moldovan Demarcation Committee was established, it still supervises the progress of those activities. However, the Committee faced a range of problems which can not be solved within only its powers and possibilities.

Arranging borders between Ukraine and Moldova, just as in case with other former USSR countries, requires solving the range of complicated interstate problematic issues such as outdated topographic base which does not reflect current condition of the locality. Even insignificant inaccuracies or mistakes in defining the border line on the map result in discrepancies with the land documents which in turn causes disputes and conflicts.

Geographical information, especially maps, has always been the essential in the process of establishing and administrating state borders. Availability of precise geographical information does not guarantee the border issue being non- problematic. However, borders established on the basis of poor geographical information inevitably become the source of disputes and misunderstandings between the states. From that point of view one should review the incident at the Ukrainian-Moldovan border on July 17, 2003 when Moldovan border guards intruded into the territory of Ukrainian hyrdo accumulation power station on the river Dniester and established their border guards station. Attention has to be drawn to the fact that **delimitation of the Ukrainian-Moldovan border was held in 1995-1999 on the basis of topographic maps having the scale of 1:50000. The maps displayed the tendency for area changes during the period of 1977-1995. Topographical maps with the scale of 1:10000 which were used as the basis also turned out to be outdated.**¹²⁸ Those maps did not display Dniester hyrdo accumulation power station which construction started in 1985.

Topographical maps are special strategic items capturing the terrain at the moment of survey. After few years time the terrain undergoes changes due to the activity of the nature and people. This is why topographical maps should be updated and re-published on the regular basis. Periodic and continuous systems for updating topographical maps are used for that purpose. Due to the lack of funds the maps have not been updated and the subject of Dniester hyrdo accumulation power station was «unknown and has not been discussed». In the process of Ukrainian-Moldovan border delimitation the state border for the countries ran in the middle of the Dniester waterway and the power station – being the Ukrainian economic entity – ended up to be both on the Ukrainian and Moldovan territory.

To comply with cartographic and geodesic requirements of the state border it is necessary to introduce modern technologies, improve the topographic state of exploration by means of a topographic survey in the scales required for borders of adjacent regions as well as optimal periodicity of topographic mapping updates. The whole range of works on cartographic and geodesic supply of the state border, establishing of geoinformation system for efficient state border administration should become a substantial argument for ensuring national security and preservation of international stability and peace in the region. It is clear that it could be quite achievable by carrying out a joint study and assessment of topographical changes of areas adjacent to the border.

Currently, **as at the beginning of 2009 the situation around the issue of demarcation of the Ukrainian-Moldovan state border is as follows.** The 34th meeting of Joint Ukrainian-Moldovan Demarcation Committee (JUMDC) (September 23-25, 2008 in Kahul, the Republic of Moldova) and the 35th meeting of JUMDC (November 19-20, 2008 in Serhiyivka, Odessa region, Ukraine) were held.

The results of those sessions proved complex character of diplomatic dialogue, permanence of the parties' positions on the main directions in the demarcation process: Dniester buffer hydroelectric complex, area of Dzhurdzhulesht settlement, southern and central sections of the border.

Moldovan delegation has yet again suggested a «compromise» on solution of the mentioned problems – concessions to Ukraine with regards to border demarcation in the area of transport and power

¹²⁸ <http://www.ji-magazine.lviv.ua/kordon/cooperation/2003/lg25-09.htm>

complex Dzhurdzhulesht in return for the resolution of the state border demarcation process nearby the dam of the Dniester buffer hydroelectric complex (Dniester hydroelectric power station-2) according to the option voiced by the Ukrainian party at the preceding JUMDC meetings as well as the elimination of the disputes concerning issues of mutual recognition of rights and regulation of the ownership relations. The references were made to agreements reached by the Presidents of Ukraine and Moldova on June 6, 2008 in the frameworks of the informal Summit of Heads of CIS member-states (Saint-Petersburg, Russian Federation).

In the course of discussion regarding the demarcation of central section of the Ukrainian-Moldovan state border the Ukrainian party suggested to fix the exact dates and define a section of the state border at where the demarcation works are to be commenced. In response to that the Moldovan party mentioned this would require involvement representatives of land authorities of the corresponding border areas that is of Transnistrian regions. The representatives of Moldova informed on having multiply addressed administration of the Transnistrian region with the official appeals via the Ministry of Reintegration of Moldova in order to involve the representatives of land authorities of the Transnistrian region to the demarcation works. Those appeals have been left unanswered. Due to such circumstances, in the course of the demarcation works approval for 2009 the Moldovan party proposed to entirely exclude the clause on central section demarcation activities.

Finally, Ukrainian-Moldovan debates resulted in the recognition of the need to involve Ukraine and representatives of EU (the EUBAM mission) in resolving the issue on ensuring corresponding attitude by the Transnistrian party towards measures of the interstate Ukrainian-Moldovan border demarcation. The aforementioned clause was added to the final version of the Plan.

Currently, **the issue of signing and ratification of the Treaty on regime of the state border, border interaction and cooperation is on the stage of approval.** Moldovan draft of the Treaty was sent to the address of the Ministry of Foreign Affairs of Ukraine.

Apart from that, trilateral Treaty on junction points of the states is to be signed between Ukraine, the Republic of Moldova and Romania. However, the Ministry of Foreign Affairs of Moldova by presenting corresponding note has informed the Ukrainian party on the impossibility at the current stage to study that issue due to lack of corresponding bilateral Treaty between Moldova and Romania.

Thus, **with regards to commencement the demarcation of central (Transnistrian) section of the state Ukrainian-Moldovan border Chisinau takes up “anemic” position. It consists in dragging on the commencement of the works until the final agreement of the demarcation line in Dzhurdzhulesht area and Dniester hydro accumulation power station.**

The official correspondence of the Ministry of Reintegration of Moldova and Tiraspol with regards to involving representatives of the Transnistrian land authorities (neighboring to Ukraine) in JUMDC activities is carried on without defining the composition of the Transnistrian delegation, its mandate and responsibilities. Therefore, one can not expect the improvement by the Transnistrian administration in the ignoring attitude towards the demarcation of central section of the border. As the result of above described circumstances challenge the feasibility to comply with the Schedule for

solving the priority matters concerning Ukrainian-Moldovan relations, in particular, accomplishing demarcation of the aforesaid sections (which was planned as far back as March-April 2008) and timeliness of holding the session of Joint Intergovernmental Ukrainian-Moldovan Committee on Trade and Economic Cooperation.

Basing on the aforementioned we can make certain **generalizations regarding the assessment of situation around the demarcation of the state Ukrainian-Moldovan border:**

1. Official Chisinau is ready to resolve the issue of the state border demarcation in the area of Dniester buffer hydroelectric complex dam according to the option suggested by the Ukrainian party on condition of its concessions on demarcation of joint border nearby the transport and power complex Dzhurdzhulesht.
2. Moldovan party tends to delay commencement the demarcation of central (Transnistrian) section of Ukrainian-Moldovan state border referring to the passive response by the Transnistrian region authorities to official invitations by the Ministry of Reintegration of the Republic of Moldova regarding involvement into the JUMDC mission of the representatives of land authorities the Transnistrian region bordering Ukraine.
3. In general administration of the Transnistrian region has positive attitude towards the necessity to demarcate the section of the border with Ukraine. However, the «initiative» in that matter should be made by the Ukrainian party. That is also assumed basing on unofficial talks with the Transnistrian establishment.

Considering the situation, when it becomes evident that the most interested in settling the problem of Ukrainian-Moldovan state border demarcation is Ukraine, for **Kyiv it appears to be reasonable to initiate the Working meeting of the respective departments' representatives engaged in the demarcation process on behalf of Ukraine, Moldova and the Transnistrian party under the auspices of Special Ukraine's representative for Transnistrian problem resolution (with participation of the EUBAM mission representatives). During the meeting the mechanism for participation of Transnistria representatives in the activity of Joint Special Demarcation Committee should be created, as well as the procedure (including legal peculiarities proceeding from unrecognized status of the Transnistria) and materials and technical facilities for the demarcation of the central section of the border.**

In order to revive the pace of negotiation process and practical measures on the demarcation of the Ukrainian-Moldovan state border **Kyiv has to initiate Working meeting in the near future** (depending on course of political (election) processes in Moldova or Ukraine). It would seem that **without holding such Working meeting and resolving the aforementioned sensitive issues the scheduled JUMDC meeting either will not take place or will be purposeless from the point of view of political efficiency.**

5.3. Problems of ensuring customs regime at the Ukrainian-Moldovan border

As it has been proved by studying the situation, the problem of *ensuring customs regime* at the Ukrainian-Moldovan border has peculiar aspects expressed not so politically (as in case with the border regime) as legally and economically. It is understandable since with regards to organization of customs control regime at the Ukrainian-Moldovan border, comparing to ensuring border regime, it is the question of counteracting international organized crime, smuggling, illegal spread of arms and narcotic substances.

Delicate aspect in the organization of customs control regime at the Ukrainian-Moldovan border is *information support and informatization of customs authorities, operating data exchange*. In order to comply with the Law of Ukraine „On Prevention and Counteraction of the Legalization (Laundering) of the Proceeds from Crime” and Resolution of the Cabinet of Ministers of Ukraine dated 10.12.03 No. 1896 „On the Unified State Information System for Prevention and Counteraction of the Legalization (Laundering) of the Proceeds from Crime and Financing Terrorism” it was developed and commenced phased implementation of the Unified Information System into operation.

In order to fulfill the Edicts of the President of Ukraine dated 18.01.01 No. 22 „On Measures for Combating Illegal Migration”, dated 09.02.04 No. 175 „On the System of Measures for Eradication of Causes and Conditions Promoting illicit Corruption” automated information system on crossing of the state border of Ukraine and databank for interdepartmental use were implemented. Program and information complex „Counteracting contraband and violation of customs regulations” was put into operation in order to implement maintenance of automated database on contraband and violation of customs regulations in the Customs Office main database and enable obtaining updated statistical reporting.

The State Customs Service of Ukraine operates Unified Automated Information System (UAIS) being the set of separate automated information systems with different functional purposes, incorporated by telecommunication networks and set of info objects used for its processing. UAIS of the State Customs Service comprises facilities for accumulation, processing, storing and transfer of data necessary for customs authorities’ activity.

The large scale reforming process was initiated for improvement the conditions of customs authorities information supply. So far Regional Information Customs was established (the order of the State Customs Service dated 06.10.06 No. 845). One of its objectives is the establishment of „electronic customs”.

Contractual legal framework of Ukrainian-Moldovan customs cooperation regulates various aspects of interaction and comprises following: international conventions on customs matters; intergovernmental treaties on mutual assistance in customs matters; treaties of interdepartmental character (in the manner of protocols) on cooperation in certain areas of customs matters. Within the cooperation with customs authorities of foreign countries in order to prevent, cease and investigate disclosed cases of contraband and violations of customs legislation the State Customs Service exchanges information on the basis of interstate treaties and interdepartmental protocols. Currently information is exchanged between customs authorities of almost 70 countries of the world.¹²⁹

¹²⁹ The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

In frameworks of implementing eurointegrational course of Ukraine State Customs Service is actively participating in fulfillment of provisions of basic documents regarding cooperation between Ukraine and the EU, in particular provisions of Ukraine-EU Action Plan, documents and technical supply of authorities' sessions, established to execute the Treaty on Partnership and Cooperation between Ukraine and EU member-countries, Council and Committee on Cooperation between Ukraine and EU (in particular State Customs Service coordinates activity of Ukrainian section of the Subcommittee No. 5 „Customs and Transborder Cooperation” of the Committee on Cooperation between Ukraine and EU). Provisions of those international treaties and obligations are to great extent identical to Moldova-EU; Ukraine and Moldova strive to develop relations in border and customs matters on the basis of European attitudes, regulations and standard procedures.

According to objectives and goals of the State Customs Service of Ukraine and within its competence regarding ensuring national security in the area of organization of customs control in frameworks of intergovernmental Ukrainian-Moldovan treaties and resolutions of the Cabinet of Ministers of Ukraine 55 border entry points via Ukrainian-Moldovan border were defined (out of those: 21 - international; 15 – interstate; 19 - local).

Table “Border Entry Points via Ukrainian-Moldovan State Border”

№	ID	Name	Type	Status	border	customs	san.	fito.	veterin.	ecolog.	SMAP
106	51200	Veluka Koshnytsya	auto	interstate	+	+	-	-	-	-	-
107	51400	Bolgan	auto	international	+	+	+	+	+	+	+
108	50200	Mohyliv-Podils'kyi	auto	international	+	+	+	+	+	+	+
109	51300	Hrabarivka	auto	local	+	-	-	-	-	-	-
110	50300	Bronnytsya	auto	local	+	-	-	-	-	-	-
111	51500	Studena	auto	local	+	+	-	-	-	+	-
112	50100	Mohyliv-Podils'kyi	train	international	+	+	+	+	+	+	-
113	51100	Veluka Koshnytsya	river	local	+	-	-	-	-	-	-
114	50400	Oksanivka	river	local	+	-	-	-	-	-	-
115	50600	Mykhailivka	river	local	+	-	-	-	-	-	-
116	50900	Tsekynivka	river	local	+	+	-	-	-	-	-

117	50500	Velyka Balka	river	local	+	-	-	-	-	-	-
118	50700	Yampil'	river	local	+	+	+	-	-	-	-
119	51000	Tsekynivka	ferry	interstate	+	+	-	+	-	+	-
120	50800	Yampil'	ferry	міжн.	+	+	-	+	+	+	-
121	513300	Dolyns'ke	auto	interstate	+	+	-	-	+	-	-
122	513400	Reni	auto	international	+	+	-	+	+	+	+
123	513500	Reni	train	international	+	+	-	+	+	+	-
124	512500	Lisove	auto	interstate	+	+	-	+	+	-	-
125	512700	Maloyaroslavets' 1	auto	interstate	+	+	-	+	+	-	-
126	512800	Novi Troyany	auto	interstate	+	+	-	+	+	-	-
127	512600	Serpneve 1	auto	interstate	+	+	-	+	+	-	-
128	513100	Vynohradivka	auto	international	+	+	-	+	+	+	+
129	512300	Mayaky – Palanka	auto	international	+	+	-	+	+	+	+
130	512400	Starokozache	auto	international	+	+	+	+	+	-	+
131	513000	Tabaky – Chumay	auto	international	+	+	-	+	+	+	+
132	512900	Zaliznychne	auto	international	+	-	-	-	-	-	-
133	511600	Velykoplos'ke	auto	interstate	+	+	-	+	+	+	+
134	512200	Hradyntsi	auto	interstate	+	+	-	-	+	+	+
135	511400	Yosypivka	auto	interstate	+	+	-	-	-	-	-
136	511700	Slaianoserbka	auto	interstate	+	+	-	+	+	-	+

137	510900	Stanislavka	auto	interstate	+	+	-	+	+	-	-
138	510700	Tymkove	auto	interstate	+	+	-	+	+	-	+
139	512000	Kuchurhan	auto	international	+	+	+	+	+	+	+
140	511300	Platonove	auto	international	+	+	+	+	+	+	+
141	511800	Hrebennyky	авто	local	+	-	-	-	-	-	-
142	511200	Dubove	auto	local	+	-	-	-	-	-	-
143	511900	Rozalivka	auto	local	+	-	-	-	-	-	-
144	510300	Oleksiiivka	auto	local	+	+	-	+	+	-	-
145	512100	Kuchurhan	train	international	+	+	+	+	+	+	-
146	510600	Tymkove	train	international	+	+	-	-	-	+	-
147	732300	Voloshkovo	auto	interstate	+	+	-	-	-	-	-
148	731200	Podvirivka	auto	interstate	+	+	-	-	-	-	-
149	731600	Rososhany	auto	international	+	+	-	+	+	+	+
150	731400	Kel'mentsi	auto	international	+	+	-	+	+	+	+
151	731100	Mamalyha	auto	international	+	+	-	+	+	+	+
152	732200	Sokyryany	auto	international	+	+	-	+	+	+	+
153	731900	Hvozdivtsi	auto	international	+	+	-	-	-	-	-
154	731700	Vashkivtsi	auto	local	+	+	-	+	-	-	-
155	731300	Zelena	auto	local	+	+	-	-	-	-	-
156	731800	Novooleksiivka	auto	local	+	+	-	-	-	-	-

157	732000	Sokyryany	auto	local	+	+	-	-	-	-	-
158	731500	Kel'mentsi	train	international	+	+	-	-	+	-	-
159	731000	Mamalyha	train	international	+	+	-	+	+	+	-
160	732100	Sokyryany	train	international	+	+	-	+	+	+	-

Further improvement of the customs and border control regime, responsibility for reconstruction and development of border entry points via Ukrainian-Moldovan border for vehicle connection was vested by the Cabinet of Ministers of Ukraine in the State Customs Service (Resolution No. 48 dated 1999). Arranging the border entry points at the Ukrainian-Moldovan border was also envisaged by the corresponding Program of Actions aimed at supporting the state border and border regime, development of border and customs services/authorities of Ukraine (Edict of the President of Ukraine No. 1241/2000 dated 2000). However, out of those actions envisaged by the Program duly were arranged only 8 border entry points (from about 40).¹³⁰ The research of the current situation proves that **the main reason for non-fulfillment of the plan on development of the border entry points' network for vehicle connection is insufficient financing of those measures from the state budget of Ukraine.** However, due to increase in traffic intensity both of the vehicles and people it becomes more and more vexed problem. Currently most of the border entry points at Ukrainian-Moldovan border require reconstruction.

Despite exerted efforts and allocated resources customs authorities require further significant improvement in being provided with modern means for inspection of goods, vehicles, railway wagons and containers crossing the customs border of Ukraine in order to prevent illegal movement of the narcotic substances, arms, explosives and goods carried with violation of customs legislation. Presently, providing with technical means for customs control is carried out according to the State Purpose-Oriented program for providing customs authorities with technical means for customs control (Resolution of the Cabinet of Ministers of Ukraine No. 1225 dated 22.09.04). Studying the program content shows that measures and resources envisaged by the program do not comply with current requirements anymore: the program should be revised in the part of increase state allocations, principally for modernization of the international and interstate border entry points.

Currently, the introduction of Long-Term Plan for the development of customs infrastructure and technical supply of the customs system for the period of 2006-2010 is about to be completed at the level of the Customs Service of Ukraine in order to solve the set of issues with regards to customs infrastructure and providing customs authorities with technical means. (Order of the State Customs Service of Ukraine No. 430 dated 31.05.06).

Within the implementation of the Concept of activity modernization of the Customs Service of Ukraine (Order of the State Customs Service of Ukraine No.895 dated 17.10.06) and in order to

¹³⁰ The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

eliminate the gap in the existing system of investigation criminal proceedings concerning contraband disclosed by the customs authorities (from the moment of proceeding initiation to referral the case to court) corresponding draft Law of Ukraine was developed.¹³¹

The draft of that Law provides granting to certain divisions of customs authorities the right to hold prejudicial inquiry on crimes provided by art.201 and 305 of the Criminal Code of Ukraine, disclosed by customs authorities as well as hold investigative activities exclusively for contraband control, crimes within the activity of customs authorities and provide protection of the customs service employees from criminal infringement related to the fulfillment of their employment duties.

From the State Customs Service point of view the necessity of passing the aforementioned Law is foremost conditioned by the fact that customs authorities of Ukraine, according to active legislation, are only inquiry authorities. Holding prejudicial inquiry in criminal cases on smuggling is vested in the investigative authorities of the Security Service of Ukraine.

However, as it has been proved by reality, **it is not possible to achieve progress in modernization of the facilities using only departmental measures. That requires significant strengthening of government policy, legislative support of departmental initiatives, taking into account increased requirements at the level of state budgeting.** All these are provided by Art.24 of the Customs Code of Ukraine on financing, material and technical supply and development of infrastructure of the Customs Service of Ukraine.

Except budget funds **for the development of the customs system technical aid is also engaged according to the international treaties**, in particular in the frameworks of UN Development Program, Belarus-Ukraine-Moldova Program of Assistance for the Prevention of Drug Abuse and Drug Trafficking (Program BUMAD 2), project „Reform and Modernization of the Customs Service of Ukraine” within „TACIS”, Nunn-Lugar program. Taking into account the cooperation experience and high level of international urgency of the issue on the activities at Ukrainian-Moldovan border **it would be worth using additional attempts in order to intensify international technical support, revive joint Ukrainian-Moldovan diplomatic activity on broadening the circle of international partners** who could potentially promote customs infrastructure facilities improvement both on the Ukrainian and Moldovan side of the interstate border.

Considering current international tendencies on the development of customs affairs and the experience of the Customs Service of Ukraine, **range of new issues and urgent need for complex assessment of its activity and reforming its structure were raised.** Reformation of the structure should be aimed at the improvement of manageability and controllability of the customs authorities and their activities, strengthening counterwork on violation of customs legislation. It is envisaged that after completion of reforming the activity management structure for customs service will become multilevel, will have ability to instantly react to regional peculiarities and at the same time remain simple, flexible and vertically controllable at all levels. The introduction of independent functions by the customs authorities (with the application, within specific powers, of the legislation on customs affairs and control to its abiding during disposal of or movement of the goods and vehicles via the customs border

¹³¹ The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

of Ukraine) with simultaneous adherence to uniformity in application of regulatory and legislative acts provisions when executing customs procedures is envisaged on the operational activity level. In this regard higher level authorities should ensure improved quality (comparing to the current) of control over exercising functions vested in the customs authorities, assessment the efficiency of management adopted decisions as well as instant response to obtained results.

In general, **the current research of the Customs Service of Ukraine reforming status proves that it has only started** and will require many political and legal, material and technical as well as organizational efforts from the Ukrainian side.

The development of strategic planning within the frameworks of national security policy interests both for Ukraine and Moldova plays an important role for ensuring due functioning of Ukrainian-Moldovan border. For the Customs Service of Ukraine in particular that system is based on three interrelated components:¹³²

- analysis of the potential and credible types of threats to national security depending on the area of their arising and impact, defining means for their neutralization;
- defining the real ability of customs service (personnel, technical, technological, resources and financial) to detect, recognize and neutralize threats embodied in specific means and items being object of control by customs authorities;
- assessment of performance on detecting, recognizing and neutralization of such threats.

General future model of strategic planning and management of the customs service which should define the structure and aim of separate strategic directions of its development is described in the mentioned Concept of Modernization of the Activity of the Customs Service of Ukraine (Order of the State Customs Service of Ukraine No. 895 dated 17.10.06)

The role of the customs service in the model of Ukraine's security sector is defined by peculiarities of actual or potential threats to the national security. For the Customs Service of Ukraine such are «vehicles and items being carried or already carried or to be carried across the customs border of Ukraine».¹³³ Control over movement of such threat sources or their disposal defines the competence of the customs service in the general model of security sector.

In terms of normative directives **the objective of customs authorities of Ukraine and Moldova in the security sector is «detecting, recognizing and neutralization of threats posed by vehicles and items».**

Detecting, recognizing and neutralization are carried out by them within the frameworks of execution law-enforcement functions implementation.

¹³² The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

¹³³ The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

Taking into account the traditional role and features of the customs services activity in the world there are two types of activities defined in the national systems of state authorities of Ukraine and Moldova having certain standards in the world practice.

Primarily, it is the activity with the application of state established customs regulations and procedures with regards to vehicles and cargoes moved legally. A recognized international standard for organization of such activity is International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto conference; 1999; Ukraine acceded in 2006). Standards to Secure and Facilitate Global Trade adopted by WTO in 2005 are completely new for the world practice concerning standards for cooperation of the customs authorities and participants of international trade. The policy of reforming the activities of Ukraine and Moldova customs services was to be aimed at the achievement of the requirements provided by that document.

The second type is the activity on prevention violation of state established customs regulations and procedures. Such activity of the customs services on the world level is built on their direct interaction (information exchange, legal aid) provided by main international documents regulating that activity. Such documents primarily include International Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi Convention) and Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention). The important feature of Ukraine and Moldova customs services that describes compliance of their activity to those international standards is availability of provided by legislation right to hold the investigative activity.

Taking into account the above, one of the current priorities for the State Customs Service of Ukraine is introduction of international standards in the sphere of customs affairs and their implementation in the customs authorities' practice. The key aspect here is immediate, high-quality and well-balanced achievement in the activity of the two international requirements: simplification of the customs procedures with simultaneous ensuring of national security of Ukraine and Moldova in conditions when the level and consequences of threats already have global scale.

Currently the «agenda» set for the State Customs Service of Ukraine is defined by *the main priorities for the activity and objectives of the State Customs Service of Ukraine for 2009*.¹³⁴ They were established taking into account main provisions of the Action Program of the Cabinet of Ministers of Ukraine - «Ukrainian breakthrough: not for politicians but for people».¹³⁵ While determining the Main priorities in the activity and objectives of the State Customs Service of Ukraine for 2009 the following tasks defined by the Complex Program on Affirmation of Ukraine as the transit country for the period of 2002-2010,¹³⁶ National Informatization Program,¹³⁷ Program on counteracting contraband and violation of customs regulations for 2008-2009,¹³⁸ State purpose-oriented law-enforcement program "Arrangement and reconstruction of the state border" for the period until 2015,¹³⁹ as well as general

¹³⁴ The Decree of the State Customs Service issued 28.10.08, № 1205

¹³⁵ The Decree of the Cabinet of Ministers issued 16.01.08, № 14

¹³⁶ The Law of Ukraine adopted 07.02.02, № 3022-III

¹³⁷ The Law of Ukraine adopted 04.02.98, № 74/98-VR

¹³⁸ The Decree of the President of Ukraine issued 04.03.08, № 195

¹³⁹ The Decree of the Cabinet of Ministers issued 13.06.07, № 831

obligations of international character resulting from Ukraine's membership in the World Trade Organization have been taken into account.¹⁴⁰

It should be noted that the necessity to continue work on creating favorable conditions for ensuring further implementation of the components of a multi-functional system «Electronic Customs» into practice, the fulfillment of provisions of a number of international standards such as Framework of Standards to Secure and Facilitate Global Trade (2005)¹⁴¹ and Customs Blueprints (2008)¹⁴² were taken into account while setting priorities for the activity of the State Customs Service of Ukraine for 2009.

The introduction of effective measures to facilitate customs procedures, improve efficiency of customs control practice, the use of information technologies and the improvement of information exchange are among the priorities for the State Customs Service of Ukraine (within the framework of the implementation the result-oriented attitude in the organization). This direction envisages the following:

- improvement and unification of customs control and customs clearance practices and their gradual adjustment to work with the preliminary information on goods and vehicles;
- implementation of unified/comprehensive requirements to documents and information provided during the execution of customs procedures;
- creation of prerequisites for development of institution of approved economic operators (by defining the criteria and requirements to performing foreign economic activity).

Prioritized activities of the State Customs Service of Ukraine also include the ensuring the systematic approach to resolution of problems in the area of combating contraband and violation of customs regulations. Measures to improve the efficiency of the contraband combating system and counteracting customs violations will include applying modern organizational and technical methods and means for diversion, detection, disclosure and prevention of customs legislation violation. However, when looked at in detail, these proposed improvements, being a very sensitive issue in the process of improvement the Ukrainian-Moldovan border activities, do not seem to gain significant progress in that sphere in the nearest future since allocated resources are rather limited and organizational measures do not comply with the current requirements regarding the improvement of quality in providing «customs services».

¹⁴⁰ Protocol on the Accession of Ukraine to WTO 05.02.08

¹⁴¹ The Document of the World Customs Organization; http://ambu.org.ua/files/ram_standart.html // See more about Ukrainian government's efforts: http://www.kmu.gov.ua/dmsu/control/uk/publish/article;jsessionid=BECEB6D424408A05C9AA01F6AF8887C6?art_id=333859&cat_id=296915

¹⁴² Document of the European Commission – http://ec.europa.eu/taxation_customs/resources/documents/common/publications/info_docs/customs/customs_blueprint_en.pdf

Therefore, **arranging customs border and its technical facilities according to the requirements of international standards and bringing the infrastructure of the border entry points in line with European standards remains a long-endurance mission.**

International cooperation can also be included as a part of border priorities on the Ukrainian-Moldovan agenda. Subsequent development of customs services interaction, their cooperation with the law-enforcement and controlling authorities within the country and customs authorities of other countries creates a strategic perspective of long-term cooperation in establishing mechanisms/system for efficiently agreeing upon and adopting decisions. This direction envisages the strengthening of interaction within customs control and clearance process, a united effort on establishing a common information area, reaching both Ukrainian-Moldovan arrangements and arrangements with foreign customs administrations to facilitate the obtainment of immediate, updated and reliable information concerning intent to carry out foreign economic operations, direction of international cooperation at the search and introduction of mutually advantageous and efficient ways of long-term cooperation in operations activity.

Analysis of yet another Trilateral Ukraine-Moldova-European Committee Meeting on customs and border cooperation¹⁴³ and presently the main Ukrainian document defining the prospects for resolution of problems on providing due customs regime at the Ukrainian-Moldovan border («Main priorities for activity and objectives of the State Customs Service of Ukraine for 2009») once again proves that **despite all highlight and ambitions plans it will be impossible to achieve the required progress in the improvement of the Ukrainian-Moldovan customs border operations without mutual doubling of allocations, interstate attention towards overcoming political discrepancies between Kyiv and Chisinau without aid from international partners.**

The study of **the status on ensuring efficiency of the Ukrainian-Moldovan customs border operations shows the following. The implementation of identical-objectives plans of the customs services of Ukraine and the Republic of Moldova** on complete and high-quality fulfillment of the determined indices for the state budget revenues, the increase of control measures regarding turnover of goods within their competence, promoting the safeguarding of national interests and ensuring economic security as well as increase of mutual goods turnover as a result of bolstering and simplification of trade flows **is fully dependent on the above.**

5.4. The assessment of mutual control experience at border entry points at the Ukrainian-Moldovan state border

Key point in briefs

The legal basis for organizing and carrying out mutual control is the Treaty «On organizing of mutual control at the border entry points on the Ukrainian-Moldovan state border» dated March 11, 1997 (hereinafter – the Treaty) concluded between the government of Ukraine and the government of the

¹⁴³ <http://www.eustudy.at.ua/news/2008-12-19-101>

Republic of Moldova. Article 2 of the Treaty provides mutual control at the state border between Ukraine and the Republic of Moldova at the following vehicle entry points «Mamalyga-Kryva», «Zelena – Medvezha», «Kelmentsi– Larga», «Rososhany – Brichen», «Kurchugan – Pervomaysk», «Mayaky – Palanka – Udobne», «Reni– Dzhurdzhulesht».

Under the Treaty, joint border and customs control is currently carried out at 4 border entry points: «Mamalyga-Kryva», «Kelmentsi–Larga», «Rososhany – Brichen», «Reni–Dzhurdzhulesht». At the local border entry point «Zelena – Medvezha» joint customs control was ceased at the initiative of the Moldovan side. Starting from 2001, at the initiative of the Ukrainian side, joint control was also ceased at border entry points «Kurchugan–Pervomaysk» and «Mayaky–Palanka–Udobne». Consultations on resuming joint control at the aforementioned border entry points have not been held since 2005.

Moldova's standpoint

Chisinau continues to emphasize on the effectiveness of carrying out mutual control at already existing joint border entry points at the Ukrainian-Moldovan border (in particular it was stressed in the course of the seventh round of trilateral consultations by Ukraine-Moldova-European Committee held in Brussels on 18.12.2008). Moldovan put forward the proposal to resume consultations on mutual control at the border entry points of «Mayaky–Palanka–Udobne» and «Kurchugan–Pervomaysk». In that context, among all Moldova's offers, the main one is the review of the Treaty of 1997 and signing its new version providing mutual control at the border entry point «Kurchugan–Pervomaysk» but only at the point of «Kurchugan» (Ukraine), and at the border entry point «Mayaky–Palanka–Udobne» only at the point of «Palanka» (Moldova). The representatives of Moldovan border control authorities consider entry points «Myaky» and «Udobne» as Ukrainian points for internal control and maintaining border regime.

Ukraine's standpoint

Introduction of mutual control at the border entry point «Kurchugan–Pervomaysk» under existing conditions will lead to significant complications in border crossing procedures and necessity to undergo three-level control, namely: on one side – by the customs and border authorities of Ukraine and the Republic of Moldova, in case of establishing a bilateral entry point, and on the other side – by administration of Transnistria. Thus, the scheme suggested by the Moldovan party will actually not result in the improvement, simplification and subsequently improved operations at the entry point but rather in the opposite so as to obtain additional leverages to influence the Transnistrian party. Such measures are likely to cause growth of indicators reflecting Ukrainian border violations by residents of the Transnistrian region of Moldova as well as another rush of indignation and complaints for Kyiv from the Transnistrian administration. Hence, from the Ukrainian interests' point of view, tackling of the present issue is possible only upon the resolution of the Transnistrian problem and demarcation of the central (Transnistrian) section of the Ukrainian-Moldovan state border.

As it has been proved by the studies, apart from the above, there are a number of problematic matters in the operational activities of already existing joint entry points. This includes the following:

- border and customs control, having only formal existence, at the border entry points «Kryva–Mamalyga», «Reni–Dzhurdzhulesht» does not facilitate promptness when undergoing customs procedures by persons and vehicles crossing the state border;
- poor infrastructure prevents from establishing due conditions for activities of both the controlling authorities personnel and civilians crossing the state border;
- Improvement is required in the border crossing procedures as well as mutual perspective of functions by the personnel on both sides.

The EUBAM mission standpoint

Not all of the existing seven border entry points currently under mutual control of Ukrainian and Moldovan authorities comply with European standards and existing best practices. Some of them, due to existing organizational and technical restrictions, have not so much international as the local level features. Only four border entry points to certain extent comply with European standards: «Mamalyga–Kryva», «Kelmentsi – Larga», «Rososhany – Brichen», «Reni–Dzhurdzhulesht».

During the recent common measures the EU representatives supported the stand of the Ukrainian side to implement a pilot project for a joint border entry point. They urged Ukraine and Moldova to use possibilities of the pilot project on establishing such border entry points for carrying out mutual control at the Ukrainian-Moldovan border on the basis of the entry point «Rososhany–Brychen» at the expense of the EU. Currently the working group numbers four services. The technologies for implementation of the customs procedures and border control have been developed. In the meantime, the developed technologies have not yet been officially approved by the associate parties. Thus, the pilot project will be launched instantly upon official approval.

5.5. Sources and types of irregularities of customs and border regime at the Ukrainian-Moldovan border

The main illicit activities at the Ukrainian-Moldovan border are smuggling of food commodities, cigarettes, weapons, stolen vehicles, illegal migration and human trafficking. All these factors not only affect the social and economic condition of Ukraine and Moldova but also the interests of citizens of both countries, impede the development of relations with the EU and obstruct the implementation of plans of both countries regarding European integration. That also affects the policy of regional leadership of Ukraine and its international reputation.

As it has already been mentioned, **apart from the contraband and economic factor, the destructive impact on operation activity of the Ukrainian-Moldovan border has also a separatists (Transnistrian) political factor.** In general, that factor is not only the source of destabilization of the situation inside the Republic of Moldova but also of the Ukrainian-Moldovan relations (as it happened

in 2006 during the so-called «Transnistrian customs conflict»¹⁴⁴. It also affects the stability of the whole Eastern European region. Currently, the **economical and social condition of Transnistria provides the environment to induce serious contemplations on the threats of humanitarian character** due to the below:¹⁴⁵

- Economy of the region has a high level of the real economy and service sector monopolization, limited (as the result of domestic market narrowness) competition capacity and available unfair competition and criminalization of economic relations;
- At least 20 % of industrial and service sector enterprises and approximately 50 % of agricultural enterprises are ranked as unprofitable (the region has evolved from the exporter into the importer of food commodities);
- Most of the administration funds are spent for payment to employees; at the same time the number of economically active residents is dropping, average salary of the Transnistrian resident is equal to approximately \$ 50 which in turn predetermines the current lack of motivation in the work force;
- Lack of investments, outdated production equipment and communication infrastructure result in very low-efficiency at many enterprises

Insufficient control in terms of compliance with the customs regime at the Transnistrian section of the Ukrainian-Moldovan border, with a length of 462 km, was multiply the main grounds for meetings of Chiefs of Customs Services of Ukraine and Moldova. Both sides agree that the situation on that section is problematic and requires the engagement of the third parties, primarily the USA and EU, to resolve the problem.

Starting from the early 90's the Transnistrian separatism has been within the sight of Ukrainian and Moldovan states as well as European and international organizations. However, **the process of handling the situation (in political, economic, military and other aspects) is running in an inactive and contradictive manner. The main reason for this is complicated Russian geopolitics throughout the Eastern Europe region which is the source of Russia's «guardian role» for the separatists regime** (the Russian Federation possesses determinative possibilities to influence the Transnistrian matters, however, it does not use them «to the full extent»). As the result – **the impossibility of conducting positive talks with representatives of the Transnistrian administration striving to achieve the recognition for a «Transnistrian Moldovan Republic» as, de facto, the subject of international right.** Entanglement of the situation is also preconditioned by **unilateralism of Chisinau efforts** (which quite often affect the interests of Ukraine and aspects of security and stability in the region), **insufficient coherence and persistence of Ukraine and European partners, discrepancies in viewing the prospect for state reintegration of Moldova by international participants of the resolution process. Insufficient uniformity of Ukrainian and**

¹⁴⁴ <http://www.dsnews.ua/economy/art24613.html>, <http://www.president.gov.ua/news/2255.html>

¹⁴⁵ Maksymenko I.V. (<http://www.niss.gov.ua/Monitor/may/5.htm>)

Moldovan legislation enabling illicit activity at the border (smuggling, corruption, abuse or non-fulfillment of official duties) remains a serious problem.

Ukrainian, Moldovan and Transnistrian business-structures, to one extent or another, are involved in the smuggling of goods from Moldova to Transnistria and subsequently to Ukraine and visa versa. The Transnistrian territory is used for contraband re-export of goods to Ukraine bypassing customs checkpoints.¹⁴⁶ Then goods are legally sold in Ukraine by Ukrainian entrepreneurs. The same is carried out in the opposite direction. **Representatives of mainly small and medium-size business are involved in corresponding schemes.** It is possible to claim that one of the major problems of the economic safety of Ukraine are substantial volumes of contraband goods brought onto the territory of Ukraine from the Transnistrian region of Moldova. The volumes of contraband on the Transnistrian section of the Ukrainian-Moldovan border amount to approximately 200-250 million USD per year. As a result, the Ukrainian budget is short changed by 100 million USD per year.¹⁴⁷ Moreover, many Ukrainian and Moldovan experts are convinced that the provided numbers reflect merely one third from the real amount of organized international contraband.

Schemes for contraband from Transnistria are quite complicated and diverse. Irrespective of the contraband quantity its purpose is sale and/or further processing. **Small-scale smuggling is carried out by citizens; medium-scale – with participation of both the smugglers and the businessmen; large-scale contraband is carried out by corrupted and well-organized trans-territorial groups criminal and business structures as well as local authorities' surrounding.**

In order to simplify the illegal movement of goods commercial structures of Transnistria have their wholesale distribution centers and warehouses at the industrial enterprises located nearby the border area with Ukraine. The largest volume of contraband is comprised of food commodities (in particular meat products, frozen fish, fruits, vegetables, sugar and grain) and consumer goods. Alcohol, cigarettes and light industry goods are top items on the list of contraband goods and comprise up to 40 % from the total amount of arrested contraband.¹⁴⁸

Below we provide the **description of one large contraband scheme.** It is known the so-called «re-export» of poultry meat from Transnistria is in operation. One of the known schemes for such «re-export» in the Odessa region of Ukraine is the movement of the imported food commodities manufactured in the USA, Brazil and Belgium (chicken legs, meat, minced meat etc.), on a legal basis, in transit through the territory of Ukraine: via Ukrainian sea ports in Odessa and Illichivsk transit movement of goods is carried out in the Transnistrian direction at the address of Transnistrian and Moldovan companies. Then, in small batches, those goods, due to the lack of demarcation and delimitation of the central (Transnistrian) section of the Ukrainian-Moldovan border, bypass customs and border checkpoints and are again sent to the Odessa area. The goods are smuggled back to Ukraine by automobile (sometimes in convoys of up to 20 vehicles) or river transport (on boats along the

¹⁴⁶ Ian Traynor, Smugglers run rife on the new frontline between east and west. The Guardian, Friday 28 November 2008 <http://www.guardian.co.uk/world/2008/nov/28/russia-moldova-transdnistria>

¹⁴⁷ Ukrains'ko-moldovs'ki ekonomichni vidnosyny mayut' vidpovidaty mizhnarodnym vymoham – President Ukrainy 30.03.2006 Pres-sluzhba Prezidenta Ukrainy Viktora Yuschenka <http://www.president.gov.ua/news/2824.html>

¹⁴⁸ Maksymenko I.V. Vplyv prydniistrovs'koi problemy na sotsial'no-ekonomichnu sytuatsiyu v Odes'kiy oblasti I shlyahy yoho minimizatsii <http://www.niss.gov.ua/Monitor/may/5.htm>

Dniester). In the border adjacent settlements goods are accumulated for subsequent distribution to consumer markets throughout Ukraine.¹⁴⁹

A profitable business is the contraband of alcohol (spirit and alcoholic drinks), vehicles, cigarettes and medication. It is difficult to define the volume and diversity of contraband goods, however, joint operations by customs authorities on the Ukrainian, Transnistrian and Moldovan sides may indicate their scale. During the international operation in April 2007 over the course of just a few days 40 t of meat, 26 000 bottles of vodka and over 400 tons of cigarettes were seized and confiscated.¹⁵⁰

The illegal sale of vehicles can be considered as a serious problem. Administrative territorial units of Ukraine are used as the «gates» for the importation of the vehicles stolen in the European countries before being resold on the Ukrainian, Moldovan and Russian markets. The corresponding problem is also the complex one due to insufficient qualification of border and customs authorities' employees who can not effectively detect stolen vehicles, replaced number plates, vehicle ID numbers etc.

According to the results of the survey **illegal activity, having a terrifying scale, at the Transnistrian section of the Ukrainian-Moldovan border can be divided into the following types:**

Smuggling of goods. Food commodities (meat and poultry in particular, fruits, vegetables, sugar, grain, frozen fish), alcohol, cigarettes and light industry goods are top items on the list of contraband goods and comprise up to 40 % from the total amount of arrested contraband.¹⁵¹ The low level of economic development of Ukrainian and Moldovan border regions makes contraband activity, the theft of cattle and agricultural machinery an attractive option for the residents of these underdeveloped settlements.

In general the Ukrainian budget annually loses approximately 50 million EUR. Considering the fact that the Moldovan budget also falls short by approximately 20-25 million EUR per year, the issue on contraband counteraction is mutually important. The insight into contraband practices reveals the following:

- Transportation of imported goods is carried out according to a stock list targeted at the demand existing on neighboring territories taking into account the congestion of the market with imported goods and the low purchasing capacity of the local population;
- contraband destinations are European countries (Germany, Italy etc);
- the majority of the products transported to Transnistria from Ukraine or is forwarded as the transit via Ukraine is then smuggled back on the customs territory of Ukraine;

¹⁴⁹ Ne vsya kontrabanda v Odesi vyhotovlyayetsya na Maloy Arnauts'kiy... TsHZ UMVS Ukrainy v Odes'kiy oblasti 23.03.2005 року <http://mvsinfo.gov.ua/reports/2005/03/03-23-2005.html>

¹⁵⁰ Pridnestrovie: oplot kontrabandistov. "Pasutsya" ukrainskie oligarhi 14.10.2008 http://www.cripo.com.ua/index.php?sect_id=3&aid=60686

¹⁵¹ The data of the State Customs Service of Ukraine (in more details: <http://www.customs.gov.ua>)

- to simplify the illegal movement of goods commercial structures of Transnistria have their wholesale distribution centers and warehouses are based at the industrial enterprises in close proximity to the border area with Ukraine;
- activities in the free economic zones in Moldova in some cases leads to under pricing of the goods cost, full-scale forging of the certificates of origin and certificates of quality for the goods which cause the improper use of preferential conditions of the customs regime or obtaining profits using the schemes for VAT return and input.

Illegal trade in vehicles. This problem is complex due to the insufficient qualification of border and customs authorities' employees who can not effectively detect stolen vehicles, replaced number plates, vehicle ID numbers etc. The studies show that in particular the Odessa region of Ukraine is the gates for importation of stolen vehicles from the European countries before being moved on for further resale on the Ukrainian, Moldovan and Caucasus markets.

Narcotic substances transit. This is one of the least controlled types of illegal activity at the Transnistrian section of the Ukrainian-Moldovan border. Despite activities regarding that problem, the issue of routes for carrying small batches of marihuana and psychotropic substances remains urgent and affects the situation in the region (increase in morbidity level, affecting population health level, causing high infection rate in particular of AID, etc., prostitution and the increased aggravation of the criminal situation).

Arms trafficking. The past USSR history of the left-bank territory of Moldova left behind the substantial stocks of arms which are beyond the control of the Chisinau authorities. It is generally admitted that the export and sales of arms comprises a significant part of the unrecognized Transnistrian Republic's «budget».¹⁵² Currently transportation channels are arranged so well that they are very difficult to identify. There is also present occasional trafficking of hunting weapons which also deteriorates criminal situation.

Illegal migration and human trafficking. This is also one of the key problems of the region. In most cases illegal migrants are young people attempting to come into Ukraine or, in transit through Ukraine, to the Russian Federation or EU countries.

Illegitimate and inhuman carrying out of procedures. It should be admitted that this problem is inherent to the operational activity both of Ukrainian and Moldovan sides (eventually that problem generally becomes a heated topic on the world stage), thus, it is amongst the top-priorities for the matter of improving the quality of current border and customs regimes (with regards to this problem the Ukrainian side now implements the rules of conduct for employees of the border control authorities (as of February 2009) which could promote the improved quality of border control). However, the behavior of the so-called Transnistrian executives many times has many times been the grounds for interstate and international scandals, «diplomatic talks», subject of political dialogue. The incidents provoked by those executives have become common (with growing tendency). In general, the «working procedure» of Transnistrian executives is based on intimidation; their attitude to people

¹⁵² Maksymenko I.V. (<http://www.niss.gov.ua/Monitor/may/5.htm>)

crossing the Ukrainian-Moldovan border is characterized by demonstrative aggression, legal nihilism and administrative outrage generated by the sense of impunity. Violation of even their own statutory regulations by those «executives» has caused criticism from the Transnistrian establishment.¹⁵³

Taking into account the above, one should mention that **the territory of the Transnistrian region nowadays emerges as a “grey zone” of Eastern Europe which endangers national security of Ukraine and Moldova and hinders political, economic and social development in the region.**

It should also be noted that the dragging out of resolving the Transnistria problem affects the international image and regional leadership policy of Ukraine, prevents the implementation of measures aimed at the improvement of border and customs regimes efficiency on the Ukrainian-Moldovan border, obstructs development of relations of Ukraine and Moldova with the EU (as a result of insufficient transparency of economic and trade relations),¹⁵⁴ damages interests of cultural development of the Ukrainian national minority of Moldova and causes political tension amongst the Ukrainian communities on the left and right banks of the Dniester.

Summarizing the above, the analysis of the current overall condition of the Ukrainian-Moldovan border points at the insufficient compliance with the required level. Regulatory, material and technical aspects are defined by the requirement of the substantial and active enhancement. This is possible by means of achieving diplomatic compromise between Kyiv and Chisinau concerning completion of demarcation process and concluding of corresponding agreements. The issues of supplying technical facilities for the border, monitoring the adherence to the customs and border control regimes, joint measures on contraband counteraction, the development of interaction with the EU, USA, the Russian Federation and, within the frameworks with ODER-GUAM, in particular regarding the resolution of the Transnistrian issue, requires double political attention.

¹⁵³ <http://www.nr2.ru/pmr/214876.html>

¹⁵⁴ <http://www.dsnews.ua/economy/art24613.html>

6. A Role of Ukraine as a Participant of the Negotiation Process on Settlement of the Transnistrian Conflict (“5+2” Format)

By Zoya ZHMINKO

Over the recent years much has been said in Ukraine about our country being or likely to become a regional leader. And that region is usually marked by the borders of the interstate organization GUAM, the participants of which, apart from Ukraine, are Georgia, Moldova and Azerbaijan. Ukraine is striving to prove its efficiency as a leader particularly here, and one of the most immediate issues in this context is its participation in the settlement of the Transnistrian conflict (despite small area of that territory, for over 19 years it remains extremely problematic for Moldova the part of which it is nominally, as well as for its closest neighbour – Ukraine).

Ukraine has joined the process of conflict settlement in the neighbouring region in 1992, when in April two four-lateral meetings of the Ministers of Foreign Affairs of Moldova, Russia, Romania and, correspondingly, Ukraine took place in Chisinau. From the very start of the meetings the participants agreed upon the necessity to settle the conflict on the basis of principles of international law and territorial integrity of Moldova.

On the same occasion the Ceasefire and Joint Control Commission was established (at that time, the conflict apart from Moldovan and Transnistrian participants involved also Russian forces of the 14th Army stationed in Tiraspol and adjacent settlements long before the conflict emergence).¹⁵⁵

Moldovan researchers and witnesses of those years' events note significant involvement of military in the conflict: thus, in December 1991 the commanding officer of the 14th Army General Y. Yakovlev had headed the Republican Defense and Safety Department established in Transnistria. That made Russian military's support of Transnistrian separatists explicit and made Moscow authorities to change the Commander of the 14th Army.¹⁵⁶ To the contrary, Russian sources affirm the complete neutrality of their military during the events of the war conflict escalation – up to April 1992, when the 14th Army had to stand on the defense of Transnistrian civilians.¹⁵⁷ The peace treaties between the parties of the conflict were signed in July 1992 with the active participation of the new Commander of the Army, General Alexander Lebed', and the 14th Army has obtained the neutral observer status once again.

Already the first conflict settlement negotiations have shown, for the first time, Ukraine's interest in this region. Thus, one of the participants of the meetings, now the Program Director of the Institute of the Public Policy (Chisinau) Oazu Nantoi recalls that Ukrainian foreign minister Anatoly Zlenko who had headed the Ukrainian delegation, took the same stand as his Russian colleagues, supporting, in fact, separatists and their demands about independence of Transnistria in the conflict.¹⁵⁸

Unfortunately, the will claimed by the parties to comply with international principles and Moldovan integrity in Transnistrian case has not lead to any progress: the situation has stabilized and froze for

¹⁵⁵ Oazu Nantoi . – Pridnistrovskiyi konflikt i vzaemyny Moldovy ta Ukrainy // "Kontekst", № 10, September 2001.

¹⁵⁶ <http://politicom.moldova.org/news/roli-rossiiskoi-federatsii-v-uregulirovanii-pridnestrovskogo-konflikta-41830-rus.html> - "Rol' Rossiiskoi Federatsii v uregulirovanii Pridnestrovskogo konflikta".

¹⁵⁷ <http://www.kommersant.ru/doc-rss.aspx?DocsID=4061> - "Armiya v Pridnestrovie: razdelyay, no ne vlavstvuy", - "Kommersant", № 114, 6 April 1992.

¹⁵⁸ Oazu Nantoi . – Pridnistrovskiyi konflikt i vzaemyny Moldovy ta Ukrainy // "Kontekst", № 10, September 2001.

many years in its uncertainty. Under Leonid Kravchuk's presidency Ukraine did not lack internal problems, first of all economic ones, so resolving frozen problems was not on the agenda, especially because there was already no direct danger of the repeated outburst of the armed conflict. As for President Leonid Kuchma, in January 1996, together with his Moscow and Chisinau colleagues, he made a statement, by which the parties took an obligation to undertake all measures for promoting the conflict settlement negotiations and signing a document that should define the special status of Transnistria as a constituent part of united and territorially integral Moldova. Besides, Ukraine and Russia have claimed their readiness to become countries-guarantors of the observance of Transnistrian region's status.¹⁵⁹ The parties of settlement and countries-guarantors were holding more or less regular meetings discussing current problems and signing memorandums and protocols. However, in general the period of late 1990-s has not given immediate breakthroughs in solving problems on the Ukrainian South-Western border except the fact that in October 1998 Ukraine has sent ten military observers in the security zone of the Transnistrian region.¹⁶⁰

The situation has somehow livened up at the beginning of 2000-ies. Thus, in August 2000 the head of the Russian State Commission on settlement of the Transnistrian conflict Evgeniy Primakov put forward for discussion his proposals on the problem – the so-called “Primakov's plan” that has provided for establishing the treaty federation on the base of Moldova and TMR. The proposed status has not satisfied any party of the conflict: Transnistria agreed only for confederation and Moldova refused to grant Transnistrian region the equal in rights status of state-forming subject.¹⁶¹ “Primakov's plan” has also provided for Ukraine's participation in the conflict settlement but only in the subsidiary role as a partner that should support Moscow's “ideological initiative”.¹⁶² So this plan has also failed to become the decisive one for the destiny of Moldova and unrecognized Transnistrian republic.

After V. Yuschenko has come to the presidency in Ukraine he revised the policy of his predecessors and started to implement the programme of Ukraine's gaining the status of the regional leader. “In the nearest future, Ukraine has to become a real regional leader – from Warsaw to Tbilisi, be full of initiative, form regional and international initiatives”, – he told speaking at All-Ukrainian meeting of the representatives of local governing in April 2005.¹⁶³ He considered the reviving of Ukraine's activity in the process of the Transnistrian settlement as one of the components of such purpose. As early as in April 2005 the preliminary Yuschenko's proposals – so-called “Seven Steps” – were presented at the summit of “Organization for Democracy and Economic Development”– GUAM and “Yuschenko's plan” itself was presented in May 2005. First of all Ukrainian leader proposed to initiate negotiations between the parties of the conflict, demilitarize the conflict zone and democratize it – particularly, by conducting democratic elections to the Supreme Soviet of TMR. Yuschenko also proposed to transform the format of peacekeeping operation that was created in 1992 by Moldova, Transnistria and Russia into international mechanism of military and civil observers.¹⁶⁴ Ukrainian

¹⁵⁹ <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi> - Common Statement of the Presidents of Moldova, Ukraine and the Russian Federation on the Most Fast Political Settlement of the Transnistrian Conflict. - 19 January 1996.

¹⁶⁰ The Decree of the Cabinet of Ministers from 23.10.1998 N 1685 "About the Participation of Ukrainian Military Observers in the Conflict Consequences' Settlement in the Transnistrian Region of the Republic of Moldova" - <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi>

¹⁶¹ <http://www.zatulin.ru/institute/sbornik/013/10.shtml> - Hronika. Pridnestrovie. - № 13, 1.09.2000.

¹⁶² Ibid.

¹⁶³ <http://www.nrcu.gov.ua/index.php?id=4&listid=13568>.

¹⁶⁴ <http://www.pravda.com.ua/news/2005/7/13/6244.htm> - Молдова таки помириться з Придністров'ям за планом Ющенко?

President has prudently drawn a veil over the problem of Russian military presence on the TMR territory.

In June 2005 Moldovan Parliament has considered Yuschenko's settlement proposals and approved them in general.¹⁶⁵ The President of Moldova V. Voronin claimed on the Parliament session that Ukrainian plan was the most thought of and the most perspective document that has ever been put on the table of negotiations. At the same time he noted that the most important element of the settlement is demilitarization of Transnistria and withdrawal of the Russian military from the region.¹⁶⁶ However, the deputies themselves have sharply criticized the shortcomings of the plan for the lack of correspondence to democracy in the country and security principles. They have taken the plan into account and added the package of three more resolutions. According to Moldovan MPs, the democratization of Transnistria had to stipulate dismantling of political police and the "Ministry of State Security" – in fact, pro-Moscow militarized structure, – the free cooperation of Moldovan political parties, Moldovan and international media with Transnistrian colleagues and the development of civil society. Besides, the deputies considered as the necessary precondition that all candidates on Transnistrian elections should have Moldovan citizenship, and stood for demilitarization of Transnistria including the withdrawal of Russian military from its territory and stopping an illegal cross-border trade.¹⁶⁷

"Yuschenko's Plan", if successfully implemented, could lead to the broadened autonomy of Transnistria, nominally keeping it, however, in the structure of Moldova – unlike the so-called "Kozak's Plan" that was proposed by the Russian side in 2003 and provided for establishing the Federative Moldovan Republic with the possibility for Transnistria to take the decision about withdrawal from Moldova and joining another state. Even before it, in 2002, Ukraine together with the OSCE and USA has proposed a plan that provided for federalization of Moldova and, in fact, recognized Transnistria as a separate subject inside the country.¹⁶⁸

Russian analytics have called Yuschenko's initiatives "forcing to democracy" and the attempt of the West to "intervene actively in the Transnistrian political process".¹⁶⁹ Such were the fears that the idea of carrying out elections to the Supreme Soviet of Transnistria under control of the EU, OSCE, Russia and USA has raised. "Russia would become only one of the parties that control the election process; no surprise that Yuschenko's Plan was approved by NATO – the Alliance is ready to render support in its implementation", – the deputy general director of the Center of Political Technologies Alexey Makarkin wrote in his article for RIA "Novosti" Agency in June 2005. Obviously, he expressed the general mood of Russian expert community.

Such concerns have had a ground because obviously in the case of successful implementation of Ukrainian initiatives the Russian influence in the region could essentially decrease, and the Ukrainian one, to the contrary, increase.

¹⁶⁵ <http://www.nrcu.gov.ua/index.php?id=4&listid=15311>

¹⁶⁶ Там само.

¹⁶⁷ http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=30554 - MOLDOVA ELEGANTLY DISPOSES OF THE POROSHENKO-YUSCHENKO PLAN, Vladimir Socor

¹⁶⁸ http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=30849 - RUSSIA-OSCE MILITARY PLAN FOR MOLDOVA: BACK TO A "POST-SOVIET SECURITY SPACE", Vladimir Socor

¹⁶⁹ Makarkin A. "Plan Yischenka i plan Kozaka"/ www.rian.ru/analytics/20050615/40526451

In their turn, the non-legitimate Transnistrian authorities have perceived “Yuschenko’s Plan” rather positively and assessed it as an important step in the five-lateral negotiation process on unlocking the situation, and the majority of its ideas – as those that have something in common with initiatives and positions of the TMR itself. Particularly, TMR has approved the idea of monitoring its enterprises that could produce the production of military purpose, and was ready to assist as actively as possible in Ukrainian and Russian missions’ short-term monitoring on the Ukrainian-Moldovan border, including its Transnistrian part.

However, the Ukrainian plan of conflict settlement has put Tiraspol before the choice: either to insist on implementation of Moldovan federalization scenario keeping the possibility of withdrawal from its structure as “Kozak’s Plan” has proposed (thus spoiling even informal relations with the new Ukrainian authorities), or to accept the evidently softer Ukrainian variant that has provided for democratization and pluralism in the republic and, respectively, could shake the positions of immutable “TMR” leader Igor Smirnov. As the events of the next years have shown, Tiraspol has chosen apparently the Ukrainian plan but succeeded to lead negotiations, in fact, to the deadlock, thus proving Ukraine’s inefficiency as a mediator.

The negotiations on the Yuschenko’s Plan between the parties of the conflict – Moldova and Transnistria – and the mediators: Ukraine, Russia and OSCE, – were held with the participation of the observers from the USA and the European Union. That is why they have obtained the name of “5+2 format”. These negotiations broke off in February 2006. It was just then that Ukraine, taking into account Chisinau’s request and the EU and the USA interest, has taken a decision to forbid Transnistria to export production without registration in Moldovan customs starting from 1 March 2006. Tiraspol has assessed this action as a blockade, the purpose of which was to capture Transnistrian industry. The position of Tiraspol was even more categorical due to unconditional support from the RF¹⁷⁰, active informational campaign aimed to discredit Ukraine¹⁷¹, as well as the fact that through introducing the new customs regime Ukraine was essentially decreasing the smuggling possibilities from the territory of Transnistria.

The parties of the conflict managed to restart the dialogue only in April 2008 when President of Moldova Vladimir Voronin and leader of the TMR Igor Smirnov have met again after the 7-year pause. However, this meeting has not given an essential “incentive” to the process of conflict settlement. Unfortunately, during the last time Ukraine’s participation in the conflict settlement, as well as the settlement process itself, look phantom. The case is usually boiled down to the arrangement of meetings in “5+2” format, on which representatives of TMR, as usual, do not arrive, and seeking territorial possibilities for their carrying out – usually they take place in Odesa. In such a way, particularly, the attempts to revive the work in “5+2” format show themselves.

However, the representatives of Moldovan authorities have noted until recently the considerable input of Ukraine into Transnistrian settlement. Thus, according to the words of the deputy Reintegration Minister Ion Stavila, four informal meetings were held in the framework of the “5+2” group in 2008. “Officially this format has suspended its activity, but it is only formally because we have continued discussions, consultations and dialogue in the framework of this mechanism. Thereby, “5+2” format is

¹⁷⁰ See also <http://www.olvia.idknet.com/ol97-04-06.htm>

¹⁷¹ See *Ukraina zapreschaet Rossii provozit’ gumanitarnuyu pomosch’ Pridnestrovyyu dnem* / <http://www.klerk.ru/more/?45865>

working and, despite the formal aspect of this mechanism not followed, there is no big difference between what was and what is now”, – told Stavila to the author in November 2008, when the participants of the project with the support of International “Renaissance” Foundation have had a possibility to meet him in Moldova.

At the same time, representatives of Moldovan authorities have repeatedly emphasized the necessity to formalize the process of negotiations and increase the efficiency of the “5+2” format. Stavila considered turning the “5+2” group into seven-lateral mechanism (by granting the EU and US the status of mediators instead of observers) as one of the ways for such improvement. “And I do not see any serious obstacles on this way, taking into account the fact that the EU and the US are already present in this mechanism. Besides, both the EU and the US are rather strong actors on the world stage. They can make an essential input into increasing the effectiveness of this mechanism and pushing a process forward”, – Stavila said.

Despite such optimistic mood of the representatives of Reintegration Ministry, in November 2008 participants of the negotiations admitted their stagnation. Moldova considered Transnistrian stand in forming the preliminary conditions for restarting the negotiation process intolerant and aggressive. “We do not see a great desire, enthusiasm and the necessary political will from the Transnistrian authorities”, – Stavila said. In its turn, the Transnistrian side considered Moldovan leaders guilty in slowing-down the negotiations, waiting for the official Chisinau’s answer to the request to consider the draft agreement about friendship and cooperation. Moldova, however, refused to perceive such projects seriously because agreements of such kind can only be signed by two countries and not by a country and its subject.

Thus, from April 2008 all attempts of Chisinau and Tiraspol to hold a meeting of the leaders appeared unsuccessful. The parties accused one another in their failure¹⁷² but it did not add anything positive to the settlement process.

In their turn, the European participants of the negotiations were also mentioning stagnation. “There was a good dynamics up to summer and then everything faded away”¹⁷³, the EU special representative for Moldova Kálmán Mizsei considers.

Finally, on 24 December 2008 the meeting between Vladimir Voronin and Igor Smirnov did took place and appeared rather indicative for Ukraine (i.e., for its weight and participation in further development of events in Transnistria). The President of Moldova and the leader of TMR in Tiraspol did not manage to arrange the restart of negotiations in “5+2” format. Instead, Voronin had agreed to the persistent requests of I. Smirnov about continuing negotiations in “2+1” format: with the participation of Moldova and Transnistria as the parties of the conflict and Russia as the guarantor country. “I also do not exclude that in the process of the common work another formats of consultations can emerge. For example, OSCE could decide to appeal to Moldova and Transnistria with the proposal about holding a meeting”, - the President of Moldova said.¹⁷⁴

¹⁷² Kishinev i Tiraspol obvinyayut drug druga v sryve peregovorov / <http://mirtv.ru/content/view/42399/49/>

¹⁷³ K. Mizsey. “Tol’ko v formate “5+2” mozno reshyt’ problemu Pridnestroviya” // “Kommersant”, № 14(4069) from 28.01.2009.

¹⁷⁴ <http://www.regnum.ru/news/1106864.html>

The Special Representative of the EU Kálmán Mizsei sets his hopes on the stirring up the settlement process after parliamentary elections in Moldova: “I think, after the elections in Moldova it will be easier to concentrate all efforts on this. If all parties agree, it will be possible to start a serious work on the settlement and its concrete content”.¹⁷⁵ He had also perceived positively the fact of two leaders’ meeting in December: “It is important that partners discuss on the political level what satisfies them and what does not”.¹⁷⁶ Besides, he considers important for Russia not to push Ukraine away from the Transnistrian settlement: “Last year Russian media wrote that Moscow would like to settle this conflict on its own. It would be unacceptable – only in “5+2” format this problem could be solved”.¹⁷⁷

Summarizing the events of 2008, one could say that it has ended with the diplomatic defeat for Ukraine in its nearest border area: it seemed that Ukraine should forget about participation in solving the Transnistrian problem and possible defense of its own geopolitical and economic interests. But already January 2009 has brought more consoling news.

The preliminary agreement with I. Smirnov did not prevent V. Voronin from changing his mind. On January 26, at the operational meeting on Transnistrian problem the President of Moldova claimed that the conflict settlement is been possible only within “5+2” format. According to his words, Chisinau was planning to apply efforts to revive such negotiations and get main international actors involved in them: the broadening of the format is obviously on the agenda again, especially because the Western neighbour of Moldova – Romania – has recently intensified the proposition to exert its efforts to Transnistrian settlement, too. Romania does not pretend to play the decisive role in the negotiation process but just the constructive one. Through it Romania will support its closest neighbour in resolving the Transnistrian conflict”, – the Foreign Minister of Romania Cristian Diaconescu said during his visit to Moldova in January 2009.¹⁷⁸ Ukraine has perceived such Romanian initiatives not too warmly. “All doors in Brussels are open for Romania and it could work in the EU framework”, – the special representative of Ukraine on the problems of the Transnistrian settlement Victor Kryzhanivsky commented on such proposals. He added that the existing settlement formats have certain groundwork and did not exhaust yet their potential.¹⁷⁹

The EU reaction appeared also negative – the Special Representative of the EU in Moldova Kálmán Mizsei claimed that now it is unreasonable to speak about changing the negotiations format. “According to the results of negotiations I have held during the last week (before 21 January 2009) in Bucharest and Moscow I can confirm that there is unanimity of all parties including the participants of the negotiation process that “5+2” format is viable and it is the only legitimate format that is able to find the sustainable settlement and consent in Transnistrian conflict”¹⁸⁰, – the EU representative considers.

¹⁷⁵ K. Mizsey. “Tol’ko v formate “5+2” mozno reshyt’ problemu Pridnestroviya” // “Kommersant”, № 14(4069) from 28.01.2009.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ <http://pda.nr2.ru/pmr/216276.html> - Buharest dobivayetsa polnotsennogo uchastiya v peregovorah po pridnestrovskomu uregulirovaniyu.

¹⁷⁹ <http://www.regnum.ru/news/1113731.html> - Specpredstavitel’ Ukrainy: V processe pridnestrovskogo uregulirovaniya Rumynia “mogla by deyistvovat’ v ramkah Evrosoyuza”.

¹⁸⁰ Ibid.

The Romanian initiatives were mentioned on the top level of Ukrainian authorities, too. Thus, the essential part of Victor Yushenko's meeting with his Romanian colleague Traian Băsescu was devoted to the Transnistrian problem. In particular, Ukrainian President has warned all parties of the settlement to avoid the repetition of the South Ossetian scenario. "We have spoken a lot about the necessity to unfreeze actively the Transnistrian conflict. Russian peacekeepers today do not ensure the fulfillment of its peacekeeping mission; we need the internationalization of peacekeeping forces"¹⁸¹, – told V. Yushenko, raising again the question of changing the military contingent in Transnistria. T. Băsescu has supported his approach. "We will request on the EU level that this conflict should be unfrozen. The Kosovo scenario is been repeated in South Ossetia, in Transnistria there is also a risk of its repetition. This risk is not too big but we have to take it into account. Therewith we still do not have a mechanism to prevent such development"¹⁸², – the Romanian President said.

In the situation when the final format of settlement of the conflict that lasts, with variable sharpness, already 19 years, remains undefined, Ukraine has only to conduct with Moldovan and Transnistrian authorities formal meetings devoted to the problem of negotiations revival. As for the next in turn meeting between Voronin and Smirnov that was arranged on March 2009, it was not held. New initiatives on the settlement of the situation do not appear as well – the "5+2" format is waiting for its revival, although nobody has dared to proclaim officially its death. Meanwhile Ukraine has recalled the possibility and appropriateness of deeper economic cooperation with the Transnistrian region. Thus, in May 2009 the Ambassador of Ukraine in Moldova Serhiy Pyrozhkov claimed that Ukraine has been considering the possibility of establishing the so-called Euroregion "Dniester", which would consist of Vinnytsa oblast, North regions of Moldova and Kamensk region of unrecognized Transnistrian Moldovan Republic. Ukraine has already prepared necessary articles of association but progress is being hampered by the political factors.¹⁸³

It looks like only the projects of that kind, first of all economic ones, could improve social and investment climate in the region and promote Ukrainian interests. Maybe, Ukraine should concentrate just on such projects, and if they become successful they possibly could also get moving bureaucratic processes of the settlement of this protracted conflict.

¹⁸¹ "Rezhim razmorozki"//Kommersant - Ukraina, 27 January 2009.

¹⁸² Ibid.

¹⁸³ <http://www.unian.net/ukr/news/news-303031.html> - Moldova ta Ukraina stvoruut' yevroregion "Dnister".

7. 2009: The Development of the Process of Transnistrian Settlement on the Background of the Political Events in Chisinau and Tiraspol

By Yaroslav DOVGOPOL

In 2009 Moldova turned out to be rich in political changes— both on the left and the right banks of the Dniester river. The well-known initiatives regarding the changes to the “constitution” of the unrecognized TMR, as well as the April events in Chisinau caused by the protests against the parliamentary election results, were the main consequences of the power crises on the both sides of the Nistru. In both cases the situation unfolded on the unprecedented scale. As a result, the government structure in the Republic of Moldova has undergone fundamental changes – the former opposition got into power. In Transnistria the constant leader Igor Smirnov for the first time faced a serious threat of losing most of his powers.

7.1. The interrelations between April events in Chisinau and Tiraspol

On April 7-8 mass protests against the parliamentary election results took place in Chisinau. Thousands of people¹⁸⁴ disagreed with the victory of the Moldovan Communist Party (CPRM)¹⁸⁵ being in power for the last eight years, came to the central square of Moldova’s capital. The consequences of the protest action were civilian casualties¹⁸⁶ and hundreds of injured, including children. These events set the whole of Europe into turmoil. However, in the long run, they have not had any effect on the results of voting by the citizens of Moldova during the April parliamentary elections. After a recount of a part of the votes¹⁸⁷ CPRM reconfirmed its victory, which had been prepared long before the opening of polling stations.

In Transnistria the preparation for and holding of the April-2009 elections to the Parliament of the Republic of Moldova were traditionally disregarded by the Tiraspol authorities.¹⁸⁸ In March 3, 2009 the Central Election Committee of Moldova declared that it would open 500 of polling stations to the over 220 000 of citizens of the Republic of Moldova¹⁸⁹ residing on the territory of that region. Instead of that, as a result of resistance by the Transnistrian regime, Chisinau had to make a decision based on the notion that electorate would be able to vote in the settlements located on the right-bank Moldova.

Despite that, the Transnistrian electorate has not avoided certain problems related to blocking of the election process by the power structures of the unrecognized TMR. According to the information

¹⁸⁴ Studenty I shkol’niki razgromili zdaniya prezidentury I parlamenta. Kto voz’met na sebya otvetstvennost’ za ih deystviya?, “Nezavisimaya Moldova”, issue 08.04.2009, <http://www.nm.md/daily/article/2009/04/08/0302.html>

¹⁸⁵ Kommunisty oderzhali ocherednuyu pobedu na parlamentskih vyborah v Moldavii, IA Novosti-Moldova. http://www.newsmoldova.ru/news.html?nws_id=812503&date=2009-04-06

¹⁸⁶ Politseyskih-prestupnikov nado nakazat’ – pravozaschitnye organizatsii, Promo-LEX, <http://www.promolex.md/index.php?module=news&item=182>

¹⁸⁷ V Moldove prohodit polnyi pereschet golosov izbirateley na parlamntskih vyborah ot 5 aprelya 2009 goda, TV Channel TVC-21 (Chisinau), <http://www.tvc21.md/index.php?type=view&data=14871>

¹⁸⁸ Izbirateli iz pridnestrovskogo regiona podvergayutsya diskriminatsii pri ispolnenii prava golosa, Promo-LEX, <http://www.promolex.md/index.php?module=news&cat=1&item=159>

¹⁸⁹ Bolee chem 200 tysyach moldavskih grazhdan iz pridnestrovskogo regiona ne budet vozmozhnosti progolosovat’, Promo-LEX, <http://www.promolex.md/index.php?module=news&item=172>

provided by human rights organizations,¹⁹⁰ in particular, by the “Promo-LEX” (Chisinau), on the day of elections the movement of citizens to the right bank was obstructed by the so-called “border authorities” of the region. One of the most heated conflicts was a “peaceful demonstration” which blocked the activities of the polling station in the village of Korzhova (Dubossary district)¹⁹¹ controlled by Chisinau. There were other similar situations depriving of the right to express their will those Moldovan citizens – residents of the Transnistrian region. This once again illustrated the position taken by the Tiraspol authorities with regards to common democratic values, as well as the attitude of the Transnistrian regime to the rights and freedoms of region’s residents.

On April 7-8, 2009 during the outbreak of mass demonstrations in Chisinau after the elections, the Transnistrian government voiced their concern over the situation and strengthened security at the entry points¹⁹² of the “administrative border” separating the Moldovan right-bank from its left-bank territory. However, the actions of protest in the capital of Moldova have not considerably influenced the situation in Transnistria. With the deterioration of the political situation in Chisinau, already suffering from riots and destruction of administration buildings, Tiraspol was on the edge of its own political transformations.

Igor Smirnov already knew about the initiative taken by the group of Transnistrian Deputies and aimed at reducing his powers. On April 15 the Transnistrian “parliament” adopted the law put forward by 17 Deputies (according to some other sources – 16) on the introduction of the amendments to the region’s “constitution”.¹⁹³ The initiative was the first, by both its scale and aim, document severely limiting the political power structure of the permanent leader of Transnistria.

In particular, the document envisaged recalling the position of the “TMR vice-president” and appointing the person by the parliament who, if required, would “act as the president”. For instance, in case of incompetence of I. Smirnov, the Deputies, with a two third majority vote, could according to this draft law elect an appropriate candidate who (what is important) could subsequently run for the post of “president” of the unrecognized republic. Moreover, the “initiative of the 17” showed the necessity for accountability of the members of the “cabinet of ministers” of unrecognized TMR to the Transnistrian “parliament”. It also envisaged the unification of the region’s city and district councils. It would also be worth noting that this document was adopted by the Transnistrian “parliament” in the first reading despite categorical denials by I. Smirnov.

That event launched an unprecedented political confrontation between the legislative and executive bodies of the Transnistrian regime headed by I. Smirnov. Due to that fact we should note that despite high-profile April protests held in the Moldovan capital, and difficulties encountered during the presidential elections in the Moldovan Republic, the situation created for the Tiraspol leader in “his own house” raised much more concern than his further dialogue with official Chisinau. Smirnov and his team at that time got back to the prospects regarding the resolution of the Transnistrian issue only

¹⁹⁰ Parlamentskie vybory 2009 / Pridnestrovskiy region, Promo-LEX,

<http://www.promolex.md/index.php?module=news&item=175>

¹⁹¹ Promo-LEX: Rezul'taty tretyego otcheta o monitoringe parlamentskih vyborov v Pridnestrovskom regione Respubliki Moldova, Promo-LEX, <http://www.promolex.md/index.php?module=news&item=184>

¹⁹² MGB PMR usililo ohranu granitsy Pridnestrovia, Lenta PMR, <http://www.tiras.ru/tlnews/7893-mgb-pmr-usililo-okhranu-granicy.html>

¹⁹³ Zakonoproekt strastnoy nedeli, Olvia-press, <http://www.olvia.idknet.com/ol04-05-09.htm>

after being attacked by foreign media, in particular, Russian journalists.¹⁹⁴ Tiraspol leaders openly voiced their distrust to political changes in the right-bank Moldova.¹⁹⁵ It has also been said that this “political uncertainty” caused a “certain relapse” in the dialogue between Chisinau and Tiraspol.

The rhetoric of the Transnistrian authorities and non-governmental organisations subordinated to them increasingly used slogans stating the necessity for Transnistria to join the Russian Federation.¹⁹⁶ That was reinforced by the spread of anti-Romanian sentiments¹⁹⁷ since the “victory of pro-western forces in Moldova poses the threat of the reappearance of the “Great Romania”.

Moscow, in its turn, avoided direct and open support of Tiraspol’s pro-Russian course amidst aggravation of the political situation in the Moldovan capital. At the same time the Russian side “did not deny” escalation of separatist sentiments in the Transnistrian region of the Republic of Moldova. The Chief of the Ministry for Foreign Affairs of the Russian Federation Sergei Lavrov, whilst commenting on Chisinau events,¹⁹⁸ stated that this is “clearly aimed at deliberate deterioration of the situation in order to reach an agreement” in the process of finding a solution to the Transnistrian issue. The Russian Minister, speculating on the tensed and painful reaction of the society to the events in Moldova, noted the following: “Transnistrians, for a long time and reasonably, have been bringing up the issue of their readiness to live in a single state of Moldova, however, if that state loses its own identity, the Transnistrians will decide what to do themselves”.

At that time these were the standpoints of Tiraspol and Moscow on the situation in Moldova and “not so bright”, according to their judgements, outlooks for resolving the Transnistria issue in that context. However, none of the comments by the Kremlin or representatives of the Tiraspol’s administration mentioned the governmental crisis in the Transnistria as being one of the reasons for breakdown of talks between the conflicting parties. Furthermore, the events on the left side of the Nistru have not been less long-standing than the event on the right side of Moldova.

Having analysed the development of the events in Chisinau after the April parliamentary elections and in Tiraspol after promulgation of the “initiative by the 17”, one may claim that these events were not directly linked. At the same time, their similar motivation (power crisis on both sides of the Nistru River), also coincidence in time and space leads to considering whether such a concurrence is accidental.

7.2. The development of political situation in the Transnistrian region of the Republic of Moldova (April-December 2009)

¹⁹⁴ Tiraspol’ zayavlyaye pro vidсутnist’ mozhlyvostey dlya vidnovlennya dialohu z Moldovoyu, Ukrinform, <http://www.ukrinform.ua/ukr/order/?id=809107>

¹⁹⁵ Gospodin Voronin sebe l’stit, I. Smirnov’s interview to Russian news agency Interfax, <http://www.interfax.ru/txt.asp?id=74548&sec=1483>

¹⁹⁶ D. Soin: My – za maksimal’ nuyu integratsiyu s Rossiyey, Lenta PMR, <http://www.tiras.ru/v-mire/8019-d-soin-my-za-maksimalnuju-integraciju-s.html>

¹⁹⁷ Roman Konoplev: Uroki moldavskogo pogroma, Lenta PMR, <http://www.tiras.ru/jeksperty/7968-uroki-moldavskogo-pogroma.html>

¹⁹⁸ Sobytiya v Moldavii uslozhnyayut pridnestrovskoe uregulirovanie – Lavrov, RIA-Novosti, <http://www.rian.ru/politics/20090409/167621062.html>

The crucial point for continuous political balance in the top government of the unrecognized TMR was the initiative of 17 Deputies about the introduction of amendments to the region's "constitution" limiting the power of I. Smirnov and his confidants in Tiraspol's administration. The document was instantly criticized by Smirnov and, as if on a signal, immediately evoked the fierce debates within the Transnistrian society.

The "initiative of the 17" was foremost opposed by the organisations being under control by the Transnistrian regime that emphasized the "necessity for taking into account the voters' opinions".¹⁹⁹ The pressure exerted by the region's "official" mass-media, condemning the suggestion of the freethinking Deputies, and daily informative "brainwashing" of the residents became immediately evident.

Activation of I. Smirnov's own informational resources and civil organisations subordinated to him immediately after the confrontation with the parliament has begun, resulted in the defeat of the initiators and proponents of the amendments to the Transnistrian legislation. By the end of May 2009 that law was withdrawn by the same "parliament".²⁰⁰ Igor Smirnov established his own committee dealing with the preparation of a draft for the revision of the unrecognized TMR's "basic law", but this time with the reinforced Presidential vertical.

Parliamentary opposition failed to confront Smirnov. Having experienced the pressure from Smirnov's side, speaker of the local "Supreme Council" and the leader of the party "Obnolvenie" (Renewal) Yevgeniy Shevchuk has resigned.²⁰¹ At the same time he fiercely criticised the poor performance of the executive powers of Transnistria, resulting in "economic regression of the region", and condemned the offers by the committee on preparation of changes to the constitution, having declared that the real objective of that draft was a "battle for power and staying in power by a certain group of people".²⁰² On the other hand, it looked like the strategic surrender of Y. Shevchuk as a politician who launched a challenge to the leader of the Transnistrian regime. His defeat also somehow weakened the stance of his party "Obnolvenie" that had been one of the most influential in the Transnistrian region of the Republic of Moldova.

The next few months of political situation development in Transnistria can be characterised as a "soft" confrontation between power-holders and the opposition (single meetings and public speeches by party leaders). At the same time, that process was accompanied by the increased courting of Russia, both by the opposition leaders²⁰³ and I. Smirnov.²⁰⁴ The striking and unexpected factor was Smirnov's decision in the end of July to dismiss Alexandr Korolyev from the post of the unrecognized republic's "vice-president". Apparently, that politician became a "stumbling stone" not only to the members of the 17

¹⁹⁹ Holodnaya vojna v Pridnestrovie, TV Channel TVC-21 (Chisinau),

<http://www.tvc21.md/index.php?type=view&data=14909>

²⁰⁰ Nekotorye zametki po povodu politicheskogo krizisa, Olvia-press, <http://www.olvia.idknet.com/ol164-06-09.htm>

²⁰¹ Spiker Parlamenta nepriznannoy TMR podal v otstavku, TV Channel TVC-21 (Chisinau),

<http://www.tvc21.md/index.php?type=view&data=15356>

²⁰² Pridnestrovi'e. Prezident – Verhovnyj Sovet: kapituljacija VS ili novyj vitok protivostojanija?

Politika+, <http://www.politika.org.ua/?p=633>

²⁰³ "Edinaja Rossija" i "Obnovlenie" (Pridnestrovie) namereny razvivat' sotrudnichestvo, oficial'nyj sajt frakcii "Edinaja

Rossija", <http://www.er-duma.ru/news/37371>

²⁰⁴ Konstantin Zatulin: «Interesy pridnestrovtsev ne dolzhny postradat' ni pri kakom variante razvitiya sobytij v Moldove»,

Ol'viya-press, <http://www.olvia.idknet.com/ol259-08-09.htm>

Deputies' initiative group who tried to remove him from the power vertical but, as it turned out, to Smirnov himself.²⁰⁵ To substitute A. Korolyev, Liudmila Rogozhkina was appointed. Previously she was the Head of Financial Department of the "President's Administration" of the unrecognized TMR. That meant that Smirnov made a decision not to instantly dispose of the "vice-president" position, as it was requested by the Parliament, but to appoint a more neutral person.

In September Smirnov's team released to public their draft of a new "constitution" in the frameworks of "harmonisation of the Transnistrian legislation with the Russian one".²⁰⁶ The document was published in a special 40-pages edition of a republic's newspaper "Transnistria" as a comparative table with the text of the Russian Federation's Constitution. The option of the "constitution" by Smirnov envisages that the "President" of the unrecognized TMR will be responsible for ensuring cooperation between three branches of government. That means that he will cease being the direct head of the executive power but will appoint, at the approval of the parliament, a head of the government and, at the proposition of the latter, appoint the composition of the government.

Serious changes were also envisaged in the structure of the future "parliament" which should become a two-chamber «State Assembly», where the first and the second chambers would be represented by 21 members. In that context Smirnov also granted himself with powers to dismiss the lower chamber of the "parliament" if three times the Deputies decline the proposed candidates for the position of the "head of government" or twice, within three months, voice the distrust to the "government". The situation when the "head of the government" brings for a parliament's review the issue of the trust to the higher body of executive power was also envisaged. If parliament rejects that issue, the "president" should within seven days make a decision on the dismissal of the "government" or the lower parliament chamber.

Next chapter – "Rights, freedoms and responsibilities of a person and citizen" – is virtually duplicating the text of the Russian Constitution. In the Chapter "Basis of the Constitutional Order" the provisions providing that land can be a property of government exclusively were preserved. In that respect the text of Smirnov's "constitution" does not coincide with the basic law of the Russian Federation which permits the private property for land. In the version of the new "constitution" there was no definition of the number of presidential terms for one person.

It is evident that Smirnov's initiative to "amend" the legislation of a self-proclaimed republic was aimed at ensuring maximum convenience for him as for the leader of the Transnistrian regime. According to the expert opinion,²⁰⁷ the new procedure for parliament's formation denoted the clear access for Smirnov to his one-person governing which has reeled during the recent years. The Transnistrian leader realised that the Deputies will not adopt the text of his "constitution" immediately, thus, he put forward the initiative to hold a referendum on that document. Referendum for Smirnov is

²⁰⁵ U prezidenta Pridnestrov'ya budet novyy preemnik. Im stanet Igor' Smirnov, Informatsionno-analiticheskiy portal [Ava.md](http://ava.md) (Молдова), <http://ava.md/02-pridnestrove/02979-u-prezidenta-pridnestrovya-budet-novii-preemnik-im-stanet-igor-smirnov.html>

²⁰⁶ V Pridnestrov'e opublikovan proekt novoy konstitutsii respubliki, Ol'viya-press, <http://www.olvia.idknet.com/ol107-09-09.htm>

²⁰⁷ Dlya Verkhovnogo soveta Pridnestrov'ya nastal moment istiny. Kommentariy MOLDPRES, Byulleten' "Informatsionnyy obzor Pridnestrovskogo regiona", 19 October 2009

a worked-out method to obtain guaranteed “support by people” (like the plebiscites in 1991 - 2006 when the expected result was over 80-90% of votes).²⁰⁸

On November 18 the Transnistrian “parliament” rejected I. Smirnov’s initiative in the first reading.²⁰⁹ The very heated discussion ended unexpectedly peacefully: Smirnov thanked the Deputies for honest conversation and agreed that the new document requires some follow-up revision. Eventually the parliament adopted the decision to establish “joint conciliation committee for the constitutional reforms project”.

The Transnistrian oppositional politicians raised the protest against a too “big appetite” of the head of Tiraspol’s administration. The former speakers of the Transnistrian “parliament” Yevgeniy Shevchuk and Grygoriy Marakutsa emphasized I. Smirnov’s “irregularity of behaviour” and suggested that he should resign.²¹⁰ Furthermore, the party “Obnovlenie” accused the executive powers of “informational brainwashing” of population (concerning the necessity for a referendum) and repressions of “dissidents”. They also threatened that the mass actions of protest²¹¹ could follow. Similar statement was made by the “parliament” of the unrecognized republic, having stressed²¹² that “despite the compromise on the development of the agreed draft of new “constitution”, reached on November 18, the “state” mass-media controlled by Smirnov continued information campaign for discrediting “Supreme Council” and its Deputies”. Thus, the residents of the region, guided by the information from the media “reckon that it truly reflects the activity of the bodies of the “state government”. However, the real state of affairs is concealed or twisted by these media”.

The activity of “joint conciliation committee for the constitutional reforms project” encompassing the representatives of legal and executive branches of government of the unrecognized TMR, still continue. According to one of the Transnistrian oppositionists, the editor-in-chief of the newspaper “Novaya Gazeta” (New Newspaper) (town of Bendery) – Grygoriy Volovoy²¹³ – the committee was not established proportionally. “It consists, mostly, from the representatives of the executive powers. For instance, if there are three persons from the parliament, from the side of the executive and judicial powers there are also three representatives. Apart from that, the public has to control the progress in the committee performance. But in Transnistria it is elected basing on the principle of loyalty to the president”, stated the expert. According to him, this draft may have two ways of implementation: “it will be either a renewed version of the “presidential republic” with the advanced powers for the “presidential” government, or that will transform into another battle between the parliament and executive powers”.

²⁰⁸ Referendумы в Приднестровье, Wikipedia, http://ru.wikipedia.org/wiki/Референдумы_в_Приднестровье

²⁰⁹ Igor' Smirnov otstupil? Konstitutsionnyy zakonoproekt prezidenta otklonen parlamentom s soglasiya Igorya Smirnova!, Informatsionno-analiticheskii portal [AVA.md \(Moldova\)](http://ava.md), <http://ava.md/02-pridnestrove/03319-igor-smirnov-otstupil.html>

²¹⁰ Opozycja Prydnistrovja vidkryto vymagaje negajnoi' vidstavky I.Smirnova, “UKRINFORM”, <http://www.ukrinform.ua/ukr/order/?id=851314>

²¹¹ Pridnestrov'e nakanune politicheskikh potryaseniy? Samaya krupnaya v PMR politicheskaya partiya «Obnovlenie» zayavlyayet o vozmozhnosti massovykh aktsiy protesta, Informatsionno-analiticheskii portal [Ava.md \(Moldova\)](http://ava.md), <http://ava.md/02-pridnestrove/03405--pridnestrove-nakanune-politicheskikh-potryasenii.html>

²¹² Parlament Pridnestroviya: Smirnov ispol'zuet podkontrol'nye emu SMI kak instrument manipulirovaniya i diskreditatsii, IA “Regnum” <http://www.regnum.ru/news/1234347.html>

²¹³ From the conversation with the chief editor of “Novaya gazeta” Grigoryi Volovoy during the International round table in the framework of the project “Movement to European integration: joining efforts of civil societies of Ukraine and Moldova” (15-16 December 2009, Kyiv).

However, according to G. Volovoy, “of the highest importance is the fact that the Transnistrian society, being previously quite unanimous in the assessment of powers performance, currently faces a serious split”. Thus, as stated the expert, there was a differentiation in the society of the Transnistrian region of the Republic of Moldova (conditionally speaking) for the “left” and “right”. That caused the situation when “the number of people in the region not satisfied with the executive powers of Transnistria, increases and that could be named as the main event of the year 2009”.

7.3. Transnistrian settlement - 2009: attempts to revive the constructive dialogue

During 2009 the process of Transnistrian problem resolution, despite the first impression of being inactive and discontinuous, was in fact rich in multiple meetings and consultations in different formats, including «5+2» format. There were also other factors having direct influence on a political component of the Transnistrian issue. Thus, the change of the Republic of Moldova government after the two parliamentary elections and, as a result, restructuring of the negotiations team from the right-bank Moldova introduced certain corrections into the dialogue between Chisinau and Tiraspol. The hard battle for power inside the Tiraspol administration slightly influenced the rhetoric by «official representatives» of Smirnov’s team. Quite interesting were also the standpoints of other participants of «5+2» format, in particular, those of Russia, OSCE, Ukraine, the EU and the USA, which accompanied the complicated dialogue of the conflict during the year.

“Demonstrative dialogue” V. Voronin – I. Smirnov

The year 2009 in the context of resolving the Transnistrian problem commenced with a dialogue between the President of the Republic of Moldova Vladimir Voronin and the leader of Transnistria Igor Smirnov.²¹⁴ Meetings of the two leaders took place on the territory of the Transnistrian region of the Republic of Moldova. The first meeting, a week before the New Year – on December 24, 2008 - took place in Tiraspol. The main outcome of negotiations was confirmation by the Transnistrian side that starting from January 1, 2009 Tiraspol would cancel all fees for the citizens of Moldova travelling on the territory of the region.²¹⁵ V. Voronin did a good work before the meeting with his opponent and placed the «homework» on the table. By that we mean the package of proposals on «final resolution of the Transnistrian problem». They included joint political declaration on the principles and guarantees for the Transnistrian settlement, as well as a draft law of the Republic of Moldova on the status of Transnistria. As has been emphasised by V. Voronin, the contents of those documents were preliminary discussed with the participants of the Transnistrian settlement process. The Moldovan leader has also provided the complex offer on demilitarisation, disarmament and social rehabilitation of the military officers. That particular approach, according to the opinion of the Republic of Moldova President, was the best guarantee to avoid all kinds of provocations.

Smirnov, on his side, emphasised his negative attitude towards the involvement of mediators in «5+2» format negotiations to continue the dialogue since that would not be "effective in the current situation".

²¹⁴ Lidery Moldovy i Prydnistrov'ja mozhut' zustritysja v chergovyj raz u drugij polovyni bereznja, UKRINFORM, 5 March 2009, <http://www.ukrinform.ua/ukr/order/?id=788075>

²¹⁵ Voronin i Smyrnov ne dosjagly domovlenosti z usih zaplanovanyh pytan' zustrichi v Tyraspoli, UKRINFORM, 24 December 2008, <http://www.ukrinform.ua/ukr/order/?id=766622>

The negotiations participants reached the agreement on the necessity to hold the next joint meeting in March 2009.

The Transnistrian regime managed to provide response to Voronin's offers only in the middle of February 2009.²¹⁶ Tiraspol rejected the draft law of the Republic of Moldova on the status of Transnistria and joint political declaration. The Transnistrian administration provided typical arguments: the Republic of Moldova ignores "the will of the Transnistrian people voiced at the referendum on September 17, 2006"; the Republic of Moldova is trying to obtrude unilateral decisions ignoring TMR as an equal part of the settlement process etc. In other words, Tiraspol demonstrated the return to tough confrontation without having provided any new approaches or assessments explaining such behaviour.

It was also confirmed by the fact that the second scheduled tête-à-tête meeting of Voronin and Smirnov due on the «second part of March», to be a continuation of the “constructive dialogue”, has not taken place. But the sides eventually sat down at the negotiating table. However, this time it was in Moscow – due to mediating of the President of the Russian Federation Dmitriy Medvedyev – in the so-called format «2+1». The Russian media instantly noted the «constructive role of Moscow that had demonstrated its efficiency» by organising the meeting of leaders from the left and right banks of the Nistru River. The latter failed to do it themselves.²¹⁷ However, in some points the Russian media were right. The role of Moscow in that meeting was indeed determinative. According to the summaries of the meeting, the joint statement was signed. It confirmed, in particular, the necessity of further stationing of Russian troops on the territory of the Transnistrian region of the Republic of Moldova as the «stabilizing factor» of current peacekeeping operation. Therefore, V. Voronin personally signed this document contradicting to all previous demands of the official Chisinau on withdrawal of the Russian troops and weapons from the territory of the left-bank Moldova. At the same time the statement defined a prospect of shifting to peacekeeping format under the auspices of the OSCE. However, that clause was disguised by ambiguous phrasing «after summarising the results of the Transnistrian settlement». Evidently, the Moldovan side underestimated that subtlety as being entirely inadequate to the clause on further stationing of the Russian military forces in Transnistria.

After trilateral consultations in Moscow, the President of Moldova has been actively searching for a possibility to continue dialogue with I. Smirnov, obviously, in order to define the “points of contact” in the context of offers by V. Voronin at the previous meeting (December 24, 2008). The official Chisinau even announced that negotiations of the two leaders are due on March 25. But on the eve of that event, on March 24, V. Voronin refused to participate in the negotiations.²¹⁸ That was his response to incomprehensible statement by I. Smirnov on announcing personas non grata on the territory of the Transnistrian region of the Republic of Moldova of three western diplomats representing the participants of “5+2” negotiation format. They were the special representative of the EU in Moldova Kálmán Mizsei, the Ambassador of the USA in the Republic of Moldova Asif Chaudhry and the

²¹⁶ Vladimir Voronin – Igor Smirnov meeting, The Black Sea Trust for Regional Cooperation, Institute for Public Policy [Synthesized vision over the Transnistrian issue, http://vlad-lupan.blogspot.com/2009/05/synthesized-vision-over-transnistrian.html](http://vlad-lupan.blogspot.com/2009/05/synthesized-vision-over-transnistrian.html)

²¹⁷ Proigrala li Rossiya Pridnestrov'e? Kommersant, 25.03.09, <http://www.newsland.ru/News/Detail/id/351401/cat/10/>

²¹⁸ Vladimir Voronin otkazalsya ot vstrechi s Igorem Smirnovym, zaplanirovannoy na 25 marta, IA [INTERLIC, http://ru.interlic.md/2009-03-24/vladimir-voronin-otkazalsja-ot-vstrechi-s-igorem-smirnovym-zaplanirovannoj-na-25-marta-9221.html](http://ru.interlic.md/2009-03-24/vladimir-voronin-otkazalsja-ot-vstrechi-s-igorem-smirnovym-zaplanirovannoj-na-25-marta-9221.html)

Ambassador of the chairing the EU Czech Republic Pyotr Kupr.²¹⁹ Smirnov explained his position as follows: the Council of the EU Ministers in the end of February extended, once again, the prohibition on entry to the EU countries and the US for the leaders of Tiraspol (the travel ban was launched in the end of 2003). Such behaviour of the Transnistrian leader was beyond the framework of a civilized dialogue and could not promote the positive outcome of the planned meeting. At that stage the direct dialogue Voronin-Smirnov was ended.

It should be noted that the development of relations between Chisinau and Tiraspol at the mentioned period was within interest of the Ukrainian side which has been thoroughly studying the situation. In connection with this Ukraine's special representative for the Transnistrian issues Viktor Kryzhanivskiy held two working visits to Moldova and the Transnistrian region (January 22²²⁰ and March 13²²¹). As stated in the official notifications by the Ministry of Foreign Affairs of Ukraine, the visits were aimed in particular at continuation of Kyiv's mediating efforts in the process of stabilising the situation in the region and boosting the negotiation process between the conflicting parties. V. Kryzhanivskiy held meetings with chief negotiators from Chisinau and Tiraspol. During those meetings he acquainted himself with the standpoints of the parties on confidence-building measures between the two banks of the Nistru and also with the prospects of reviving the negotiations in the "5+2" format. Proceeding from the above, the official Ukraine's representative appealed to the sides to boost the constructive dialogue. The separate issue of V. Kryzhanivskiy's visit to Moldova was the discussion of the matters on demarcation of the Transnistrian section of the Ukrainian-Moldovan border and establishing of the Euroregion "Dniester".

Development of the settlement process on the background of political events in Chisinau and Tiraspol (April-September 2009)

The events of April 2009 both in Chisinau (parliamentary elections and mass protests in the capital of Moldova) and Tiraspol (battle of the Transnistria administration structures for the control over executive and legislative powers) seemingly moved backwards the relevancy of the dialogue between right-side Moldova and its left side territory.

But actually, the process of the Transnistrian problem settlement has not lost the relevancy. It was mainly shifted to the sphere of contacts between the participants of "5+2" format on different levels. In particular, the initiative was put forward during the Greek chairmanship of the OSCE. Thus, on May 13 the meeting of the special representative of acting Chief of the OSCE, the ambassador Charalambos Christopoulos, and the Head of the OSCE Mission in Moldova Philip Remler with a special Ukraine's representative for the Transnistrian issues Viktor Kryzhanivskiy was held.²²² The parties discussed the development of political situation in Moldova, emphasising the necessity of the reinforced

²¹⁹ Dva evropeyskikh diplomata i posol SShA v Moldove ob"yavleny personami non-grata v Pridnestrovskom regione, «Pressa Moldovy» http://www.pressa.tm.md/index.php?page=itrec_4&id=632

²²⁰ Special'nyj predstavnyk Ukrainy z pytan' prydnistrovs'kogo vreguljuvannja zdijsnyv robochyj vizyt do Moldovy, UKRINFORM, 22.01.09, <http://www.ukrinform.ua/ukr/order/?id=774552>

²²¹ Specpredstavnyk Ukrainy z prydnistrovs'kogo vreguljuvannja vidvidav Moldovu, UKRINFORM, 13.03.09, <http://www.ukrinform.ua/ukr/order/?id=790057>

²²² Problemy vreguljuvannja prydnistrovs'kogo konfliktu obgovoryv Specpredstavnyk Ukrainy z predstavnykamy OBSJe, UKRINFORM, 13.05.2009, <http://www.ukrinform.ua/ukr/order/?id=806615>

coordination of the mediators activity in the process of the Transnistrian problem settlement, and also more rational involvement of the OSCE potential in that respect. It was also said about the prospects for reviving the meetings in the format “5+2” that this should be done as soon as possible.

One of the outstanding events in the framework of conflict settlement process during the political crisis on both sides of the Nistru was an informal meeting of the Head of Parliament of the Republic of Moldova Marian Lupu and the Transnistrian speaker Yevgeniy Shevchuk that took place on May 14, 2009 in Brussels.²²³ The EU invited them to participate in the “round table” dedicated to the subject of “Counteracting the illegal human trafficking: cooperation between the Parliament and NGOs, situation on the both sides of the Nistru River». In this case, Brussels even made an exception for the representative of the Transnistrian government having allowed him to enter the EU countries.

The meeting was held with the positive outcome. The sides congratulated each other on re-establishing the contacts regarding the settlement of the Transnistrian conflict and voiced expectations that negotiations in the “5+2” format would be held in the nearest future. The representatives of the conflicting parties also discussed the measures on confidence building between Chisinau and Tiraspol and unobstructed travelling of citizens between the left and right banks of the Nistru.

Brussels was satisfied with such a positive and constructive dialogue between the Head of Parliament of the Republic of Moldova and the Transnistrian speaker. Due to that fact the EU representatives again proved that it is possible to find a final decision to resolve the Transnistrian conflict by means of direct contacts between Chisinau and Tiraspol. After Brussels, Y. Shevchuk visited London, where he participated in the discussion of the Transnistrian problem.

However, such turn of the events, which could prove the approaching to common standpoints by the conflicting parties, in no case was an option for I. Smirnov. In one week time, expressing the position of the official Tiraspol, the “Chief of the Ministry of Foreign Affairs” of Transnistria Vladimir Yastrebchak firmly stated that there are no possibilities for reviving the dialogue with Moldova. Such statement was made in the context of another visit to Moscow during the international conference “Summaries of parliamentary elections in Moldova and prospects for Transnistrian problem resolution”.²²⁴ V. Yastrebchak emphasised that the process of settlement is currently on the stage when conflicting parties stressed their extreme positions and have no intention of retreating. While voicing the impervious position of the Transnistrian leader, V. Yastrebchak has omitted in his speech the fact of reviving the constructive dialogue on the parliamentary level (Y. Shevchuk – M. Lupu). Apart from that, he attracted the participants’ attention to the “negative influence of economic crisis” having already affected the left bank territory. Therefore, the Transnistrian regime once again demonstrated the aspiration for continuing the conflict in the region as long as possible, and the lack of desire to find meaningful ways of resolving the problem.

Meanwhile, the subject of the Transnistrian problem resolution has remained within the attention of the European Union. On June 15 in Luxembourg the session of the EU Ministers for general affairs

²²³ Marian Lupu obsudil v Bryussele s Evgeniem Shevchukom vozmozhnost' vozobnovleniya peregovorov v formate «5+2», 16.05.2009, analytic portal Moldova.org <http://politicom.moldova.org/news/marian-lupu-obsudil-v-bryussele-s-evgeniem-shevchukom-vozmozhnosti-vozobnovleniya-peregovorov-v-formate-52-119530-rus.html>

²²⁴ Тирасполь заявляє про відсутність можливостей для відновлення діалогу з Молдовою, УКРІНФОРМ, 21.05.2009, <http://www.ukrinform.ua/ukr/order/?id=809107>

and foreign relations was held.²²⁵ During the session a separate resolution on the relations with Moldova was passed. In that document the EU paid attention to the Transnistrian problem settlement and urged all involved parties to renew the negotiation in the format “5+2” as soon as possible.

The EU Council expressed its concern regarding tensed political situation in the Republic of Moldova which, at that point, was defined by failed presidential elections in the republic and the necessity for holding pre-term parliamentary elections. The European Union urged the acting government of the Republic of Moldova to ensure transparency and fairness of the subsequent elections to the main legislative body of the country. That aspect could not be left beyond the concern of the European side since at that stage the Moldovan opposition had already demonstrated its potential and readiness to get in charge of the Republic of Moldova. That, to certain extent, generally influenced the situation in the region including in the context of the Transnistrian issue resolution.

Meanwhile, in the middle of June the Transnistrian leader officially appealed to Moscow for almost double increase of military forces on the territory of the region (from 1 300 to 2 500).²²⁶ Subsequently he would explain that he addresses the Russian President Dmitriy Medvedev with that issue as early as on March 18, 2009 during trilateral meeting Voronin-Smirnov-Medvedev. He also suggested renewing the stationing of the Russian helicopter squadron in Transnistria which could guarantee the efficiency of completing the missions on ensuring the peace.” However, Moscow has not supported that suggestion.²²⁷

On the day of pre-term parliamentary elections in Moldova (on July 29) the “Minister for Foreign Affairs” of the TMR Vladimir Yastrebchak met Romanian journalists and commented on the Tiraspol position in that context. In particular he stated that “the lack of stable government system in Chisinau affects the process of relations’ normalisation and delays resolution of many burning problems in the region”.²²⁸ He also noted that he counts on the formation of stable government in the Republic of Moldova after the completion of the election process.

After the July elections in Moldova, the political situation in the country indeed undergone fundamental changes. The new parliamentary coalition, the “Alliance for European Integration”, was formed by four parties²²⁹ (Liberal-Democratic party of Moldova, Liberal party, Democratic Party of Moldova and Alliance «Our Moldova»). The Communist Party of Moldova went into hard opposition. The confrontation of those political forces narrowed to the distribution of power, especially, to the election of the President of the Republic. According to the Constitution of the Republic of Moldova, the head of the state is elected by the parliament by secret voting. But that political battle has not significantly influenced the process of government formation in the Republic of Moldova.

²²⁵ ES zaklykav do najshvydshogo ponovlennja peregovoriv shhodo Prydnistrovs'kogo vreguljuvannja u formati "5+2", UKRINFORM, 15.06.09, <http://www.ukrinform.ua/ukr/order/?id=815861>

²²⁶ Glava Pridnestrov'ya prosit RF uvelichit' kontingent mirotvortsev. Glavred.15.06.07, <http://ua.glavred.info/archive/2007/06/15/122452-1.html>

²²⁷ From the conversation with I. Smirnov during his voyage to Kyiv 24.12.09 on the invitation of the Minister of Foreign Affairs of Ukraine Petro Poroshenko.

²²⁸ V Tiraspole zhduť ot moldavskikh vyborov formirovaniya stabil'noy i otvetstvennoy vlasti – glava MID PMR, Ol'viya-Press, 29. 07.2009. <http://www.olvia.idknet.com/ol213-07-09.htm>

²²⁹ Dosrochnye parlamentskie vybory v Moldove 29 iyulya 2009 goda, analytic portal E-Democracy, <http://www.e-democracy.md/ru/elections/parliamentary/20092/>

The new Cabinet of Ministers, formed by the ruling alliance and approved by the parliament, on September 25 was headed by the leader of the LDP Vladimir Filat. He immediately defined increasing efforts on the Transnistrian problem resolution as one of the priorities for the government. At the short press-conference, having taken place after approval of his cabinet, he strongly emphasised that he would seek the withdrawal of the Russian troops from the territory of the Transnistrian region of the Republic of Moldova in accordance with the previously reached arrangements.²³⁰ As the head of the new government of Moldova he confirmed that Chisinau in further process of the Transnistrian settlement would consider the format “5+2” as the main one. With regards to the change of the format, according to V. Filat, that would become possible only on the condition of approval by all participants of the negotiation process.

Augmenting efforts regarding the Transnistrian settlement

At the beginning of October international society was confused by another unexpected statement by I. Smirnov. During the briefing on the results of his visit to Tskhinvali, where he was invited to celebrate the anniversary of “establishing” South Ossetia, Tiraspol leader stated that “Transnistria is ready to change “national” symbol and to joint the Russian Federation”. He explained that from that moment Tiraspol is ready to hold negotiations on its status, basing on the 2006 referendum results (when 97% residents supported independence and joining the Russian Federation).²³¹ The Transnistrian leader also voiced his concern that violation of rights of the Russian-speaking citizens is possible due to assumption of power in Moldova by the right forces striving to withdraw the Russian troops from the region. In such situation we should be ready to protect our boundaries, summarized I. Smirnov.

At the same time Chisinau took in stride the new statement of the Transnistrian leader. With regards to this, the Vice-Prime-Minister for Reintegration of the Republic of Moldova Viktor Osipov noted that Smirnov’s idea is not new. Furthermore, it does not have any grounds for implementation. In general, Chisinau perceived Smirnov’s idea as a kind of demarche before the summit of the CIS scheduled for October 8-9 in the capital of Moldova. One of Moldova’s leading experts, who at the time, was a Deputy for the DP, Andrey Popov noted the following: “Smirnov’s attempt to use Moscow for promoting his own interests in political in-fighting, having become strained in the region, is evident”. He added that such statements by Smirnov may “recoil” upon him.

The Russian side also gave a restrained assessment to Smirnov’s statements. The Ministry of Foreign Affairs of the Russian Federation emphasised that such speeches had been made by the Transnistrian leader but Russia “recognises territorial integrity of Moldova and stands for the settlement of the Transnistrian status by means of negotiations between Tiraspol and Chisinau”. However, the Russian side has its own standpoint regarding that issue. Moscow, in particular, insisted on returning to the “Kozak’s Memorandum” - a document which upsets Chisinau since it provides solving the problematic issues via federalization of Moldova. The Ambassador-at-large of the Ministry of Foreign Affairs of the Russian Federation Valeriy Niesterushkin, during his visit to Tiraspol on October 14, emphasised that “this document is the result of mutual work of many politicians of Moldova and Transnistria”. “Currently many points stipulated by that document, possibly, require modernisation.

²³⁰ Moldavane predlagayut russkim sdavat'sya, Express-ekspertiza, №9-10 (83-84), September - October 2009

²³¹ Pridnestrov'e prositsya v Rossiyu, Kommersant, 06.10.09,

<http://www.kommersant.ru/doc.aspx?DocsID=1250740>

But what and how to be used should also be decided in the process of negotiations”, - stated the Russian diplomat. There were no objections to that by Tiraspol.²³²

Meanwhile, the participants of the “5+2” format decided on the date of consultations with the participation of the parties, mediators and observers for the process of the Transnistrian settlement. The meeting was due on November 6, in Vienna. However, prior to consultations Tiraspol decided to be ahead of the events and voiced its official standpoints. V. Yastrebchak made another open announcement stressing the need for keeping the Russian military forces on the territory of Transnistria.²³³ The attempts of Chisinau to shift the current format of peacekeeping mission under the auspices of the OSCE were softly moved by V. Yastrebchak towards the subject of inner political problems of the right-bank Moldova trying in such a way, to “distract the attention of the residents from more urgent issues”. He also mentioned the joint statement signed in Moldova on March 18, 2009 in the framework of the meeting between Vladimir Voronin and Igor Smirnov, organised through the mediation of Dmitriy Medvedev. According to the statement, the President of Moldova acknowledged the necessity of stationing of the Russian troops on the left-bank of the Nistru.

Apart from that, Vladimir Yastrebchak voiced problematic issues concerning Tiraspol in the process of approaching the standpoints by the conflicting parties. He drew attention to the lack of progress in unblocking the Transnistrian region’s railway connection, suspension of criminal prosecution of the Transnistrian officials in Moldova, elimination of limitations for the Transnistrian economic agents.

Simultaneously with the above, the discussion of the Transnistrian problem was continued at the level of mediators in the conflict settlement process. On October 27 the Ukrainian-Russian consultations with the participation of the Ambassador-at-large of the Ministry of Foreign Affairs of the Russian Federation Valeriy Niesterushkin and Ukraine’s special representative for the Transnistrian issues Viktor Kryzhanivskiy took place in Kyiv.²³⁴ According to the official information, during the meeting the main attention was drawn to the situation in the region and practical issues of cooperation between the international mediators and observers regarding renewal of the negotiation process. However, it is obvious that the parties agreed their standpoints prior to the “5+2” meeting in Vienna.

At the same time there was not much progress expected from the Vienna meeting, especially taking into account that its format, since the start, was declared as the consultations and not negotiations. Official Chisinau also had little hope, however, expected “specific decisions for reviving the political process to resolve the conflict”. As was stated by the Vice-Prime-Minister for Reintegration Viktor Osipov²³⁵ on November 3, “according to Vienna meeting results we hope to receive clear answers for two questions. First of all, on defining the exact perspective for reviving the political process on the settlement of conflict with the participation of all parties, and for the second, on the development of mechanisms for unblocking between the two banks the geopolitical process concerning social, humanitarian, infrastructural, environmental and other projects.”

²³² Transnistria’s foreign ministry against changing current peacekeeping format, 28.10.2009, Chişinău <http://www.totul.md/en/newsitem/4523.html>

²³⁴ Predstaviteli Rossii i Ukrainy obsudili v Kieve pridnestrovskoe uregulirovanie. IA Regnum, 28.10.2009, www.regnum.ru/news/1219532.html

²³⁵ Kyshyniv chekaje vid zustrichi u Vidni rishen' shhodo vidnovlennja procesu prydnistrovs'kogo ureguljuvannja u formati "5+2", UKRINFORM, 03.11.09, <http://www.ukrinform.ua/ukr/order/?id=847166>

Prior to the scheduled meeting in Vienna, on November 4 the Secretary of National Defense and Security Council Rayisa Bohatyryova arrived with the working visit in Moldova.²³⁶ During the conversations with the officials in Chisinau and Tiraspol she stressed the importance of reviving the «5+2» format, building-up efforts in the process of strengthening the trust between the two sides of the Nistru and the role of Kyiv in that process. "We recognise territorial integrity of the Republic of Moldova. We consider that it is necessary to resolve the issue of the special status of Transnistria. This is our official standpoint and we are ready to assist in reaching mutual understanding between Chisinau and Tiraspol", she stated.

During the conversation with Igor Smirnov Rayisa Bohatyryova emphasised the necessity to develop democratic processes in the region in accordance with the generally recognised international standards and avoidance of unilateral moves by Transnistria which could result in the international isolation of the region. The Secretary of NDSC also noted that Ukraine finds important the realisation of the "Yuschenko's Plan" on the Transnistrian settlement.

At the same time the official representative of Ukraine separately stressed the issues afflicting Kyiv.²³⁷ Among these issues are the following: support of Ukrainians residing in Moldova and in particular in its Transnistrian region, and development of Ukrainian language and culture in the region. Rayisa Bohatyryova reassured that Kyiv would continue financing the state programmes aimed at the support of Ukrainians residing in Transnistria. However, it is important that at the same time Tiraspol authorities promote in practice the development of Ukrainian language and culture considering the fact that Ukrainians compose almost the third part of the region's residents. Rayisa Bohatyryova visited in Bendery the Ukrainian I. Kotlyarevskiy high school, where she met the active members of Ukrainian communities in Transnistria and also laid flowers by the memorial "To the deceased cossacks – glorious warriors of Hetmans Ivan Mazepa and Pylyp Orlyk".

The Ukrainian side also expressed interest in establishing the Euroregion "Dniester" and complete renewal of the railway connection via the Transnistrian territory.

«5+2» meeting in Vienna: a prominent moment in the process of the Transnistrian settlement

The consultations in Vienna were held as scheduled and with the planned list of the participants.²³⁸ Moldova was represented by the Vice-Prime-Minister for Reintegration Viktor Osipov and Tiraspol was represented by the «Minsiter for Foreign Affairs» Vladimir Yastrebchak. It was the first official meeting of «chief negotiators» representing the conflicting parties. It is worth noting that the representatives of Chisinau and Tiraspol were satisfied with summaries of the dialogue.²³⁹

²³⁶ Prydnistrov'ja potrebuje rozvytku v ramach osoblyvogo statusu u skladi RM - Rai'sa Bogatyryova, UKRINFORM, 04.11.09, <http://www.ukrinform.ua/ukr/order/?id=847510>

²³⁷ Vidbulysja zustrichi Sekretarja RNBO Ukraїny z kerivnyctvom Prydnistrov'ja, the official site of CNSDU, 04.11.2009, <http://www.rainbow.gov.ua/news/1019.html>

²³⁸ Venskaya vstrecha po Pridnestrovskomu uregulirovaniyu v formate «5+2», IA INFOTAG, 07.11.09, <http://www.infotag.md/news/581080/>

²³⁹ From the conversation with the General Director of the Reintegration Issues Bureau of the Republic of Moldova Ion Stevile during the International "round table" in the framework of the project "Movement to the European joining efforts of civil societies of Ukraine and Moldova" (15-16 December 2009, Kyiv).

Talks in Vienna first of all envisaged the development of cooperation between the parties in social and infrastructural areas, in the framework of environment protection, medicine and trade. The aspects of a political character have not been discussed since after a long-lasting intermission in the process of negotiations such issues are impossible to review after holding consultations. The conflicting parties have achieved the agreement on maintaining continuous meetings regime for representatives of Chisinau and Tiraspol in the format “1+1” and with the participation of experts’ group who will then provide political support for them.

Official Chisinau assessed the results of Vienna consultations in the format “5+2” as positive.²⁴⁰ Due to that fact Vice-Prime-Minister for Reintegration Viktor Osipov stated the following: “The advantage of Vienna meeting, marked by all participants, is that mediators, observers and representatives of the both banks of the Nistru had a chance to express their opinions on most of the issues related to the reviving of the negotiations process”, he stressed. While commenting on the prospects for reviving the political dialogue in the format “5+2”, V. Osipov specified that it would require some time. Each party should present their standpoint and arguments including arguments for their actions. “In the course of negotiations on conflict resolution the Moldovan party is ready to make some concessions, however, they will not be related to the territorial integrity, independency of sovereignty of the Republic of Moldova”, emphasised the representative of the Republic of Moldova.

Other participants of Vienna meeting also expressed their satisfaction.²⁴¹ Acting as the Minister for Foreign Affairs for Greece chairing the OSCE Dimitris Drutsas gave a positive assessment to the intention of the parties to revive, after a three year break, sessions of the Permanent Council for Political Matters in the context of negotiation process on the Transnistrian problem settlement in the “5+2” format. On behalf of the Greece chairing the OSCE he appealed to Chisinau and Tiraspol to renew the negotiations “without preliminary conditions, on the honest basis and in the result-oriented spirit in order to reach comprehensive, long-term, mutually acceptable political agreement on conflict settlement”.

The Russian side has also given positive assessment to Vienna consultations. The Minister for Foreign Affairs of the Russian Federation Sergey Lavrov in his phone conversation with the Moldovan colleague Iurie Leancă expressed his satisfaction on the reviving of the consultations in the “5+2” format in Vienna.

According to reached agreements on the establishing of the continuous contacts in the “1+1” format, Chisinau and Tiraspol exchanged the list of issues requiring special priority in solving. Already on November 8-9 in the town of Vadul lui Vodă and Tiraspol meetings of representatives of law enforcement agencies from the both banks took place. Law enforcement officials discussed the issue of reviving the bilateral cooperation²⁴² in according to the documents signed in 1999 and 2001. The activity was mainly aimed at upholding the rule of law and the disclosure of criminals fleeing from

²⁴⁰ Kyshyniv vvazhaje uspishnoju zustrich u Vidni z pytan' prydnistrovs'kogo vreguljuvannja, UKRINFORM, 12.11.09, <http://www.ukrinform.ua/ukr/order/?id=849395>

²⁴¹ Moldaviya i Rossiya udovletvoreny vozobnovleniem konsul'tatsiy po pridnestrovskomu uregulirovaniyu v formate "5+2", IA REGNUM, 13.11.09, www.regnum.ru/news/1222978.html

²⁴² Glava MVD PMR: pravookhranitel'nyim organam Moldavii i Pridnestrov'ya neobkhodimo naladit' vzaimodeystvie, 10.11.09, <http://www.nr2.ru/pmr/256467.html>

prosecution in the foreign territory. The event was organised with the assistance of Greece chairmanship in the OSCE.

The following dialogue in the “1+1” format within the framework of Vienna agreements took place on November 27 in Bendery.²⁴³ This was a specially arranged meeting of chief negotiators of the parties, though it had a formal character. The parties returned to the review of burning issues, in particular, to the unobstructed movement of people, goods and services between the two banks of the Nistru, conditions for the activity of economic agents of the Transnistrian region of the Republic of Moldova, unblocking the railway connection, suspension of criminal prosecution of the Transnistrian officials in the Republic of Moldova (the list of over 30) etc. The meeting participants also agreed to continue the activity of Joint Working Groups for promoting measures of confidence-building, including implementation of a number of joint projects in socio-economic and humanitarian spheres.²⁴⁴

A separate subject of the agreements was ensuring free movement on the territory of the right-bank Moldova of citizens permanently residing on the Territory of the Transnistrian region and possessing Ukrainian or Russian passport. The core of the problem is that passports of those citizens does not contain corresponding stamp sealed at the crossing of the Moldovan border. For that reason during the documents check by the Moldovan police the problems often arise.

During the constant contact of the representatives of Chisinau and Tiraspol for the last two months of the year 2009, a number of problematic issues have been resolved. That relates to ensuring the access for the residents of Dubossary district to their land plots located behind the highway Rybnitsa–Tiraspol which is under control of the Transnistrian authorities. The problem was solved by the extension of the term for unobstructed travelling permit of the district residents in both directions. The parties also adopted constructive decision on extension of the mechanism for declaring goods by the Transnistrian economic agents.

On December 17 official Chisinau moved the suggestion to the EU on easing the prohibition measures for the representatives of the Transnistrian elite regarding their entry to the European Union.²⁴⁵ Having the positive assessment by the European diplomats regarding that issue, the Moldovan party was hoping that such step would improve Tiraspol’s attitude towards the open dialogue. In its turn, the Moldovan party proposed to revive political negotiations and resolve problems of the Moldovan/Romanian schools (with Latin scrip), as well as eliminating the obstacles for unobstructed movement of officials and diplomats.

However, instead of the expected concessions by the Transnistrian government Chisinau experienced the opposite reaction. Tiraspol accused the Moldovan party of manipulating²⁴⁶ the European Union in that issue. In the corresponding comment by the “Ministry of Foreign Affairs” of the unrecognized

²⁴³ Politychni predstavnyky Kyshyneva i Tyraspolja provely peregovory u konteksti zmicennja doviry, UKRINFORM, 30.11.09, <http://www.ukrinform.ua/ukr/order/?id=853563>

²⁴⁴ From the conversation with the General Director of the Reintegration Issues Bureau of the Republic of Moldova Ion Stevile during the International “round table” in the framework of the project “Movement to the European joining efforts of civil societies of Ukraine and Moldova” (15-16 December 2009, Kyiv).

²⁴⁵ Kyshyniv zaproponuvav pryzyupynyty zaboronu na vidviduvannja JeS verhivkoju prydnistrovs'kogo rezhymu, UKRINFORM, 17.12.09, <http://www.ukrinform.ua/ukr/order/?id=858095>

²⁴⁶ MID Pridnestrov'ya: Predlagaya snyat' ogranicheniya na peredvizhenie dlya rukovodstva PMR, Moldaviya "manipuliruet ES", IA Regnum, 21.12.09, <http://www.regnum.ru/news/1237281.html>

republic the following was stated: “If European Union is willing to be an objective participant of the Transnistrian settlement process and is striving to adopt efficient decisions then corresponding European authorities have a chance to remove limitations without pressure and demands from any side”.

The Ukrainian component of the Transnistrian settlement process (November-December 2009)

The visit of the Secretary of NDSC of Ukraine Rayisa Bohatyryova to Moldova, including to its Transnistrian region, on November 4, 2009 testified significant attention of Kyiv to that sphere of Ukraine’s foreign policy. At the same time, in the end of the year 2009 the activity of the Ministry of Foreign Affairs of Ukraine headed by the Minister Petro Poroshenko also intensified. The Head of the Ministry of Foreign Affairs visited Chisinau on December 17. In the framework of the visit he held negotiations with the Prime-Minister of the Republic of Moldova Vladimir Filat and his Moldovan colleague Iurie Leancă.²⁴⁷ Among the subjects of bilateral cooperation there were the issues concerning Transnistria; special attention of the sides was paid to the subjects related to completion of the contractual details of the Ukrainian-Moldovan state border, in particular the commencement of demarcation works on its Transnistrian section. The parties reached an agreement on installing before the end of 2009 of the first border sign on the central section of the Ukrainian-Moldovan state border. During the visit of P. Poroshenko to Chisinau the Treaty between Ukraine and the Republic of Moldova on cooperation for ensuring the rights of the national minorities was signed. The Treaty creates the effective procedure for protection of rights and interests of the Ukrainian minority in Moldova.

In the course of the visit the Ukrainian Minister could not visit Tiraspol to discuss the problems in the context of the Transnistrian issue. However, he invited the Head of Tiraspol administration I. Smirnov to Kyiv on December 24.²⁴⁸ According to the official notifications the aim of the meeting was to “discuss the ways of fulfilment of arrangements reached during the visit of the Minister for Foreign Affairs to the Republic of Moldova prior to the demarcation of the central (Transnistrian) section of the Ukrainian-Moldovan state border”. “The means to intensify the Transnistrian settlement process and satisfying cultural and humanitarian needs of the Ukrainian minority residing in Transnistria” have also been reviewed. During his visit to Kyiv I. Smirnov also held a meeting with the Secretary of NDSC of Ukraine Rayisa Bohatyryova.²⁴⁹

Among the issues contemplated in the framework of the Transnistrian leader’s visit to the capital of Ukraine there were subjects covering the wide range of problems. Except those defined in the official documents, the following issues²⁵⁰ have been discussed in the course of the meeting: development of economic and political situation in the region, problems in the supply of medications to the Transnistrian region of the Republic of Moldova, prospects for renewing railway connections with Ukraine, development of the educational structure for the Ukrainian community in Transnistria. With regards to the latter, I. Smirnov stated that new high school is due for opening in the region. Also

²⁴⁷ U grudni na central'nij diljanci ukrai'ns'ko-moldavs'kogo kordonu bude vstanovleno pershyj prykordonnyj znak - MZS Ukrai'ny, UKRINFORM, 18.12.09, <http://www.ukrinform.ua/ukr/order/?id=858300>

²⁴⁸ Information of the Ministry of Foreign Affairs of Ukraine 24.12.09, <http://www.mfa.gov.ua/mfa/ua/news/detail/32613.htm>

²⁴⁹ Vidbulasja zustrich sekretarja RNBO Ukrai'ny R. Bogaty'r'ovoi' z kerivnykom Prydnistrovs'kogo regionu Respubliki Moldova I. Smyrnovym, the official site of CNSDU, 24.12.09, <http://www.rainbow.gov.ua/news/1061.html>

²⁵⁰ From the conversation with I. Smirnov during his voyage to Kyiv 24.12.09

attention was focused on the necessity to intensify the activity of the Ukrainian office of the TMR Radio. In relation to that issue I. Smirnov noted that the “Ukrainian community in the region is quite large and holds permanent activity”. The issues of strengthening cooperation between Kyiv and Tiraspol in the economy and law-enforcement spheres have also been discussed. As was noted by I. Smirnov himself, he was “very pleased” with the results of meetings in Kyiv: “We have shaped the plan of activity on adding practicality sense to all these points”, summarized the head of Tiraspol administration.

Summary

The process of the Transnistrian problem resolution, including its political component, in 2009 was rich in events of different character, which according to general analysis reflected the complexity of that issue. Numerous meetings held during the year by the conflicting parties, mediators and observers in the format of “5+2”, in general, unfortunately, have not brought significant changes. However, they defined the prospect for steady movement towards settlement of the conflict.

In particular that concerns the activity of working groups of the right and left banks of the Nistru River and the results of continuous direct dialogue of Chisinau and Tiraspol (according to agreements reached over the “5+2” format meeting on November 6 in Vienna).

However, the behaviour of the Transnistrian administration confirms the lack of interest in the settlement of the conflict. Here we mean the blocking of prospect for reviving the “5+2” negotiation process by Tiraspol, statements on increase of the Russian military forces in Transnistria and plans to join the unrecognized TMR to the Russian Federation which only increases the gap in relations with Chisinau. The Tiraspol administration is striving to shift the blame onto the representatives of the right-bank Moldova, pointing at the incompleteness of formation of the state government in the Republic of Moldova (failed attempts to elect the president of the republic). Also the burning subject of the power crisis inside the unrecognized republic, which questioned the “constancy” of the continuous leadership of Igor Smirnov, is being hushed.

It is also necessary to note that important role in the process of the Transnistrian settlement in 2009 was played by the EU and Greece chairing the OSCE. Due to their efforts it was possible to hold the consultations in the “5+2” format in Vienna on November 6 and also to promote maintaining a constructive dialogue between the conflicting parties which enables solving current burning issues.

Apart from that, a separate contribution was made by the Ukrainian side. Intensification of efforts by official Kyiv, especially in the end of 2009, strengthened the role of Ukraine in the context of the Transnistrian issue. It is very important that the purpose-oriented activity was carried out not only in the context of political factor of the Transnistrian problem, but also in the context of economic development of the region as the part of the Republic of Moldova, and ensuring cultural and humanitarian needs of the Ukrainian national minority residing in Transnistria.

Therefore, during 2009 significantly increased activities, aimed primarily at unblocking the dialogue between the conflicting parties, were carried out. But there were also many issues remaining open and their resolution, along with the complicated political situation on both sides of the Nistru, passed on to be solved in 2010, however, under conditions of the common “contact points” in the understanding of further dialogue already achieved.

8. Role and Significance of the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM)

By Natalya BELITSER

8.1. Preconditions for establishing the EUBAM

Launching and further activities of the EU Border Assistance Mission (EUBAM) functioning along the whole Ukraine-Moldova border can, perhaps, be perceived as one of the most important achievements of the 2004 “Orange Revolution”. This unique Mission signifies, for the first time, direct intervention of the EU into the “post-soviet space”. Its significance is not limited by promotion of the effective crossborder cooperation between the two neighbouring countries, upgrading competences of their customs and border guard services, and improving technical equipment and supplies for proper border management. Launching of the EUBAM demonstrated also political will of the leadership of both countries to come closer to the EU, thus presenting a concrete step on the pathway towards genuine European integration.

Regarding Transnistria, it should be noted that as a result of debates and discussions, formulation and articulation of the Mission’s goals and tasks undergone certain changes: initially, they suggested intentions to impact essentially a process of Transnistrian settlement, whereas eventually shifted towards focusing on more pragmatic issues like fighting smuggling and, generally, “to establish order” at the Ukrainian-Moldovan border, including its Transnistrian segment. This means also commitment to counteract illegal crossborder activities conducted by structures of “shadow business” and, possibly, organized criminal groupings. While such goals may indeed lead to slackening of the authoritarian Transnistrian regime by, particularly, depriving it of the essential part of sources of profiting, direct engagement of the EU into conflict settlement by using the opportunities, provided by the EUBAM, didn’t take place. Moreover, according to the EUBAM’s mandate, any operations and/or activities on the territory of the Transnistrian region have been prohibited. Therefore, in a Statement about launching the EUBAM Xavier Solana, EU Special representative for Common Foreign and Security Policy, addressed the Transnistrian issue by the only remark about “to help... building the preconditions for a settlement on the future status of Transnistria”.²⁵¹

Later on (25 February 2007), Kalman Mizsei who was just appointed the EU Special Envoy for Moldova (replacing his predecessor Adrian Yacoboviz de Seged), appreciated the EUBAM’s achievements in upgrading border control and cooperation between Ukraine’s and Moldova’s respective services, also “the firm commitment of Ukraine to European values”, but omitted any mentioning of a possible role of the EUBAM in solving the Transnistrian conflict.²⁵² The same line was followed by the Head of the EUBAM Major-General Ferenc Banfi who, answering the question about probable contribution of the EUBAM into conflict settlement, underscored that the Mission is a project aimed predominantly at providing technical and organizational assistance to the two neighbouring countries at their common border, and in such a way, contributing to regional stability

²⁵¹ Remarks of Javier SOLANA, EU High Representative for the CFSP, AT THE LAUNCH OF THE EU BORDER MISSION FOR MOLDOVA – UKRAINE, ODESSA, 30 NOVEMBER 2005. Brussels, 2 December 2005, S398/05.

²⁵² <http://consilium.europa.eu/showPage.aspx?id=1194&lang=EN>.

and curbing illegal activities, thus creating a political climate favourable for settling this particular conflict. However, according to him, eventual solution can be reached only at the political level.²⁵³

Apart from the border per se, special concerns of European officials related also to the Odesa sea port located nearby. Assumed scheme of illegal deals, in which uncontrolled Transnistria is taking part, may consist in the following: the goods transported by sea to Odesa are declared belonging to Transnistria and therefore, not liable to be taxed. They were delivered then to the would-be “place of destination”, but after confirmation of this fact returned to Ukraine, resulting in substantial losses of Ukraine’s state budget.²⁵⁴ Beside that, the Odesa port has been regarded by Interpol as the main root for trafficking heroin from Afghanistan, while the incidents of interception of this extremely dangerous drug, persecution and punishment of perpetrators occurred in only rare cases.²⁵⁵

8.2. A short history of the EUBAM

The EU Border Assistance Mission was in fact the EU response (within a framework of the European neighbourhood policy) to a joint letter of Presidents of Moldova and Ukraine, issued on 2 June 2005 and addressed to the President of the European Commission Manuel Barroso and Xavier Solana. The letter contained a request for providing assistance on the Ukrainian – Moldovan border, including the Transnistrian segment, also for international monitoring of the border. This time, the EU was quick to give a positive answer. In late August, an EU Fact-Finding Mission, headed by the EUSR for Moldova, was sent, and relying on its recommendations, Memorandum of Understanding between the EU, Moldova and Ukraine was signed on 7 October 2005 in Palanca (one of the check points on Ukraine-Moldova border). Thus, in only six months since the request, on 30 November 2005 the official opening ceremony of the EUBAM took place in Odessa in the presence of HR/SG Javier Solana, Commissioner Benita Ferrero-Waldner and the Foreign Ministers of Ukraine and Moldova, Borys Tarasiuk and Andrei Stratan; its activities have officially started on 1 December.²⁵⁶

It was first decided that a Mission will consist of a limited number of personnel: 69 specialists from different EU member states and about 50 local staff, whose task was providing any kind of support for the Mission. The budget for the first 24 months was initially limited to €8 mln.²⁵⁷ Such a modest sum allocated for all needs of the EUBAM evoked then certain doubts as to the Mission’s ability to achieve the announced ambitious goals.²⁵⁸ However, the effectiveness of its action (that turned out unexpected even for the Commission itself, especially in comparison with other EU assistance projects for Belarus,

²⁵³ WORKING TOGETHER FOR REGIONAL SECURITY AND ECONOMIC DEVELOPMENT ON THE MOLDOVAN-UKRAINIAN BORDER. Ferenc BANFI, Head of the EUBAM, <http://www.eubam.org/index.php?action=group&group=14&sid=q4zog9r6u8iv1jfum57edbtu0wfnd99t>.

²⁵⁴ “East: EU Operation Begins Monitoring Ukrainian-Moldovan Border” by Jan Maksymiuk. November 30, 2005, див. <http://www.rferl.org/featuresarticle/2005/11/99eeadea-763e-454e-845f-9e6e20d09c89.htm>.

²⁵⁵ “Over tea and biscuits, EU plots to bring order to Moldova's frontier” by Stephen Castle. The Independent, 15 October 2005 (<http://www.independent.co.uk/>).

²⁵⁶ More detailed information can be found at <http://www.eubam.org>.

²⁵⁷ EU Border Assistance Mission Moldova-Ukraine/00, Brussels, December 2005.

²⁵⁸ “EU launches unprecedented mission on Ukraine-Moldova border” by Vladimir Socor.. Eurasia Daily Monitor, 13 October, 2005.

Moldova, and Ukraine²⁵⁹), also high level of interest and willingness to cooperate on the part of Governments of both countries, resulted in further advancement of the EUBAM and increased supplies of human, financial and technical resources. As a result, by the end of November 2007 its budget amounted to €20.2 mln, and by the end of 2009 – €24 mln. In addition to the core European Commission funding, a number of the EU member states are also providing direct contributions by funding their secondments of border professionals to the Mission.²⁶⁰ After discussing the first stage of Mission's activities with representatives of Ukraine and Moldova, it was decided to expand them and on 13 July 2006, new office in Chisinau was additionally opened (for paying more attention to the "internal" border between Moldova and its Transnistrian region). Two more offices were also established in Odesa and Illichevsk for upgrading the efficiency of counteracting smuggling of goods that reached Ukraine through these sea ports.²⁶¹

By the end of 2006 the Mission yet enhanced its activities due to launching trilateral cooperation between its staff and relevant profile services of Ukraine and Moldova, respectively. Separate agreements between customs and border guard services of the two countries were signed in Brussels during the 5th trilateral meeting on November 21, 2006. They include:

- Protocol about organization of the initial information exchange on goods and cargoes crossing the interstate border was signed by customs;
- Protocol about the exchange of statistical and operational information by the border guard service of Ukraine and that of Moldova at all levels.

Besides, the agreement was signed between all four services and the EU Mission; this step has made possible further joint preparation of regular monthly reports concerning security situation on Ukraine-Moldova border, and relevant analytical materials.²⁶²

The security component of the mission's operations was further developed by launching cooperation with special services of the two countries; on 14 December 2006 the first trilateral meeting between the EU Mission, Intelligence Service of Ukraine and Information and Security of Moldova took place; the sides worked out a joint Statement and agreed upon concrete aspects of interaction.²⁶³ Later on, such cooperation enabled to coordinate efforts aimed at enhancing regional security, particularly by fighting crimes on the Ukraine-Moldova border. During the third trilateral meeting in Odesa on 21 January 2009 the results of cooperation for the three years were summarized, achievements and shortcomings analysed, and further plans discussed in detail.²⁶⁴

²⁵⁹ See: EUROPEAN COURT OF AUDITORS Special Report No 9/2008 (pursuant to Article 248(4), second subparagraph, EC): The effectiveness of EU support in the area of freedom, security and justice for Belarus, Moldova and Ukraine together with the Commission's replies, <http://eca.europa.eu/portal/pls/portal/docs/1/2016214.PDF>. (The European Court of Auditors in its report has evaluated the effectiveness of the EU assistance to Ukraine, Moldova, and Belarus, in particular, in such spheres as border management, fighting organised criminal activities, jurisprudence, and effective state administration; for this, audit of 40 projects with overall costs of € 100 mln, was carried out.

²⁶⁰ See: <http://www.undp.org.ua/ua/media/1-undp-news/482>, also <http://www.eubam.org/files/400-499/442/press-pack-ua-dec08.pdf>.

²⁶¹ 17.07.2006, <http://regnum.ru/news/674632.html>.

²⁶² <http://www.eubam.org/files/400-499/442/press-pack-ua-dec08.pdf>.

²⁶³ EUBAM, "Border cooperation agreed between the EU Border Assistance Mission to Moldova and Ukraine and the Information and Security Service of the Republic of Moldova and the Security Service of Ukraine", Press Release, Odesa, 14 December 2006, at <http://www.eubam.org/files/0-99/83/press-release-security-14-12-06.doc>.

²⁶⁴ EUBAM and security services of Moldova and Ukraine to strengthen border cooperation. 21.01.2009, <http://www.eubam.org/index.php?action=show&sid=cnppxdd1a69ex3gc5wu25aipyqqr7roa&id=624>.

In 2007, bilateral and trilateral cooperation continued to successfully develop, and resulted in improved planning of the joint operations controlling the border, and of their realization. Detection of illegal migrants, human trafficking, and of forged documents has also become more effective. As a result of the three joint operations – those in April and October 2006 and in April 2007 – significant achievements took place in fighting crossborder criminal activities. Over the same (2007) year, the three sides adopted a decision of the strategic importance on the continuation of the Mission’s mandate for further two years (i.e., until the end of 2009). It is important to note that contrary to widespread apprehensions of a would-be stance, regarding the Mission, of Victor Yanukovich – leader of the party of Regions who took in 2006 the office of prime-minister of Ukraine – fulfilment of all Ukraine’s obligations according to the agreements on customs regime with the RM, also collaboration with the EU structures, including the EUBAM, was going on rather smoothly and without noticeable complications. This evidenced a high level of interest in the EU presence in the region, also in establishing and maintaining sustainable contacts with its organs, pertaining to all major political forces of Ukraine. A decision on the continuation of the Mission activities for the next two years, timely adopted by Ukraine on 13 April 2007, and the appellation to the EU for further increase of technical assistance, to be provided via EUBAM, may serve a good illustration for this.²⁶⁵

A scope of technical assistance of the EU to Ukraine and the RM for the development of border infrastructure and ensuring the use of modern equipment by border guards and customs services were essentially upgraded due to the EU project BOMMOLUK (Improvement of **B**Order **M**anagement at the **M**oldova-**U**kraine), realized by the Mission. Purchases and supplies of the equipment within the framework of this project, also trainings for personnel on how to handle this equipment, were carried out till the end 2009.

8.3. Mission’s main characteristics

EUBAM is an advisory, technical body, having no executive powers. Legislative basis for its functioning is being provided by the [Memorandum of Understanding](#) between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and to Ukraine (referred to earlier,²⁶⁶); also by Partnership and Cooperation Agreements between the EU and [Moldova](#) and between EU and [Ukraine](#), and European Neighbourhood Policy Action Plans between the EU and [Moldova](#) and between EU and [Ukraine](#).

The main goals of the Mission:

- To work with Moldova and Ukraine to harmonise their border management standards and procedures with those prevalent in EU member states
- To help enhance the professional capacities of the Moldovan and Ukrainian customs and border guard services at operational level
- To develop risk analysis capacities

²⁶⁵ <http://www.mfa.gov.ua/mfa/en/news/detail/6060.htm>, див. також Lyndon Allin, “Event Summary: ‘Frozen Conflicts’ in the ex-Soviet Union. Two-track Approach: Democratization and Multinational Peacekeeping Operations. The Case of Moldova”, conference summary, 26 April 2007, Georgetown University, Washington, DC.

²⁶⁶ http://www.eubam.org/doc/memorandum_ua.zip.

- To improve co-operation and complementarity between the border guard and customs services and with other law enforcement agencies
- To promote cross-border cooperation.

Mission's mandate consists in the following:

- Be present and observe customs clearance and border guard checks
- Examine border control documents and records (including computerised data)
- Provide assistance in preventing smuggling of persons and goods
- Request the re-examination and re-assessment of any consignment of goods already processed
- Make unannounced visits to any locations on the Moldovan-Ukrainian border, including border units, customs posts, offices of transit, inland police stations, revenue accounting offices and along transit routes²⁶⁷

The Headquarters of the Mission is located in Odesa, Ukraine; there are also six field offices, the three of them located in Moldova, and the other three, in Ukraine.²⁶⁸ On 4 February 2010 one more EUBAM office – liaison office in Chisinau – has been launched; it aims at providing better support for the Moldovan Border Guards and Customs Services in their efforts to increase border security and facilitate legitimate trade and travel between Moldova and Ukraine.²⁶⁹

Field offices in the Republic of Moldova:

- Chisinau Field Office: area of responsibility is along the Nistru River (approximately 411 km from Sanatauca to Rascaeti). The main focus is the administrative boundary between the Transnistrian region of the Republic of Moldova and the rest of it.
- Otaci Field Office is located at Otaci International Border Crossing Point in Moldova opposite Mohyliv Podylskiy in Ukraine. Its area of responsibility covers 312 km of the Moldovan-Ukrainian border. Field Office Otaci deals with major crossing points between Moldova and Ukraine for both road and rail.
- Basarabeasca Field Office is located at Basarabeasca Customs Office. The area of responsibility of Basarabeasca Field Office is roughly 300 km of the South-East Moldova - Ukraine border. The Field Office cooperates with the counterpart services on both sides of the border.

Field offices in Ukraine:

- Odesa Field Office is located on the territory of Odesa commercial sea port. It also has an office at Illichyivsk commercial sea port. (In terms of turnover of goods, Odesa and Illichyivsk sea ports are the largest ports in Ukraine).

²⁶⁷ To agree upon this particular point proved rather complicated because initially, it was perceived by certain representatives of the Ukrainian side as a manifestation of distrust on the part of the EU as to the sincerity of Ukraine's intention to collaborate in fighting contraband flows across the Odesa port. See also "Over tea and biscuits, EU plots to bring order to Moldova's frontier" by Stephen Castle. The Independent, 15 October 2005.

²⁶⁸ <http://www.eubam.org/index.php?action=group&group=8&sid=0qyn12zfvzug4nnldiltb38w5wuig876>.

²⁶⁹ EU Border Assistance Mission opens new Moldova Liaison Office. 05.02.2010, <http://www.eubam.org/index.php?action=show&sid=nvc9dbjwxq14ipm69uy2qhmj204o286f&id=785>.

- Kuchurhan Field Office is located at Kuchurhan Railway Border Crossing Point in Ukraine. It also has offices in Kuchurhan Road BCP and in Palanca Road BCP in the Republic of Moldova. The Area of Responsibility of Kuchurhan Field Office is roughly 213 km of the Moldovan-Ukrainian border. This section of the border adjoins the Transnistrian region of the Republic of Moldova for 74 km.
- Kotovsk Field Office is located at Kotovsk Border Guard Detachment. The Area of Responsibility of Kotovsk Field Office is roughly 400 km of the Transnistrian segment of the Moldovan-Ukrainian border.

As a result of a gradual expansion, the current complement is 233 persons including 122 international staff from 22 EU Member States and 3 CIS countries, and 111 local staff. Those EU countries that have sent their experts are Austria, Belgium, Bulgaria, Great Britain, Greece, Holland, Denmark, Estonia, Italy, Cyprus, Latvia, Lithuania, Germany, Poland, Portugal, Romania, Slovak Republic, Slovenia, Hungary, Finland, France, and Czech Republic. Owing to the experts working at the border per se, the Mission ensures instructing of Moldovan and Ukrainian servicemen directly at their working places and in such a way, helps to achieve more efficient border and customs checks, and enhance security of the border. There are also four advisers on risk analysis deployed in Chisinau and Kyiv.

The cooperation mechanism²⁷⁰ at the central level consists of an Advisory Board, established in compliance with the Memorandum of Understanding; it meets quarterly to guide and assess the work of the Mission and plan its further activities. Its members include senior representatives of the Border Guards and Customs Services and Ministries of Foreign Affairs of Moldova and Ukraine, UNDP, the EU Special Representative for Moldova, the EU presidency, and the OSCE. Beginning from 3 June 2007, the Ministries of Justice and Internal Affairs, Prosecutor's Offices and Security Services of Moldova and Ukraine, also the International Organisation for Migration (IOM) have the status of observers at Board meetings.

Coordination is also conducted on a monthly basis at the level of headquarters of the border services, and at working level through liaison officers appointed by the services to work with the Mission.

8.4. Assessment of Mission Functioning

The first year of EUBAM was recognised a success.²⁷¹ “The EU is very satisfied with the results of the first year of operation of the EU Border Assistance Mission to Moldova and Ukraine”, said Ambassador Ian Boag, Head of the EC Delegation to Ukraine and Belarus. “The EU continues to regard the implementation of the Joint Declaration on the customs regime as the most significant contribution to ensuring transparency at the border.” The biggest achievement of the Mission consists also in the enhanced capacities of the border guard and customs service professionals that resulted, in particular, in the increase in customs revenue shown in both states. Risk analysis is another area of improvement, said General Banfi, the Head of the EUBAM: “Better risk analysis is facilitating the

²⁷⁰ <http://www.eubam.org/index.php?action=group&group=8&sid=0qyn12zfvzug4nnldiltb38w5wui876>.

²⁷¹ EUBAM, “First Year of EUBAM Rated a Success”, Press Release, Odesa, 30 November 2006, at <http://www.eubam.org/files/0-99/83/PRESS%20RELEASE%20FOR%20ABM%204-30-11-06-eng.doc>.

implementation of intelligence-led operations. In turn, this contributes to increased discoveries of illegal activities and a resulting decrease in those activities”. He also noted that inter-agency cooperation within each state and across the border was also deepening so that agencies are now working together on a daily basis.

Mission’s operation was also greatly appreciated by the Governments of both Ukraine and the Republic of Moldova. In particular, Andrei Veselovski, the then deputy Minister of Foreign Affairs and Ukraine’s Special Representative for Transnistrian conflict settlement, in his letter dated 16 August 2007 stated that “... we will do everything to expand a fruitful cooperation with the EU by developing new projects in a sphere so very important for Ukraine as creating a modern integrated system of border control, using the equipment according to the EU standards... Such step would also contribute essentially to the Transnistrian conflict settlement. In Ukraine, there is clear understanding that collaboration with the EU Mission is inalienable element of the European course of our state”. Andrei Stratan, Moldovan Minister of Foreign Affairs, also stressed in the letter of 18 September 2007 that “We are sure that further development of our fruitful cooperation, including that concerning border issues, within the framework of the established trilateral mechanism, will contribute to achieving the common goals enshrined in the appropriate clauses of Actions Plans signed with the EU... Including those about resolving the Transnistrian problem, that will certainly promote strengthening peace and security in this part of Europe”.²⁷²

The EU Mission received also a positive evaluation by the European Court of Auditors that has assessed the effectiveness of the EU assistance programmes to such countries as Ukraine, Republic of Moldova and Belarus and made public its report on 18 November 2008. Although the report contains some comments concerning technical and organizational aspects (particularly about shortcomings of funding via the TACIS programme), in general, it was exactly this EU project that was recognized as the most successful under the rubric “Border management”. Moreover, the EUBAM was named “the flagship” of all of them.²⁷³ However, EU Mission’s contribution to the Transnistrian conflict settlement was regarded as “rather modest”, that is quite understandable, since EUBAM has nothing to do with peacekeeping operation or civil mission like the EULEX in Kosovo. Besides, EUBAM’s mandate prohibits its staff members even entering the Transnistrian territory.²⁷⁴

8.5. Monitoring of the implementation of the Joint Declaration of Moldova and Ukraine

Among the Mission’s activities directly relating to the Transnistrian problem, the one promoting realization of the Joint Declaration of the Republic of Moldova and Ukraine about the introduction of effective customs regime on its common border and its monitoring should be singled out. Implementation of the Joint Declaration on customs issues that was signed by Prime Ministers of Ukraine and Moldova on 30 December 2005, and entered into force (with certain delay caused by the position of the Ukrainian side) by the Decree of Cabinet of Ministers of Ukraine № 112-p dated 1

²⁷² Misiya Yevropeiskoho Soiuzu z prykordonnoi dopomohu Moldovi ta Ukraini. Publication prepared by the EUBAM with the support of the EU, January 2008, p. 2.

²⁷³ EUROPEAN COURT OF AUDITORS Special Report No 9/2008, п.65.

<http://eca.europa.eu/portal/pls/portal/docs/1/2016214.PDF>.

²⁷⁴ EUBAM cannot solve frozen conflict in Moldova. euobserver.com/24/27414; see also “EU aid to post-Soviet states has ‘limited’ impact” by VALENTINA POP. 15.01.2009, <http://euobserver.com/22/27414?print=1>.

March 2006, has been regarded as one of the most important events of the year. Monitoring of the observance of this agreement has become a Mission's priority. According to Mission's spokesmen, this step not only ensured more transparency at the border and counteracted illegal trade operations; it also promoted Transnistrian businesses to apply for registration (on a temporary or constant basis) by central authorities of the Republic of Moldova.²⁷⁵ In their turn, such steps should provide for reintegration – at least, in middle- and long-term perspective – of the Republic of Moldova.

Implementation of the new customs regime, following the bilateral agreement, signified that from that time on, all export from the Transnistrian region to Ukraine could be realized by only those economic agents who received registration in Chisinau and got Moldova's stamps. However, Ukraine's decision to enforce this agreement beginning from 3 March 2006, despite being timely announced, turned out unexpected for the Transnistrian administration (that got used to "easily reachable understanding with Kyiv"). Thus, this step evoked unprecedented stormy reactions of both Transnistrian leadership and an essential part of the society. In particular, all Transnistrian media immediately called this move 'economic blockade of Transnistria' imposed by Ukraine, having seen in it unfriendly and hostile step undertaken under the pressure of the EU and US "to suppress our young independent republic"²⁷⁶. On 7 March 2006 Transnistrian leader Igor Smirnov stated that as a response, Transnistrian side interrupts its participation in the negotiation process (within the "5 + 2" format)²⁷⁷. According to local media information, on 9 March thousands of demonstrators took part in protest actions in Bendery and Rybnitsia.²⁷⁸

Sharp reaction has also come from Moscow. For example, Russian Foreign Minister Sergey Lavrov noted that this agreement is a violation of earlier decisions on Transnistria's economic operations abroad – those signed by Moldova and Transnistria in 1997 under Moscow's mediation (reference to the "Primakov's Memorandum" that in fact has had no legally binding force), and that Kyiv has exerted economic pressure on Transnistria in order to compel it to capitulate politically.²⁷⁹ Even more aggressive were statements by MPs of the State Duma, who called for providing all kind of support for Transnistrian population "suffering from the acute economic crisis imposed by Ukraine and Moldova that can result in humanitarian catastrophe".²⁸⁰ Meanwhile, Russian ambassador to the RM Nikolai Ryabov said at a press conference on 20 March that the new customs regime "directly damages legitimate interests of Russia," and that "this economic blockade is a political action pre-planned together by Moldova, Ukraine and certain Western politicians". Accusing "irresponsible European head-quarters" of not comprehending possible [horrible] consequences of such a measure, he made public a set of Moscow's demands, the first of which was to apply immediately moratorium on new customs and border regime, i.e., actually, to come back to the situation before 3 March 2006.²⁸¹

²⁷⁵ Summary of the EUBAM Annual Report, 2005/2006, see also the previous references.

²⁷⁶ See, for example, «Ukraine: Kyiv Tightens Customs Controls On Transdnierster» by Jan Maksymiuk. March 9, 2006, <http://www.rferl.org/featuresarticle/2006/03/b60f3420-9167-4d31-a397-4be6115d552d.html>, and TRANSNISTRIA SAYS IT HAS SHIELDED UKRAINE FROM ROMANIAN EXPANSION. Tiraspol, May18 (INFOTAG).

²⁷⁷ Transdnierster Pulls Out Of Talks On Settlement. March 7, 2006, <http://www.rferl.org/featuresarticle/2006/03/4a343748-0c85-4a12-81dd-9ac7c5cd54ad.html>.

²⁷⁸ Transdnierster Customs Protests Ccontinue. March 10, 2006, http://www.rferl.org/features/features_Article.aspx?m=03&y=2006&id=3B0F6CF5-D21F-4807-97F9-B0E84E44DCEC.

²⁷⁹ Russia Criticizes Ukraine's Customs Rules For Transdnierster. March 9, March 14, <http://www.rferl.org/conrent/Article>.

²⁸⁰ MOSCOW AGAINST INTERNATIONAL LEGAL ORDER IN TRANSNISTRIA by Vladimir Socor. Eurasia Daily Monitor, Volume, 3 Issue 47, March 9, 2006.

²⁸¹ "RUSSIA-WEST STANDOFF IN TRANSNISTRIA: OVERALL POST-SOVIET ORDER AT STAKE " by Vladimir Socor, http://transatlantic.sais-jhu.edu/frontpagematter.html/wider_europe/transnistria_3.pdf.

The most widely publicized action of this “diplomatic war” was that of providing humanitarian assistance to the Transnistria’s population – “victims of a blockade”. On 23 March, caravan of vans full of food and other provision collected on the initiative of the State Duma, Moscow’s Mayor Yuri Luzhkov and the ruling party “United Russia”, started from Moscow to Transnistria. It was calculated that it would reach Ukraine-Moldova border on March 25 – exactly at the noon of parliamentary elections in Ukraine. Numerous TV teams were instructed to run live broadcast of the proceedings – in anticipation of the caravan’s “heroic” breakthrough of the Ukrainian blockade, and delivering humanitarian aid to those suffering from the “vicious policy of Yuschenko regime”²⁸². (Quite probable, such a planning has been conditioned by the aim of influencing public opinion in Ukraine and in such a way, the results of voting). However, since Ukrainian border guards didn’t take any preventive measures or put obstacles on the way of the caravan, “TV picture” turned out, seemingly, less spectacular than expected.

In contrast to the negative reactions mentioned above, all authoritative bodies of the EU expressed their unequivocal support of this move and characterized it as the one of extreme importance. They stressed that introduction of the new customs regime due to joint efforts of Ukraine, Moldova and EU is directed towards the establishment of modern, civilized, Europeans standards of goods and cargoes passage across the Ukraine-Moldova border.²⁸³ Both Ukrainian Government and the EU asserted that sharp deterioration of the situation at the border and of the economic situation in general has been determined, first and foremost, by the actions of Transnistrian authorities themselves (in particular, by putting obstacles to prevent registration of Transnistrian economic agents in Chisinau, thus preventing, in fact, their legitimization); they called repeatedly to stop this “self-imposed blockade”. The term “self-blockade” in this particular case is not something purely rhetorical: ardent adherents of the Transnistrian regime that positioned themselves as advocates of “ordinary people” have ignored – deliberately or not – the irrefutable fact that fighting against international legitimate rules of *export* from Transnistria, local administration actually blocked any kind of *import and transit* passage to or through Transnistria, thus complicating situation for both Ukraine and the RM. After March 4, 2006 entering Transnistria has become not possible by either railway or by car. Crossing the “administrative border” between the Transnistrian region and the rest of Moldova was also prohibited, particularly for the representatives of Transnistrian businesses and enterprises, with the obvious purpose to stop registration process that had already started. Road-blocking of crossing points at the Transnistrian segment of Ukraine-Moldova border, as well as at the “internal border” with the RM, was accompanied by well-organized pickets of “political parties and NGOs” loyal to Smirnov. The traffic jam thus artificially created, and interrupted railway communication provided apt opportunities for Russian media, including TV, to demonstrate “horrors of the blockade” imposed, according to the Russian-Transnistrian version, by Ukraine and Moldova under the pressure from the US and EU.²⁸⁴

Inside Ukraine, the official position adopted by Ukraine’s new authorities and the EU was far from gaining overwhelming support of political class and expert community. Those whose integration

²⁸² Ibid.

²⁸³ See: “Javier SOLANA, EU High Representative for the CFSP, welcomes implementation by Moldova and Ukraine of Joint Declaration on Customs”. Brussels, 6 March 2006. S061/06, also Declaration by the Presidency on behalf of the European Union on the implementation of the Joint declaration on Customs issues of the Ukrainian and Moldovan Prime Ministers. Brussels, 14 March 2006. 7339/06 (Presse 81) P 045.

²⁸⁴ Dispute closes enclave's borders. Trans-Dniester says it has been blockaded. By C. J. Chivers, March 10, 2006.

<http://www.iht.com/articles/2006/03/09/news/moldova.php>.

preferences were connected with the EU and NATO shared and accepted such a policy, whereas promoters of Eurasian or pro-Russian vector of foreign policy expressed – to different extent – solidarity with the opposite side, namely, Tiraspol and Moscow. For example, MP Dmytro Vydrin criticized the Kyiv’s decision very emotionally, stating in his interview to Russian news agency that it “ignores completely the interests of ordinary people [of Transnistria], the interests of Ukrainians, and national interests of Ukraine”. Extraordinary sharp criticisms were addressed to the then Foreign Minister Borys Tarasiuk who, as Vydrin persuaded, “...had chosen a policy of pursuing and defending not the interests of people but heartless and formal approach. He preferred seeking favours of and reporting to the structures of the EU, so dear to him, and in such a way transformed our Foreign Ministry into the same heartless machine that tramped ordinary people, crossed all their hopes for better future...”²⁸⁵ Of course, Party of Regions adhered to the same views and made a number of statements, condemning the decision to enforce a Joint Declaration and using it as argument in political struggle during the election campaign.

Certain segments of civil society also engaged into the struggle for reversing the realization of the Joint Declaration. For example, on 23 – 24 May 2006 international conference was held named “Key factors of the Transnistrian conflict settlement within today’s political and socio-economic context”. It was initiated by the Centre of Civil Society Problems Research and the Centre of South Ukrainian Borderlands Research”. This event was designed as a continuation and further development of the previous initiatives proposed by the Odesa conference on “What Ukraine can promise to Transnistria: a new stage of Ukraine’s participation in the settlement process” (7 September 2005). Discussing economic issues, Ukrainian and Transnistrian experts noted “rather declarative character of Moldovan statements (about creating transparent and clear rules for foreign economic activity of Transnistrian agents”, and proposed to “introduce moratorium on the implementation of the Decree № 112-p issued by the Cabinet of Ministers of Ukraine on 1.03.2006.”²⁸⁶ Those conferences developed also rather positive recommendations about strengthening a role and influence of civil society actors on conflict settlement, establishing a Civic Expert Council, initiating regular publishing of electronic bulletin etc.²⁸⁷ Regrettably, none of those important initiatives were ever realized.

Notwithstanding all difficulties and obstacles outlined above, this time Kyiv proved to be able to withstand – with full support of the EU – consolidated pressure exerted by Russia, Transnistria, and their lobbyists within Ukraine. Not giving in, it continued to keep firm and principled position concerning implementation and undeviating observance of the customs regime at the Transnistrian section of Ukraine-Moldova interstate border. Further developments confirmed the rightness of those who had characterized “Transnistrian tragedy” as a “self-imposed blockade”. After campaigning for cancelling the customs rules hadn’t brought the expected results, Transnistrian leadership was compelled to stop those demonstrative actions aiming, in particular, at preventing registration of the Transnistrian economic agents in central offices of the RM (considering this as a threat of losing revenues from taxes, also from officially uncontrolled deals of “shadow business”). Instead, as an act of revenge, hundred per cent taxes were imposed on all goods coming from the right bank Moldova.

²⁸⁵ «Glava MID Ukrainy nesiot lichniyu otvetstvennost za blokadu Pridnestrov’ya: narodnyi deputat Vydrin». 03.05.2006. <http://www.regnum.ru/news/632014.html>.

²⁸⁶ See “Sovmestnoye zayavleniye uchastnikov nauchno-prakticheskoi konferentsii “Kluchevyye factory pridnestrovskogo uregulirovaniya v sovremennom politicheskom i sotsialno-ekonomicheskom kontekste”. Djarylgach Island, Kherson oblast, Ukraine, 24 May 2006.

²⁸⁷ Ibid.

Admitting its actual defeat, on 18 May 2006 Tiraspol was forced to lift its ban on legalization of the Transnistrian businesses through registration in Chisinau.²⁸⁸ Aggressive media campaigns that lasted for approximately one month, calmed down significantly. In fact, the attempt on the side of the RF to block or reverse introduction of modern international standards on Ukraine-Moldova border – the border that by no means is the one with Russia – has failed. Moreover, such kind of resistance has given ground to doubts as to the readiness to observe those standards by Russia herself; according to some analysts that might have had a negative influence on Russia's prospects of joining the WTO.²⁸⁹

Consistent observance of the new customs regime has had, in its turn, an essential impact on the dynamics of registration of the Transnistrian economic agents. Indeed, by 23 May 2006 the State Register office of the RM registered 168 enterprises, among them 98 on temporary basis, and 70 – on permanent.²⁹⁰ In September of the same year, the figures were 123 and 107, respectively.²⁹¹ According to the information provided by the EUBAM that continued to monitor implementation of the Joint Declaration and the Decree of Moldova's government on foreign trade of the Transnistrian region of RM, number of registered enterprises was steadily growing. The process was further accelerated due to the next decision of government of the RM about import/export activities, by which those actors registered temporarily gained access to the trade preferences (provided for Moldova in 2008) analogous to those registered on a permanent basis. Providing such kind of equal access has been recommended by the European Commission and supported by the EU Mission. The proposed measures promoted growth of the legitimate trade and allowed more reliable implementation by the RM of its international obligations, including those under WTO rules, membership in the treaty on free trade in Central Europe (*CEFTA*), and access to the General System of Preferences Plus (GSP+).²⁹² The system of registration was further simplified by transferring the authority to register to customs services.²⁹³

As a result of such a policy, by the end of September 2008 already 466 economic agents of Transnistria were registered in Chisinau, 162 of them on permanent basis, and 304 – temporarily.²⁹⁴ Thus, it can be stated that obstructing this process was successfully overcome due to the joint efforts of Ukraine, Moldova, and the EU, and that to some extent, economic integration between the two banks of the Nistru River was going on. These developments met high appreciation on the part of European and Euro-Atlantic bodies, whereas rhetoric about “vicious intentions” of Ukraine and Moldova to “punish” Transnistrian population practically disappeared from the pages of media outlets and TV screens. Moreover, the sense and contents of messages issued by the same political forces that in March 2006 stood against those steps of Ukraine, actively supported by the EU, have subjected to remarkable changes. For example, after a group of Ukrainian MPs had visited the EUBAM offices, Leonid Kozhara – one of the leaders of Party of Regions parliamentary faction – expressed at a press-

²⁸⁸ Moldavia za nedeliu. 7.07.2006. <http://regnum.ru/news/674632.html>.

²⁸⁹ See: Dispute closes enclave's borders. Trans-Dniester says it has been blockaded. By C. J. Chivers, March 10, 2006. <http://www.iht.com/articles/2006/03/09/news/moldova.php>.

²⁹⁰ See: Informatsia ob usloviyakh osuschestvleniya vneshneekonomicheskoi deyatel'nosti sub'yektami predprinimatel'stva iz vostochnykh regionov Respubliki Moldova I Mun. Bender. 26 May 2006. Press-sluzhba Ministerstva Reintegratsii RM.

²⁹¹ www.eubam.org/index.php?action=group&group=22&sid=%3C.

²⁹² Misiya Yevropeiskoho Soiuzu z prykordonnoi dopomohu Moldovi ta Ukraini. Publication prepared by the EUBAM with the support of the EU, January 2008, p.19; see also <http://eu.prostir.ua/library/19470.html>.

²⁹³ See PROON ta EU analizuyut transkordonnuyu spivpratsiu v mezhakh realizatsii Misii EU z prykordonnoi dopomohy Moldovi ta Ukraini. <http://www.undp.org.ua/ua/media/1-undp-news/482>.

²⁹⁴ See Prfess-Paket Misii, <http://www.eubam.org/files/400-499/442/press-pack-ua-dec08.pdf>.

conference on January 2007 full support by his party of the EUBAM activities, and noted that the lessons learnt at the Ukraine-Moldova interstate border can be used at other segments of Ukrainian frontiers. He also expressed hope that the EUBAM operations would contribute to the Transnistrian conflict settlement.²⁹⁵ However, it should be added that the notion of “economic blockade” imposed by Ukraine has persisted and is used, once and again, by some Ukrainian experts even nowadays.²⁹⁶

For Ukraine, the experience of the three years passed after the introduction of customs regime on the Transnistrian section of Ukraine-Moldova border might serve as an important lesson demonstrating that firm, consistent and principled position of the State in sensitive and disputable issues of international relations – including those with Russia – turned rather advantageous despite much weaker media resources, conventionally used in “informational wars”. This lesson confirms also that the best results can be achieved if consultations, coordination and search for common ground (in terms of Ukraine’s Transnistrian policy) are conducted on a permanent basis with neighbouring Moldova and the appropriate structures and agencies of the EU. Appearance of the European Union Border Assistance Mission for Moldova and Ukraine, closely collaborating with governments of both Ukraine and Moldova, facilitates such a task.

8.6. Fight against contraband and other crossborder crimes

The first months of the EUAM functioning have already showed that a scope of contraband and illegal trade at the Transnistrian section of the Ukraine-Moldova border is not limited by some private initiatives of certain individuals, suggesting instead that it has an organized, systemic character and is supported (or, at least, by no means prevented) by Transnistrian de facto authorities.²⁹⁷ Contrary to widespread anticipations that such contraband consisted, first and foremost, of drugs and weapons, it turned out that a lion share of smuggling related to food products, in particular, chicken meat. While Transnistria media happily spread this information, mocking efforts to counteract contraband flows, according to the evaluation made by Head of the Kuchurgan Field EUBAM office, this kind of contraband provided more revenues than it would be in case of trading weapons. For example, in April 2006 only, Ukrainian border guards intercepted caravan of ten vans that contained over 100 tons of meat (with almost expired terms); for running such operation, smugglers built a bridge from metal constructions to overcome the trench recently dug at the Ukrainian side of the border.²⁹⁸

Concrete estimations by the EU Mission revealed essential budget losses from these illegal activities: for example, between October 2005 and May 2006 the state budget of Ukraine lost approximately Euro 43 mln (at the expense of taxes and customs payments), potential losses of Moldova’s state budget amounted to Euro 18 mln. At the same time, revenues of the “PMR” budget as the main actor of those operations, constituted about Euro 7 mln.²⁹⁹

²⁹⁵ See: Visit of Ukrainian parliamentarians to the EUBAM. Press-Release, Odesa, 19 January 2007.

²⁹⁶ See, for example, Vladimir Korobov: Kontekst konflikta. Vestnik Tzentra yuzhnoukrainskogo pogranichya. Kherson. Vypisk № 1(4), January 2009. (This paper was also published by the site of the “Verkhovna Rada of the PMR, <http://www.vspmr.org/Upload/File/5-6.pdf>

²⁹⁷ UKRAINE BATTLES SMUGGLES AS EUROPE KEEPS CLOSE EYE. By Steven Lee Myers. The New York Times, May 28, 2006.

²⁹⁸ Ibid.

²⁹⁹ IMPORTS FLOWING FREELY INTO TRANSNISTRIAN REGION OF MOLDOVA CONFIRMS EU BORDER ASSISTANCE MISSION. Odesa, 21 September 2006,

Further developments evidenced that ensuring more effective counteraction to those illegal deals is possible if closer cooperation between partner services of the two neighbouring countries is achieved. This concerns, first of all, operative information exchange, introduction and improvement of modern methods of risk analysis, and carrying out joint operations by mobile groups aimed at controlling not only checking points but also the whole “green border”.³⁰⁰ Such an approach was determinative in processes of preparation and realization of joint operations that involved more and more different partner services.

Convincing evidence of the effectiveness of this approach, including implementation of the recommendations worked out by the EUBAM experts, can be found in the table below. The data present the results of the Third Joint Operation carried out in April 2007 by border guards and customs services with the support of the EUBAM. Important difference of this particular operation from the previous ones was the involvement of a set of prominent European and international agencies into planning of them and analysis of the concrete results obtained.³⁰¹

Brief overview of identified cases:

Cases	October 06	April 07
Smuggled goods seized (cases)	34	46
Vehicles detained	16	9
Drugs (marijuana (kg) and additional psychotropic drugs)	5,41	21,5
Total value (USD)	132567	321894
Persons detained for illegal border crossing	138	87
Persons not allowed to cross the border	761	893
Administrative cases initiated	58	210
Criminal cases initiated	0	3

Among the most important cases were revealing of 11 kg of marijuana and 616 units of small arms. Overall cost of the confiscated items was 322.000 USD; that is 2.5 times more than obtained from the previous operation.³⁰² Rather illustrative is also the decreased number of persons detained for illegal crossing border – especially compared to those who were not allowed to cross the border. This proved successful undertaking of the preventive measures, including those of the operative exchange by preliminarily collected information. Additional attention should be paid to the increased numbers of forged documents (certificates of origin of goods) identified with the assistance of EUBAM experts. The calculations made by the end of January 2007 have shown that this single factor had led to budget

www.eubam.org/index.php?action=group&group=22&sid=%3C

³⁰⁰ See: “TIGHTER CONTROL OF MOLDOVA-UKRAINE BORDER INDICATED BY RESULTS OF RECENT CROSS-BORDER OPERATION”. JOINT PRESS RELEASE BY THE BORDER GUARD AND CUSTOMS OF SERVICES OF MOLDOVA AND UKRAINE AND THE EUROPEAN UNION BORDER ASSISTANCE MISSION TO MOLDOVA AND UKRAINE. Odesa, 18 October 2006, <http://www.eubam.org/files/0-99/83/jo-press-release-18-10-06-eng.doc.doc>.

³⁰¹ The Third Joint Border Control Operation showed significant progress in improving co-operation and led to significant findings in combating cross border crime. EUBAM HQ, Odesa, 17 May 2007.

³⁰² Ibid.

losses assessed as amounting to Euro 2 mln, and such figures might become even higher in case of furthering successful finding of forged certificates.³⁰³ Meanwhile, improvement of checking techniques and the use of more sophisticated equipment in the Odesa sea port (coming under special focus of the EUBAM, in particular, of its field offices in Odesa and Illichevsk), enabled discovery of large packages of hard drugs – cocaine and heroin. In 2007, for the first time in four years, four such packages were found, and two in the first quarter of 2008.³⁰⁴

The results of joint operations carried out in 2008 are striking illustration of how the effectiveness of preventing and counteracting criminal crossborder activities is enhanced due to trilateral collaboration at the Ukraine-Moldova border. For example, large-scale operation “Focus-2” that consisted of the two consecutive stages was realized between 7 and 13 April and 26 August – 12 September, respectively. In this operation such innovation was being used as formation of five working groups that were engaged in planning and implementing separate target-oriented raids. The central coordinated body of the whole operation – Liason Group – had been established in 2007; it consisted of the representatives of different partner services that worked under the guidance of the EUBAM at its headquarters in Odesa³⁰⁵.

In operations within the framework of FOCUS-2, representatives of the following agencies and bodies took part:

Republic of Moldova: Customs service, Border Guards, Security & Information service, Ministry of Interior (Departments of fighting drugs trafficking, illegal migration, and economic police), Bureau on Migration and Asylum, Centre on counteracting economic crimes and corruption, Ministry of Reintegration, and Taxes Inspection.

Ukraine: State Customs Service, State Border Guard Service, Ministry of Interior, Intelligence Service of Ukraine, State Taxes Administration.

International partners: Border guards and Customs services of Hungary, Poland, Slovak Republic, and Romania.

International organizations and agencies: FRONTEX, INTERPOL, OLAF and SECI Centre.

During raids on checking points and along “green border”, 293 cases of illegal passage of smuggled goods with overall cost of more than Euro 1 mln, were identified. Such a success was determined, first of all, by the already established effective exchange of information, including that about suspicious people and cargo that were only preparing to cross the border, also by the efficient cooperation between different services at both national and international level; modern equipment used throughout the operation, contributed to its success. As a result of the revealed violations of law, a set of criminal investigations has been launched, some of which are still going on. One more accomplishment consisted in confiscation in Odesa port of a big batch of cocaine (40 kg that could have been sold for Euro 8 mln); at the territory of Moldova, 6 kg of cocaine was confiscated (cost – Euro 1.2 mln). In

³⁰³ SUMMARY OF THE REPORTS TO THE FIFTH EUBAM ADVISORY BOARD MEETING, 13 MARCH 2007

<http://www.eubam.org/files/100-199/191/summary-v-abm-13-03-07.doc>.

³⁰⁴ http://www.wogau.de/07/action=speeches/2_speeches_92_EN.htm.

³⁰⁵ Joint operation counteracts crime at the Moldovan-Ukrainian state border. PRESS RELEASE, Odesa, 9 October 2008.

these particular operations participated also representatives of the European law enforcement bodies and the US Anti-Drug Agency. This cooperation provided for establishing closer contacts of Ukrainian and Moldovan services with their partners from abroad, also ensuring regular information exchanges.³⁰⁶

Addressing issue of the alleged illegal trade in weapons coming from the Transnistrian territory, it should be noted that over the first three years of EUBAM activities no convincing facts, confirming this perception, have been revealed. No evidence of the assumed large-scale supplies of weapons to other separatist and/or war-waged regions – North and South Caucasus suffering from on-going or frozen' conflicts, Kosovo, Middle East etc. were ever found.³⁰⁷ However, though the checks under the aegis of the EUBAM, or UNDP, or OSCE haven't confirmed running this kind of illegal activities,³⁰⁸) this does not mean that such a possibility can be ruled out; this was noted, in particular, by the MPs of Europarliament and journalists visiting the EUBAM in March 2008.³⁰⁹ Intelligence services of both Moldova and Ukraine that collaborate with the EU Mission for ensuring regional stability and security by fighting, especially, crossborder criminal activities, also do not rule out smuggling of weapons from the Transnistrian region. This suggestion is illustrated by the decision to establish the two working groups adopted on a trilateral meeting on 21 January 2009.³¹⁰ The first group is to be focused on counteracting trafficking in human beings; the second will deal mostly with drugs, weapons, also with smuggled goods. (*For more details on trade and production of weapons in Transnistria please see a separate section of the given research*).

Thus, despite the essential progress in the effective border management, actually confiscated goods according to expert estimations, still constitute only insignificant part of the whole volume of contraband, and the results of the "Focus-2" operation suggest that perception of the Transnistria as a "black hole of Europe" may be not far from truth. As Head of the Mission General Ferenc Banfi noted, contraband is being realized by well organized criminal groupings that use for their illegal activities quite sophisticated methods; because of this, for the effective counteraction the partner services of both countries should always be one step ahead of them.³¹¹ Besides, expert opinion presumes that a more focused attention to the Transnistrian segment of the border might have compelled criminal networks to change geography of the deals, shifting them to northern and southern parts.

In this context, it's worth mentioning that regrettably, responsible bodies of Ukraine – putting aside different political parties – didn't manage to elaborate consolidated position and views in regard to Transnistrian problem and illegal crossborder activities at this section of the Ukraine-Moldova border. For example, apart from Foreign Minister Borys Tarasiuk well known for his uncompromisingly firm position concerning illegitimate leadership of the quasi-statelet self-named "Transnistrian Moldovan

³⁰⁶ Ibid.

³⁰⁷ See: The Transnistria Republic and Arms Exports to the Middle East. ISSS/ISAC Conference, 26-28 October 2006, Tucson, Arizona "Security, Globalization, and Mass Society into the Global Information and Terrorism Age", http://www.bogdan-george-radulescu.ro/librarie/transnistria_arms_exports_middle_east.pdf

³⁰⁸ Див. <http://www.europa.md/eng/infto/1339>, 03 April 2007; SALW Survey of Moldova, SEESAC/UNDP 2006-07-01, а також „*The two Images of Transdnistria*”, November 26, 2008, <http://arirusila.wordpress.com/about/>.

³⁰⁹ http://www.wogau.de/07/action=speeches/2_speeches_92_EN.htm.

³¹⁰ EUBAM and security services of Moldova and Ukraine to strengthen border cooperation . 21.01.2009, <http://www.eubam.org/index.php?action=show&sid=cnppxdd1a69ex3gc5wu25aipyqqr7roa&id=624>

³¹¹ MOLDOVA-UKRAINE ANTI-SMUGGLING OPERATION ACCLAIMED BY EU BORDER ASSISTANCE MISSION. Pres release, Odesa, 5 June 2006.

Republic”, such prominent state official as Anatoliy Kinakh – the then Advisor to the President of Ukraine on security issues – stated that illegal trade conducted by Transnistria, amounted to 250 mln USD, and that *Transnistrian situation presents a threat to national security of Ukraine*³¹². The same position was shared by Arseniy Yatseniuk in his capacity of the then Foreign Minister who, taking part in the 6th meeting of the Mission’s Advisory Board in Odessa on 22 May 2007, expressed great appreciation of Mission’s activities when handed over to Moldovan and the EU sides, on behalf the MFA of Ukraine, the official notes on the continuation of its mandate for the next two-years term (beginning from 11 May 2007).³¹³ After this, he stated at the press-conference that “Transnistria still remains a “black hole”. Meanwhile, in the next press release issued by the State Border Guards Service it was said that such kind of statements have no ground.

It should be noted that the very fact of public disproving by the State Border Guards Service of statements by Foreign Minister harms national interests of Ukraine, because being readily reiterated by certain external actors and affiliated media, such kind of incidents invigorate perception of weakness of state institutions and their inability to work out consolidated policy in particular, addressing such sensitive issue as is the Transnistrian conflict.³¹⁴ Assertion about “non-existence of black hope at the border with Transnistria” was also voiced by the Head of the Border Guard Service Mykola Lytvyn during his meeting with General Banfi on 28 January 2009.³¹⁵

Apart from fighting contraband of goods and such crimes as narcotraffic, essential achievements at the Ukraine-Moldova border include also counteracting illegal migration and traffic in human beings. Revealing of illegal migrants has improved due to the use of more advanced methods of interviewing, also identifying the false and forged documents. Increased number of interception of such papers (passports, Schengen visas etc.) contributed to prevention of those migrants arrival in the EU member states. Several special operations were carried out in 2008, resulting in finding out several channels of illegal trafficking, and discovering concrete ways of how they realize such trafficking. Out of the six large-scale cases of illegal migration, five were revealed by the participating services, and one by international partners. For analyzing and summing up the results of those target-oriented operations, a special seminar was held, organized jointly by the EUBAM and Moldovan Centre for fighting human trafficking; all appropriate services of Ukraine and Moldova took part in it, as well as representatives of Romania, Slovak and Hungarian police, also of the SECI, FRONTEX, and IOM.³¹⁶

8.7. Technical assistance

Scope of the EU technical assistance provided for Ukraine and Moldova, as well as its effectiveness, increased significantly due to the BOMMOLUK project implemented via EUBAM.

³¹² UKRAINE BATTLES SMUGGLES AS EUROPE KEEPS CLOSE EYE. By Steven Lee Myers. The New York Times, May 28, 2006.

³¹³ <http://www.mfa.gov.ua/mfa/ua/news/detail/6060.htm>.

³¹⁴ Original text of this press release was not available at the site of the DPSU; the information above was presented by Transnistrian and pro-Transnistria media, in particular, by electronic weekly Tiraspoltimes, based in Washington. See: Ukraine's State Border Service says Transnistria is not a "black hole" by Jason Cooper, 9 June 2007, http://www.tiraspoltimes.com/news/ukraines_state_border_service_says_pmr_is_not_a_black_hole.html.

³¹⁵ See: Ukrainiskiyе prykordonnyky ta Misiya Yevropeiskoyi Komisii zatsikavleni u podalshiy spivpratsi. 29 January 2009, http://www.pvu.gov.ua/control/uk/publish/article?art_id=62924&cat_id=62916.

³¹⁶ <http://www.eubam.org/files/400-499/442/press-pack-ua-dec08.pdf>.

This project consists of the three major components:³¹⁷

- Development of risk analysis system to be used by border guards and customs services of Moldova and Ukraine;
- Elaboration of a common training courses for officers of the respective services who are operating at joint checking points;
- Purchase and supply of the equipment for border guards and customs services of the two countries.

The overall budget amounts to Euro 9.9 mln. For financing the first stage of the project (September 2006 – December 2007), Euro 3.3 mln were allocated; concrete measures within the framework of this stage were agreed upon at the Third meeting of the Advisory Board (Odesa, 21 September 2006).³¹⁸ Important aspect of the collaboration of the four services with the EUBAM was joint discussion and preparation of the lists of the equipment most urgently needed; these lists were then passed to the UNDP which started to acquire equipment the same year.³¹⁹

The cost of purchasing and delivering of the equipment was Euro 2.2 mln; in particular, the State Border Guards Service of Ukraine received specialized soft ware, personal computers, laptops, telephones, mobile phones, printers, scanners, video- and photo cameras, flash drives, projectors et al. (for overall sum of Euro 600.000). Technical assistance provided for Ukrainian customs was implemented by the supplies of portable x-ray intrascopes with the TV devices, hand detectors for identifying drugs and explosives, digital video cameras and dictaphones, computers, printers, servers and software whose overall cost amounted Euro 440.000.³²⁰

For realization of the second component of the BOMMOLUK-1, visits of the representatives of Moldovan and Ukrainian border guards and customs services were organized to Croatia, Finland, Austria, Greece and Macedonia – the countries with best developed collaboration on the checking points of common borders, also to Belgium, Turkey, and the Great Britain. In general, over 2006 – 2007, 14 study tours were carried out within the framework of BOMMOLUK-1; those learning trips included also studying risk analysis. Apart from this, short-term visits of outstanding European experts were organized; they provided assistance to the partner services of Ukraine and Moldova in such areas as risk analysis, integrated border control management, anti-corruption policies, and information exchange. They also developed recommendations for further improvement of services functioning.³²¹

The second phase of the project (BOMMOLUK-2) started in January 2008; Euro 6.6 mln were allocated for its realization. The main focus of this stage was the establishment of a Regional Training Centre for the State Border Guards Service of Ukraine in Kotovsk, and development of border infrastructure in the Republic of Moldova. Supplies of necessary equipment and study tours also continued. BOMMOLUK-2 was responsible for carrying out numerous trainings focused on anti-corruption measures, upgrading the culture of border management, and working out effective strategies

³¹⁷ Summary of the EUBAM Annual Report, 2005/2006.

³¹⁸ <http://www.eubam.org/index.php?action=group&group=22&sid=%3C>

³¹⁹ SUMMARY OF THE REPORTS TO THE FIFTH EUBAM ADVISORY BOARD MEETING, 13 MARCH 2007
<http://www.eubam.org/files/100-199/191/summary-v-abm-13-03-07.doc>

³²⁰ The Head of the Mission informed the Advisory Board of the latest developments in the BOMMOLUK project, the first phase of which ended in December 2007. PRESS RELEASE, Odesa, 29 July 2008

³²¹ Press Release. Odesa, 21 December 2007

<http://www.eubam.org/files/0-99/83/press-release-BOMMOLUK-UABGS-21-12-07.d>,

for informing the populations of the two countries about their rights and obligations upon crossing the border. Big attention was also paid to the improvement and acceleration of the information exchange between customs of Ukraine and Moldova; this, combined with the use of modern methods of risks analysis, promoted more efficient counteraction to smuggling and corruptive deals across the border.³²²

At the 10th Meeting of the Coordinative Board on 27 June 2008, the information was spread that during the implementation of BOMMOLUK-2 there were received, in addition to the equipment supplied according to BOMMOLUK-1, over 90 computers and 25 laptops, over 100 units of emergency energy supplies, 34 scanners and five servers provided for the Border Guards Service; Customs received 25 packages of specialized software.³²³ Besides, due to the BOMMOLUK-2, customs service of Ukraine gained acquired two mobile devices equipped with the installed x-rays outfit; the price of each of them – including personnel training on how to use them – amounts to Euro 1.5 mln. Additional grant of Euro 5 mln in 2008 was provided by the European Commission for further improvement of functioning of the Border Guards and Customs services of Ukraine.³²⁴

Due to the project of the EU technical assistance, Kotovski's border guard detachment received in 2008 unique equipment: electronic-optical system of observation that covers 95 kilometres of green border and provides, in particular, for identifying and interception of weapons of mass destruction. This extremely high technological device consist of a set of automatic autonomous units designed to operate in each of the checking points, and five integrated observation towers, connected to the central control post that automatically receives and processed all coming information. It was the very first time that Ukrainian border guards got access to such a modern and complex equipment, to be used in their regular activities.³²⁵

In January 2009 customs service of Ukraine received from the European Commission nine mobile examination systems supplemented with x-ray equipment. These systems were destined for use throughout Ukraine including checking points in Odesa and Kuchurgan. These devices allow conducting custom's examination without opening or dislodging of cars, vans and containers, thus significantly accelerating the procedure of checking. Overall price for such equipment is Euro 13.5 mln.³²⁶

The data on wide-scale technical assistance of the EU to Ukraine and Moldova presented above would look even more impressive if not compared to the assistance provided for the development of other borders of the same region. For example, the border between the Republic of Moldova and Romania was recently recognized as causing major concerns on the side of the EU, because over the last year illegal migration across that border increased twice.³²⁷ Therefore, at the Romanian side of the

³²² EUBAM, Press release, Odesa, 11 March 2008.

³²³ 10th Advisory Board Meeting: EUBAM Activity Report for March – May 2008. Press Release, Odesa, 27 June 2008.

³²⁴ The Head of the Mission informed the Advisory Board of the latest developments in the BOMMOLUK project, the first phase of which ended in December 2007. PRESS RELEASE, Odesa, 29 July 2008.

³²⁵ Border surveillance to become more efficient. Спільний Інформаційний бюлетень, Грудень 2008. (Цей щомісячний бюлетень був започаткований прикордонними службами України та Молдови разом з Місією ЄС у лютому 2008 року. Він містить інформацію стосовно процедур перетину кордону, реформування відповідних служб та їх співпраці з міжнародними агенціями).

³²⁶ Ukrainian customs service receives comprehensive equipment. 30.01.2009, <http://soderkoping.org.ua/page22755.html>.

³²⁷ The Romanian-Moldavian border, a top concern for the EU. 6 November 2008, <http://soderkoping.org.ua/page21665.html>.

common border the most modern equipment was deployed that makes possible to notice any movement at the distance of up to 5 kilometres even during the night time. By 2011, when Romania will join the Schengen zone, expenses on strengthening security of this border are expected to reach over Euro 1 billion.³²⁸

8.8. Mechanisms of funding

The main instrument for the EU financial assistance to such countries as Ukraine, Moldova and Belarus was usually the TACIS Programme. However, in the case of EUBAM, for its funding during the first six months another mechanism was used – the Fast Reaction Mechanism that is usually applied to the situations of crises, or when in target countries a threat to law and public order, human security, and/or conflict escalation and destabilization has emerged.³²⁹ Although actual situation in Ukraine, as well as in Moldova, in 2005 had hardly complied with those criteria, the decision to use exactly this mechanism was determined, at the first place, by the desire to react to the joint appeal of the two Presidents for provide assistance at the common border as soon as possible. It was expected that such a move would improve essentially the security situation in the region, where the presence of unrecognized and uncontrolled “Transnistrian Moldovan Republic” created conditions favourable for contraband, humans, drugs and weapons trafficking and other kind of criminal activities in the immediate vicinity to the EU own borders.³³⁰

Further on, funding of the Mission’s operations has been realized through the short-term contracts within the framework of the TACIS; that means the necessity to renew the contracts with employees, also on leasing of premises, every few months. Evidently, this significantly complicated Mission’s functioning. The European Commission recognized inflexibility and inconveniences of funding via TACIS that did not provide for fast collecting and allocating the sums needed for long-term projects. Responding to the critical comments of the European Court of Auditors, the EC explained those shortcomings by the fact that “when Mission’s activities were planned, such large scope and prolonged time of its operations were not foreseen”, and noted that introduction into force of the new Instrument of European Neighbourhood Policy (ENPI) will ease the situation, because it would be possible to realize funding through the Regional Eastern Indicative Programme for 2007 – 2010. By this Programme, financial support of the EU Mission was foreseen till the end of 2009.³³¹

8.9. Prospects for the future

Further activities of the Mission have been determined by the Action Plan on 2009, discussed and endorsed at the 9th meeting of the Advisory Board on 14 October 2008 in Chisinau. According to this AP, main endeavours in 2009 have to be focused on ensuring irreversibility and entrenchment of earlier achievements, conducting trainings, also on providing assistance for the realization of

³²⁸ Там само.

³²⁹ Council Regulation (EC) No 381/2001 (OJ L 57, 27.2.2001, p. 5).

³³⁰ Див. EUROPEAN COURT OF AUDITORS Special Report No 9/2008 (pursuant to Article 248(4), second subparagraph, EC): The effectiveness of EU support in the area of freedom, security and justice for Belarus, Moldova and Ukraine together with the Commission’s replies, <http://eca.europa.eu/portal/pls/portal/docs/1/2016214.PDF>

³³¹ EUROPEAN COURT OF AUDITORS Special Report No 9/2008, пп. 17, 18.

institutional changes aimed at reaching eventually the European standards of border management. Priorities of joint operations of the Mission and partner services were defined in following spheres:

1. Effectiveness of border guard and customs controls on Ukraine-Moldova border;
2. Effectiveness of management and training system' technical competency; infrastructure and equipment.
3. measure for preventing crossborder criminality and investigation of the identified crimes;
4. Increase of customs revenues due to improved estimations of particular customs costs, also by providing assistance for trade policies of Ukraine and Moldova;
5. Anti-corruption activities;
6. Integrated system of border management consisting of the three basic elements: collaboration between the respective services at national level, crossborder cooperation, and international cooperation;
7. Contribution to peaceful settlement of the Transnistrian conflict;
8. Further spreading of information among citizens and other persons who use border services.³³²

So, at that stage the uninterrupted functioning of the Mission, as well as its funding by the European Commission, has been guaranteed till the end of 2009. It can be stated that the two consecutive two-year periods of its activities resulted, *inter alia*, in the improvement of funding mechanisms and instruments, and demonstrated genuine interest of all parties and agencies – of both countries involved in this unique trilateral project – in furthering cooperation between themselves and with the EUBAM. It can also be suggested that due to cooperation with the EUBAM, the State Customs Service of Ukraine was able to upgrade its effectiveness and improve its image, and because of this, a positive decision was taken about providing for Ukraine an Observer Status within the European Customs Convention; this is the first step towards a full-fledged membership in this organization that enables exchange of information with customs services of the EU member states.³³³ In addition, negotiations are going on about additional collaboration of the Mission and its partner services with some international agencies – in particular, with Europol.³³⁴

However, by the time this text was developed (at the beginning of 2009), there was not yet clear what will occur after 2009, i.e., whether the term of the Mission will be further extended or not. It's obvious that notwithstanding all the substantial achievements recognized by all interested parties (including high level Ukrainian officials), a lot of negative phenomena persisted, first and foremost, because of the institutional weakness and shortcomings of the legislative base that essentially decrease effectiveness of fight against corruption, contraband, illegal migration etc. To ensure stable and sustainable progress and achievement of a main goal – creation of a modern system of integrated border management according to European standards, much yet to be done and many additional endeavours are needed.

Especially topical remains the issue of the EUBAM contribution to peaceful and sustainable settlement of the Transnistrian conflict. At those stages its contribution, if at all, is indirect, and more serious

³³² EUBAM and partners adopt new measures for 2009 to further improve management of the Moldovan-Ukrainian border. Press Release, Chisinau, 14 October 2008.

³³³ Ukraine is one step away from receiving an observer status in working bodies of the European Customs Convention. Спільний Інформаційний бюлетень, Грудень 2008.

³³⁴ The Head of EUBAM meets with the Director of Europol. 30 October 2008. <http://soderkoping.org.ua/page21953.html>.

results can be expected only in a long term perspective. Whereas ending of the Mission's activities for this or that reason may lead to losing practically all positive trends and wasting previous efforts. According to certain sources of information, the European Commission was ready to endorse the continuation of Mission's mandate for the next term; Republic of Moldova timely applied for this,³³⁵ whereas appropriate move on the side of Ukraine was yet expected.³³⁶

8.10. EUBAM and civil society

Elements of public consultation were hardly included into the EUBAM's initial mandate. Given that no prior consultations were held, neither at the national level, nor with local communities in the border areas with Moldova (including Transnistria), and these were not part of the fact-finding mission, EUBAM's design phase missed an important opportunity to address local communities concerns, including security priorities, more directly. However, once EUBAM became operational, the need for outreach to, and raising awareness of EUBAM among local communities became apparent. This need was identified through contacts and discussions that EUBAM's members had with members of the local population, when it became clear that few local citizens were aware of EUBAM, and that EUBAM was often confused with other Western organisations and initiatives, such as NATO or the OSCE. Thus, public outreach and some limited consultations became an element in EUBAM's activities later on, in a course of its functioning.³³⁷

Nowadays, it is widely recognised that one of the EUBAM's strong points is its openness and readiness to communicate – apart from the officially established relations with partner services – with different actors of civil society. This pertains, first of all, to permanent contacts with media and representatives of young generations – students of institutions of higher educations and of secondary schools.³³⁸ According to the findings of a research team of the Initiative for Peacebuilding (IfP)³³⁹ that interviewed a number of regional and local stakeholders, also run discussions in specially selected focus groups, journalists note that they are regularly invited to events organised by EUBAM, including visits by senior EU and national officials. It turned out that interviews with EUBAM's leadership are easy to organise, including exclusive interviewing opportunities; this makes a marked difference from the experience of local media in their attempts to organise interviews with local officials. EUBAM has

³³⁵ Moldovan Minister of Foreign Affairs: "EUBAM a success story".

<http://soderkoping.org.ua/page21505.html?template=print>.

³³⁶ *During elaboration of this part of a research (February 2009), Ukraine has not yet officially applied for Mission's continuation.*

³³⁷ IFP Security Cluster. Country case study: Ukraine. Public Security Needs and Perceptions in Ukraine: EU's SSR Aid Programming for Ukraine. By Denis Krivosheev, Mia Marzouk and Dorte Hvidemose, March 2009. Available at http://www.eubam.org/files/100-199/191/Ukraine_Final%20%282%29.pdf.

³³⁸ Ibid.

³³⁹ The Initiative for Peacebuilding (IfP) is a consortium led by International Alert and funded by the European Commission. Its aim is to develop and harness international knowledge and expertise in the field of conflict prevention and peacebuilding to ensure that all stakeholders, including EU institutions, can access strong independent analysis. In particular, they analysed two EU-funded projects providing support to the Ukrainian security sector reforms: the EU's Border Assistance Mission to Moldova and Ukraine (EUBAM) and 'Support to Good Governance: Project Against Corruption in Ukraine' (UPAC).

also invited local journalists to accompany staff on field missions to the border and has provided all the necessary official clearance with the Ukrainian authorities.³⁴⁰

Quoting from a research referred to above,³⁴¹ “University staff and students gave very positive feedback on their contacts with EUBAM, particularly appreciating the practical angle of the exchange and its welcoming, informal style. For many students, this was a unique experience. A number of students reflected on EUBAM as a real sign of cooperation between Ukraine and the EU, and one student described it as a sign that the EU was taking security in the region seriously, and linked EUBAM to the EU’s efforts not only to stem economic smuggling across the border with Transnistria, but also to address the issues of arms and human trafficking. The general level of understanding of EUBAM’s operation and objectives was very high among the students – a noticeable contrast to every other member of the public Saferworld has spoken to in Odessa and Odessa Region”. The students of the Odessa National Law Academy were particularly impressed by the Head of Mission Dr. Ferenc Banfi, who himself came to the meeting to speak about EUBAM and asked students about their opinions on the Mission, its objectives and relevance, and of the legal issues relating to border protection and cooperation between Ukraine, Moldova and the EU. Actively soliciting feedback provides an example of best practices, deviating from more widespread one-way communication design.

Moreover, it turned out that a large part of the adult local population acquired their knowledge about EUBAM, its goals and practical activities, directly from members of their families – schoolchildren and students.³⁴²

It should be noticed that responding to the needs articulated, in particular, by the Ukrainian services, EUBAM has begun running a series of public relations (PR) trainings for the Ukrainian and Moldovan border guard and customs services. The idea of specific PR training was also not foreseen by the EUBAM’s initial mandate, and was put forward later. Since October 2007, a Short-Term PR Training Expert was hired for the project to deliver a number of PR training sessions for the Ukrainian and Moldovan services. Trainings were aimed at upgrading skills of partner services in: media handling; provision of information to the general public; creating and using information materials; designing a PR strategy; developing a culture of openness; and cooperative working practices and sharing of materials.³⁴³

Encouraging the Ukrainian and Moldovan services to be more open to the public and more responsive to public needs, EUBAM engage them in joint visits to schools and universities and joint participation in various publicity events, which have received very positive feedback from the media, also from the staff and students of the relevant schools and universities.

³⁴⁰ EU and UNDP (May 2007). EU Border Assistance Mission to Moldova and Ukraine (EUBAM) – Summary of activities of EUBAM in the sphere of public relations in 2006-2007. Odessa, Ukraine. Available at <http://www.eubam.org/index.php?action=group&group=30&sid=b1ntxah3lz7b3wmlgdpr88doqvnrhzii>.

³⁴¹ IFP Security Cluster. Country case study: Ukraine. Public Security Needs and Perceptions in Ukraine: EU’s SSR Aid Programming for Ukraine. By Denis Krivosheev, Mia Marzouk and Dorte Hvidemose, March 2009. Available at http://www.eubam.org/files/100-199/191/Ukraine_Final%20%282%29.pdf.

³⁴² Ibid.

³⁴³ UNDP Moldova (2006). Terms of Reference – Short Term PR Training Expert: EUBAM. Chişinău, Moldova. Available at http://www.undp.md/employment/2007/ToR-EUBAM_STE_PR_training-100707.doc.

Among the general publicity that EUBAM undertakes is its participation in the annual Europe Days. For instance, EUBAM together with the Ukrainian Customs and Border Guard Services set up an information stall at the “Europe Days” in Odessa on 14th May 2008. The stall was visited by over a thousand people who thus learned about EUBAM and the Ukrainian services’ work, learned about the rules for border crossing and received information leaflets. On 17th May 2008, similar events were organised at different border crossing points.³⁴⁴ EUBAM has also organised a number of photo exhibitions, at which photos taken by Moldovan and Ukrainian photo correspondents on the border were displayed. These events also received good local and regional media coverage.

An important finding relating to Ukraine’s public perception of the EUBAM was that the two groups of local residents interviewed – those from Rozdilna and Kotovsk, respectively – voiced no concern that curbing smuggling would mean higher prices in the market. This seems to disprove the assumption held by some key informants that EUBAM would prove unpopular in the border communities because of the drop in revenues from illegal smuggling and the increase in the price of available (non-smuggled) goods that effective border controls would entail. Thus, it turned out that the idea of the border control services moving towards the European standards of border management appealed to most people.³⁴⁵

Regarding the EUBAM Mission’s collaboration with civil societies of both Ukraine and Moldova, recommendations developed by the International Round Table on “Moving towards EU Integration: Uniting the Efforts of Moldovan and Ukrainian Civil Societies (Kyiv, December 15 – 16, 2009), could be mentioned. Those addressing EUBAM recommend the following:

- Assist the appropriate agencies of Ukraine and Republic of Moldova in establishing telephone “hotline” for reporting attempts/cases of money extortion, corruption deals, other illegal, law-violating actions perpetrated, in particular, by customs services, border guards and other law enforcement bodies operating at the Ukraine-Moldova border; widely publicize introduction of this measure, aimed at counteracting “petty corruption” of the personnel, in local media and through posters at the check points;
- Encourage your partners to intensify patrolling activities along the whole “green border” between Ukraine and Moldova (beyond the established check points);
- Engage more actors of civil society, including media and HR activists, for informing the residents of the localities nearing the interstate border, – especially its segment along the Transnistrian region of the RM, – about rules and regulations of crossing this border.

These concrete recommendations reflect some of the concerns shared by the expert communities of both countries, and, hopefully, will be taken into account by the European Commission and the EUBAM leadership upon strategic and tactical planning of further activities related to Ukraine-Moldova border, especially at its Transnistrian segment.

³⁴⁴ ‘EUBAM celebrated Europe Day jointly with partner services’, EUBAM, 19th May 2008, available at <http://www.eubam.org/files/0-99/83/Press-ED-190508-eng.doc>.

³⁴⁵ IFP Security Cluster. Country case study: Ukraine. Public Security Needs and Perceptions in Ukraine: EU’s SSR Aid Programming for Ukraine. By Denis Krivosheev, Mia Marzouk and Dorte Hvidemose, March 2009. Available at http://www.eubam.org/files/100-199/191/Ukraine_Final%20%282%29.pdf.

P.S.: Recent developments

After this study was completed in February 2009, a number of important events took place that might have an impact on the future of the EUBAM and its larger regional context. Although they need a separate in-depth analysis, some basic facts are worth mentioning here. First of all, although the Mission's mandate was indeed prolonged until the end of 2011, the two rounds of presidential elections in Ukraine in early 2010, eventuated by coming to the office of Victor Yanukovich, leader of the Party of Regions, raised some doubts and engendered uncertainties as to the relations between Ukraine's new government and the EUBAM, the latter being embodiment of strictly pro-European course of Ukraine's foreign policy – at least, rhetorically – pursued by previous power-holders.

Turbulent 2009 events in the Republic of Moldova, related to parliamentary and (yet unsuccessful) elections of president, signified the end of communist rule era, lasted for nine years, and formation of the Alliance for European Integration with clearly expressed pro-Romanian and pro-European stance. While officially declared foreign policy of the new government of the RM admits the necessity to establish more friendly relations and partnership with both neighbouring countries, some statements by both Romanian and Moldovan authorities engendered growing suspicions on the Ukrainian side as to the probability of implementing the scenario, unfavourable for Ukraine. Briefly, they consist of anticipations that the desire to join the EU as soon as possible may strengthen the temptation of unification with Romania, leaving Transnistria aside and, in fact, sacrificing it for reaching the most important goal at stake. These trends, adding to previously accumulated problems and mutual distrust, might complicate further relations of partner services of both countries between themselves, as well as with the EUBAM.

Remarkable step, demonstrating new “liberal” policy of the Moldova's government towards Transnistria, was the initiative to lift travel ban, imposed on a number of leaders of the “PMR” by both The EU and US that had been in force beginning from 2003. Responding to this initiative, the ban was indeed cancelled until September 2010, in evident hope that such a benevolent move would make Transnistrian de facto authorities more amenable, and promote re-starting of the negotiation process in the “5 + 2” format. While it's too early to evaluate the consequences in terms of decisions and reactions of the Transnistrian side (that, as a “symmetrical” answer to travel ban, has declared persona non-grata the EU Special Representative Kalman Mizsei, also prohibited entering into Transnistria of persons with the diplomatic passports of the EU member states), so far, no encouraging signals yet appeared. Even worse, on March 6, 2010 well-known Moldovan expert and politician Oazu Nantoi who was returning from the event taking place in Kyiv, was prevented at the border from homecoming through the Transnistrian region, and was compelled to take another way via Palanka.

Conclusions

The European Union's Border Assistance Mission to Moldova and Ukraine (EUBAM) turned out even more successful than was expected before its launching and during the first months of its operation. However, achievements of the Mission and its partners can in future become either even more impressive (in case of further continuation of its mandate and its possible expansion), or be gradually devaluated (if in 2011 its activities are ended).

In the context of the Transnistrian conflict, a set of measures initiated and supported by the EU and implemented through the Mission, promoted indeed a kind of at least “economic integration” of the Transnistrian region into the common space of the RM. Concerning political level of settlement, there were no visible signs of positive trends even at the level of the encouragement of Transnistrian *de facto* authorities to resume the official negotiation process within the “5 + 2” format.

When – or if – planning of Mission’s further activities will take place, it would be reasonable to consider expansion of its mandate by providing more authority to its staff. Positive influence of the EU that can be realised, in particular, via collaboration of the two countries with the EUBAM, has a potential not yet fully realised. Expansion of the EUBAM mandate to include the Transnistrian region might become an important constituent of a coherent and integral system of measures developed with regard to achieving the main goal – peaceful and sustainable reintegration of the Republic of Moldova.

In case of the Transnistrian conflict, the chances for its settlement by peaceful, non-military means had been and remained much higher than it was in the situations of “frozen conflicts” in Caucasus or in Balkans. Such a positive perception persists despite essential complications caused by the events of 2008 – unilateral declaration of Kosovo independence from Serbia, followed by international recognition, and later on, Russian-Georgian war eventuated by the recognition by Russia of state independence of Abkhazia and South Ossetia. Direct presence of the EU due to deployment of the EUBAM, also fruitful collaboration of the latter with both Ukraine and Moldova create a precedent of an utmost importance. It provides a historical chance for finding and implementing a successful solution to at least one of the post-soviet “frozen conflicts”. Neglecting this chance would have a negative impact not only in a narrow sense of preserving the existing *status quo*, but also with regard to strengthening security and stability in the whole Black Sea Region.

9. Actions Aimed To Settlement of the Transnistrian Conflict in the Framework of Fulfilling NATO-Ukraine Annual Target Plans

By Sergiy GERASYMCHUK

Considering NATO's influence on the development of Transnistrian problem settlement, one should take into account that the North-Atlantic Alliance has never taken initiatives for increasing its own role in settlement of the Transnistrian conflict. The NATO's authorities emphasize that the Alliance does not play a direct role in solving this problem.³⁴⁶ At the same time, taking into account the importance of the settlement of the Transnistrian problem, NATO reserves the option of influencing the situation indirectly. One of the mechanisms of ensuring such influence was Action Plan Ukraine-NATO and the Annual Target Plans Ukraine-NATO (ATP).

To comprehend the meaning of these documents, one should recall that the NATO-Ukraine Action Plan, as well as annual TPs, was among the most effective instruments of Ukraine's approximation to the North-Atlantic Alliance. These documents, in the case of their proper implementation, would provide for the systemic changes in our country that should touch all areas – economy, politics, military sector and the information space. While the NATO-Ukraine Action Plan was providing in general the ground for democratic changes in the mentioned areas, the ATPs could have become the recipe for concrete actions that should have answered a set of questions.³⁴⁷

Among others, the ATPs included concrete activities aimed at Ukraine's strengthening as a contributor to regional security, particularly by taking part in settling the Transnistrian conflict.

Better understanding of the significance Ukraine and the Alliance attached to settlement of the Transnistrian conflict could be achieved if actions, provided for by the ATPs during the period from 2003 to 2008, and the state of their implementation, are analyzed.

In the structure of the Target I.1.B.3 of the ATP-2003³⁴⁸ "Establishment of Ukraine as a key contributor to regional stability and security, including enhancement of Ukraine's contribution to the international cooperation on conflict settlement and peacekeeping", it was provided for only "Hold NATO-Ukraine consultations on the security situation in Moldova, including the clearance of Russian ammunition in Transnistria". Such an approach has fully reflected NATO's interest in fulfilling agreements with the RF (See more in the section "The Problem of Unsettled Military Formations' and Arms' Status on the Territory of Transnistria").

In the ATP-2004³⁴⁹, achieving the Target I.1.B.3 was already foreseen only by a declarative "Hold NATO-Ukraine consultations on measures of maintenance of peace and stability in the Southern

³⁴⁶ Press conference on the NATO Response Force (NRF) by NATO Secretary General, Jaap de Hoop Scheffer and General James L. Jones, Supreme Allied Commander Europe (SACEUR) / <http://www.nato.int/docu/speech/2004/s041013b.htm>

³⁴⁷ S. Gerasymchuk. Tsilyovyi plan Ukraina – NATO na 2007 rok: dyavol kryetsya v detalyah / http://www.ea-ua.info/main.php?parts_id=5&news_id=10667&news_show_type=1&

³⁴⁸ <http://www.mfa.gov.ua/data/upload/publication/mfa/ua/1629/ukraine-nato-actionplan2003.doc>

³⁴⁹ <http://www.mfa.gov.ua/data/upload/publication/mfa/ua/1628/ukraine-nato-actionplan2004.doc>

Caucasus, in the Balkans, Central Asia, and the Republic of Moldova”. Such approach was caused by certain international isolation of Ukraine and the fact that Western partners have considered the ability of Kuchma’s administration to make input into regional security without enthusiasm.

The ATP-2005³⁵⁰ (probably, “through inertia”) contained the task of similarly declarative nature: “Hold NATO-Ukraine consultations on measures of maintenance of peace and stability in the Euro-Atlantic area including in the southern Caucasus, Balkans, Central Asia and the Republic of Moldova”. However, the year 2005 was a critical one in this respect. Firstly, despite unsatisfactory fulfillment of the ATP tasks, the respective consultations (at least concerning Moldova) were held. Secondly, during 2005, Ukrainian authorities have actively proclaimed Euro-Atlantic slogans and tried to convince Alliance of their will to intensify cooperation. The Maidan events have opened the new prospects for Ukraine and, as it seemed, transferred the Euro-Atlantic integration from theorizing area to the concrete activities aimed at Ukraine’s membership in NATO.

On 7 October 2005, NATO Secretary General Jaap de Hoop Scheffer called Ukrainian government to concentrate on building strong democracy inside the country. He has made such a statement after negotiations with the Ukrainian Prime Minister Yuri Yekhanurov in Brussels; “Deeds speak louder than words”, – NATO Secretary General noted. Responding to this, Ukraine’s Prime Minister promised that Ukraine would fulfill its obligations and reiterated Ukraine’s intention to join NATO. On 16 October the President of NATO Parliamentary Assembly Pierre Lellouche arrived in Ukraine. The meaning of his statements was once again the following: the place of Ukraine is among the countries of democratic family, but the contents of Ukraine-NATO dialogue will depend on democratic and economic reforms. NATO Secretary General’s visit to Ukraine on 18 October 2005 became the climax for its significance. Mr. Scheffer was again bringing to the notice of Ukrainian establishment the main point: he called Ukrainians to speak less about the advantages of integration to the Alliance but to show instead more concrete results. In response, this time directly in Ukraine, the Secretary General has heard the same, filled with great enthusiasm, assertions that Ukraine is willing to join NATO and sees itself in the Alliance.³⁵¹

Taking into account the declarations of the Ukrainian government, the Alliance and Ukrainian authorities have applied more systemic approach to formulating measures of the ATP-2006³⁵² in the part aimed at Ukraine’s strengthening its role as a key donor of the regional stability and security, including enhancement of Ukraine’s contribution to the international cooperation on conflict settlement and peacekeeping. Thus, the a.1 Action in the structure of the Target I.1.B.3 provided for implementing “Ukrainian Plan for Peaceful Settlement of the Transnistria Problem”, in particular, by “Continue negotiations, including on the basis of the Ukrainian Plan for Peaceful Settlement of the Transnistria Problem and the relevant decisions of the Republic of Moldova in an expanded format (with the participation of the USA and the EU). Promote a structural process of democratization of the Transnistrian region of the Republic of Moldova, under international coordination, guidance and monitoring, to ensure implementation of democratic standards and fundamental rights and freedoms”.

³⁵⁰ <http://www.mfa.gov.ua/data/upload/publication/mfa/ua/1632/ukraine-nato-actionplan2005.doc>

³⁵¹ S. Gerasymchuk. Ukraina – NATO: konstruktyvnyi dialoh riznymi movamy / http://www.ea-ua.info/main.php?parts_id=5&news_id=135&news_show_type=1&

³⁵² <http://www.mfa.gov.ua/mfa/ua/publication/content/5563.htm>

The a.2 action provided for “Ensure full access of all ethnic groups of the Transnistria’s population to alternative sources of information on regional and international events (TV and radio broadcasts specially tailored for Transnistrian audience”).

Beside that, certain actions aimed at settlement of the “frozen conflict” in Transnistria were also included in the Target I.1.B.8. “The further introduction of domestic measures in the sphere of fight against terrorism, in particular by means of strengthening the security of borders and the system of export control with a view to fighting against proliferation of weapons of mass destruction and means of delivery, as well as against money laundering”. Particularly, in the part “d” “Improve the efficiency of border and customs control at the Transnistria section of the Ukrainian-Moldovan state border” the following measures were foreseen: “Rigorously implement the provisions of the Memorandum of Understanding in Respect of the Mission of the European Commission Designed for Rendering Assistance in Matters of Border in Ukraine and the Republic of Moldova, and coordinate the work of public bodies of Ukraine involved in monitoring”, “Ensure observance and upgrading of current legislation concerning the transportation of cargoes through the Transdnistria section of the Ukrainian-Moldovan state border”, “Coordinate with the authorities of the Republic of Moldova, including at local level, with a view to improving the legal framework for border control”.

Despite the ambitious plans, which were mostly not fulfilled, the negotiations on the conflict settlement were slowed down. Therefore, realization of the respective measures was unsuccessful. Beside that, in the part of ensuring border and customs control, even in the limits of the existing possibilities concerning human resources and equipment, carrying out control on the border was insufficient. Apart from some exceptions, the main part of the control did not meet the EU standards.³⁵³ Moreover, the majority of infrastructure changes have needed the upgrading of standards at most of the checking points. Informational technologies and communications equipment have still remained one of the key needs but there was a necessity even in such basic things as appropriate lighting.³⁵⁴

In the reports of the EU Border Assistance Mission to Moldova and Ukraine the attention is also drawn to the problem of illegal crossing the border and the necessity to enhance the control. Measures taken by the Ukrainian government for improving control over the green border by staff expansion and creating material obstacles were not sufficient.³⁵⁵

It can be assumed that the low intensity of ATP actions fulfillment in the part concerning the settlement of the Transnistrian conflict, as well as of the NATO-Ukraine Action Plan in general, was connected with the internal political processes in Ukraine: at the end of 2006, as a consequence of V. Yanukovich taking office of Prime Minister and President V. Yuschenko’s deficit of political will, a general slowing down of the Euro-Atlantic integration pace has occurred.

³⁵³ The Summary of the Main Foundations of the Report on the Assesment of Needs and Recomendations, May 12, 2006 www.eubam.org/files/100-199/190/summary-ua.doc

³⁵⁴ Ibid

³⁵⁵ Ibid

Persuasive illustration for these processes was V. Yuschenko's meeting with NATO Secretary General Jaap de Hoop Scheffer on 23 October 2006, when the parties discussed domestic situation in Ukraine in the context of Ukraine's prospective membership in the Alliance, also the state of cooperation with NATO. It is remarkable that President Yuschenko has highly assessed the "especially respectful" Jaap de Hoop Scheffer's attitude to those political processes that emerge in the framework of the debates about Euro-Atlantic integration of Ukraine.³⁵⁶ It is worth mentioning that the President had also emphasized that the issue of NATO membership was, is and will always remain a question of internal competence.³⁵⁷ It was interesting and significant that over the year 2006, evident regress in Ukraine-NATO relationship took place. This has led to the situation when no more the problem of implementation of the concrete annual ATPs has been on the agenda but, rather, the discussions – those of "exclusively internal competence".³⁵⁸

No surprise that the failure of fulfillment of the ATP-2006, as well as slowing down the pace of Euro-Atlantic integration in general, affected also the Transnistrian problem. "Through inertia", further ATP-2007³⁵⁹ and ATP-2008 contained the Target 1.1.3 "Policy of Ukraine on resolving "frozen" conflicts" in the following version: "Ukraine takes considerable efforts to resolve long-term "frozen" conflicts in the region on the basis of peaceful agreements. Ukraine promotes the settlement of the Transdnestrian conflict and supports continuing negotiations on the basis of the Ukrainian plan for a peaceful settlement in the expanded (with participation of the USA and EU) format. Ukraine appreciates the activities of the European Commission Border Assistance Mission to Republic of Moldova and Ukraine and its orientation toward harmonization of standards and procedures of border management, strengthening cooperation of border and customs services, and provision of analysis of potential threats. Ukraine supports the peaceful settlement of conflicts in the Republic of Moldova (Transnistria), Georgia (Abkhazia and South Ossetia), and Azerbaijan (Nagorny Karabakh) on the basis of principles of territorial integrity and respect for their sovereignty".

However, measures to be taken for achieving this goal were of only declarative nature: "In the context of the Intensified Dialogue, hold consultations with NATO on peacekeeping and Euro-Atlantic stability measures, including in the South Caucasus and the Republic of Moldova, keeping in mind NATO's stance with regard to the resolution of these conflicts"; "Provide assistance to resolving "frozen" conflicts, in particular, in Republic of Moldova (Transdnestria), Georgia (Abkhazia and South Ossetia), and Azerbaijan (Nagorny Karabakh)"; "Ensure consistent implementation of the Memorandum of Understanding between the Government of Ukraine, the Government of the Republic of Moldova and the European Commission Border Assistance Mission to Moldova and Ukraine in order to increase effectiveness of border and customs control on the Transnistrian segment of the Ukraine-Moldovan state border".

³⁵⁶ S. Gerasymchuk. "NATO – vid osoblyvoho partnerstva do tolerantnoi dyskusii" / <http://www.ukraine-nato.gov.ua/nato/ua/publication/content/7325.htm>

³⁵⁷ Ibid

³⁵⁸ Ibid

³⁵⁹ <http://www.mfa.gov.ua/data/upload/publication/mfa/ua/11960/plan2007.doc>

As a result of the declarative nature of actions and excessive “consultations” whose content was unclear, whereas the results were not provided for by the document,³⁶⁰ there was no visible effect on the settlement of the Transnistrian problem.

³⁶⁰ S. Gerasymchuk. Tsilyovyi plan Ukraina – NATO na 2007 rok: dyavol kryetsya v detalyah / http://www.ea-ua.info/main.php?parts_id=5&news_id=10667&news_show_type=1&

10. A Problem of Unsettled Status of Military Formations and Arsenals in the Transnistrian Region of Moldova

By Sergiy GERASYMCHUK

10.1. The Status of Military Formations on the Territory of Transnistria

The problem of the unsettled status of military formations and arms in the Transnistrian region of Moldova is determined historically. It was Transnistria where the 14th Army of the USSR (later RF) with arms transported from Germany and Checkoslovakia after withdrawal of Soviet military from there, was located. The remains of the mentioned arms, as well as RF military troops that did not leave Transnistria, became the cornerstone of forming and supplying with arms the military formations of the so-called Transnistrian enforcement agencies and Transnistrian army.

The Ceasefire Agreement signed by the Republic of Moldova and Russian Federation after Moscow summit on July 21, 1992 has formulated the principles of peace settlement of a military conflict in Transnistrian region of the Republic of Moldova and offered control mechanisms, including establishment of the Joint Control Commission (JCC) and of the Security Zone (SZ) along the bank of the Dniester river. In the agreement, it was mentioned that its implementation had to be ensured by military contingents that represent the Russian Federation and “two other parties involved in the conflict”, i.e. Transnistrian separatists and the legitimate government of Moldova.

At first, mainly the Russian military (five battalions) together with the limited number of armed forces of the Republic of Moldova (three battalions) and Transnistrian detachments (two battalions) that operated at the checking points in three sectors of the SZ have formed the structure of the peacekeeping forces. Meanwhile, the military observing mission that was also established in 1992 contained ten observers from Russia, the Republic of Moldova and the separatist region; the Ukrainian observers joined the work of the mission only in 1998.

The agreements regulating the presence of the Russian military on the sovereign territory of Moldova were repeatedly sharply criticized by experts because they did not meet the standards of the UN and OSCE and created preconditions for the emergence, on the territory of Eastern regions of Moldova, of militarised formations that are under control of the Transnistrian regime (Transnistrian army, Transnistrian Ministry of Internal Affairs, Transnistrian Ministry of State Security) or of Russian Federation (the Operative Group of the Russian Troops and units that guard the ammunition depot).

Considering these military formations in details, one should pay attention first of all to the Operative Group of the Russian Troops. **Operative Group of the Russian Troops (OGRT)**, as well as heavy weapons of the 14th Army, falls under the operation of limitations prescribed by the Treaty on Conventional Armed Forces in Europe (CFE Treaty). The process of military withdrawal that has started in 1990 and continued in 1992 according to the decision of the Ministerial Meeting of CSCE in Stockholm, where Russia has taken an obligation to withdraw its troops from Moldova, has been still unfinished. Approximately 1400 Russian military troops are still present on the territory of the Republic of Moldova.

Such situation essentially complicates the conflict settlement process and, according to the Opinion of the Council of Europe N 193 (1996), casts doubt on Russia's fulfillment of the obligations it has taken.³⁶¹ On Istanbul OSCE Summit in December 1999, RF agreed that the deadline for the troops' withdrawal from Transnistria and the clearance of the military equipment/weapons should be the end of 2002. The Ministerial Conference of the OSCE in Porto had prolonged the term of the withdrawal of remaining troops till the end of 2003, but these obligations have not been fulfilled. Moreover, according to the Ambassador Hill's report at the OSCE Permanent Council on the 5th of February 2004, the Transnistrian authorities on several levels contributed to the failure of the fulfillment of the Treaty on clearance of weapons and military equipment.

Therefore, the main question about the official status of Russian troops on the given territory from the international law point of view, as well as prospects of the fulfillment of the Treaty on Conventional Armed Forces in Europe, still remains open.

The situation is essentially complicated by the fact that the Russian President signed a Decree about the suspense of the operation of the CFE Treaty, and on 7 November 2007, soon after Deputy Assistant Secretary of State David Kramer has claimed that Washington considers CFE Treaty the guarantee of European security,³⁶² the RF State Duma unanimously voted in support of such a decision. If previously Western countries have insisted that the precondition for ratification of the amended CFE Treaty should be withdrawal of the RF troops from Georgia and the Republic of Moldova, while Russia denied such connection,³⁶³ after Russia has put the moratorium on the Treaty fulfillment, it has become completely impossible to use it as an argument for troops' withdrawal. Explaining such steps of Russia, the RF Foreign Minister S. Lavrov claimed that with the breakdown of the Warsaw Treaty and the majority of its former members joining NATO, the whole concept of the CFE Treaty lost any sense. He reminded that an attempt to eliminate "this absurd" was made when the CFE Treaty adaptation to new circumstances was signed. However, it was not ratified by any country-CFE Treaty participant except Russia, Ukraine, Kazakhstan and Belarus. The head of the Russian MFA, among other, emphasized the artificial nature of reasons that caused the countries-CFE Treaty participants' refusal to ratify the adopted Treaty. "Many analysts believe that the matter is not in keeping the limited quantity of Russian peacekeepers in Moldova and Georgia, especially because their presence there has nothing to do with the adopted CFE Treaty, but in the fact that they do not need the adopted CFE Treaty. We have just that impression", – Lavrov said.³⁶⁴

As for bilateral treaty between RF and the Republic of Moldova about the withdrawal of Russian troops, it was not ratified by the State Duma of the RF.³⁶⁵

³⁶¹ <http://assembly.coe.int/Documents/AdoptedText/TA96/Eopi193.htm>

³⁶² <http://www.voanews.com/ukrainian/archive/2007-11/2007-11-07-voa9.cfm>

³⁶³ Vladimir Socor. Kremlin Would Re-Write or Kill CFE Treaty / Eurasia Daily Monitor Volume: 4 Issue: 139 July 18, 2007

³⁶⁴ Lavrov: Dohovir pro zvychaini ozbroynennya v Evropi vtratyv sens / <http://otherside.com.ua/news/detail.php?id=18339> 17.02.2007

³⁶⁵ Bogdan George Radulescu. The Transnistria "Republic" and Illegal Arms Export / http://www.europefront.com/news/267/the_transnistria_republic_and_illegal_arms_export.html

Another military force that is present on the territory of Eastern regions of the Republic of Moldova and is worth special attention is the **peacekeeping structure formed after the termination of hostilities in July 1992**. This formation is not a subject of discussions connected with the CFE Treaty but its constructive role is also doubtful.

The peacekeeping troops are subordinated to the “Joint Control Commission” that is also responsible for conducting key security and administrative operations in the SZ. Implementing the ideas of “traditional peacekeeping” by the peacekeeping troops that consist of “conflicting parties” is doubtful, and their presence under the present condition only complicates the problem because the people living on the two banks of Dniester river and divided by the SZ, do not feel mutually hostile. Unlike other conflicts that are similar in the first view, the population of Moldova and its Transnistrian region is not divided by ethnic or religious factors and consists of the same ethnic groups (three main groups are represented by Moldovans, Ukrainians and Russians), though in different proportions. It is remarkable in this context that during the whole period after adopting the Ceasefire Agreement of 1992, not a single case of violence with the use of weapons has been fixed between the populations of two banks. No insurgent or partisan movement from the side of inhabitants of either the main part of the Republic of Moldova, or of its Eastern region, has been recorded.

However, these achievements should not be attributed to the peacekeeping forces or other military/paramilitary forces. Just to the opposite, the cases of violence and humiliation that had been taking place and recently increased, were provoked by the armed staff of the illegitimate Transnistrian army, militia and security services and, what is even more disturbing, by the peacekeepers themselves.

One of such cases took place in July 2005. On 14 July 2005, Russian peacekeepers started shooting in the air at the bridge across Dniester near the center of Vaduluy-Vode that is 40 km from Chisinau. That day representatives of Moldovan human rights NGO and a female – citizen of USA that accompanied them – stopped not far from the peacekeeping post and tried to make a photo. Peacekeepers that were on duty on the bridge at that moment, demanded to give them the film arguing that it is banned to make pictures of the bridge. The argument has emerged that resulted in blocking the movement on the bridge. In the course of the conflict situation more than one hundred people have gathered at the place of the incident, the majority of which were civilians.

According to the words of witnesses, the senior lieutenant of Russian peacekeeping forces aimed the submachine gun in full operational readiness at the crowd and only the interference of a policeman from Moldova caused the burst of submachine gun fire in air.

The Tiraspol’s version was set forth by the Minister of State Security of unrecognized separatist formation V. Antiufeev. According to his words, “Moldovan citizens Ion Manole, Alexander Postyka, Stefan Uritu and the USA citizen Carolina Simkota have been conducting illegal photo and video recording in the area of the peacekeeping forces’ post”. In response to peacekeepers’ warnings “the insults addressed to the officers” took place. Thereafter, the officer of the peacekeeping forces opened the submachine-gun fire in the air. After that the incident was over.³⁶⁶

³⁶⁶ <http://www.newsru.com/arch/world/20jul2005/vadului.html>

Obviously, the peacekeepers' shooting, taking into account the circumstances of the incident, could not be considered the symmetrical reaction and the authority of Russian peacekeepers, poor by itself, has essentially suffered.

Beside that, Russia has included the OGRT detachment in the structure of peacekeeping troops. In this way an unacceptable connection between Russian Military Forces and peacekeepers that should have a special status and impartial position, has been established.

The situation becomes even more complicated because of the existence of another paramilitary structures that either act under the cover of "Transnistrian Moldovan Republic" regime or consist of officers and soldiers that had earlier served in 14th Army, remained in Transnistria after demobilisation and organised their own "private armed militia" that, maybe, cooperate with Transnistrian troops from the local Ministry of Internal Affairs.

According to the Report of Sub-Committee on Democratic Governance on NATO Parliamentary Assembly of March 1-4, 2004, exactly that militia may be responsible for light and other weapons smuggling.³⁶⁷

Finally, the Transnistrian enforcement agencies deserve special attention. Their status in principle can not be regulated by any international documents. However, it does not prevent them from effective functioning on Transnistrian territory and even be a threat to citizens of neighbouring countries. Here we mean both the threats of direct type (the possibility of detachments' of illegal military formations participation in hostilities outside Moldova), and indirect threats: e.g., inhuman treatment and tortures of citizens of Moldova, Ukraine, RF that permanently live on the territory that is under control of the separatist regime and, therefore, are obliged to serve in the so-called Transnistrian Army.

The illustration of the first type of threats could be the activity of the special destination unit "Dniester" that was formed within the structure of separatist enclave's MIA (the formal task of the unit is similar to the tasks of special mission units of Russian internal troops), and the activity of special mission units "Delta" that is functioning in the structure of MSS.³⁶⁸

In 1992, "Dniester" battalion took part in hostilities in the regions of Dubossary city, urban village Grigoriopol, villages Koshnicya, Kochiery and Bendery city and in autumn 2004 the battalion was transformed into the Separate Brigade of Special Purpose "Dniester".³⁶⁹ It is remarkable that just in that period, when mass disorders and protest actions against falsified results of presidential elections that were called "The Orange Revolution", took place in Ukraine, the governmental Moldovan newspaper, referring to the deputies of Ukrainian Verkhovna Rada that supported V. Yuschenko, published an information that the mentioned brigade has been brought in the state of full combat readiness in one of Kyiv districts. The first "deputy Minister of Internal Affairs of TMR" O. Beliakov, referring to the "Transnistrian law" that forbids brigade's activities "outside TMR",³⁷⁰ has disclaimed this information. However, the obligatory character of the law of unrecognized republic is a rather

³⁶⁷ 1-4 MARCH 2004 - VISIT TO MOLDOVA by the SUB-COMMITTEE ON DEMOCRATIC GOVERNANCE [CIVIL DIMENSION OF SECURITY] / <http://www.nato-pa.int/default.asp?SHORTCUT=484>

³⁶⁸ See also <http://www.agentura.ru/dossier/moldova/spn/>

³⁶⁹ See also http://www.mvdpmr.org/index.php?option=com_content&task=view&id=39&Itemid=31

³⁷⁰ <http://www.olvia.idknet.com/vremya27-11-04.htm>

doubtful argument. Although the presence of Transnistrians during the “Orange Revolution” in Kyiv was not proved, as well as the presence of Russian special mission units in Ukraine, the very fact of publishing the threats of such types provides evidence of potential dangers as well as the fact that, according to the data of Interpol expert P. Sartori, “Dniester” troops took part in Abkhazia 1992-93 hostilities on the separatists’ side.³⁷¹

The illustration of the second type of threats is the fact that, independently of their citizenship, persons who live permanently on Transnistrian territory are liable for military service (conscription) and therefore are obliged to serve in the so-called Transnistrian army, in which observance of servicemen’s rights is not controlled by any international structure. As a result of this, as well as of barbarian “traditions”, there are acts of harassment of servicemen, forced labour, extortion as well as tortures and inhuman treatment of servicemen.

The one accident, typical for the second type of threats and to which it is necessary to draw attention of human rights organizations, as well as of Ukrainian authorities, was the tragic accident with the Ukrainian citizen Yevhen Kolobushko. Y. Kolobushko was conscripted for military service in the illegal Transnistrian army on 29 July 2007. In September 2007 he left his detachment and asked relatives to apply efforts for transferring him to another detachment. It did not happen and he, against his will, was delivered to the place of his service. At the end of October 2007 he vanished from there. In December his body, dressed in military uniform, was found in Dniester. His relatives could not identify the body instantly, therefore it was sent on the expertise to RF. At the expertise it was stated that Y. Kolobushko has sunk. According to his relatives’ words, the marks of severe beheading were found on his body.

Quasi-official separatist structures at that time have already opened the criminal case on the next in turn soldier’s escape from the military detachment. Apart from that, they ignored the previous claims about serving in Ukrainian detachment, though the dead person and his father were the citizens of Ukraine.

This situation was disclosed only due to Moldovan human rights organizations³⁷² interference; however, the impossibility to take measures on the left bank of Dniester, as well as the lack of appropriate attention to the problem from Ukrainian side, evidence that “no-status” military formations on the left bank of the Dniester are the source of not only potential threat to the neighbouring countries (Ukraine), but also to human rights of Ukrainian citizens including the fundamental right to life.

10.2. Armaments Status on Transnistrian Territory

The origin of armaments on the territory of the Transnistrian region of Moldova is similar to the origin of military formations. First of all these are armaments inherited from the 14th Army. The majority of these weapons and ammunition has been left in depots in Kolbasnaya town that is situated on 132 hectare on the North of Moldova near Rybnitsa. Generally, withdrawal or utilization of the 14th Army armament was foreseen together with the withdrawal of Russian troops. However, it did not occur.

³⁷¹ Paolo SARTORI, The Eastern Challenge: is Transnistria the Key to the Caucasus? /

http://civicmedia.ro/acm/index.php?option=com_content&task=view&id=100&Itemid=60

³⁷² See also: Research. The Military Service Obligations of the Inhabitants From the Transnistrian Region of Moldova. – Chisinau, 2008. – p. 139.

First of all, the Russian Federation tries to justify its troops' staying in Transnistria by the necessity to guard the essential quantity of ammunition. Besides, the enclave leaders claim either a part of armaments or compensation for their withdrawal.

Under uncertain circumstances and taking into account the impossibility of monitoring, depots of the armaments have become the matter of serious trouble for international community and the official government of the Republic of Moldova. Particularly, the Supreme Security Council of Moldova has repeatedly warned that the part of armament and ammunition kept in Kolbasnaya was produced even before the World War II. Therefore, a danger of its explosion exists that could result in technological disaster affecting not only Transnistria and Moldova but also the neighbouring countries, because the territory from 500 to 3000 square km could be stricken.³⁷³

In the case of detonation of armaments situated in Kolbasnaya the part of gas transit pipe that lays in the North of Moldova not far from Kolbasnaya, might be damaged. The consequences of such explosion could be compared with the Hiroshima explosion by amount of mechanical damage. Beside that, such a disaster in present circumstances would affect Ukrainian gas transit system and gas supplies to Europe.

Besides the mentioned threat of technological character, there are a number of other ones. They are connected first of all to the fact that uncontrolled armaments located on the territory of unrecognized republic is attractive for international terrorist groupings and the "black" market of weapons could well be filled at their expense.

For example, in the course of conflicts on the territories of former Soviet republics, first of all in the Transnistrian region of Moldova, the participants of these conflicts have obtained control over the new type of weapons – the missile complexes "Alazan". The "Alazan" missile is a reactive missile of 82.5 mm caliber. It has a two-regime engine (with 6 sec pause for switching regimes), the main part equipped by the pyrotechnical depot with crystallizing effect and an eliminator. The missile was designed in the USSR for conducting experiments dealing with weather changes, particularly – with clouds dispersion. Taking into account this specificity, the missile complexes were situated in the cities of former USSR, including the Transnistrian region. The security of missiles' usage in highly inhabited regions was achieved by breaking body into safe fragments after reagents achieve clouds. However, besides using such missiles in peaceful purposes, they can also be used as carriers of radioactive materials. There is no information about using such missiles for delivering so-called "dirty bombs" ("dirty bomb" is a term for weapons that, with the help of conventional exploding substances, can cause the dispersion of radioactive elements and by that way cause the radioactive pollution). However, it is known that the territory of present Transnistria was one of depositaries of missile complexes and the destiny of these complexes was unknown.³⁷⁴

Instead, other facts are known. For example, according to 1998 Secret Treaty signed by the Prime Minister V. Chernomyrdin and the leader of separatist regime I. Smirnov that was published by the

³⁷³ Bogdan George Radulescu. The Transnistria "Republic" and Illegal Arms Export /

http://www.europefront.com/news/267/the_transnistria_republic_and_illegal_arms_export.html

³⁷⁴ Joby Warrick, Dirty Bomb Warheads Disappear // Washington Post, Sunday, December 7, 2003; Page A01

Associated Press Agency, Russia and Transnistria shared the profit from selling 40 000 tons of weapons that were kept on preservation in Transnistria.³⁷⁵

And already in 2000, Moldovan police has detained a truck that was leaving the Transnistrian territory. Inside the truck there were anti-aircraft missiles made in Russia, detonators and plastic explosives, etc. The explosives were escorted by the colonel of the Russian Army, the deputy Commander of Russian peacekeepers in Transnistria Vladimir Nemkov.

Although the majority of Transnistrian “officials” were denying the fact of this incident, V. Litskay has confirmed it, however, calling it as “staged”. Responding to the question where colonel Nemkov is now, V. Litskay answered: “He disappeared”.³⁷⁶

There were also suspicions about the possibility of selling from the Transnistrian territory, missiles of “surface-to-air” class, too. Although in 2004 Russia has claimed their final withdrawal from the territory of Transnistria, and EUBAM representatives witnessed that they did not fix any case of weapons smuggling from Transnistrian territory from 2005 (when the Mission has started its work) till 2008,³⁷⁷ in March 2007 the publication appeared in Italian outlet “Il Venerdì”. The author, Paolo Tessardi, mentioned that terrorists and criminals from all parts of the world obtain weapons in Transnistria, particularly at the armament depots of 14th Army in Kolbasnaya town. In particular, according to his words, one can obtain there not only “Kalashnikov” machine-guns but even missiles of “surface-to-air” class that “Hezbollah” militants used against Israel in July 2006.

According to unchecked data, weapons from the mentioned depots have also got to Al-Kaida, Kurdish rebels as well as criminal groupings all over the world including Italy.

The indirect evidence of author’s rightness was the fact that Italian secret services did not disprove the statement that “Red Brigades” were armed just in Transnistria.³⁷⁸

Moldovan authorities have raised the question of potential threat of armament smuggling in negotiations with their Russian colleagues. This resulted in a statement made after the inspection on the OGRT depots in October 2006. At that time the inspection was carried out by the group of generals and officers of Rocket-artillery Department of the Defense Ministry of the RF. After the inspection the OGRT Commander in Transnistria Major General B. Sergeev stated that weapons and arsenals of Russian troops were in safety and no shortage was found. B. Sergeev has also said that 21.5 tons of weapons and armament were still being kept in OGRT depots but they could not be withdrawn before the final settlement of the Transnistrian conflict and adoption of the respective political decision.³⁷⁹

In 2008 Russia, referring to the necessity of “moratorium” on CFE Treaty implementation, has refused to allow other countries-members of OSCE conducting any inspections of its military depots.³⁸⁰

³⁷⁵ Hotbed of weapons deals / <http://www.washingtontimes.com/news/2004/jan/18/20040118-103519-5374r/>

³⁷⁶ Ibid

³⁷⁷ Jason Cooper, EU Border Mission: No evidence of arms trafficking from Transnistria. /

http://www.tiraspoltimes.com/news/eu_border_mission_arms_trafficking_from_transdnistria_doesnt_take_place.html

³⁷⁸ <http://economie.moldova.org/news/italian-daily-terrorists-are-armed-in-transnistria-39287-eng.html>

³⁷⁹ A. Korbut. Rossiya gotova otstoyat' Pridnestrovia // VPK - 08 - 14 November 2006 / http://www.vpk-news.ru/article.asp?pr_sign=archive.2006.159.articles.cis_02

³⁸⁰ Wade Boese, Russia Unflinching on CFE Treaty Suspension / http://www.armscontrol.org/act/2008_05/RussiaCFE

Finally, one should not leave without attention the fact that, according to experts' information, Transnistria has also got its own military-industrial complex. Thus, according to the data published by influential Russian outlet "Military-Industrial Courier", the "Pribor" plant (Bendery city) can produce mortars and jet systems of volley fire BM-21 "Grad"; "Electromach" and "Metallorukav" plants – machine guns AK, AKM, the military complex "Policeman" and antitank grenade launchers SPG-9. Besides, Kirov plant has been mastering the manufacture of grenade launchers "Pchela" and "Gnom", missile mortars "Katran" and "Vasiliok" and anti-aircraft missile complex "Duga".³⁸¹

Of course, it is hard to confirm or disprove this information but the very fact that it was published in Russian professional outlet at least means there is no ground to consider it Moldovan provocation. But if the mentioned facts are true, it raises the question about all this armament being out of any control of international regime.

It is evident that demilitarisation of the region should become an extremely important step that could promote stabilisation of regional situation, positively influence the regional security, and contribute to the process of conflict settlement.

In this context, the "complete" demilitarisation should be the completion of the process of Russian troops' and weapons' withdrawal, according to the obligations Russia had taken at Istanbul OSCE Summit in 1999. The success of demilitarisation element in the framework of a general plan of Transnistrian conflict settlement to a large extent depends on stopping the mentioned paramilitary structures' activity and reviving their cooperation and integration into the appropriate organs of the Republic of Moldova. At the same time, workers of these Transnistrian agencies should obtain guarantees of safety and social security, because they do not have another work or possibilities of employment (if they have not conducted crimes).

The middle-term strategy of region's demilitarisation would consist of finishing a process of partial withdrawal of Russian troops and partial utilisation at the place near Kolbasnaya town where those Russian arsenals remain (this would eliminate the necessity of guarding them by Russian troops), also of substituting Russian peacekeepers by the limited contingent of international military and civil missions. The next stage will provide for substituting the military-civil format of peacekeeping forces with completely civil. As a precedent here the police EU missions in Bosnia and Herzegovina and Macedonia, as well as EU operations in Georgia (the Rule of Law Mission), could serve.

Beside that, taking into account all abovementioned, settlement of the Transnistrian conflict requires the simultaneous carrying out following processes:

1. Demilitarisation of Transnistria carried out with the help of the following actions:

1.1. Withdrawal of Russian troops, weapons and military equipment;

1.2. Disbandment of paramilitary structures of the "Transnistrian Moldovan Republic" starting with the repressive structures (the so-called Ministry of State Security);

1.3. The previous steps should be supplemented by simultaneous reintegration of Moldovan citizens that serve in separatist army and militia. They should be granted a worthy work in united society, and

³⁸¹ Avtoritetnyi rossiiskiy zhurnal "Voenno-promyshlennyi kurier" opisal voennye potentsialy Moldovy i Pridnestrovia / <http://www.nr2.ru/pmr/71067.html>

*they dignity and professionalism should be respected if only their activity is not the subject of criminal law.*³⁸²

³⁸² See also: Trilateral Plan of settlement of the Transnistrian Problem. – Kyiv-Chisinau-Bucharest, 2006. – p.15.

11. Kosovo “non-precedent”: impact on the situation in Transnistria and the prospects of conflict settlement

By Natalya BELITSER

11.1. Preparations for Kosovo independence

The prospects of Kosovo declaration of independence and its subsequent international recognition draw close attention of leadership of the unrecognized post-soviet separatist republics, as well as ideologists and lobbyists of their “independence”. This interest significantly increased at the beginning of 2006 due to expectations, related to the first meeting of the international Contact Group, established for working out eventual solution for the protracted conflict between Kosovo and Serbia/Montenegro Federation.

In Transnistria, propagandist boom around “Kosovo model” or “Kosovo precedent” has actually started even earlier in connection with the so-called “Belkovski’s plan”. Its author, well-known Russian political technologist, director of the Institute for National Strategies (Moscow), surprised the whole region first at a seminar in Odesa (April 2004), then in Bucharest (June 2004), where he presented his consideration about the future of Moldova and its Transnistrian region. According to his vision, the Republic of Moldova (or, as he called it, “Bessarabia”) is not a full-fledged and viable state entity and therefore, should join Romania, whereas Transnistria has not only acquired all features and attributes of a statehood, but formed already a “Transnistrian nation” possessing the right for self-determination. Proceeding from these views and estimations, receipt for settling this “frozen conflict” was rather simple: Moldova becomes a part of Romania, whereas Transnistria gains independence that should be recognized internationally.³⁸³

This plan, after being vigorously discussed in Bucharest, Cishinau, Kyiv and other places, didn’t get much support even among the most ardent Moldovan and Romanian “unionists”. However, it played a role of propagandist preparation in favour of applying to Transnistria a Kosovo “model”.³⁸⁴ Whenever the activities promoting internationally accepted decision on Kosovo were debated, “Belkovski’s plan” was usually referred to as an additional but potent argument in statements and addresses issued not only by Transnistrian politicians, but also by director of the Institute for CIS countries Konstantin Zatulin, director of the Institute for political research Sergei Markov, head of the “Free Europe” Fund Sergei Stepankov, Gleb Pavlovsky and other well known Russian political analysts and experts on foreign policy. In Ukraine, such a position has been shared mostly by some marginal political parties – as, for example, PSPU headed by Natalia Vitrenko, also by the notorious political provocateurs, in particular, Dmytro Korchyns’ky.³⁸⁵

However, the main intrigue around the possibility of spreading the “Kosovo precedent” depended to the large extent on official position of the Russian Federation and its then president Vladimir Putin. It should be noted that at that time, Russia’s standpoint – the one of a traditional partner of Serbia that by

³⁸³ See: Stanislav Belkovski predlozhit Rumynii Moldaviyu v obmen na Pridnestrov’ye. 11.06.2004, <http://lenta.ru/world/2004/06/11/romania/>; Pridnestrov’ye v obmen na Bessarabiyu: Rossiyskiy proekt shokiroval rumyn. 11.06.2004, <http://www.vremya.ru/2004/101/5/100451.html>.

³⁸⁴ See: [Kosovo Syndrome. Who Wants Moldova's Division?](#) By Konstantin Starysh. [Moldpres](#) Political Commentary, 02.02.2006.

³⁸⁵ See, for example, Korchynski’s interview to Russian informational agency regnum.ru, on 01.04.2005.

itself implied unconditional rejection of the secession of this autonomous province contrary to Constitution and will of the sovereign state, a part of which it formally remained – undergone certain changes. This can be deduced from some of Putin's speeches, in particular, during his press conference in live broadcast to Russian TV on January 31, 2006 (at the noon of launch of international negotiations of the Contact group about the final status of Kosovo). Russian president then admitted, for the first time, that his country may accept the decision on Kosovo and would not block it through the UN Security Council, but only under conditions that the same principle would be applied to the four post-soviet separatist regions, namely, Abkhazia, South Ossetia, Transnistria and Nagorno Karabakh. He said that “If somebody believes that final independence should be given to Kosovo, then why should we deny the same [decision] for Abkhazia and South Ossetia?” Providing no direct answer to the question about further steps to be taken by Russia in case of international recognition of Kosovo, Putin, nevertheless, sent encouraging signal to separatist leaders by mentioning, *inter alia*, the example of Turkey as the only state that recognised independence of the North Cyprus.³⁸⁶

Such kind of statements, stressing the necessity to apply “universal principle” to all separatist conflicts in Balkans as well as in post-soviet space, induced great resonance. They were actively commented by leading analysts throughout the world.³⁸⁷ For example, Edward Lucas – an outstanding writer, correspondent of the British “The Economist” – noted that with regard to Putin's proposals, such an approach would create essential difficulties for Russia itself, because its key point should consist in denouncing overwhelming support to separatist entities, provided by any outside force. According to his words, Kosovo is not a client of a mighty neighbouring state, in contrast to Abkhazia, South Ossetia and Transnistria. Because of this, if some common standards are to be looked for, then the first of them must be prohibition for any country to establish unilaterally a blockade, or help separatists.³⁸⁸ Besides, insistence on using “universal principle” for all separatist conflicts would put Russia into rather awkward position in view of the existence at the territory of the RF of a number of ethno-national autonomies inclined, in different extent, to get their own independence (recalling also the protracted Chechnya conflict and the two Chechen wars).

In Transnistria, the thesis voiced by Vladimir Putin and immediately reiterated by Foreign Minister Sergei Lavrov, were taken by local authorities as the directives. For example, Yevgeny Shevchuk, just elected speaker of the “Transnistrian Supreme Council”, said: “We in Transnistria are attentively following the events concerning Kosovo, because the decision proposed by the international community will serve as an algorithm for settling the conflict between Moldova and Transnistria”, adding that there are numerous analogies between the two situations, since dissolution of former Yugoslavia resembles that of the former Moldovan SSR.³⁸⁹ (By the way, it is noteworthy that in Nagorno Karabakh the response to Putin's statements were much more reserved; it was said, in particular, by the local “head of parliamentary committee on international affairs” that to find a single universal principle for all

³⁸⁶ Is Putin Looking to Impose Solutions to Frozen conflicts? Robert Parsons, Rferl.Org., 02.02.2006, <http://www.rferl.org/content/article/1065363.html>.

³⁸⁷ See, for example: «Putin on Kosovo and Post-Soviet Conflicts: Destructive Ambiguity» by Vladimir Socor.. Eurasia Daily Monitor., 02.02.2006, http://www.jamestown.org/edm/article.php?volume_id=414&issue_id=3606&article_id=2370733; «Moscow on Kosovo: Having its Cake and Eating it Too» by Vladimir Socor.. Eurasia Daily Monitor., 06.02.2006, http://www.jamestown.org/edm/article.php?volume_id=414&issue_id=3609&article_id=2370747.

³⁸⁸ Edward Lucas, *The New Cold War: Putin's Russia and the Threat to the West* (New York: Palgrave Macmillan, 2008).

³⁸⁹ [Yevgeny Shevchuk: Decision on Kosovo should set example for Transdnestr and other](http://www.regnum.ru/english/581572.html). Regnum.ru. 30.01.2006. <http://www.regnum.ru/english/581572.html>.

conflicts is hardly possible, because “each of them has its own unique ethno-political and religious history, therefore, Karabakh conflict may need quite different and specially tailored approach).³⁹⁰

However, after preparation in 2007 by Martti Akhtisaari – special UN envoy on Kosovo – of a final version of the report, rhetoric of the apologists of Transnistrian independence acquired some new features. Instead of praising “Kosovo model” (which foresees, among other things, a “limited sovereignty” under international supervision), a new line of argumentation has become more popular. It focused on assuring that in Transnistria’s situation, there are much more grounds for gaining independence than in the case of Kosovo. Ordering a “thorough comparative analysis to be conducted by the Transnistrian foreign ministry”, “president” of the self-proclaimed TMP stressed not similarities but differences between the two cases, concluding that “Transnistria has much more valid reasons of both political and legal nature for receiving international recognition of its sovereignty, than Kosovo”.³⁹¹ This claim was at once taken up by other proponents of Transnistrian independence within the region and outside, and such a trend sharply increased after Kosovo statehood has become a *fait accompli*.³⁹²

Such diversion from the initial position may signify the existence of some external consultants who quickly recognized disadvantages of continued insistence on using Kosovo example as a model for Transnistria. Indeed, direct analogy would mean compliance with the wide international engagement in conflict settlement processes, also the deployment of specialised structures – peacekeepers or civilian missions belonging to the Euro-Atlantic space – in the area of this particular “frozen conflict”; obviously, such advance couldn’t be greeted by either Moscow or Tiraspol. It should be mentioned also that by that time, promoters of Transnistrian independence were to be found not only within the region (in narrow sense), but also in the West, including both the US and Western Europe. For example, Washington-based edition “TiraspolTimes” published a number of articles referring, in particular, to the points made by the authoritative expert on the US foreign policy, a Republican James Jatras who was quoted as saying that proceeding from the historical past and international norms and standards, it is Transnistria rather than Kosovo that has all grounds for sovereignty which should gain diplomatic recognition.³⁹³

Even more expressive was the author of the article named “Transnistria: Key to EU-Russian Concord and Kosova’s Formal Independence” published in December 2007 in American Chronicle³⁹⁴ and then issued, in Russian translation, by the InosmiRu. According to him, “the European Union and Russia could agree on reciprocal compromise on two critical occasions, namely Kosova and Transnistria. Russia does not agree with the formal recognition of Kosova, whereas *European Union, misled by*

³⁹⁰ Vladimir Putin Calls for 'Universal Principles' to Settle Frozen Conflicts. Rferl.Org. 01.02.2006.

<http://www.rferl.org/featuresarticle/2006/2/DD872C4D-1D9E-4E35-86D9-436036BB8A4B.html>

³⁹¹ Kosovo report linked to Transnistria independence. By Jason Cooper, 27/Mar/2007,

<http://www.tiraspoltimes.com/node/693>.

³⁹² See: Pridnestrovie has better grounds for independence than Kosovo, says analyst. By Michael Averko, 14/Feb/2008,

http://www.tiraspoltimes.com/news/analyst_pridnestrovie_has_better_grounds_for_independence_than_kosovo.html.

³⁹³ "Transnistria independence before Kosovo" says top Washington expert. By Jason Cooper, 28/Mar/2007.

<http://www.tiraspoltimes.com/node/695>.

³⁹⁴ Transnistria: Key to EU-Russian Concord and Kosova’s Formal Independence. Dr. Muhammad Shamsaddin Megalommat, The American Chronicle, December 12, 2007.

<http://www.americanchronicle.com/articles/viewArticle.asp?articleID=45611>.

Romania, pursued a disastrous and anti-democratic policy in the case of Transnistria, the small democratic state that declared *de facto* independence in 1992, seceding from Moldova”. Regarding Transnistria as “Luxembourg of Eastern Europe”, Dr. Muhammad Shamsaddin Megalommatis sees an optimal solution in starting immediately *EU – Russian Negotiations for Parallel Recognition of Kosova and Transnistria*. There are also abundant passages condemning Europe that “has long been in favour of Romania’s protégé, impoverished and undemocratic Moldova. This is the reason they rejected the perspective of a formal independence of Transnistria...”, and statements like “Europe, getting Russia’s agreement for Kosova’s formal recognition, should consent to Transnistria’s formal independence”. As a conclusion, “The reciprocal compromise would have a positive impact on Balkans, and would help ease tensions in Ukraine where stability is not yet fully acquired, and democracy is not yet completely embedded in the division-stricken society. A EU – Russian compromise around Kosova and Transnistria would help calm down the recently risen tensions between Russia and the European Union... could definitely happen anytime; there would not be much to deliberate and agree on beyond the double recognition”.

It is difficult to appreciate this line of argumentation – in particular, to understand in what way recognition of Transnistria could promote stability and democracy in Ukraine, – but this extending quotation is presented to illustrate how much endeavours are being undertaken to persuade Western public opinion in the necessity and even inevitability of providing independence for the “PMR”. It could be added that such propagandist claims are often be found in the writings of those western politicians and analysts who are ardent advocates and promoters of Russian interests worldwide.

11.2. After declaration of Kosovo’s independence

On 17 February 2008 Kosovo unilaterally declared its secession from Serbia; for this decision voted unanimously all deputies of parliament of the autonomy. The very next day, the US and a number of leading EU member states expressed their support for such a step. Moldova, as well as Romania, reacted rather painfully to this unprecedented after WWII case of the unilateral secession of the part of a sovereign state without consent of the latter, without endorsement of the UN Security Council – whose Resolution # 1244 had regarded the Kosovo problem within the framework of Serbia/Montenegro Federation, – and contrary to the established norms of international law.³⁹⁵ On February 18, 2008, a statement was issued by the Government of Moldova, where “deep concern relating to the declaration of Kosovo independence and its possible international recognition”, was articulated. It was said, in particular, that “notwithstanding the unique nature of the Kosovo case, such solution for it means not only violation of the territorial integrity of the Republic of Serbia, but also a serious factor of destabilization in Europe, and a dangerous impetus for activation of the separatist passions in all conflict areas”.³⁹⁶ Position of Ukraine was rather indecisive; expressing neither direct support nor denouncing this move, it was repeatedly stated that Ukraine will continue following the situation and consulting with the main actors.

Transnistria’s reaction was a little bit delayed – perhaps, because of waiting for the instructions from Moscow. But in a few days, Transnistrian “foreign ministry” distributed the statement declaring that

³⁹⁵ Kosovskiy pretседent: Kosovskiy konflikt ne takoi uzh unikalniy. Unikalen pridnestrovskiy konflikt!" <http://www.vlasti.net/index.php?Screen=news&id=254972>.

³⁹⁶ Ibid.

“rapid international recognition of independence of Transnistria will signify a final stage of peaceful and just settlement of the Moldova-Transnistria conflict, and a contribution of the international community into strengthening security and stability of the region”.³⁹⁷ The document asserted that independence of Kosovo followed by the international recognition creates a new model for conflict resolution that is based on a priority of people’s right for self-determination, and that this model must be used for solving all conflicts that share certain political, legal and economic characteristics. At the same time, it was underscored that PMR has never seen its future as depending on this or that decision on Kosovo, because “PMR as a sovereign independent state with functioning democratic institutions, stable economy, and well developed civil society was established, according to domestic and international law, well before the 1998 – 1999 events in Kosovo... Due to this, Transnistria’s experience of state building should be used by Kosovo”.

Taken in account such a rigid position of the Transnistrian executive authorities, certain Moldovan analysts hoped that deputies of the local Supreme Council, where during the last elections majority was won by the “oppositional “Obnovleniye” (Renewal) party (representing the interests of big business), would manifest more considerate and moderate stance. Regrettably, these expectations didn’t come true: a week later, “parliament of the PMR” expressed its solidarity with the executives, joining the intention to use Kosovo “model” or “precedent” in order to entrench their demands for international recognition, whereas speaker Yevgeny Shevchuk characterized international recognition of Kosovo as “beginning of a new era”. In the interview to “Kommersant” he emphasized Transnistria’s right for self-determination, asking a rhetoric question: “Why citizens of Transnistria are denied the right for democracy that other citizens of Europe enjoy?”³⁹⁸

Transnistrian campaign, designed for drawing maximal attention to “its people’s right for self-determination”, received an additional impetus after 17 February 2008 and was further orchestrated by initiatives “from below”, i.e., coming from those structures that should have demonstrated active support of the Transnistrian civil society. For example, an organization with a pompous name “International Youth Corporation “Proryv!” (the one formed by the MGB mayor Dmitri Soin) organized action in front of the Tiraspol-based OSCE office under the slogans like: “If you recognize Kosovo, recognize also Transnistria!” The same “civil society activists” demanded from Russia to use “Kosovo precedent” in order to officially recognize independence of Abkhazia, South Ossetia, and Transnistria.³⁹⁹ Despite the obviously artificial and controlled character of these and similar actions and performances, they may have certain influence on shaping the mood and mindset of ordinary residents of the Transnistrian region and some of (rather gullible) external observers, closely following the events on the two banks of the Nistru River after Kosovo developments.

Coming back to Russia, apart from more severe rhetoric about “double standards” of the West, president Putin’s messages evidenced rather the lack of any serious intentions to recourse, at least immediately, to “mirroring” solution for Kosovo by accelerating a process of recognition of the separatist republics sovereignty; at the same time, Russia warned that this precedent can be used later on if needed.⁴⁰⁰ It is important to note in this context that his public speeches, as well as Russian

³⁹⁷ Pridnestrov’ye prosit priznaniya svoeyi nezavisimosti. 19-02-2008, Salut.md>POLITICA. (Source – top.rbc.ru).

³⁹⁸ Pridnestrovie independence follows Kosovo's, govt says. By Karen Ryan, 25/Feb/2008. www.tiraspoltimes.com.

³⁹⁹ Ibid.

⁴⁰⁰ For Putin, Kosovo and Transdnistria are the same. By Karen Ryan, 17/Feb/2008, http://www.tiraspoltimes.com/news/putin_agrees_kosovo_and_transdnistria_are_the_same.html.

media, focused mostly on the two separatist Georgian regions, often not even mentioning Transnistria. This stance was followed by the State Duma that adopted on 21 March 2008 a resolution insisting on providing independence for South Ossetia and Abkhazia but not including into the list either Transnistria or Nagorno Karabakh.⁴⁰¹ Moreover, president Voronin was assured during his meeting with Putin that Russia's position on preservation of Moldova's territorial integrity remains irrevocable notwithstanding those stormy events in Balkans that agitated the whole world. As is indicated in more detail in another subchapter, the purpose of such a differentiated policy was to exert pressure on Georgia in view of the latter's intention to get MAP at the forthcoming NATO Bucharest summit, and simultaneously, restrain Moldova from resorting to steps aiming at deeper Euro-Atlantic integration, ensuring in such a way Moldova's everlasting neutrality.⁴⁰²

Indeed, half a year later, after the failed attempt by president Saakashvili to restore Georgian control over Tzkhinvali by means of military force, Russia did realize its threat, recognizing after the short but bloody war independence of both South Ossetia and Abkhazia, but not spreading such unprecedented deeds on Transnistria.

⁴⁰¹ Russian MPs urge recognition of Georgia separatists. By Christian Lowe, Mar 21, 2008, <http://www.reuters.com/article/worldNews/idUSL2146863120080321>

⁴⁰² Claiming that Kosovo Set a Precedent for Abkhazia or South Ossetia, Russia Will Open up a Pandora's Box in Region: Director of Hudson Institute's Center. 22.03.08, <http://news.trendaz.com/index.shtml?show=news&newsid=1161094&lang=EN>.

12. Recognition by Russia of South Ossetia's and Abkhazia's independence: new risks and challenges for Transnistrian conflict settlement

By Natalya BELITSER

The dramatic events of August 2008 – Russian-Georgian war and subsequent sudden recognition by the RF of “state independence” of both separatist regions of Georgia – have, by all means, an impact on the situation within and around other self-proclaimed post-soviet republics, including Transnistria.

In particular, bilateral meetings and negotiations run by Russia's president Dmitry Medvedev with president of the RM Vladimir Voronin in Sochi on 25 August 2008⁴⁰³, also with leader of Transnistria Igor Smirnov on September 3,⁴⁰⁴ implied that the “2 + 1” negotiations format took the upper hand over the internationally agreed, legitimate “5 + 2”. This *de facto* substitution occurred contrarily to repeated, once and again, declarations about the necessity to resume the official negotiation process that had been issued by high authorities of the RF. It looked like ignoring objections of other participants and mediators, from that time on the “two sides of the conflict” – Moldova and Transnistria – should negotiate between themselves on equal ground and under the guidance (and not simply mediation) of Moscow. It also meant an attempt to implement the Russian “Kosak's – 2” plan, bearing a threat to the sovereignty of the RM and western vector of its foreign policy no less than initial “Memorandum of Kosak” of 2003. Seemingly, Moldova's tractability was conditioned, first of all, by a “shock reaction” to recent Caucasus events and fears of Russia's further steps in pursuing its new policy towards post-soviet “de facto states”.⁴⁰⁵

To what extent those anticipations were justified may be better understood if the dynamics of the developments over the last years – first and foremost, during 2008 – is followed. By all means, a role of gaining “limited independence” by Kosovo separatists that shattered the whole world order, should not be underestimated. Those developments seemed having a deep influence on Russian foreign policy and geopolitical ambitions; they provided certain arguments and served as a pretext for military intervention into Georgia, followed by the recognition of South Ossetia and Abkhazia, raising also further fears about the prospects of recognizing independence of the two other separatist regions – Transnistria and Nagorno Karabakh.

The available information on the issue provides some evidence that the main reason for Moscow's stance towards Georgia, more severe compared to that towards Moldova, was deep irritation and indignation because of Georgia's declared intention to join NATO. This followed, in particular, from the resolution adopted by the State Duma on 31 March 2008, two weeks before the NATO Bucharest summit where the question of Membership Action Plan (MAP) for Georgia and Ukraine as a first step to NATO membership, was to be regarded. Although this resolution was not a legally binding document but a mere political declaration, it clearly stated that in case of Georgia's accelerated course towards NATO Russia must take decisive measures to ensure sovereignty of South Ossetia and

⁴⁰³ Presidents of Russia and Moldavia agreed to solve peacefully the Transnistrian conflict. 25 August 2008.

http://www.newsru.com/russia/25aug2008/dnestr_print.html.

⁴⁰⁴ Medvedev meets with the independence-minded leader of Transnistria in order to settle the conflict. 3 September 2008.

<http://www.newsru.com/russia/03sep2008/smirnov.html>.

⁴⁰⁵ *Transdnistrian number game*. 5 November 2008, <http://arirusila.wordpress.com/tag/pridnestrovie/>.

Abkhazia. ⁴⁰⁶ Kremlin then didn't officially respond to that claim (which, however, wouldn't have occurred without previous consultations and endorsement),⁴⁰⁷ whereas the vast majority of both Western and Russian political analysts didn't take it seriously enough. Most of them didn't see those "declarative political statements" as anything signifying actual intention to take practical steps towards recognition of state independence of the two Georgia's separatist provinces. However, the very unanimity of the voting (440 – "for", 0 – "against", 2 – "abstained")⁴⁰⁸ was worth more attention in terms of possibility of such a scenario.

With regard to the Transnistrian problem, it is evident that though that resolution was named "About the RF policy on Abkhazia, South Ossetia and Transnistria", it was actually focused on the two Georgian conflicts and didn't raise a question of or even mentioned possible recognition of state independence of the "Transnistrian Moldovan Republic". In this context, it's interesting to note "technological" manipulations by this and similar documents, easy-going bias in interpreting or even quoting them – those activities were widely used by both Transnistrian media and their lobbyists in other countries, including the US. For example, Washington-based weekly "Tiraspol Times" responded by stating that "Duma promotes international recognition of *Transnistria*, Abkhazia and South Ossetia as [independent] states; its editorial asserted that "Russian State Duma recognised sovereignty of all three republics, which over the years of the *de facto* independence acquired all features of modern democracies with all attributes of statehood, and therefore, have much more right for independence than Kosovo".⁴⁰⁹

Since nothing of this kind can be found in the resolution referred to, this single episode is taken as a telling example of methods widely used in "informational wars" waged by Russia and its satellites with the engagement, sometimes rather effective, of the so-called "western experts". But in fact, Russian policy towards post-soviet separatist conflicts is rather differentiated and in certain meaning, quite consistent: even in February 2008, after the unilateral proclamation of state independence by Kosovo hurriedly supported by a number of influential actors of Euro-Atlantic space, all attempts of Transnistrian authorities to persuade Russia to "spread Kosovo precedent" on Transnistria have failed. In particular, on February 26, 2008, Valery Litskai, the then "minister of foreign affairs of the PMR", during his meeting with deputy minister of Russian foreign ministry Grygoryi Karasin, was informed about "the impossibility of methods that contradict international law – such as recent recognition of Kosovo's independence by a number of states".⁴¹⁰

After the Bucharest summit, where MAP for Georgia and Ukraine was denied but the prospect of joining NATO confirmed in principle, Russian attitude towards Georgia acquired even more distinct outlines that might have been regarded as the first steps towards official recognition of South Ossetian and Abkhazian independence. Statement by Russian foreign minister Sergei Lavrov announced that Russia will do "everything possible" in order to prevent Georgia entering the Alliance; Head of the

⁴⁰⁶ Russian MPs urge recognition of Georgia separatists. By Christian Lowe, March 21, 2008.

<http://www.reuters.com/article/worldNews/idUSL2146863120080321>

⁴⁰⁷ ABKHAZIA AND SOUTH OSSETIA – RUSSIA'S INTERVENTION IN GEORGIA (AUGUST 2008).

Aschot Manutscharjan, *Auslandsinformationen* 10/2008, ISSN 0177-7521, Konrad-Adenauer-Stiftung e.V., Berlin, p.100-105, див також http://www.kas.de/wf/doc/kas_15189-544-2-30.pdf.

⁴⁰⁸ Russian MPs urge recognition of Georgia separatists. By Christian Lowe, March 21, 2008.

<http://www.reuters.com/article/worldNews/idUSL2146863120080321>.

⁴⁰⁹ Duma advances int'l recognition of Transnistria, Abkhazia and S.Ossetia as countries. By Times staff, 25/Mar/2008.

⁴¹⁰ See: "Pridnidrov'ye smiril s moldaviyei". *Kommersant*. 29.02.2008.

Armed Forces Staff Yuri Baluyev confirmed that his state is ready to take any measures – including military action – for this purpose. On April 14, Russian “Nezavisimaya Gazeta” informed that Russia is going to conclude treaties with the “governments” of the separatist Georgian territories in order to ensure its military presence there, thus bypassing official international observers – UNOMIG and OSCE. On April 16, president Putin issues a decree about the necessity to strengthen protection regime for Russian citizens in Abkhazia and South Ossetia.⁴¹¹

Taking into consideration that openly declared and definite Georgia’s pro-Western and pro-NATO position, guarantees that Moldova will preserve and keep unchanged its neutral status gained special importance for Russia. It seemed that for this, constitutionally entrenched neutrality of the Republic of Moldova would be enough; however, Moscow had been worried by the too vivid, from its view, Moldova-NATO collaboration, in particular, within the framework of the individual Partnership Action Plan; the latter envisaged, for example, transition of Moldovan army to NATO standards by 2010. Besides, since Moldova took part in up to 30 – 40 NATO activities yearly, such a high level of military cooperation was a source of continued Russia’s headache. As a consequence, it demanded further guarantees to be stipulated in international legal documents, taking as a model those developed earlier for Austria and Finland. In this particular case, neutral status of Moldova – including rejection of the presence of any foreign armed forces at its territory – should be guaranteed jointly by the EU, NATO, US and Russia. Certain discrepancy between this point and protracted Russian military presence in Transnistria was attempted to circumvent by the assurance that Russian peacekeepers will indeed be withdrawn, but only after the conflict final and sustainable resolution will be eventually reached.⁴¹²

Therefore, substantial difference in Moscow’s positioning towards Tiraspol, on the one side, and Sukhuma and Tzkhinvali, on the other, was noticeable even before the culmination of the events in August 2008. It is reasonable to consider that Russia was in a need to demonstrate a “constructive” approach to settlement of the Moldova’s separatist conflict and improving interstate relations. Perhaps, such a policy aimed also at showing an attractive alternative to pro-Western course to Kyiv, strengthening at the same time its influence at the southern-western borders of Ukraine.⁴¹³ An unambiguous signal was sent to Moldova of approving its newly acquired course: having agreed on keeping neutrality “forever” and not trying to reach NATO membership (also, with some reservations, to secure Russian property rights at the territory of Transnistria), Moldova thus escaped an immediate threat of a possible next step of Moscow, namely, further preparations for the recognition of the “Transnistrian Moldovan Republic” or, in the least, aggravated political pressuring related to such a prospect. Instead, Moldova received a kind of reward for its “obedience”.

However, the price to be paid for such a reward might turn out too high.⁴¹⁴ According to some analyses by leading Moldovan and western experts, in August 2008 occurred “testing” of the decisiveness of the West concerning its repeatedly declared dedication to observance of the territorial integrity and state sovereignty of post-soviet republics, torn by their “frozen conflicts”. As a result, Moscow got

⁴¹¹ See: “ABKHAZIA AND SOUTH OSSETIA – RUSSIA’S INTERVENTION IN GEORGIA (AUGUST 2008). http://www.kas.de/wf/doc/kas_15189-544-2-30.pdf .

⁴¹² Moskva podozrevayet Kishinev v dvoinoiy igre. Nezavisimaya Gazeta, 18.02.2008. See also "We respect sovereignty of Moldova". “Kommersant”, № 41(3858), 14.03.2008.

⁴¹³ See: “Asymmetric response: Moscow holds Tbilisi under tension while negotiating with Chisinau about Transnistria.. Yuri Raikhel, “Den”, № 55, 25 March 2008. <http://tabloid.vlasti.net/news/258593/> .

⁴¹⁴ See: “*Transdnistrian number game*”, 5 November 2008, <http://arirusila.wordpress.com/tag/pridnestrovie/>.

additional evidence that even military aggression against them, accompanied by unilateral support and recognition of the “statehood” of the separatist regions, would not be followed by any drastic sanctions imposed by either EU or the US, or both. Thus Russia’s role as the main, if not only, manager and “mediator” of the Transnistrian conflict settlement has become more assertive that is reflected, in particular, in a more rigid insistence on implementing the “Kosak-2” plan. At the same time, such a situation limited a possibility of manoeuvring for escaping this scenario, so unfavourable for Moldova. These anticipations were made public by Vlad Lupan, former staff member of the Moldova’s foreign ministry, Andrey Popov, executive director of the Foreign Policy Association, and Oazu Nantoi (Institute for Public Policy) during the conference on 26 August.⁴¹⁵ On the contrary, Kalman Miszei, EU Special envoy to the Republic of Moldova, once again stated in a meeting with Moldovan MPs that resumption of the stalled negotiation process may occur only within the officially established “5 + 2” format, and that there is no analogy between the situations in South Ossetia and Abkhazia, from one side, and Transnistria, from the other.⁴¹⁶ Ukraine also confirmed consistency of its course regarding Transnistrian conflict and ways of its resolution. In particular, the then Minister of foreign affairs Volodymyr Ogrzyzko assured during a joint press-conference with British Foreign Secretary David Milliband that the commitment to restore territorial integrity of the RM is beyond any doubt, and that any solutions similar to those for South Ossetia and Abkhazia are illegitimate because they violate basic principles of international law and the UN Charter.⁴¹⁷

Within the Transnistrian region a “cold shower” from Moscow didn’t significantly affect usual rhetoric about achieving such aims as independent statehood further intensified by the recent developments on Kosovo, South Ossetia and Abkhazia. As Transnistrian leader Igor Smirnov stated, “Tiraspol’s position will continue to rely on the results of the referendum of 2006, which confirm people’s will to live independently from Moldova, with a possibility to integrate with Russia in the future”. Tiraspol greeted the two regions separated from Georgia with the “great event”, and expressed regret that that the PMR “didn’t appear in the list of lucky ones”. Former “speaker of the Transnistrian SC” Grigoryi Marakutsa, in his turn, affirmed that the time of the Memorandum of Kozak has passed irreversibly, and that any negotiations with Moldova can only be about a “civilised divorce”; all efforts should be taken for systematic and consistent explaining of such a stance to all interested parties and participants of the negotiation process.⁴¹⁸ Incumbent “foreign minister of the PMR” Vladimir Yastrebychak has followed the same line, commenting that “the world has changed after August 26”, and that the fact of recognition by Russia of the state independence of South Ossetia and Abkhazia will inevitably influence all sides of the negotiation process whatever efforts they would take to avoid such a scenario”.⁴¹⁹

Russian-Georgian war was also used by the de facto authorities of Transnistria as a pretext to break the bilateral relations with Moldova. Those bilateral negotiations were then actively promoted by Moscow,

⁴¹⁵ RUSSIA MAY OFFER KOZAK PLAN-2, LOCAL EXPERTS PRESUME. 26.08.2008, <http://www.infotag.md/reports-en/558431/>

⁴¹⁶ Kalman Miszei: There are no objective causes for the conflict in Transnistria. 02.09.08, <http://www.nr2.ru/pmr/194204.htm>

⁴¹⁷ UKRAINE GOING TO BRISK UP ITS TRANSNISTRIAN SETTLEMENT EFFORTS. 28.08.2008. <http://www.infotag.md/media-en/558583/>

⁴¹⁸ Vremia Memoranduma Kozaka ushlo, uveren byvshiy pridnestrovsiy spiker. 02.09.08, <http://www.nr2.ru/pmr/194206.html>

⁴¹⁹ Vladimir Yastrebychak: Chem uverenneye Rossiyq, tem legche Pridnestrov’yu otstaivat svoi interesy. 02.09.08, <http://www.nr2.ru/pmr/194194.html>

with full support from other participants of negotiations (who hoped that in such a way, it would be easier to re-start the negotiation process in the official “5 + 2” format). Indeed, on 11 April 2008 the first over the last seven years meeting between president Vladimir Voronin and Igor Smirnov took place, and agreement about further regular direct contacts was reached; next meeting was scheduled on September 2008. However, after the RM joined the EU statement about the events on South Caucasus in August, Tiraspol announced that if Chisinau would not condemn Georgia’s aggression against South Ossetia, further contacts will be suspended. And this actually occurred, once again impeding implementation of all already developed initiatives and “confidence-building measures” between the two banks of the Nistru River.⁴²⁰ (The second meeting between Voronin and Smirnov occurred in December 2008, contributing practically nothing to the development of a constructive dialogue between the “sides of the conflict”).

It should also be mentioned that Transnistrian media widely use Russian-Georgian war for comparing its causes with the “military aggression” from Moldova in 1992, asserting that its repetition cannot be ruled out, and claiming Russia and international community to recognise the PMR because the latter has by all means no less arguments – in particular, referring to expression of the “people’s will” at the referenda of 1990 and 2006.⁴²¹

One more follow-up of the events of August 2008 in the context of the Transnistrian problem is a growing understanding of the important role of Ukraine. It becomes clear that without Ukraine’s content, it is not possible to realise any variation of Georgian scenario, even in the highly improbable, hypothetical decision by Chisinau to take back the rebellious region by military force. The necessity to get endorsement of Ukraine was emphasised, for example, by Marakutsa, commenting that “Moscow and Kyiv, together with Chisinau and Tiraspol, should find a formula for “happy coexistence” of all peoples of the region for many years ahead.⁴²² Some political analysts even consider that the very absence of the common border between Moldova and Russia, and the existence of such a potent obstacle to performing any kind of military operation there as is Ukraine, has been a decisive factor in shaping Moscow’s policy towards Transnistria so much different from that on separatist regions of Georgia.⁴²³

Summarising, it could be said that the events of August 2008 did contribute to the pliability of the RM and its wish to appease Moscow by giving preference to bilateral or trilateral negotiations at the expense of the officially established expanded format. However, there are enough arguments to consider them as hardly being the only or, at least, a decisive factor of the demonstrative support by Russia of the territorial integrity of Moldova, so strikingly different from its radical decision about the separatist regions of Georgia. A set of additional factors briefly outlined above played an important

⁴²⁰ Prezidenty Rossii i Moldavii soglasilis reshat conflict v Pridnestrov’ye mirom. 25 August 2008,.

http://www.newsru.com/russia/25aug2008/dnestr_print.html.

⁴²¹ See, for example, *Priznaniye nepriznannykh – variatsiya na temu. 14.08.2008*, <http://olvia.idknet.com/ol172-08-08.htm>.

⁴²² Vremia Memoranduma Kozaka ushlo, uveren byvshiy pridnestrovsiy spiker. 02.09.08,

<http://www.nr2.ru/pmr/194206.html>.

⁴²³ OpEd: Transnistria Abandoned? By Jason Vaughn, Eurasia Contributor, September 10, 2008,

<http://www.diplomaticcourier.org/kmitan/articleback.php?newsid=176>. See also comments from 5 September 2008 by

Thomas Vanhauwaert, European Policy Centre, to the paper “Transnistria is Next to Declare Independence” by Ari Rusila,

September 3, 2008, at <http://www.atlantic->

[community.org/index/Open_Think_Tank_Article/Transnistria_is_Next_to_Declare_Independence](http://www.atlantic-community.org/index/Open_Think_Tank_Article/Transnistria_is_Next_to_Declare_Independence).

role; in brief, it can be concluded that all declarative intentions to bring together all the participants of the negotiation process are in fact aimed at preservation of the *status quo*, which would fully satisfy Moscow while providing, at the same time, opportunity to neglect the demands of the eventual withdrawal of Russian troops and arsenals from the region. Under such conditions, agreeing to implement a slightly revised version of “Memorandum by Kozak” would by all means be a defeat of the Republic of Moldova – and, certainly, of Ukraine as well.

13. Influence of Transnistria on the separatism in Ukraine

By Natalya BELITSER

Short-lived but bloody events on the left bank of the Nistru River in 1992 were immediately followed by the influx into Ukraine of thousands of refugees from the Transnistrian region, who then received a temporary status of asylum seekers. However, from that time on and until the turbulent events, relating to the presidential elections-2004 and Orange Revolution, there were no valid enough reasons to regard Transnistrian separatism as a factor of some importance for the expression of separatist trends in Ukraine. While it cannot be ruled out that special services of the USSR worked out, in the anticipation of the “parades of sovereignty”, similar scenarios for all potentially separatist regions of the then soviet socialist republics, the ability of Ukrainian authorities to overcome the temptation of using military force in order to curb separatist passions, in particular, in Crimea, was rewarded by escaping those unfortunate scenarios that would have led to bloodshed and the appearance of one more “hot spot” with a potential to become one more post-soviet “frozen conflict”. Therefore, well known and analyzed in detail “Crimean separatism” of late 80-s – early 90-s, that had appeared in parallel with the Transnistrian one, developed in a quite different way. Thus, even if certain roots and causes of these two cases might have something in common, it’s hardly possible to recognize any conscious efforts aimed at coordinated actions and/or working out common tactics or strategies.

The situation has changed dramatically in 2005. The new authorities of Ukraine coming to power after the events known as Orange Revolution, declared their intention to shift away from a rather passive policy towards Transnistria (actually – following that pursued by Russia), and embark on a more proactive role in settling Transnistrian conflict while proceeding from the clear-cut priority of restoring territorial integrity and observing state sovereignty of the Republic of Moldova.⁴²⁴

At the same time, a phantom of “Orange Revolution in Transnistria” urged local power holders to engage in preventive measures, in particular, regarding the forthcoming “parliamentary elections” (to take place in December 2005). Such kind of concerns was openly articulated by Dmitriy Soin, high-rank officer of the Transnistrian “Ministry of State Security” and director of the local branch of the Russian Institute for National Security, headed by Stanislav Belkovski. According to his vision, “over the last months, more and more signals from Chisinau evidence that major resources are allocated for the main task of realizing an “orange scenario” in Transnistria. After the events in Kirgizia, when the question “who next?” has become topical, a number of Russian sources assumed that the next “velvet coup d’etat” will be attempted in Transnistria. Leaders for this are already being prepared by the West, the exact date is known. Those new projects... relate to the elections to the Supreme Council in December...” And, trying to severe newly established mutual understanding between Kyiv and Chisinau, added that in order to prevent legitimization of Transnistrian authorities, “all this means not only the attack on Transnistria, but also the attack on “Yuschenko plan” that foresees running legitimate elections [in Transnistria]”.⁴²⁵

⁴²⁴ In particular, the recommendations of leading political analysts from the Ukrainian Centre for economic and political research by Rozumkov, developed for helping to define a new foreign policy by the new Government, contained an entry “to support territorial integrity of the Republic of Moldova, and stop any behind-the-scene contacts with the same-proclaimed government of Tiraspol. See: Action Plan in the sphere of external policy of Ukraine (A Draft) in: National Security and Defence, # 9 (57), 2004.

⁴²⁵ See: “Zakazannaya revoliutsia v Pridnestrov’ye: zapadnyye fondy uzhe gotoviat dlia neye svoikh liderov” by Oleg Yelkov. “Olvia-Press”, www.olvia.idknet.com/ol86-08-05.htm.

One of the preventive scenarios included fueling, with the support from Moscow, a propagandist campaign concerning the “right for self-determination of the Transnistrian people” and preparation for a referendum scheduled for September 17, 2006. (It is interesting to note that the first of the two questions to be answered during the referendum was “Do you support a course on the independence of the PMR and further voluntary joining Russia?” that in fact denounced that very idea of “Transnistrian state independence”. The second question was formulated as follows: “Do you accept a possibility of rejecting Transnistrian independence and further entering Moldova”?)⁴²⁶

In anticipation of Transnistrian referendum and proceeding from its actual results (according to official data, 78% of the residents participated, positive answers for the first question were given by 97%, and negative for the second – by 94%), certain part of Ukrainian political class was alarmed. For example, the then Deputy Foreign Minister Oleksandr Chalyi stated in a live broadcast of Ukrainian TV that if Ukraine will not resort to effective mediation of the Transnistrian conflict, it can lead to her own loosing of some territories. Similar concerns were also voiced by Valeiy Chaly (Rozumkov Centre) who commented that for Ukraine, it is most beneficial to collaborate with the reintegrated Moldova, because otherwise, hypothetically insecure Crimea may, under “certain political circumstances” (meaning Transnistria’s joining the RF), create a threat for Ukraine’s sovereignty.⁴²⁷

Apart from organising propagandist campaigns and referendum, responses to waves of “coloured revolutions” moved leaders of the separatist regions and their Russian patrons – at the first place, political technologists – to look for new measures that would provide strong barriers for preventing the spreading of “orange plague” through Russia’s frontiers. Strategy and tactics of containment of “coloured revolutions”, preventing them from taking over Russian regions and overthrowing of the puppet regimes on the separatist territories of post-soviet republics, were to large extent oriented on youth movements. The lessons were thus learnt from the exactly those events where democratic youth movements played a role of a potent moving force in peaceful “velvet revolutions” – beginning from that in Czechoslovakia in November 1989.

The most remarkable and picturesque of the potential youth “anti-revolutionary” tools was the establishment in Transnistria of the so-called “Proryv!” (Breakthrough) – firstly, in summer 2005, as an International Youth Corporation “Proryv!” which gave rise for the appearance, a year later, of the political party named People’s Democratic party “Proryv!”.⁴²⁸ Dmitriy Soin referred to above was not only a founder and patron of these structures but also of the one named “Higher School of political leadership by Che Gevara; in the extended interview he overtly recognized that all those formations

⁴²⁶ More detailed coverage of the preparation and conducting of the referendum in Transnistria can be found in: Igor Botan, [Democracy and governing in Moldova e-journal, year IV, issue 79, 1-31 August 2006](#); “Project “Transnistria without alternative” by Aliona Get’manchuk, Tiraspol-Kyiv, “Glavred”, 215.09.06; “Pridnestrviskiy referendum postavil Rossiyu v trudnoye polozheniye” by Leonid Radzikhovskiy, 6 September 2006, . <http://www.rg.ru/2006/09/26/radzihovsky.html>; see also Ukrinform, 18 September 2006. .

⁴²⁷ See “Zanoza v boku Ukrainy” by Leonid Shvets, Gazeta po-kiyevski, 2006, <http://maidan.org.ua/static/krymmai/1158749616.html>.

⁴²⁸ See, for example, [http://en.wikipedia.org/wiki/Breakthrough_\(Transnistria\)](http://en.wikipedia.org/wiki/Breakthrough_(Transnistria)), and «RUSSIAN ORGANIZATIONS IN TRANSNISTRIA CAMPAIGN FOR A SECOND KALININGRAD» by Vladimir Socor, Eurasia Daily Monitor. Volume, 3 Issue 156, August 11, 2006, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=31970. In this article Socor wrote that that “Proryv!” political party was created on the initiative of the Smirnov’s closest fellow Vladimir Antufeyev – “minister of state security of the PMR.

are destined to set a barrier on the path of “coloured scenarios”.⁴²⁹ Copying, rather skillfully, certain techniques and practices – including even symbolics of such youth movements as Serbian “Otpor”, Georgian “Khmara”, Ukrainian “Pora!” etc.⁴³⁰, “Proryv” successfully draw much attention to its radical actions, shows and performances planned as either protest ones (against OSCE activities in Transnistria, “Ukraine’s economic blockade” et al.), or in support of certain political aims (presence of Russian peacekeepers, acquisition of Russian citizenship etc.).⁴³¹

Taking into consideration said above, it is not surprising that “International Youth Corporation “Proryv!” with its radical anti-Western and pro-Russian agenda set, almost at the very beginning of its functioning (August 2005), a separate branch in Crimea. Its leader, Russian citizen Aleksei Dobychin, conducted several demonstrative actions, claiming unification with Russia, denouncing of the bilateral basic treaty between Ukraine and Russia, permanent presence of the Russian Black Sea fleet in Sevastopol and so on. It’s interesting to note that the sharp anti-Ukrainian rhetoric of his public statements and numerous media interviews were usually accompanied by the acute charges targeting Crimean Tatars and their organs of self-government – first and foremost, the Mejlis of Crimean Tatar people. For example, in an article with telling name “War in Crimea is inevitable”, published by the end of 2005, Dobychin stated that “nowadays, Kosovo scenario is being implemented in Crimea; I believe it will be realized in the nearest future... Caravans with drugs and weapons are coming over Ai-Petri [mountain]. *Military terrorist groups are established on the basis of organizational structures of the Crimean Mejlis and due to its full support*”.⁴³² Such kind of accusations was voiced in unison with multiple statements and speeches presented by the pro-Russian chauvinist organizations of Crimea.⁴³³

Diverting in such a way public attention from the manifestations of Russian separatism, readers are to be scared by such prospects as: “...in contrast to Kosovo, for the Crimean Tatar separatists to manage passing the decision on Crimea’s separation through the Verkhovna Rada would not be possible, therefore, this step will be enforced, and then the Supreme Council of Crimea will be used to legitimize the fact of secession from Ukraine. Afterwards, the West will send into Crimea troops of peacekeepers, and Kyiv will have no other choice but giving in. International community (predominantly Western) will proclaim that Crimean Tatars are an oppressed people – along the same lines as it’s going on with Albanians in Kosovo – and provides for them all kind of support. With Crimean Tatars, it would be even easier [than with Kosovars] to implement such a scenario, because *they are indeed the indigenous people of Crimea*”.⁴³⁴

And, eventually, this article’s main conclusion: “*not-Tatar population of Crimea can rely only on the support from Russia. One of the potent factors for the deterrence of Crimean Tatar separatists is the*

⁴²⁹ See, for example, “Zakazannaya revolyutsia v Pridnestrovye: zapadnyye fondy uzhe gotoviat dlia neye svoikh liderov” by Oleg Yelkov. “Olvia-Press”, www.olvia.idknet.com/ol86-08-05.htm.

⁴³⁰ Such pro-Kremlin organizations and movements as “Nashi!”, “Molodaya Gvardia” et al. Deserve a separate research.

⁴³¹ Protiv fashizma i dvoynykh standartov – molodiozh Pridnidtrov’ya izbila chuchela Voronina I Hilla; Zayavleniye MMK “Proryv1” v podderzhku mirotvortsev Rossii. “Olvia-Press”, <http://www.olvia.idknet.com/ol106-07-05.htm>.

⁴³² Lider Krymskogo “Proryva!”: “Voyna d Krymu neizbezhna!”. 01.12.2005, www.regnum.ru/news/553567.html.

⁴³³ See, for example, “Krym mozhet povtorit sudbu Kosova, schitayet russkaya obschyna”. Simferopol, 2 November 2008, RIA “Novosti”.

⁴³⁴ Despite all obvious absurdity of such “scenarios”, sometimes it looks like they accomplish their task by forming in certain political circles of Crimea and Ukraine as a whole atmosphere of distrust and suspicions targeting Crimean Tatars.

presence in Crimea of the Russian Black Sea fleet... Under such circumstances, we invest all our hopes only in the active intervention of Russia, because otherwise, war in Crimea is inevitable”.

Interesting in the context of a given research, “revelations by Dobychin” contain also such information as the following: “Recently, groups of young Slavs numbering 20 – 50 people, predominantly from rural areas, unite under the banner of “Proryv!”. They approach us at their own initiative. These youth groupings – “Alpha”, “Bars”, Berkut” – conclude with us cooperation agreements and, in fact, are becoming structural units of the “Proryv!”.⁴³⁵ If the facts thus revealed would indeed be confirmed, they might be further investigated, in particular, by the Intelligence Service of Ukraine (SBU), because in such a case, spreading on the territory of Crimea of the radical youth groupings, first created in Transnistria, becomes a matter of national security of Ukraine.

It should also be noted that at that stage, certain coordination between Transnistrian “NGOs”, created by the PMR secret services, and some odious Ukrainian ones, had already occurred. This suggestion can be justified by the appearance of “Bratstvo” – a new printed outlet issued by the “initiative group of the Transnistrian “Bratstvo””; 10.000 copies of this newspaper – edition rather large as for Transnistria – was disseminated free of charge. In that issue the “Manifest of Orthodox Revolution” supplemented by a picture of Dmytro Korchyndki, was published. The “Manifest” contained the statements like “It’s Transnistria to become a pot where we’ll cook our porridge!”.⁴³⁶

Thus, after the Orange Revolution consolidation and coordination of activities of the anti-Western, anti-democratic forces disguised under the cover of “civil society structures”, were taking place in both Transnistria and Ukraine. By all probability, those activities received substantial organizational, informational and financial support from the outside (in contrast, alas, to the national-democratic movements of Ukraine and Moldova).

Further activities of the Crimean “Proryv!” gained special attention of Russian and Crimean media at the beginning of 2006, after the scandal relating to “seizure” of a lighthouse in Yalta – the incident assessed as “violation by Ukraine of the agreement about deployment of Russian Black Sea fleet that is an inalienable part of a basic interstate political treaty of 1997”. “As a result of this violation, we appeal to Russian President and Government with the demand to start immediately a process of returning Crimea and Sevastopol into Russia’s ownership”, stated Aleksei Dobychin, the leader and spokesperson of the organization.⁴³⁷ On January 20, after a regular action on Perekop – symbolic severing of Crimea from Ukraine by fake border posts – several activists of “Proryv!” were detained and then interrogated in the headquarters of the Crimean Office of Ukraine’s Interior Ministry.⁴³⁸ On January 25, head of the Crimean IM Office announced at a press conference that the two members of “Proryv” will be sued with charges of violating Article 110, Par. 2 of the Criminal Code of Ukraine (encroachment on the territorial integrity and sovereignty);⁴³⁹ relevant “interlocutions” were also held

⁴³⁵ Lider Krymskogo “Proryva!”: “Voyna d Krymu neizbezhna!”. 01.12.2005, www.regnum.ru/news/553567.html.

⁴³⁶ V “PMR” mesto ninoandreyevskikh “chornykh lkolgotok” zaniati prystchavyye coinskiye “proryvstciki” by Georgiu Nistryanu, Centre of Monitoring and Strategic Analysis, September 28, 2005. <http://mdn.md/ru/index.php?view=viewarticle&articleid=1754>.

⁴³⁷ “Proryv” trebuyet ot Putina vernut Krym v sostav Rossii” by Sergei Stepanov. 15.01.06, Novy region – Kiev.

⁴³⁸ Aleksei Dobychin: “Proryv” prodolzhit borbu za vossoyedineniye s Rossiyei”. 24.01.2006, MCK.

⁴³⁹ Nachalnik GU MVD Ukrainy v krymu prokomentiroval zaderjaniye liderov “Proryva”. 26.01.2006, www.regnum.ru/news/579191.html.

by the SBU with those TV reporters who thoroughly covered the action that was then widely publicized by the central channels of Russian TV.

It should be noted that in 2005 – 2006 activities of the “Proryv!” in Ukraine were not limited by the territory of Crimea only; irrefutable facts testified their spreading to Zakarpats’ka and Chernihivs’ka oblasts. There Crimean “Proryv!” provided full support to the potentially separatist – and overtly pro-Russian – movement designated as “Political Ruthenianism”, and tried also to help Ukrainian Orthodox Church-MP in its fight against the UOCh under Kyiv Patriarchy.⁴⁴⁰ Participation of the “Proryv!” delegation in the international conference in Uzzhorod on 25 September 2005 can illustrate such a stance; delegation’s head Aleksei Dobuchin then stated that “...taking Crimean organization as a model, decision was taken by Rusyns to establish a similar youth organization in Uzzhorod, with the same name “Proryv!” ...Only young people are able to resort to active forms of political protest and *confront ethnocide* [of the Rusyns] by Ukraine’s government”.⁴⁴¹

In summer 2006 “Proryv!”, together with the clergy of the UOCh-MP and organization named “Union of Orthodox citizens of Ukraine”, organized a protest action to prevent passing of the Catherine cathedral to the local community of believers subordinated to the UOCh-KP. Responding to this, Patriarch Filaret submitted on 5 July 2006 to the General Procurator Office an appeal where he accused the organizers and participants of the action in breaching three articles of Criminal Code of Ukraine and fueling interethnic hatred. Denouncing such accusations, leader of the “Proryv!” not only questioned the legitimacy of the UOCh-KP itself but stated also that “our struggle is only started; very soon Filaret, his masters and followers will conceive all might of our organization *that is now expanding its operations throughout Ukraine*”.⁴⁴²

On 21 June 2006, officers of the Ukraine’s Border Guards in Sevastopol put Aleksei Dobyichin into the plane and deported to Russia. Such a step – quite possibly, not irreproachable from the juridical point of view because it was not preceded by a court judgment – inspired immediately an outrage of pro-Moscow organizations of Crimea. At a press conference convoked jointly by “Proryv!”, Union of Orthodox citizens of Ukraine (Dobyichin was a deputy head of it), and “Protection of Glasnost” Fund, journalists were provided with the details of “anti-constitutional, irresponsible, illegal, violent and treacherous action of the deportation that raised indignation of human rights promoters and politicians in Russia as well as Ukraine..” It was also told that branches of “Proryv!” should be initiated in Abkhazia, South Ossetia, and in the right-bank Moldova.⁴⁴³

⁴⁴⁰ See “The Ruthenian Communities in Poland, Slovakia and Ukraine” by Natalia Belitser, Dagmar Kusa and Kazimierz Krzysztofek, in: “Towards Shared Security: 7-Nation Perspectives”, Margriet Drent, David Greenwood, Peter Volten, Eds.; Harmonie Papers 14, October 2001, pp. 36-50. Publication by the Centre for European Security Studies (CESS), The Netherlands).

⁴⁴¹ Zakarpatskiye rusyny perenimaayut opyt krymskogo ob’yedineniya “Proryv” (Ukraina). 26.09.2005, <http://regnum.ru/news/ukraina/518504.html>.

⁴⁴² Aleksei Dobyichin: "Zhaloba Filareta – povod dlia nachala novogo vitka repressiyi v otnoshenii “Proryva! 05.07.2006, www.regnum.ru/news/668827.html.

⁴⁴³ Otdeleniya dvizheniya “Proryv!” poyaviatsia ne tolko na Ukraine, no I v Gruzii I Moldavii?? 26.06.2006. www.regnum.ru/news/663219.html.

Strongly articulated “protest statement” was also publicized by the Coordination Council of Russian compatriots in Crimea.⁴⁴⁴ However, some Crimean newspapers reacted quite ironically, commenting, for example, that “this Russian citizen, who acquired here a license on living, behaved so “innocently” that even Konstantin Zatulin, not at all Ukraine’s admirer, was forced to admit that “Proryv!”’s services have become rather awkward for Russia”.⁴⁴⁵

By the end of 2006, activities of “Proryv!” were prohibited in Ukraine by the decision of the Economic Court of Sevastopol, and the Appellation Court of Ukraine left it in force.⁴⁴⁶ However, on June 7, 2007, Appellation Court of the ARC cancelled the decision of Yevpatoria city court and abolished administrative sanctions against the new leader of “Proryv” Nadezhda Poliakova (special correspondent of Russian media resource regnum.ru in Crimea) who was previously charged for organizing the performance “Deportation of orange pigs”.⁴⁴⁷

Next “mutation” of the “Proryv!” led to the establishment of the “International Youth Front “Proryv!””, consisting of the respective “NGOs” from Transnistria, Crimea, Abkhazia and South Ossetia.⁴⁴⁸ In all probability, such a consolidation of radical separatist movements could have brought about the escalation of “Proryv!” activities in Crimea. Especially in view of some information provided, in particular, by regnum.ru, such as: during the meeting with “Proryv!” members from Crimea, Abkhazian “Minister of fizkultury i sporta” was quoted as saying that “*Crimeans proposed to create a youth military-patriotic camp near Bakhchesarai. The guys wish to make such a camp an open model, and invite as trainers those Ossetians and Abkhazians who already took part in military operations and had first-hand knowledge of how to defend their land... I’d like to emphasize that the Caucasus has much to teach Crimean guys, and if they need our help, we are ready to send really good trainers to their camps*”.⁴⁴⁹

Those anticipations, however, didn’t come true. Although Crimean “Proryv!”, despite the withdrawal of its license, continued to function, the effectiveness and impact on the society, as well as level of media attention, were gradually slackening. After the deportation, its former leader Aleksei Dobychin (later on appointed as coordinator of the International Youth Front “Proryv!”) was compelled to limit his operations, having been engaged mostly in issuing hollow statements and giving numerous interviews to Russian media, thus trying further to intimidate readers by a prospect of the “inevitable war in Crimea”.⁴⁵⁰ The last mentioning of the action undertaken by “Proryv!” was dated 2 February 2008 (protest against “Ukrainization” of Ukrainian cinema theatres); an attempt to organize on 9 May

⁴⁴⁴ Sovet organizatsiy rossiyskikh sootchestvennikov Kryma protestuyet protiv deportatsii lidera Proryva! (Ukraina). 27.06.2006, www.regnum.ru/news/663961.html.

⁴⁴⁵ “Leksikon propisnykh istin: Chemodan – Vokzal – Durdom” by Lilia Budzhurova. 1-ya Krymskaya, [N 131, 30 June/6 July, 2006](http://www.krym.com.ua/news/131_30_June/6_July_2006).

⁴⁴⁶ Krymskiy yugend, Molodezhnyye politicheskiye organisatsii poluostrova. Rustem Khan, Simferopol, dlia “Glavreda”. <http://rossia3.ru/smi/krimyouth>.

⁴⁴⁷ Apelliatsionnyi sud Kryma otmencil sankzii v otnoshenii lidera Krymskogo “Proryva!”. 07.06.2007, www.regnum.ru/news/839901.html.

⁴⁴⁸ Lider prodnestrovskogo “Proryva!”: sozdaniye yedinogo Mezhdunarodnogo molodezhnogo fronta – kolossalnyi proryv v budustcheye. 09.10.2006, www.regnum.ru/news/718828.html.

⁴⁴⁹ Mezhdunarodnyi sliot molodezhi nepriznannykh respublik I Kryma peremestilsia v Abkhaziyu. 26.09.2006, www.regnum.ru/news/710927.html.

⁴⁵⁰ Lider Krymskogo molodezhnogo ob’yedineniya “Proryv!”: v Krymu budet voyna. 13.08.2006, www.regnum.ru/news/687956.html; Aleksei DobychinL: Yuschenko prevraschayet russkiy Krym v rossiyskiy?? “Russkaya liniya”, 23.08.2008.

2009, jointly with the PSPU of Natalia Vitrenko, the all-Crimean action “Russian flag – in every Crimean window”, didn’t meet popular support and failed completely.⁴⁵¹

Remarkably, certain shortage of funding, accompanied by a set of internal discontent and disagreements between patrons and leaders of “Proryv!”, have led to a number of further splits resulting, in particular, in its Transnistrian branch leaving in December 2006 the ranks of the IYC “Proryv!”. Commenting this turn, Aleksei Dobychin charged this organization and its patron Dmitry Soin with the betrayal and “being sold to “Orange forces” (as a consequence of Stanislav Belkovski eventually breaking ties with Kremlin power holders).⁴⁵² According to the words of thus “offended” Dobychin, “In Russia, in anticipation of the 2007 – 2008 elections, different kind of “Orangeists” – like “2008: Free Choce” and others – sharply invigorated their activities... They recognized “Proryv!” as a threat and suggested first to buy us, and after our refusal started to attack us. Transnistrian branch of the “Proryv!” turned out a weak link. It is rigidly subordinated to MSS major Dmitri Soin who chairs also the Faculty of Sociology of the Transnistrian university... At the beginning of December Soin came to Moscow to meet with “Orangeists” and promised, in exchange for the generous financial support, to closely observe all their orders and instructions...”⁴⁵³ However difficult it is to believe in such a radical switch of Soin’s standpoint over only one year, or to verify this information, some additional facts speak rather in its favour. In particular, it is about receiving by the Transnistrian “Proryv” a grant provided by the US Embassy in the Republic of Moldova. These developments demonstrate also complete lack of any principles or political convictions that is inherent in such political projects, created artificially “from above” or from the outside, of which “Proryv!” is a telling illustration.

A brief overview provided above, and the very chronology of those turns and events, may serve as a useful source for a further analysis of modern “dirty technologies”, taking advantage of energies characteristic for youth and their movements. These data show also that decisive measures – including those of legal nature but without military force – taken to curb separatist movements and activities of the respective organizations, could be efficient enough notwithstanding those acute hysterical reactions to “political repressions in Ukraine”, used during “informational wars” for the exacerbation of the situation.

In general, this story evidences also that the actual threat of spreading of the Transnistrian separatism onto the territory of Ukraine is rather unlikely. In this context, it is relevant to look at the results of a sociological expert opinion poll, run within the framework of a given research. One of its questions reads as follows: “What do you think, where is the highest probability of conflict escalation in the post-soviet space?”⁴⁵⁴

A majority of the experts-respondents, including those from Ukraine and Moldova, assess the North Caucasus as a most risky area, although the data reveal also a wide divergence between perceptions of Ukrainian (61%) and foreign (34%) experts. Crimea is considered as potentially the most dangerous

⁴⁵¹ Proval akzii “Proryvu!” v Krymu. 08-05-2009, <http://maidan.org.ua/static/newskrym/1241798781.html>.

⁴⁵² See Aleksei Dobychin: “Oranzhevyye kupili pridnestrovsy “Proryv!”. 20.12.06, “Novy Region – Kiev”.

⁴⁵³ See Aleksei Dobychin: “Oranzhevyye kupili pridnestrovsy “Proryv!”. 20.12.06, “Novy Region – Kiev”.

⁴⁵⁴ This expert poll was conducted within the framework of a project “Transnistrian Problem: A view from Ukraine” in December 2008 – March 2009.

region by 19% and 24% of the respondents, respectively.⁴⁵⁵ It is also interesting to note that all expert estimations closely coincide with regard to Transnistria, which is considered the least probable area in terms of conflict escalation (14% and 13%).⁴⁵⁶

Completing this subchapter, it could be mentioned that the events of 2008 – 2009 affected essentially public perception of the problem of national security of Ukraine. In particular, certain steps of Russia were regarded as overtly unfriendly and potentially threatening Ukraine. First and foremost, it concerns the Russian-Georgian war of August 2008 and subsequent recognition by Russia of state independence of South Ossetia and Abkhazia that may have negative influence on the situation in Crimea.⁴⁵⁷ Certain political analysts – for example, Ari Rusila from Finland – even embarked to such pessimist forecast as predicting the exact time of the annexation of Crimea by Russia – naming spring 2009.⁴⁵⁸ Although such kind of prognoses proved wrong, some of the recent events, in particular, the message of president Medvedev to president Yushenko in summer 2009, also unanimous adoption by the State Duma of the draft law on defence in the first reading,⁴⁵⁹ raised a new wave of concerns in Ukraine and beyond.⁴⁶⁰

Finalising this brief overview, it should be acknowledged that the negative impact on Ukraine of the presence in such a close vicinity of the separatist Transnistrian enclave, not controlled by any legitimate authorities (not mentioning Russian ones), is not limited by the hypothetical spreading of separatist trends. It also contributes very much to corruption practices in Ukraine, notwithstanding all endeavours of the EUBAM and its partner services. Recent outrageous incident of illegal passing by Ukrainian militiamen to their Transnistrian “counterparts” of the three villagers from Odesa oblast raised deep concerns and indignation of civil society and human rights activists in both Ukraine and Moldova. Those three men have been detained and remain still imprisoned in Grigoriopol under the allegations of perpetrating some violations at the Transnistrian territory. A number of basic facts, observations and considerations have led to the assumption that an illegal network of corrupted personnel of law enforcement bodies operates in the area, taking “hostages” and then forcing their relatives to pay ransom for their liberation.⁴⁶¹

⁴⁵⁵ It is important to note that the highest percentage of the experts recognizing Crimea as a site of potential violent conflict, turned out to be from Moldova (35%) and from Poland (seven out of twelve respondents, i.e., over 58%) While it is difficult to interpret those data unequivocally, one of the possible explanations may lie in the availability and relative influence of Russian media on the expert opinions.

⁴⁵⁶ Answering the option “Others”, almost all experts indicated the South Caucasus or, more narrowly, the high probability of an outburst of military clashes on Georgia’s territory.

⁴⁵⁷ See “After recognition of SO and Abkhazia, the RF will target Crimea and Transnistria, MFA of France is concerned. 27 August 2008, http://www.newsru.com/world/27aug2008/koushner_print.html; Andrei Kirillov: “Sentimental separatism” with elements of interethnic tensions”. 01-09-2008, <http://maidan.org.ua/static/mai/1220282953.html>; Hard power in the Caucasus. [Alexandros Petersen](http://www.newstatesman.com/europe/2008/09/russia-georgia-international), 03 September 2008, <http://www.newstatesman.com/europe/2008/09/russia-georgia-international>; Is Ukraine next? [Andrey Kurkov](http://www.newstatesman.com/europe/2008/09/russia-ukraine-georgia), 04 September 2008, <http://www.newstatesman.com/europe/2008/09/russia-ukraine-georgia>.

⁴⁵⁸ See Forum discussion of the article «Transnistria is Next to Declare Independence» by Ari Rusila, September 3, 2008, http://www.atlantic-community.org/index/Open_Think_Tank_Article/Transnistria_is_Next_to_Declare_Independence.

⁴⁵⁹ Amendments to the previous law, allow operative use of Russian military forces beyond Russia’s territory.

⁴⁶⁰ Kyiv Needs New Security Guarantees Given Russian Threat, Ukrainian Intellectuals Say. Paul Goble, Window on Eurasia, September 11, 2009; NAVAL SECURITY DEFICIT GROWING IN THE BLACK SEA. Part 1 & 2; Vlad Socor, EDM, September 17, 2009—Volume 6, Issue 170, September 18, 2009—Volume 6, Issue 171.

⁴⁶¹ See, for example: Oni sami sebia “vyvezli”! «Chas Pik», [№38\(440\), 27 September 2009, http://www.chaspik.info/bodynews/5669.htm](http://www.chaspik.info/bodynews/5669.htm); “Ukrainskiye militsionery prodali ukraintsev piratam. Iz sopredelnogo gosudarsva” by Sergei Dibrov, 4. 12. 2009, <http://www.maidan.org.ua/static/mai/1260478797.html>.

One more serious threat comes from the Russia's arsenal, located near Kolbasna village, that still contains a large number of outdated weapons and equipment – remnants of those once possessed by the Soviet 14th Army then stationed here. In case of the incidental self-bursting, ecological disaster of a scale potentially larger than Chernobyl, can be anticipated. And last but not least, recent “spy scandal” in which Ukrainian intelligence service (SBU) and Russian FSB are involved, is also relevant to Transnistria, because those Russian spies detained by the SBU on January 27, 2010, in the Odessa region, were officers of the United Russian troops (OGRV) in Transnistria, and entered Ukraine's territory from there.⁴⁶²

⁴⁶² RUSSIA-UKRAINE SPY SCANDAL ERUPTS ON EVE OF VOTE. By Anya Tsukanova, AFP (France) Feb. 2, 2010; CONFLICT ZONES IN GEORGIA AND MOLDOVA - SPRINGBOARD FOR RUSSIA'S INTELLIGENCE ACTIVITIES expertclub.ge (Georgia), Feb. 05, 2010.

14. Covering Transnistrian Problematic by Ukrainian Media

By Yaroslav DOVGOPOL

14.1. What is interesting for media in “Transnistrian issue”?

Obviously, among the wide range of questions in the context of events dealing with the Transnistrian region of the Republic of Moldova, Ukrainian media pay the greatest attention to the process of conflict settlement between Chisinau and Tiraspol. Mainly it can be explained by the fact that the problem influences security at the scale of the whole European continent; that is why the attention not only of Ukrainian media but also of the international community is drawn to it. Beside that, this vector is the most rich source of informational pretexts – such as statements of conflicting parties’ representatives, participants and observers of negotiation process in “5+2” format and other events that in this or that way characterise changes and perspectives of settlement process.

At the same time, focusing exclusively on the conflict political aspect of Transnistrian settlement often leads to the simplified approach in media coverage of the full range of events concerning Transnistrian problem with its social-economic, ethnic, cultural and other components. Sometimes, the examples of such simplifying could be seen even in headlines.⁴⁶³

What is behind the other side of “Transnistrian problem” that stretches far beyond the limits of the conflict settlement process and includes a lot of interesting for media topics? A deeper insight into the region from the journalism practices’ point of view proves that, despite its undefined status, all elements of the societal life are present there. Moreover, Transnistria has its own specificity that is characterized by the whole complex of negative phenomena. Among them there are: critically low standards of life, miserable salaries, and sharp deficit of jobs. One can add here the problem of the unrecognized “Transnistrian citizenship”⁴⁶⁴ that limits the residents of the region in enjoying certain human rights and freedoms and forces them to seek ways for obtaining another citizenship – Ukrainian, Moldovan, Russian, Romanian, etc.

Meanwhile, people live in such circumstances for already a long time and they are forced to seek ways of solving permanently difficult situations. In some cases it leads to emergence of systematic practices that exist and function in a quasi-legal regime. E.g., the practice of multi-citizenship is widely spread in Transnistria. Residents of the region, without big difficulties, have a possibility to obtain 2-3 or even more passports of different states.⁴⁶⁵ This causes confusion in counting the number of population and other difficulties, connected, in particular, with consulate matters. However, ordinary people could not be blamed for it. In this way they adapt to realities of their life, travel to the neighbouring countries

⁴⁶³ Prezident Moldovy vyrishyt’ prydniastrovs’ke pytannya do 2009 roku, “Glavred”, 11.03.08
<http://ua.glavred.info/archive/2008/03/11/080742-15.html>

⁴⁶⁴ Research “Human rights in Transnistrian Region of Moldova”, editor Ion Manole, – Chisinau: Elan Poligraf SRL, 2007

⁴⁶⁵ “U bol’shinstva zhyteley Pridnestrovia suschestvuet neskolko pasportov drugih gosudarstv: Moldovy, Rossii, Ukrainy, I sobstvenno Pridnestrovya”, - 21 TV Channel, Moldova [tvc21.md/prn_news.php?id=2300&par=1](http://www.tvc21.md/prn_news.php?id=2300&par=1), and also <http://www.regnum.ru/news/fd-abroad/transdnistria/1106127.html>

and survive in poverty, trying literally to make their bread.⁴⁶⁶ At the same time, representatives of the “highest level” of Tiraspol administration, despite the dynamics of social recession in the region, receive, as before, the super-profits from their illegal activities.⁴⁶⁷ But the paradox is that such contrast between the general poverty and the selective luxury, to the large extent, does not disturb the residents of the left bank of the Nistru river.

Another factor typical for Transnistria is total propaganda aimed to support the separatist regime. Affected by populist slogans and belief in the better life “if TMR obtains independence”, teachers, engineers, medics, veterans, students, ordinary peasants piously believe in the future of “young republic”. However, none of them can explain in conversations why should all problems disappear at once after recognition of the independence of the region.⁴⁶⁸ False stereotypes inculcated in the people’s mind are reinforced by the severe internal control of local special services. According to the experts’ calculations, in the peacetime the so-called “Ministry of Internal Affairs of Transnistria” has a staff of 2900 persons, “Ministry of State Security” (MGB) – 2500 employees. In comparison with the right-bank Moldova, the density of “law enforcement workers” and representatives of other militarised structures is several times higher.⁴⁶⁹ In addition, the whole complex of separatist power interests’ protection is functioning rather actively. A lot of evidences are known from people who have directly or indirectly felt shadowing, whose phones were tapped, for whom entering the region or departure from it were banned because they tried to act against the system, to struggle for protection of their rights.⁴⁷⁰ In addition, regional media cannot enjoy the right of free speech and, moreover, being under control of the regional de facto authorities, they are used as an instrument for spreading separatist moods among the population.⁴⁷¹

There are a lot of other problematic aspects that are left without attention of Ukrainian media in the context of the “Transnistrian conflict”. Meanwhile, the problem of Ukrainian community that lives on Transnistrian territory and includes approximately one third of 550 thousands regional population, remains one of the main.

14.2. Ukrainian Community of the Transnistrian region of Moldova. Informational Aspect.

⁴⁶⁶ Prydnistrovyya – cherez rik pislya zminy mytynyh pravil, Deutsche Welle, 20.03.2007 <http://www2.dw-world.de/ukrainian/politik-Gesellschaft/1.217669.1.html>

⁴⁶⁷ See, for example, “programma Pridnestrovskoy kommunisticheskoy partii”, chapter “Harakteristika sovremennogo sostoyaniya Pridnestrovskoy Moldavskoy Respubliki” <http://pkp.ucoz.ru/index/0-13>, and also “Lider zhenskogo dvizheniya Pridnestrovia: Gazovyie predpiyatyya vystraivali roskoshnyie ofisy na narodnyie den’gi” <http://www.regnum.ru/news/817118.html>

⁴⁶⁸ From the materials of interviews with residents of Transnistrian region of Republic of Moldova, particularly, from 22 August 2007, 13 September 2007, 10 October 2008. Their names are not mentioned from understandable reasons.

⁴⁶⁹ Research “Voennyye Obyazannosti Zhiteley Pridnestrovskigoy rayona Moldovy, ed. Ion Manole, - Chisinau: Elan Poligraf SRL, 2008, p. 75

⁴⁷⁰ From the materials of interviews with residents of Transnistrian region of Republic of Moldova, particularly, from 14 November 2008. The names of interviewed are not mentioned, particularly, from the reasons of their personal security.

⁴⁷¹ See European Parliament Resolution on Human Rights Violations in Transnistria (Republic of Moldova), P6_TA-PROV(2007)0358, signed 12 July 2007, par. 3 at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0358+0+DOC+XML+V0//EN>

Printed and electronic Ukrainian media materials about the life of Ukrainian community in the Transnistrian region and in the right-bank Moldova are, unfortunately, not so common in the media space of our country. However, it does not mean that informational pretexts of this theme are also rare. For a long time, ethnic Ukrainians of Moldova have preserved their national traditions, spirituality, language and at the present time they more and more often carry out cultural events dealing with Ukrainian national traditions. To the large extent, the work of Ukrainian NGOs promotes it. Thus, in Transnistrian region they are represented by two big associations: Regional Civil Organization “Ukrprosvita” and O. But’s Union of Transnistrian Ukrainians. Besides, the Ukrainian-language schools function, Ukrainian editorial boards work on TV and “Radio TMR”, “Homin” newspaper is published. Scientific and art events are conducted regularly as well, educational projects on studying Ukrainian language and literature are implemented, Ukrainian national traditions are revived.⁴⁷²

From the official Kyiv’s point of view, supporting national community abroad is one of the priority areas of foreign policy of the Ukrainian state. It “promotes development of national self-consciousness of Ukrainians living abroad, strengthening their ties with Motherland”.⁴⁷³ Implementation of this trend is aimed at wide involvement of Ukrainian community abroad to the social life of the country as well as at the effective usage of intellectual, spiritual and cultural Diaspora’s potential in interests of Ukraine and Ukrainian society Cooperating with its communities abroad, Ukraine proceeds from the premise that such activity is an important component of its internal and foreign policy and has to comply with its national interests.⁴⁷⁴ Thus, if to take into account normative acts, it becomes obvious that ensuring cooperation “Ukrainian community abroad – Ukrainian state” is necessary for the effective implementation of this process and achieving actual results. In other words, the activity of Ukrainians abroad should be aimed, from one hand, at preserving and enriching national cultural and spiritual values in a country of residence, and at strengthening Ukraine’s authority in the world. From the other hand, the Ukrainian state has to take care of its Diaspora, develop relations with Ukrainian NGOs in order to achieve certain results from this cooperation, particularly, in educational, scientific, cultural, and informational areas.

Obviously, an essential role in ensuring interaction “Ukraine – Ukrainians abroad” could belong directly to media. Firstly, Ukrainian community abroad wants to be constantly aware of the events taking place in Ukraine. Secondly, the wide audience both in Ukraine and abroad should know about the efforts of Diaspora aimed at establishing the connection with the ethnic Motherland, as well as about counter efforts of the state. Meanwhile, in the case of Ukrainians living in the Transnistrian region of the Republic of Moldova this work remains mostly beyond the attention of Ukrainian media⁴⁷⁵ (except single materials that appear there).

⁴⁷² “Ukraintsy Prydnistrovia vidtvoryut’ narodni tradytsii ta prahnut’ do poshyrennya natsional’noi kul’tury v rehioni – holova ukrains’koi orhanizatsii Petro Bohuts’kyl”, <http://www.ukrinform.ua/ukr/order/?id=760896>

⁴⁷³ The President’s of Ukraine Decree № 875/2006 from 13 October 2006 “On the National Concept of Cooperation With Ukrainians Abroad”.

⁴⁷⁴ State Programme of Cooperation With Ukrainians Abroad up to the year 2010.

⁴⁷⁵ According to the leading Ukrainiann sociologist who took part in the poll in the project framework, “Moldovan and Transnistrian problems are practically lacking in media”, that leads a kind of informational vacuum, including expert circles.

14.3. The Results of the Content Analysis of Covering the “Transnistrian Issue” in Ukrainian Media

To define statistics and dynamics of covering events, dealing with the “Transnistrian issue”, in Ukrainian media, the content analysis was held in the framework of a given project. It was based on materials that appeared from January 1 to December 31, 2008 in the Ukrainian informational space and were archived on Internet sites of editions that have been monitored. The analytical data were classified by four media categories (Internet editions, informational agencies, newspapers and TV) and by the subject matter:

- political events (including those in the context of the Transnistrian conflict settlement);
- social-economic problems and events connected with them;
- problems of Ukrainian community of the Transnistrian region of the Republic of Moldova (“Ukrainian ethnic factor”);
- crime;
- sport events.

In each category of Ukrainian media, five main informational sources were researched. The most highly rated Ukrainian media were chosen (their titles are given in alphabetic order):

1. Internet editions (Correspondent, ForUm, Gazeta.ua, Novynar, Obozrevatel).
2. News agencies (Liga-Buziness Inform, RBK-Ukraine,* Ukrainski Novyny, Ukrinform, UNIAN).
3. Newspapers (“2000 Weekly”, “Den”, “Dzerkalo Tyzhnya”, “Gazeta Po-Kyivsky”, “Segodnya”).
4. TV channels (“1+1”, “5th Channel”, ICTV, “Inter”, STB).

The results of the content analyses are presented in the below tables:

Table “The basic table of data for the content analyses”

Media	Political	Social-economic	Ukrainian ethnic factor	Criminal	Sport	Total
Internet resources						
Gazeta.ua	3	3	0	1	2	9
Novynar	20	9	2	0	0	31
Korrespondent	22	10	2	1	0	35
ForUm	24	10	1	2	0	37
Obozrevatel	13	5	0	1	0	19
TOTAL in e-media	82	37	5	5	2	131
<i>Average in e-media</i>	16,4	7,4	1	1	0,4	26,2
Agencies						
Liga Business inform	12	5	0	1	0	18
Ukrinform	73	14	5	3	0	95

* Although RBK-Ukraine is not a Ukrainian news agency, it regularly covers the Transnistrian matters, particularly, in the context of Ukrainian foreign policy. Besides, many Ukrainian media refer to materials of this news agency or reprint them.

UNIAN	30	7	2	0	0	39
Ukrainski novyny	10	1	0	0	0	11
RBK Ukraine	31	8	0	0	0	39
Total in Agencies	156	35	7	4	0	202
<i>Average in Agencies</i>	31,2	7	1,4	0,8	0	40,4
Newspapers						
Gazeta 2000	3	1	1	0	1	6
Den'	15	0	1	0	0	16
Dzerkalo Tyzhnia	2	1	0	1	0	4
Gazeta po-kievski	6	6	0	0	0	12
Segodnia	7	3	1	1	0	12
Total in newspapers	33	11	3	2	1	50
<i>Average in newspapers</i>	6,6	2,2	0,6	0,4	0,2	10
TV						
1+1	6	0	0	0	0	6
ICTV	0	4	0	0	0	4
Inter	36	10	0	1	1	48
STB	1	0	0	0	0	1
5 Channel	47	13	0	0	0	60
Total on TV	90	27	0	1	1	119
<i>Average on TV</i>	18	5,4	0	0,2	0,2	23,8
<i>Average in all types of media</i>	18,05	5,5	0,75	0,6	0,2	25,1

The Table “Distribution of Materials by Subject Matters” demonstrates the total distribution of materials published or broadcasted in Ukrainian media⁴⁷⁶ in 2008, by subject matters. Thus, the vast majority of publications and TV reports (72%) were connected with the political aspect. The main subjects were: the pace of the Transnistrian conflict settlement; statements of “5+2” negotiation format participants’ representatives; transboundary cooperation, particularly on the Transnistrian part of Ukrainian-Moldovan border; the development of the situation in connection with Abkhazia and South Ossetia events’ background.

Table «Distribution of Materials Subject Matters»

Topics of materials				
«Political»	«Social-economic»	«Ukrainian Ethnic Group»	«Criminal»	«Sport»
72 %	22 %	3 %	2 %	1 %

The second subject that attracted attention of Ukrainian media (22%) was the socio-economic matters. First of all they included events connected with overcoming the consequences of natural disasters in summer 2008. The amount of publications about the life of Ukrainian community in the Transnistrian region of Moldova made up only 3% from the total amount of materials in the context of the “Transnistrian issue”. Such subjects as crimes in the region, crimes in which Transnistrian expatriates were involved, and sport events obtained even lower rating (2% and 1% respectively).

⁴⁷⁶ We mean media materials that were researched in the framework of this content analysis.

The Table “The Average Amount of Media Materials in Categories” shows the average amount of media materials in categories. In other words, it defines how actively Internet editions, news agencies, newspapers and TV channels have covered five abovementioned subject matters. One can see that the leaders by the average amount of publications were news agencies and Internet editions. It can be explained by the fact that the majority of materials in these media categories belong to informational genres that provide for publications of mostly small news stories. Newsrooms of some TV channels (“Inter” and the 5th Channel) have worked in a similar format, promptly covering, first of all, resonant events.

Table “The Average Amount of Media Materials in Categories”

	Internet-editions	Agencies	Newspaper	TV
Political	16,4	31,2	6,6	18,0
Social-economic	7,4	7,0	2,2	5,4
Ukrainian ethnic factor	1,0	1,4	0,6	0,0
Criminal	1,0	0,8	0,4	0,2
Sport	0,4	0,0	0,2	0,2

Paying attention to the Ukrainian ethnic factor, one can state that the subject of Ukrainian community’s life in Transnistria was more often mentioned in materials of news agencies, particularly, Ukrinform and UNIAN (5 and 2 publications, respectively).⁴⁷⁷ In Internet editions that were included in the sources list in the research framework, only five materials were published in 2008. At the same time, no materials about the life of Ukrainian community on the right bank of Dniester were found in Internet archives of TV channels in the research framework. In this connection it is necessary to mention that TV channels are considered to be one of the most effective means to inform population⁴⁷⁸ but, unfortunately, during the last year they did not use their great potential to cover events dealing with Ukrainian community of the left bank of Nistru.

These Tables also witness the low amount of publications on the “Transnistrian issue” in Ukrainian newspapers. However, it is necessary to emphasize that frequency of their publishing as well as the amount of printed information in newspapers differ essentially from the information in “online regime” that Internet editions and news agencies publish. One should also take into account that newspaper publications (mainly articles, comments and reviews) belong to the analytic genre⁴⁷⁹ and provide much more information. Such materials present the subject more comprehensively and give a possibility to study the problem in more details than if getting acquainted with facts in information materials.

⁴⁷⁷ See Table “The basic table of data for the content analyses”

⁴⁷⁸ Prokhorov E. P. Vvedenie v teoriyu zhurnalistiki: Uchebnoe posobie. – 6-th edition. – Moscow: Izdatel’stvo MGU, 2005. p.247

⁴⁷⁹ Zdrovega Y.V. Teoriya i metodyka zhurnalisty’koi tvorchosti: Pidruchnyk – 2-nd edition, with amendments – Lviv: PAIS, 2004. - p. 197

The Table “Subject Filling in Each Media Category” presents the subject filling of each media category (Internet editions, news agencies, newspapers and TV). From the scheme, one can see that all media categories in Ukraine preferred the political matters during 2008.

Table “Subject Filling in Each Media Category”

	Internet editions	Agencies	Newspapers	TV
Political	82	156	33	90
Social-economic	37	35	11	27
Ukrainian ethnic factor	5	7	3	0
Criminal	5	4	2	1
Sport	2	0	1	1

It can be seen on the Table that the trend of defining the subject priorities of Ukrainian media in Transnistrian matters looks almost similar for different media categories and approximately coincides with the subject distribution of publications in media in general (see Table “Distribution of Materials by Topics”). At the same time, it is interesting that, in particular, in “TV” category the two channels paid attention only to the one subject – different in each case. Thus, on the site of “1+1” channel in the TSN (Television Service of News) section there are six materials that cover only the political-conflict aspect. Instead, ICTV channels keeps in its Internet archive materials exclusively on social and socio-economic subjects.

To define main informational pretexts that were reflected in publications and TV reports in Ukrainian media space on “Transnistrian issue”, the monthly analysis of materials was carried out (see Table “The Dynamics of Highlighting the Subjects of Matters”). Researching the data of the Table that presents the dynamics of informing audience about the events of political character one can define two bursts that lasted from February to March and from August to September last year. In the first case it was a reflection of media’s attention to the recognition of Kosovo’s independence and perspectives of the Transnistrian settlement process. The second burst was connected with Caucasus events and the reaction of the world community to them, as well as with the political activity of Tiraspol administration’s leaders dealing with Russia’s recognition of Georgia’s separatist regions’ independence.

Table “The Dynamics of Highlighting the Subjects of Matters”

	2008 year											
	01	02	03	04	05	06	07	08	09	10	11	12
social-economic	4	12	1	5	3	1	39	30	8	0	4	3
Ukrainian ethnic factor	2	0	0	2	0	0	1	1	2	7	0	0
political issues	19	56	33	35	10	12	11	69	51	24	22	17

The data shows the dynamics of materials' emergence in Ukrainian media space covering social and socio-economic events. It has a little burst in February and a larger one – in July-August. Such increase of information materials' amount on the background of scarce materials on different subjects is connected, firstly, with the ecological accident on the Nistru River in winter (the polluted waters have reached Odesa). Secondly, at the end of July – beginning of August Nistru waters have flooded Tiraspol and nearby regions.

The “Ukrainian ethnic factor” has obtained more or less visual “actuality” in September-October 2008. Publications of that period informed about the intentions of the two big NGOs of Transnistrian Ukrainians to create a union. Another subject was raising a slab on the place of future monument to Ukrainian Hetman Ivan Mazepa in Bendery city. It should be mentioned that the last event has invoked a resonance in political circles of Transnistrian region because it “threatened ties with Russia”.⁴⁸⁰

Meanwhile, while carrying out the content analysis, no materials were found relating to extremely actual for the region subject of human rights protection. The single exception was Ukrinform's publication about Ukrainian citizen Yevhen Kolobysenko who perished at the military service in “Transnistrian army”. At the same time it should be mentioned that the problem of brutal violations of human rights in Transnistrian region of the RM has more than once attracted attention of international organizations and institutions – particularly, such as the Council of Europe and the European Parliament.⁴⁸¹

The analysis of the number of materials in different media (see Table “The Quantity of Materials through the Lens of Media-resources”) confirm the conclusion that the Transnistrian settlement matter is covered more comprehensively in those editions where certain journalists systematically work on this subject or a newsroom is paying an essential attention to it. Thus, the leader among Internet editions by the number of materials was ForUm portal, among news agencies – Ukrinform, among printed editions – newspaper “Den”, among TV channels – the 5th Channel.

Table “The Quantity of Materials through the Lens of Media-resources”

Internet-editions	Gazeta.ua	9
	Novynar	31
	Korrespondent	35
	ForUm	37
	Obozrevatel	19
Agencies	Liga-Business Inform	18
	Ukrinform	95
	UNIAN	39

⁴⁸⁰ See “V Pridnestrovia razgorelsya skandal vokrug pamyatnika Mazepe”, Internet magazine ForUM, 17.10.2008

⁴⁸¹ See, for example, Council of Europe, “Situation on Human Rights in the Transnistrian Region of the Republic of Moldova”, document prepared by the CoE Directorate General for Political Affairs, SG/INF(2006) 7, 16 May 2006, a також European Parliament Resolution on Human Rights Violations in Transnistria (Republic of Moldova), P6_TA-PROV(2007)0358, signed 12 July 2007, at <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0358+0+DOC+XML+V0//EN>>.

	Ukrainski novyny	11
	RBK - Ukraine	39
Newspapers	Gazeta 2000	6
	Den'	16
	Dzerkalo Tyzhnia	4
	Gazeta po-kievski	12
	Segodnia	12
	TV	«1+1»
	ICTV	4
	Inter	48
	STB	1
	«5 Channel»	60

At the same time the research has revealed that the majority of some Ukrainian media's materials were based on publications in Russian informational sources: RIA "Novosti", Lenta.ru, Vesti.ru, Radio station "Echo Moskvy" etc. That confirms once again that Russian media pay more attention to Transnistrian subject than the main part of Ukrainian media. Therewith, many Ukrainian media (especially in political matters) copy Russian materials and post them on their own resources without certain editing. It promotes, in its turn, domination of Russian stands and views on the Transnistrian issue in Ukrainian informational space.

14.4. Classification of problems that characterize informational support of Ukrainian community in Moldova and the Transnistrian region of the Republic of Moldova

The analysis of reasons for insufficient informational support of Ukrainian community in Moldova and, particularly, in the Transnistrian region of the Republic of Moldova reveals the situation that is similar to one in other foreign countries. Thus, most factors that impact this process are typical for the whole media space of our country. Among these factors, internal and external ones could be marked out.

The internal factors (for Ukraine):

1. The informational space of Ukraine is oversaturated with materials on the internal politics.

This phenomenon is caused by the permanent pre-election stir around the leading political forces of the country that emerged and continued also during 2008 in Ukraine. Leaders and representatives of political parties (blocks) from time to time continue to abuse media's attention, generating "sensational" statements that, in their turn, influence the situation in the country. On the background of such informational splash about the "crucial" events in Ukraine, media pays very little attention to the cultural events inside the country, let alone the foreign aspect of this area.

2. It is difficult to find information about the life of Ukrainian community abroad in materials of Ukrainian media concerning foreign events.

Materials, articles and reports of Ukrainian electronic and printed media on the events abroad regard mainly those phenomena that impact economic and political situation in Ukraine directly. The same importance and rating is given to materials on the events that impact a group of countries, region or change the world trends in certain areas.

Separately, the information about technological accidents, natural disasters, etc. is given. As a rule, departments of foreign information in Ukrainian media are small and sometimes there are no such departments at all. That is why information about foreign events is not too popular in Ukrainian media space. The exceptions here are presented by specialised editions (printed materials, electronic resources, TV and radio programmes that focus on international events and satisfy the informational request of a narrow circle of readers/spectators/listeners). But even under these circumstances materials about the life of Ukrainian Diaspora abroad usually are not considered highly-rated, especially on TV channels and radio services that possess a huge potential for informing population.

3. Ukrainian state structures pay insufficient attention to the lack of informing about the life of Ukrainians abroad.

Despite the whole number of documents approved on the state level, amount of materials regarding Ukrainian community abroad, in particular, in Moldova and Transnistrian region of the Republic of Moldova, is still insufficiently low in Ukrainian informational space. Therewith, media often consider the Diaspora subject interesting only when some “remarkable” events take place – e.g., Ukrainian community representatives’ meeting with President, Speaker or Ministers. Such events are not numerous: few ties a year for certain country – particularly, Moldova. All other events: literature and art evenings, festivals, meetings, etc. remain beyond media’s attention because in a majority of cases journalists have no information about them. Particularly, there are no announcements about planned events, press releases, information for media from Embassies, Ministries, core departments that are responsible for ties with Ukrainian community abroad.

External factors:

1. An issue of Ukrainian community of Transnistria has its specificity, particularly because of the residence in unrecognized separatist region and possibilities for easier obtaining the passport of Ukrainian citizen – unlike ethnic Ukrainians from the right bank of Moldova.

The Transnistrian factor has divided Ukrainian community in two parts. It is caused by several reasons. From one hand, according to the assessments of representatives of Ukrainian community in Moldova themselves, the level of cooperation between organisations from two sides of Nistru remains low and is limited to single episodes of communication. From the other hand, the issue of self-identification emerges because Transnistrian Ukrainians, unlike Ukrainians from the right-bank Moldova, consider themselves, in fact, Ukrainian citizens; it is confirmed by the fact that they possess Ukrainian passports. Besides, leaders of Ukrainian movement in Transnistria not only support actively the separatist regime and power structures of the self-proclaimed republic but also carry out the respective propaganda among members of the regional Ukrainian community. Moreover, the same

leaders continue to impose an image of Moldova as an “enemy on the Western TMR border”⁴⁸² among ethnic Ukrainians of the region. Taking into account that the vast majority of Ukrainian minority members on the right bank of Moldova are loyal citizens of the Republic of Moldova, it additionally complicates relations between the two Ukrainian communities and hampers the prospects of country’s reintegration.

At the same time, many Transnistrian Ukrainians keep the “Soviet mentality” if compared with Ukrainians of the right bank of Nistru or with Ukrainian society. Thus, according to the mind of a leading Ukrainian expert on Transnistrian issues professor Hryhoriy Perepelytsya, the Ukrainian community of Transnistria “is, in fact, not Ukrainian. It is a part of the same Soviet Russian space as the rest of the Transnistrian society. They identify themselves as Ukrainians only in the sense – what can they obtain from Ukraine and how to use it for their needs. But as for their political views, they are completely engaged by Russia and, of course, support its policy. I think that residents of the Transnistrian region of the Republic of Moldova are far from understanding those democratic values that Ukraine is struggling for”.⁴⁸³

Undoubtedly, these factors are unfavourable for joining efforts of Ukrainian organisations of Moldova. That is why for journalists who prepare materials regarding Ukrainian community of the Republic of Moldova, it is difficult to orient in the specificity of the problem, to find necessary contacts. Additionally, the problem of journalists’ accreditation on the Transnistrian territory complicates the situation (for understandable reasons).

2. Ukrainian community of the left- and right-bank Moldova, from its side, exerts minimum efforts to establish contacts with Ukrainian media.

As practice has shown, it is difficult to find statistics about direct contacts between Ukrainian organisations of Moldova and Ukrainian media. Obviously, this fault is typical for both sides that do not manifest interest in cooperation.

Conclusions and propositions

So it is clear that the level of informing Ukraine about the life of Ukrainian community abroad, particularly, on the territory of the Transnistrian region of the Republic of Moldova, remains low. This is caused by a number of internal (for Ukraine) and external factors that witness the following:

- the low interest of Ukrainian media and, as a result, customers of the information in domestic media space in materials on the life of Diaspora;
- the practice spread in the most Ukrainian media to take materials about events in Moldova and the Transnistrian region of the Republic of Moldova from publications in Russian media rather than establish contacts with the original sources;
- the low level of Ukrainian NGO’s of the left- and right-bank Moldova interest in cooperation with media in Ukraine;

⁴⁸² From the speech of the head of Transnistrian “Ukrprosvisa” Volodymyr Bodnar 10 October 2008 in Ukrainian school N 1, Rybnitsya town.

⁴⁸³ Interview with G. Perepelytsya from 4 February 2009.

- Ukrainian community's of Transnistria separation from Ukrainians of the rest part of Moldova, first of all, the “split” on the ground of political views and preferences;
- Insufficient efforts of the state structures of Ukraine in the area of informing population about Ukrainians abroad.

To solve these problems, it would be appropriate to aim efforts of both sides (the state and the ethnic community abroad) at strengthening informational support of cultural, spiritual, educational, scientific aspects of the life of Ukrainians abroad. Meanwhile, Ukrainian NGOs abroad, particularly, in Moldova, could create circumstances for improving the situation on their own by establishing direct contacts with certain Ukrainian media.

The main precondition for that is media's interest in cooperation with the Ukrainian community of Moldova. The question is the existence of interesting informational pretexts for materials, problematic articles, reports, interviews, etc. on different subjects. Official Ukrainian missions in the Republic of Moldova can join this work. Their function can consist in informing Ukrainian media about events planned with the participation of Ukrainians of the Republic of Moldova (via spreading announcements and press releases) as well as in promoting Ukrainian journalists' accreditation. Thus, this part of Ukrainian community abroad could make itself more known in Ukrainian media space, drawing attention of the state and society to the problems it faces.

15. Informational influence of Russian (and pro-Russian) media on the problem of settlement of the Transnistrian conflict

By Zoya ZHMINKO

The topics relating to Transnistria, seeking ways of settling and provision of the necessary facilities for life in this region rather often sound in Russian politicians' statements, in media, expert assessments, analytical and TV materials. Especially because Russia now considers the Transnistrian problem as a way to demonstrate to the EU its ability to be a partner in settling "frozen" conflicts.

At the same time Russia is doing all its best to change for the Western politicians, experts and ordinary information consumers the picture of Transnistria as a "black hole" almost in the centre of Europe, near the EU borders. For this purpose, the national Russian media are used, as well as visits to the region of Russian politicians widely covered by the Transnistrian media.

Thus, the base of Russian information policy towards Transnistria is presenting this territorial formation as a civilised, self-sufficient and well-established administrative unit that deserves, as a maximum, the general recognition of its statehood and independence by other countries, and as a minimum, the special status in Moldovan borders.

Those who live outside the Transnistrian region seek information about the events in the region first of all in the Internet. And it appears that most news, beside Transnistrian Internet-sources themselves, could be found on the sites of the two Russian news agencies that actively cover events in the region, – "Novyi Region" and "Regnum". Therewith on the "Novyi Region" site that presents itself as an independent from the censorship news source of Russian-language space of the CIS, Transnistria could be found easily among such sections as "Russia", "Kiev", "Kishinev", "South (Caucasus)" and "Chelyabinsk". As for "Regnum", one should anyhow seek here Transnistria among foreign countries. It is no need to speak about the orientation of these sites: even the short overview of the regional matters on the latter one has shown such subjects as "Russiaphobia and xenophobia in Moldova", "Nationalism, xenophobia, religious extremism and struggle against them", "Russian language in the nearest abroad" and "Kosovo precedent and struggle for the independence of unrecognised countries".

Those Russian editions that are known as oppositional confirm this status in matters concerning Transnistria as well. Thus, "Novaya gazeta" once has published a number of materials on sharp problems like criminalisation of the society and power in TMR and Russia's participation in overcoming this problem⁴⁸⁴; demilitarisation of the region and its, in fact, failure, and illegal armament trade from the military depots.⁴⁸⁵ Thus, the facts and conclusions provided by these materials differ from those usual in the editions more loyal to the government: the editions critically assess the policy and conduct of the regional authorities as standing up for the ideology of a "fortress in siege", "grey" and engaged in criminal trade-economic schemes; their main aim is to change nothing and to preserve the independent de-facto existence as long as possible, hoping for the independence de-jure in future.⁴⁸⁶ However, in some points these conclusions are closing each other: "It is possible to stop the 'criminal revolution' in Transnistria only with the help of Russia that has an experience of fighting the

⁴⁸⁴ <http://www.novayagazeta.ru/data/2000/84/18.html> Vlast' kriminala i kriminal vlasti. - № 84 from 16 November 2000

⁴⁸⁵ <http://www.novayagazeta.ru/data/2003/06/26.html> - Taynyi arsenal mafii. - № 6 from 27 January 2003

⁴⁸⁶ <http://www.novayagazeta.ru/data/2006/20/15.html> - Blokada kormit... - № 20 from 20 March 2006

organised criminality and international terrorism; the situation in the republic long enough demands to unite Russian experience with the Transnistrians' efforts".⁴⁸⁷

More "engaged" in the state policy Russian media prefer retranslation and discussing the twists and turns of the political life and negotiation process about the status of the Transnistrian region without studying in depth the social problems. Thus, the events of April 2009 (when after the elections to the Moldovan Parliament in the country's capital mass disorders resulted in the damage of the legislative organ's building, took place) have actualised in Russian media the subject of possible Moldova's joining Romania – however, without Transnistrian territories in its structure.⁴⁸⁸

At the same time, Transnistrian and Russian media presented in the region regularly and consistently spread information that Russia is ready to recognise independence of the TMR as it has earlier done in Caucasus for South Ossetia and Abkhazia, and that Moldovan state risks to disappear because of the unsettled Transnistrian problem and gravitation towards its European neighbour – Romania. "The destiny of Moldova as an independent state hangs on a thread and the name of this thread is Transnistrian settlement. If Moldova, in the nearest future, does not unite with TMR, sooner or later nationalists will gain power in Chisinau and they will implement the unionist project (merging Moldova and Romania). If communists do not recognise the necessity of uniting with Transnistria, the destiny of Moldova as an independent state will be pitiful", says the Deputy of Russian State Duma Konstantin Zatulin⁴⁸⁹ who is known for his eschatological forecasts about the future of the post-Soviet countries (of course, except Russia). At the same time he adds that Russia is ready for the negative development of the situation in this region and that Duma can consider, if necessary, the issue of recognising independence of the Transnistrian Moldovan Republic.⁴⁹⁰

And the Deputy of Russian State Duma (CPRF faction) Sergey Gavrilov who visited the region in August 2008 considers that a full-fledged state mechanism, civil society and democratic regime have formed in Transnistria in the last eighteen years.⁴⁹¹

One more typical feature of Russian informational policy towards Transnistria, as well as towards the whole territory of former USSR, is the appearance here of Russian journalists, analysts, political scientists and political technologists that, in fact, implement Russian ideology. For example, among those who usually create informational pretexts and comes out with assessments, forecasts and advises about the development of the situation in the Transnistrian region, the director of Moscow Institute for National Strategy Stanislav Belkovskiy should be mentioned. As early as in June 2004 he proposed to discuss a new plan of the conflict settlement: to give up attempts to unite Moldova and the Transnistrian region by force, grant Transnistria the right for self-determination, and join Moldova to Romania.⁴⁹² He still has not declined this scenario of the events' development: to his mind, Chisinau disorders in April 2009 have shown inevitability of the country's move towards Romania and losing

⁴⁸⁷ <http://www.novayagazeta.ru/data/2000/84/18.html> Vlast' kriminala i kriminal vlasti. - № 84 from 16 November 2000

⁴⁸⁸ <http://www.izvestia.ru/opinion/article3127172/> - Stanet li Moldaviya runynskoy? - 7 April 2009

⁴⁸⁹ <http://www.nr2.ru/moskow/228235.html> - Konstantin Zatulin: "Yesli v Moldove pobediati natsionalisty, Rossiya priznaet nezavisimost' Pridnestroviya".

⁴⁹⁰ Ibid.

⁴⁹¹ <http://www.nr2.ru/194195.html> - Pridnestrovie slozhylos' kak samostoyatel'noe gosuderstvo, schitaet deputat Gosdumy.

⁴⁹² <http://www.lenta.ru/world/2004/06/11/romania/> - Stanislav Belkovskiy predlozhyt Rumynii Moldaviyu v obmen na Pridnestrovie

Transnistria: “This vector (merging of Moldova and Romania) remains inevitable and unavoidable; the only question is how soon it will happen”.⁴⁹³

The most known in Russia and in post-Soviet space journalists have also arrived on Transnistrian ground. Somebody because he has family roots on this land as Sergey Dorenko, whose grandmother was a daughter of a Transnistrian Bulgarian.⁴⁹⁴ Another journalist and TV reporter Alexandr Nevzorov at the beginning of 1990s made a series of reports “Nashi” (“Ours”) about Russian-Soviet soldiers in “hot spots” including Transnistria, and was awarded a reward of the civil organisation “For the Defence of Transnistria”. The host of “Odnako” (“However”) programme on the Channel 1, political analyst Mikhail Leontiev comments Transnistrian issue a lot, calling Transnistria an unsubdued USSR and its residents “real internationalists”.⁴⁹⁵ Besides, he considers this region a geographical and political obstacle for NATO’s advance towards the Russian borders and considers Transnistria to be just Russia – a fragment of Russian society, multinational and multicultural. “Principally, it is Soviet territory and the war against Nazi (1992 events) that tried to conduct there ethnical cleansings, went on under Soviet-imperial slogans”, – Leontiev says.⁴⁹⁶ At the same time, he considers Russian policy regarding this region poorly thought-out and imperfect and forecasts that Transnistrian destiny depends on the destiny of Ukraine: “To a large extent, the destiny of Transnistria will be defined by the destiny of Ukraine and because Ukraine’s destiny is not defined yet – in what form will exist this state and in what direction it will go – it impacts Transnistria directly”.⁴⁹⁷

All needs and methods of Russian informational policy are used fully by the Transnistrian side, too, because for the unrecognised Transnistrian republic its media resources are, perhaps, one of the main instruments of public diplomacy and a way to made aware of its existence as many people as possible. Thus, according to the words of the editor-in-chief of the official Transnistrian news agency “Olvia-Press” Oleh Yelkov, since Transnistria has no financial means to support special programmes of foreign PR, this work is entrusted to the state media and foreign resources – as a rule, the latter ones are represented by Russian loyal media.⁴⁹⁸ Indeed, Russia is the priority region for informational policy from the very beginning of the Transnistria’s existence, and most contracts that unrecognised country’s media have established with foreign colleagues were established just with Russian outlets and TV. Exactly Russian media play a key role in a process of international legitimisation of the TMR, showing Transnistria in their information flows as a full-fledged state, and connecting this geopolitical image to Russia.⁴⁹⁹ And this approach is fully in line with the global Russian informational policy: presenting Transnistria as an “outpost of Russia” they make Russian political space wider in eyes of foreign, first of all Western, community, and for domestic information consumers fix it in borders of the former USSR.

Besides, the abovementioned “Olvia-Press” editor-in-chief has stated that in Moldovan President’s Administration there is allegedly a special service that works out “black myths” about Transnistria and spreads them through Western media, thus forming a geopolitical image of the TMR as a “black hole”

⁴⁹³ <http://svpressa.ru/issue/news.php?id=7347> - Stanislav Belkovskiy: Objedininie Rumynii i Moldavii ne za gorami.

⁴⁹⁴ <http://www.dorenko.tv/node/644>

⁴⁹⁵ <http://www.km.ru/magazin/view.asp?id=F550B9E0734A4D2185E65E59516F28C7> – M. Leontiev: “Pridnestrovie – eto nepobedimy i SSSR.”

⁴⁹⁶ Ibid.

⁴⁹⁷ Ibid.

⁴⁹⁸ www.olvia.idknet.com/ol85-02-06.htm - Rol’ media-resursa v protsesse mezhdunarodnoy legitimizatsii PMR.

⁴⁹⁹ Ibid.

where lack of any restraint dominates, and basic human rights and freedoms are violated.⁵⁰⁰ Thus, cooperation between Transnistrian and Russian media is, undoubtedly, beneficial for both sides. Using communication resources and support of Russia, TMR obtained a possibility to deliver to American and European information markets its own “picture”, countering the one that is delivered by Moldovan, Ukrainian and Western media.

The potency and scope of Russian informational policy impact also Ukrainian media that deliver information about Transnistrian region or Moldova. Thus, international experts mention that Ukrainian media use publications of their Russian colleagues too often despite the fact that the latter do not reflect views and stand of the official Ukrainian authorities concerning the Transnistrian settlement.⁵⁰¹

However, the question arises to what extent the picture that Transnistrians that is is, with the help of Russian media, to be “sold” to foreign informational consumers, is trustworthy and can serve as a reliable source of information on life in the unrecognised republic and not just as a promoter of Russian geopolitical interests. (In this context, it should be kept in mind that the information provided appropriately and timely is one of the important components of Russian expansion). Thus, to Moldovan experts’ mind, domination of Russian and pro-Russian informational space in Transnistria is imposed artificially and is used for a “brainwashing” of a population of the conflict zone. Particularly, Russian and Transnistrian media actively create an image of Moldova as that of enemy, combining it with the image of a single defender and saviour that is, of course, Russia.⁵⁰²

The situation with Transnistrian media reflects also the mindset in the region that in its policy is strongly attached to Russia. Although 160 thousand Ukrainians live in Transnistria, and Ukrainian language is recognised one of the official ones, it makes no sense to seek news in Ukrainian on the pages of the news agencies “Lenta TMR” or “Olvia-Press”. In the best case, as in the case of “Lenta TMR”, some news are selectively translated into English – maybe for spreading information among those who would like to obtain it beyond the CIS borders; however, there is no Ukrainian version of the site at all. Instead, at “Olvia-Press” site one can find links to partners’ resources – news agency of South Ossetia “Osinform” and a site about the genocide of the Ossetians. Obviously, it is not so interesting for Transnistrian media to cooperate with Ukrainian ones.

Russian informational policy towards Transnistria has already evoked concerns of official Ukrainian circles and it was already stated. Thus, introduction by Ukraine and Moldova new customs rules for Transnistria in March 2006 was perceived by the Russian side extremely negatively and sharply. “Economic blockade”, “customs war” that grows into economic and diplomatic war between Moldova and Russia and is called to eliminate the statehood of Transnistria – like that was the lexicon of Russian media at that period.⁵⁰³

Just at that time the Ukrainian Ministry of Foreign Affairs has accused Transnistrian authorities and Russian media in feigning conflict in the region. “It seems to me that it is just a PR project supported by Russian media and, unfortunately, feigned from Transnistria by its authorities”, – such was the view

⁵⁰⁰ Ibid.

⁵⁰¹ <http://www.irf.kiev.ua/ua/programs/eu/news/?doc:int=6505> Nedostatnye informuvannya pro podii v Prydnistrovii poslablyue pozytsii Kyeva na tsyomu napryami – eksperty.

⁵⁰² old.azi.md/51210/Ru – Obobschennaya tochka zreniya na pridnestrovskuyu problemu. Institutul de Politici Publice.

⁵⁰³ <http://www.polit.ru/event/2006/03/23/blockade.html> - Rossiya gotova prevat' blokadu Pridnestroviya.

of Ukrainian diplomats expressed by Andriy Veselovskyi,⁵⁰⁴ at that time the deputy Minister of Foreign Affairs. At the same time he mentioned mostly negative tint of materials appearing in Russian media: “If we read only Moscow newspapers, the impression is formed that here we have Armageddon and that everything here is just about to explode and burn”.⁵⁰⁵

However, representatives of the region’s authorities did not have such impression from the editorial policy of Russian media – until winter 2009, when a criminal case against the abovementioned “Regnum” news agency was opened. “Russian news agency “Regnum” has published a material the content of which, according to the mind of the department investigator of the TMR Ministry of State Security, is a ground for opening a criminal case on the fact of public call to seizure of power by force and changing the constitutional system of the TMR”,⁵⁰⁶ – the press service of the Foreign Ministry of unrecognised republic stated. To MGB’s mind, the author of the publication calls certain strata of Transnistrian community to change power in anti-constitutional way, therewith involving Russian military contingent. In connection with this publication, MGB conducted investigation and sent respective requests to Russian law enforcement agencies. Power bodies of the unrecognised republic are still investigating the detailed scenario of a coup d’état and have not published yet their decision on this case.

Attention of the security foreign relations service of unrecognised republic was attracted to the material by Sergey Kolerov – one of the agency’s chief editors – “Stockholm syndrome: the Real Consequences of the “Gas War” between Russia and Ukraine”.⁵⁰⁷ This article was obviously aimed at discrediting Ukrainian authorities’ actions while Russian Gazprom has ceased gas supply to Ukraine, Moldova and the EU countries. It contained also criticism of leaders of the unrecognised republic for their statements about the possibility of involving Romania in the process of the Transnistrian settlement and the lack of the pro-Russian policy in the region, and of Moldovan authorities – for allegedly supporting anti-Russian ideas.

Besides, the author reproaches leaders of the Transnistrian region for their multi-vector policy: “Multi-vectorism is not a myth but an everyday practice of Transnistrian administration; the desire to milk everybody is characteristic for both Chisinau and Tiraspol”. The author also accuses Vladimir Yastrebnak, the head of the “Ministry of Foreign Affairs: and, allegedly, a protégé of Ukraine’s special services, of “cynicism and impudence of a blackmailer that went too far and was never punished and never rejected by his philanthropist”.⁵⁰⁸ It is possible to assume that exactly these passages evoked the greatest indignation of the “Transnistrian Foreign Ministry”.

At the same time, the author considers several scenarios of the events’ development in the region if Russia withdraws itself from participating in Transnistrian issue or, to the contrary, if it becomes more active: “The only chance for Russia to change the situation and to keep the region in the sphere of its influence is changing power in the TMR and actively interfering in the republic’s life, and it is necessary to do it immediately. To wait until 2011 presidential elections in a hope to change Smirnov’s presidency for the presidency of the present speaker of Transnistrian parliament Yevgeniy Shevchuk

⁵⁰⁴ For-ua.com/news=106578 Konflikt v Pridnestrovie – piar-proekt?

⁵⁰⁵ Ibid.

⁵⁰⁶ http://www.gazeta.ru/news/lenta/2009/02/09/n_1328870.shtml PMR vzbudila ugolovnoye delo protiv Regnum.

⁵⁰⁷ <http://www.regnum.ru/news/1118061.html>

⁵⁰⁸ Ibid.

means to conserve everything as it is, therefore to lose the region long time before the elections”.⁵⁰⁹ The author sees the way for such “revolutionary” transformations in using an experience of “coloured revolutions” by the pretext of defending Russian citizens of which there is no lack in the region due to farsighted policy of the Russian Federation”. Therewith the author sees no legislative obstacles for coup d'état: “Moscow actions in Tiraspol do not fall even under the definition of interfering in the internal affairs of another state because legislatively Transnistria is not recognised, it simply does not exist. It also could not be defined as interfering in the internal affairs of Moldova because Russia’s presence in Transnistria is fixed by peacekeeping and negotiation formats, and as for the depots of Russian armament and an additional military contingent, the rest of participants of the Transnistrian settlement process reconcile with their presence de-facto, from time to time raising an informational noise on the subject for appearances’ sake”.⁵¹⁰ Besides, the author proposes to Tiraspol to initiate rejection of Ukraine’s, EU’s and USA’s mediation in settling status of the region and legitimise instead the “2+1” format – with participation of only Transnistria, Moldova and Russia.

The Ministry of Foreign Affairs of the unrecognised republic commented the activity of “Regnum”, too. As appears, the agency still does not have an accreditation for journalistic activity in Transnistria, does not want to receive information from the first hands and does not consider objectivity the base of its work. “The main aim is to destabilise internal political situation in Transnistria, to disorder the power organs, to play in own interests that have nothing in common with Transnistrians’ interests, on these contradictions between branches of power that are objectively present in any democratic country”, – MFA TMR considers.⁵¹¹ According to Ministry representatives, the author of the publication is especially annoyed by the Ukrainian factor and interaction between Ukraine and Transnistria, as well as by a possible Romania’s participation in the settlement. MFA had to assure that Russia was, is and will remain a main guarantor of peace and stability in the region, and that Transnistrians know the real price of friendship and do not need to be taught to copybook maxims.⁵¹²

Thus, dominating of Russian media in Transnistrian media space is unquestionable and in the nearest future the situation has no chances to change. Its main elements are: propagation beyond Russian borders those thoughts and views beneficial for Russian authorities, dominating of Russian media in some regions abroad, work of Russian media representatives outside the domestic country but to its benefit. And the aim of such policy is to keep the countries of a “near neighbourhood” in the common information space, preserving its own influence on them and hoping to revive the USSR although in a new format. Ukraine, having its own interests in Transnistria and defending its own international image, has to stand for its positions in this situation. Thus, among possible actions there could be strengthening of own informational presence both in Moldovan and Transnistrian media space – in order to deliver Ukrainian position countering or supplementing the Russian one. Besides, Ukrainian media and NGOs have to establish contacts with Transnistrian colleagues and Ukrainian ethnic community for the full-scale informational exchange, deliver to the region’s residents Ukrainian stand on the matters of the Transnistrian settlement, economic and social life.

⁵⁰⁹ Ibid.

⁵¹⁰ Ibid.

⁵¹¹ http://www.mfa-pmr.org/?sub_category=6181&cat=news&p=0 publikatsii v zarubezhnom informatsionnom agentstve.

⁵¹² Ibid.

16. Cooperation of Ukrainian Analytical Centres and NGOs with Moldovan and International Organisations on Transnistrian Issues

By Sergiy GERASYMCHUK

Discussions on the issue of Moldovan-Ukrainian relations are partly limited by the discussion of international contacts and interaction on the interstate level. To some extent, such an approach is to be explained by the fact that on the level of civil societies of Ukraine and Moldova, there is evident shortage of common projects that could create a favourable background for working out a common expert approach to solving problems our countries are facing.

A problem for developing such common projects is insufficient funding, because civil society in both countries can support its institutions' functioning mostly at the expense of European and American donors that often do not consider problems of Moldova and Ukraine as priorities of the agendas. However, the situation is a bit improving due to the fact that the EU now has common borders with both Ukraine and Moldova. Therefore, projects that involve European partners have more chances to obtain financial support, especially because the results of research carried out in cooperation with European partners include, inter alia, the aspects that are of direct interest for the EU.

It is necessary to note that the initiative of Ukrainian President known as “Yuschenko’s Plan” has become an essential incitement for initiating and implementing the projects oriented on cooperation of the non-governmental sector of Moldova and Ukraine, as well as on working out recommendations on Transnistrian conflict settlement. The plan has provided for implementing seven important steps:

1. Kyiv proposed official Tiraspol to create conditions for the development of democratic system, civil society and multi-party system.
2. The necessity of conducting “free and democratic” elections to the Supreme Soviet of Transnistria was recognised.
3. Ukraine called the USA, the EU, CoE, OSCE and RF to ensure, together with Ukraine, control over conducting elections to the Supreme Soviet of the TMR.
4. Kyiv called the EU and the USA to promote settlement of the Transnistrian conflict.
5. The Ukrainian side supported the transformation of the present peacekeeping mechanism by involving international contingents under the OSCE aegis and expanding participation of the Ukrainian military observers.
6. Kyiv called TMR authorities not to impede international monitoring of the Transnistrian military/industrial complex enterprises.
7. Ukraine agreed upon conducting a short-term monitoring on the Moldovan-Ukrainian border at the Ukrainian territory under the aegis of the OSCE, and called Transnistria not to put obstacles to it on its territory.

In its turn, Moldovan Parliament on 22 July 2005 has passed a Law on the Status of Transnistria according to Yuschenko’s Plan. In February 2006 the next round of negotiations in “5+2” format (Moldova, Russia, Ukraine and OSCE together with the EU and the USA) was held.

The TMR “authorities” perceived the mentioned steps without enthusiasm. They condemned Ukraine and Moldova for “economic blockade of the TMR” in March 2006; on 31 May 2006 they announced

that the referendum on the independence should be held and finally held it indeed, obtaining 97% votes for independence from Moldova and joining the Russian Federation. Despite all this, the climax of civil sector's activity has fallen just on 2005-2006.

One of the donors' structures more than once supported the projects in which interests and potential of experts from Ukraine, Moldova and the EU countries came together, was the Soros Foundation. National offices of the Foundation on several occasions demonstrated their interest in developing contacts between NGOs of Ukraine, Moldova and the EU countries. Moreover, the Network Program of the Foundation "East-East: Partnership beyond Borders" has even initiated special trilateral competitions where organisations from Ukraine, Moldova and Romania could participate. Participation of the Romanian organisations created preconditions for sharing experience of the Romanian side, accumulated in a process of joining NATO and the EU, while Ukrainian and Moldovan sides obtained an additional possibility to be heard not only at the regional but also at all-European level. The competition "Civil society cooperation in the Ukraine-Moldova-Romania Region" was held jointly by the International "Renaissance" Foundation, Soros Foundation in Moldova, and the Open Society Foundation, Romania. The aim of the competition was to unite efforts of representatives of the third sector in Ukraine, Moldova and Romania for strengthening components of open democratic society and promoting the stable development of the region in the context of European Neighbourhood Policy implementation.

The list of priorities was focused on the following actual problems:

1. Developing partnership between civil society organisations and local authorities (spreading best practices in solving local problems and public participation in decision-making process; transparency of the local governing and civil society organisations' activity; promoting communities' development in the rural area etc.);
2. Promoting Europeatn integration process and public monitoring of the implementation of the existing plans in the areas of security, human rights, open borders, etc.;
3. Promoting dialogue between the three countries' elites with active engagement of young researchers for the advancement of democratic processes in the region;
4. Approximation of prospects for Euro-Atlantic integration in the Black Sea region;
5. Promoting dialogue and cooperation of regional civil society actors with their counterparts in Transnistria.

The majority of the initiatives had a complex nature, i.e. the activity was planned in all three countries and included, beside exchanging experience/ideas/analytic materials, the elements of training, researches, elaborating recommendations, informational-educational events etc.

The Ukrainian side was represented by such experienced organisations as the Academy of Ukrainian Press, Pylyp Orlyk Institute of Democracy, the Institute of Euro-Atlantic Cooperation, Association of Medical Workers, All-Ukrainian Ecologic NGO "MAMA-86", All-Ukrainian Network of PLWH, Princes-Benefactors Ostrozhsky Foundation, Association of Kolomya Regional Economic Development, the Atlantic Council of Ukraine (Youth Centre), Poltava Regional Women's Union "Churayivna" and others.⁵¹³

⁵¹³ http://www.irf.kiev.ua/ua/programs/ee/about/?to_print=1&doc:int=2826

Among the trilateral projects in which participated those organisations that are co-executors and participants of the given publication, the following could be named: “Trilateral Plan for Solving the Transnistrian Problem”, “Trilateral Approach for European and Euro-Atlantic Integration”, “Trilateral Approach for Problem of the Societal Security”, and “Effective Institutional Responses for Combating Intolerance and Extremism in the Black Sea Region: Romania – Republic of Moldova – Ukraine: the Comparative Analysis”.

The analysis of the joint projects’ implementation in the framework of Soros Foundation initiatives, as well as other projects, in which Moldovan and Ukrainian organisations were involved, gives a possibility to pick out subjects that in this or that way were always present in the discourse of experts-participants. Some of them presented certain difficulties when being discussed either because of their (sensitive) nature, or because it was not possible to have a proper influence on the solution of the problem, or because of principal disagreement in approaches to the problem resolution. First of all, the Transnistrian region of the Republic of Moldova was always such a subject. The reason for that was that the “Transnistrian issue” affects the relations between Moldova, Ukraine and Romania in all areas.

Among the projects that are worth attention, it would be appropriate to point out those that have had the greatest media resonance or have really impacted the prospects of cooperation between the analytical centres of Ukraine and Moldova. As an example, the research published by the Research Centre for Civil Society Problems with the support of the Embassy of the Republic of Poland in Ukraine, could be taken. It was named “Safe Europe: Civic Partnership for Settlement of the Transnistrian Conflict” and presented on 20 December 2006 in the Ukrainian National News Agency “Ukrinform”.

The authors of the abovementioned research – V. Kulyk, director of the Research Center for Civil Society Problems (RCCSP), D. Levus’, O. Sosoniuk, Y. Kuz’menko, I. Novikov – are the experts of the RCCSP that positions itself as a structure not less experienced than those that are listed on the site of the IRF. These experts have analysed a number of initiatives and projects that actors of civil society of Ukraine and Moldova have carried out together.

Despite a certain over-engagement of the authors in their own initiatives, some of the projects they focused on could not be left without attention. For example, the so-called “Odesa initiative” deserves special mentioning. Particularly, during the conference that was organised on 6-7 September 2005 by the international foundation “Bat’kivschyna” (“The Motherland”), Association of civil initiatives support „Kovcheg” (“The Ark”) and several other organisations in Odesa, the declaration known as “Odesa Civil Initiative” was developed.

The participants of the conference declared that just civil society representatives are those who are able to promote conflict’s settlement comprehensively and responsibly. The necessity of founding international expert group and International civil mission was declared. It was emphasised that civil society can become a guarantor of the human rights protection of region’s population. It was also mentioned that the problem of democratisation concerns not only Transnistria but needs to be considered in a complex manner at both banks of the Dniester River.⁵¹⁴

⁵¹⁴ “Bezpechna Evropa: gromadyans’ke partnerstvo dlya Prydnistrovs’koho vrehulyuvannya”: Ekspertne vydannya / Editors: Kulyk V., Levus’ D., Sosoniuk O., Novikov I., Kuz’menko Y., - Kyiv: “CDPHS”, 2006. – 32 p.

Taking into account the composition of the conference participants, which included a group of RF-oriented representatives of the Transnistrian region that came out as a “well-prepared, joint team”,⁵¹⁵ it is no surprise that generally, the whole initiative had a pro-Russian orientation. The “spontaneous character and insufficient grounds (because the initiative was not preceded by the serious discussion of the problem)” could also be rated among shortcomings of the initiative.⁵¹⁶

Another initiative which, among others, enjoyed the attention of the experts of the RCCSP and which received a media resonance much stronger than the “Odesa initiative”, has become the “Trilateral Plan for Solving the Transnistrian Problem”⁵¹⁷ elaborated with the participation of Ukrainian, Moldovan and Romanian experts. The research team consisted of the experts from the Institute for Euro-Atlantic Cooperation, Pylyp Orlyk Institute for Democracy, Strategic and Security Studies Group working together with the Institute for Public Policy (Moldova), and Centre for Conflict Prevention and Early Warning (Romania); the results of a joint research were presented in Bucharest, Chisinau and Kyiv at the beginning of 2006. The amount of the work carried out by the experts and information scope they have processed, attracts attention indeed.⁵¹⁸ According to the words of one of the authors of the document, the expert of Chisinau Institute for Public Policy Oazu Nantoi, the NGOs’ project was based, to a large extent, on the settlement plan proposed by Ukrainian diplomats and supplemented it with the targeted recommendations for the sides, participants, and influential actors of the process of conflict settlement. The authors of the plan proposed the solution for the problem as based on the approach that could be shortly named “The three “D”: demilitarisation, decriminalisation and democratisation of Transnistria.”⁵¹⁹

According to the recommendations presented in the proposals of the “Trilateral Plan for Solving the Transnistrian Issue”, its first stage provided for the withdrawal of Russian troops from Transnistria. The second stage should be disarmament of all military and militarised structures that are under control of Tiraspol. Besides, three levels of solving Transnistrian problem are described in details in the document: regional, national and the local one. The experts-participants of the project have emphasised that such approach could promote not just a political settlement but is also aimed at solution of the topical problems of Transnistrians.

The evidence of the great interest in and attention to this document is not limited by active discussions during presentations and spreading of its text by representatives of diplomatic missions and various international organisations. It was also referred to by the leading Ukrainian media, and at the initiative of the Moscow Carnegie Centre, additional presentation of the project in Moscow was carried out, as well as its translation and publication in Russian.⁵²⁰

The President of Moldova Vladimir Voronin has also greeted the NGOs’ initiative to take part in solving Transnistrian problem and proclaimed the necessity to analyse the proposals of independent

⁵¹⁵ Filipenko A. Prydnistrovs’ke vrehulyuvannya: chy mozhut’ hromadyans’ki initsiatyvy dopomohty tam, de bezsyli uryady / <http://izvestiya.odessa.gov.ua/index.php?go=Newspaper&in=view&id=2972>

⁵¹⁶ «“Bezpechna Evropa: gromadyans’ke partnerstvo dlya Prydnistrovs’koho vrehulyuvannya”: Ekspertne vydannya / Editors: Kulyk V., Levus’ D., Sosoniuk O., Novikov I., Kuz’menko Y., - Kyiv: “CDPHS”, 2006. – 32 p.

⁵¹⁷ See the full text of the research <http://www.civicua.org/main/data?t=3&c=1&q=830387>

“Bezpechna Evropa: gromadyans’ke partnerstvo dlya Prydnistrovs’koho vrehulyuvannya”: Ekspertne vydannya / Editors: Kulyk V., Levus’ D., Sosoniuk O., Novikov I., Kuz’menko Y., - Kyiv: “CDPHS”, 2006. – 32 p.

⁵¹⁹ http://www.ieac.org.ua/index.php?id=5&ch_id=22&ar_id=3945&as=0

⁵²⁰ <http://www.prostir.ua/library/view.html?topic=830381&folder=4086>

experts. Instead, the Reintegration Minister of Moldova Vasile Sova has once told “Deutsche Welle” that he cannot agree with many proposals of the Trilateral Plan authors. To his mind, the mistake of the project’s authors is, in particular, that they have not invited any expert from the left bank of Dniester. “One cannot define the destiny of Transnistria without people who live there”, – the Minister mentioned. This fact was also criticised by the Transnistrian media.⁵²¹

Certain Ukrainian experts have also joined the critics. Particularly, the “Trilateral Plan” and its recommendations were characterized as those that “do not take into account Ukraine’s interests, and their implementation provides for involving Ukraine into the conflict on Moldovan side with groundlessly increasing the role of Romania as a regional leader, and Moldova taking a passive consumerist stand without real participation in the conflict settlement”.⁵²² At the same time, such sharp accusations were followed by the comments that “there is a certain discrepancy between proposition and demand, and certain civil society initiatives seem existing in a virtual, thought-off world alienated from the real life, – as it is in the “Trilateral Plan” case”.⁵²³

However, the objectiveness of assessments, conclusions and recommendations of the “Trilateral Plan” has been confirmed by the development of events relating to settling the Transnistrian problem; once and again, a wider circle of politicians and experts regard those as conceptually right.

Moreover, despite the difficulties of functioning that usually present “a challenge for a permanently functioning expert group”,⁵²⁴ the authors of the “Trilateral Plan” – the trilateral expert group – continue their work. In 2006-2007 they produced research on the trilateral cooperation in the triangle “Ukraine – Romania – the Republic of Moldova”⁵²⁵ in the context of European and Euro-Atlantic integration process,⁵²⁶ as well as a research on “Societal Security in the Region Romania – Ukraine – the Republic of Moldova.”⁵²⁷ The Head of the Verkhovna Rada’s European Integration Committee Borys Tarasiuk has highly assessed the experts’ work. He mentioned that particularly this trilateral research format has ensured working out really useful recommendations on solving actual problems. Tarasiuk considers conclusions of the last printed monograph (that is already the third work of the expert team) having a practical significance in implementing the policy, particularly, by the Ukrainian state.⁵²⁸

The backbone of the working group of the abovementioned projects – O. Sushko, O. Nantoi and I. Chifu have also taken part, already as an independent group, in presenting a research ““The breakthrough crisis” of a quick solution Transnistria”⁵²⁹ devoted to decision-making in crisis situation (the edition has become possible due to the support of the Black Sea Trust). This edition has appeared,

⁵²¹ Ibid.

⁵²² “Bezpechna Evropa: gromadyans’ke partnerstvo dlya Prydnistrovs’koho vrehulyuvannya”: Ekspertne vydannya / Editors: Kulyk V., Levus’ D., Sosoniuk O., Novikov I., Kuz’menko Y., - Kyiv: “CDPHS”, 2006. – 32 p.

⁵²³ Ibid.

⁵²⁴ Ibid.

⁵²⁵ http://comeuoint.rada.gov.ua/komevoint/control/uk/publish/article;jsessionid=C0BF496CE5E4199C931B3B96B6D62F9B?art_id=49276&cat_id=45826&search_param=%D1%80%D1%96%D0%B2%D0%B5%D0%BD%D1%8C&searchPublishing=1

⁵²⁶ See the full text of the research http://www.ieac.org.ua/pics/content/6/1184149474_ans.pdf

⁵²⁷ See the full text of the research http://www.ieac.org.ua/pics/content/4/1227109563_ans.pdf

⁵²⁸ <http://www.ukrinform.ua/ukr/order/?id=750337>

⁵²⁹ See the full text of the research <http://www.cpc-ew.ro/publications/books/carte%204.pdf>

obviously, due to the established work of the experts and in some places it even includes the exact wording of the abovementioned “Trilateral Plan” (e.g., pp. 28-29 by I. Chifu).⁵³⁰ The important aspects that have been more than once discussed within the trilateral working group on its meetings, are also mentioned there. For example, one of such aspects is the “Moldavianism” problem raised by the Romanian side represented by I. Chifu. This problem will be considered later.

Besides the abovementioned projects that have been carried out, mostly in trilateral format, the EU countries’ initiatives that are also aimed at strengthening cooperation between think tanks of Ukraine, Moldova (including Transnistrian region), and the civil sector of the Central Europe, deserve attention. In this context, it would be fair to mark out the significance of the Czech organisation “People in Need”, the main donors of which are “Open Society Foundation Prague” and the Czech government. This Czech organisation consistently implements projects aimed at cooperation with the Transnistrian organisations and tries to promote, together with Ukrainian and right-bank Moldovan NGOs, the institutional development of Transnistrian organisations. Particularly, in 2006 it carried out a complex research dealing with NGOs condition in Moldova, including the Transnistrian region. Among recommended actions there was involving neutral representatives of Ukrainian civil sector in cooperation with the NGOs of Transnistrian region.⁵³¹ On 6-10 April 2008 “People in Need” carried out an international conference “Strengthening Transnistrian NGOs, Czech and Ukrainian Experience in Building Democratic Society” in Chisinau. The aim of the project was to promote consolidation of the Transnistrian civic sector with Moldovan society, to improve communication between Transnistrian NGOs and public sector of the Eastern Europe, to share the experience of implementing projects on democratic development in local communities, and stimulating social activity “on the grass-root level”.

The activities of the Polish side aimed at studying the Transnistrian issue should also not be overlooked. Particularly, besides the abovementioned RCCSP project supported by the Embassy of the Polish Republic in Ukraine, the essential interest to the cooperation of Ukrainian and Moldovan NGOs is shown by the Polish-American-Ukrainian Cooperation Initiative (PAUCI). Particularly, at the PAUCI’s initiative and with the support of the National Endowment for Democracy and the USA Agency for International Development, competitions have been announced, and grants for carrying out projects aimed at strengthening public initiatives on fighting corruption in Ukraine, Poland and Moldova, were given. Initiators of such projects proceeded from the idea that creating a number of NGOs and projects aimed at fighting corruption and promoting the freedom of speech in Poland were integral component of this country’s joining the Trans-Atlantic structures. Polish experts and NGOs are ready to share their valuable and important experience, knowledge and managing models with their Ukrainian and Moldovan colleagues.⁵³²

Besides, PAUCI considers a possibility to involve to cooperation not only NGOs of Ukraine and Moldova but also representatives of governmental structures. E.g., on 12 December 2008 in Chisinau the Third International Conference “Internal Auditors’ Preparation for the Public Administration” was held. It was organised by the Polish-Ukrainian Cooperation Foundation PAUCI together with Moldovan partner Business Consulting Institute (BCI). The ways of implementing internal audit and its organisational models on the regional level in Moldova, new challenges for the internal audit in

⁵³⁰ Ibid.

⁵³¹ See the full text of the research <http://www.clovekvtisni.cz/index2en.php?id=644>

⁵³² http://www.pauci.org/ua/inaction/?news_action=details&news_id=386

Poland, achievements and threats for internal audit development in Ukraine, were presented at the conference.⁵³³ However, such initiatives usually concern Moldova in general and do not take into account the Transnistrian specificity.

Initiatives of the Polish Institute of Foreign Relations, in particular, a series of conferences held in 2006 in Warsaw under the Institute's initiative, where Moldovan and Ukrainian experts took part, are also worth attention.⁵³⁴ Due to the fact that on the conferences, among other subjects, the problems of security in areas bordering the EU were discussed, the Transnistrian issue could not be left aside, too. Therefore, the Polish Institute of Foreign Relations created a platform for seeking common ways of overcoming the Transnistrian conflict. Experts from the EU, Ukraine and Moldova have taken part in working out such ways.

For a long time, Friedrich Ebert Foundation, particularly, its regional branch that works in Ukraine, Romania and Moldova, was also engaged in the issue of ensuring cooperation between non-governmental sectors and experts from Ukraine and Moldova. In particular, the Regional Branch of the Foundation, in cooperation with the well-known in Ukraine governmental and non-governmental think tanks, has more than once organised targeted "round tables" devoted to seeking ways for settling the Transnistrian conflict.

Friedrich Ebert Foundation and its, until recently, director of the Regional branch S.Chrobot also consider that NGOs play an important role in settling the Transnistrian issue. He believes that Ukraine is the best place to meet and discuss these questions. "Thus, Ukraine can be proposed as a place where all parties can come together and discuss the Transnistrian settlement issue in order to move in right direction. Besides, both governmental structures and NGOs could be involved in the process. And if Ukraine manages to play this role it will promote its European integration".⁵³⁵

Although in official documents of the Foundation there is no mentioning about Transnistrian side representatives' participation as a priority, at the events organised by the Foundation the practice shows that, with rare exceptions, conferences and "round tables" are conducted with the participation of "official" Tiraspol or of members of the Transnistrian non-governmental structures.

Other agencies in Ukraine also use such practice of active involvement of the separatist region representatives. E.g., on 4-6 September 2008 in Kyiv the International Forum "Transnistrian Youth of Ukraine" was held. It was organised by the Centre for Public Research "Ukrainian Meridian" and All-Ukrainian Youth NGO "New Youth Initiatives" supported by the Ministry of Family, Youth and Sports of Ukraine. Organisers, *inter alia*, considered "the real adornment of the event" participation of "leaders of key Ukrainian NGOs of Transnistria – O. But Transnistrian Ukrainian Union and the Republican T. Shevchenko "Prosvita" NGO: L. Tkachuk and V. Bodnar respectively".⁵³⁶ This was done despite the well-known fact that, for example, V. Bodnar, taking into account his separatist

⁵³³ <http://dkrs.kmu.gov.ua/kru/uk/publish/article/51865;jsessionid=8D66F19A0791E8DEB116D36229CF3FCF>

⁵³⁴ http://www.pism.pl/wydarzenia_content/id/219

⁵³⁵ Siruk M. Chy matyme druhe dyhannya Plan Yuschenka schodo prydnistrovs'koho vrehulyuvannya? // Den' - №112, Friday, 27 June 2008. - <http://www.day.kiev.ua/203501/>

⁵³⁶ O. Turgan, I. Alekseeva. Molod' Prydnistroviya // Zovnishni spravy, № 10/2008 - <http://uaforeignaffairs.com/article.html/print?id=252>

views, is a rather controversial figure,⁵³⁷ and Forum participants from Transnistria emphasised, in general, that “Transnistria too has a right for self-determination and establishing as a sovereign country”.⁵³⁸ It is also remarkable that the organisers of the event seem also sharing this view: particularly, experts of the Centre for Public Studies “Ukrainian Meridian” D. Levus’ and O. Turgan claim in their publications that “Transnistrias have, anyhow, formed a united community that could be called a political nation that consists of several ethnic components. The Ukrainian journalist I. Solovey has reflected this feeling precisely. While attending one of the holiday in Tiraspol, he managed to catch the symbolism of mass action and underlying feelings when teenagers of the same age Nistru, carried photos of those who perished in 1992 war”.⁵³⁹ Moreover, while preparing Forum of Transnistrian Youth of Ukraine, activists of the Transnistrian Youth that represented different parts of Ukraine united by “Ukrainian Meridian”, have taken part in a summer camp organised by the Youth Union “Our Ukraine”. Then, at 14 July 2008, an unprecedented event took place: for the first time ever, the Transnistrian banner was raised on Hoverla Mountain together with the Ukrainian one.⁵⁴⁰

Important initiatives were implemented **with the support of National Democratic Institute (NDI)**. Particularly, due to the efforts of **NDI-Ukraine and NDI-Moldova**, the resonance international round table “Ukraine and Moldova: European Integration and the Transnistrian Hampering Factor” was held on 9 February 2006. MPs of Ukrainian and Moldovan Parliaments (I. Ostash, Yu. Roshka, V. Filat, M. Oliynyk), prominent Ukrainian politicians (P. Poroshenko and O. Turchynov) and Ukrainian and Moldovan experts took part in the event. The initiative of conducting such “round table” attracted media’s attention in both countries and demonstrated, from one hand, readiness of Ukrainian and Moldovan politicians to discuss the problem, and from the other hand – readiness of both sides’ experts to cooperate for mutually beneficial solution of the Transnistrian problem in such spheres as security, economy and law.

However, today one can hardly assume further NDI initiatives on the Transnistrian conflict settlement because the reputation of this international organisation has suffered after the post-election disorder in Moldova in April 2009. Then the director of its Moldovan branch Alex Grigorievs (according to the information of the “KP in Moldova” from 15 April 2009) was detained for the alleged involvement in the disorders and, according to the court decision, he had to leave Moldova.⁵⁴¹ (It is also remarkable that pro-Russian forces and the Russian experts – see, for example, “Russkiy Predprinimatel’ (Russian Entrepreneur)”⁵⁴² magazine – now carry out a campaign aimed at discrediting Soros Foundation in Moldova and try to accuse it in promoting pro-Romanian moods in Moldova).

Initiatives of the European NGO associations, particularly the Partnership Initiative for Preventing Conflicts, are worth attention, too. In the framework of this initiative that include such international organisations as International Crisis Group, International Alert, European Policy Centre (EPC) and

⁵³⁷ “The Breakthrough Crisis” of a Quick Solution in Transnistria / Iulian CHIFU, Oazu NANTOI, Oleksandr SUSKHO. P.84.

⁵³⁸ ⁵³⁸ O. Turgan, I. Alekseeva. Molod’ Prydnistroviya // Zovnishni spravy, № 10/2008 - <http://uaforeignaffairs.com/article.html/print?id=252>

⁵³⁹ D. Levus’, O. Turgan. Tochka nepovrennnya... - Zovnishni spravy, № 8/2008 - http://csdum.org.ua/index.php?option=com_content&task=view&id=18&Itemid=1

⁵⁴⁰ See photo http://csdum.org.ua/index.php?option=com_content&task=view&id=24&Itemid=41

⁵⁴¹ <http://www.kp.md/daily/24278/473660/>

⁵⁴² Bukarskiy V. Kishinevskiy myatezh: samodiyatel’nost’ “rumynistov” ili mezhdunarodnaya spetsoperatsiya? - http://www.rpmonitor.ru/ru/detail_m.php?ID=13757&print=Y

European Peacebuilding Liaison Office (EPLO), a number of recommendations for Moldova, the EU, Ukraine, Russia, OSCE, the USA, Transnistrian power and international donor structures, was worked out in 2006.⁵⁴³

However, it is necessary to mention that the results of the research carried out had mostly declarative character, and recommendations were not fully implemented over 2006-2009 period.

One more perspective area for cooperation between NGOs and international organisations is cooperation in the field of preventing irregular migration and human trafficking. In the Transnistrian region of Moldova such activity was supported by the International Organisation of Migration that organised seminars, “hot lines”, and provided direct assistance to the victims of human trafficking.⁵⁴⁴ Such area of activity seems effective in view of cooperation between analytic centres of Moldova and Ukraine, too.

Initiatives of European donors, particularly the Programme of Cross-Border cooperation Romania-Ukraine-Republic of Moldova of European Neighbourhood and Partnership Instrument (ENPI CBC), should not be left beyond attention. The Joint Operational Programme is the EU’s new financing instrument, which is going to be implemented on the EU’s external borders during the programme period 2007 – 2013. It aims at creating “bridges” between the three countries involved, in order to help the border areas overcome their similar development challenges, by working together and finding common solutions.⁵⁴⁵

Through the Operational Programme the people in border areas are encouraged to further develop the border economy, confront environmental challenges and enhance their preparedness for emergency situations. The programme also promotes greater interaction between people and communities living in the border areas.

The EC funding for the Joint Operational Programme is 126.72 mln Euro for the period 2007 to 2013. The programme is financed through the European Neighbourhood and Partnership Instrument (ENPI) and national funds.⁵⁴⁶

The following areas constitute the core for the Operational Programme:
in Romania, the counties of Suceava, Botosani, Iasi, Vaslui, Galati, and Tulcea;
in Ukraine, the oblasts of Odesa and Chernivtsi;
in Republic of Moldova, the whole country.

In addition, certain non-border adjacent areas that may positively influence the cooperation in the border area, have been included. These are:
in Romania, the county of Braila;

⁵⁴³ See the full text of recommendations

http://www.conflictprevention.net/library/documents/europe/oldovas_uncertain_future_cpp_russian.pdf або

http://www.conflictprevention.net/library/documents/europe/75_moldova_s_uncertain_future_cpp.pdf

⁵⁴⁴ <http://www.usaim.org/IOM%20TN%20Info%20sheet.pdf>

⁵⁴⁵ See more on the site <http://www.ro-ua-md.net/index.php?page=HOME&language=4>

⁵⁴⁶ <http://ngonet.org.ua/2009/03/prohrama-rumuniya-ukrajina-moldova/>

in Ukraine, the oblasts of Ivano-Frankivsk and Vinnytsya plus ten districts of Vinkovetskyi, Chemerovetskyi, Khmelnytskyi, Kamyanyets-Podiskyi, Letychivskyi, Dunayevetskyi, Derazhnyanskyi, Novoushutskyi, Yarmolynetskyi, and Horodetskyi in Khmelnytsk Oblast and the twelve districts of Ternopilskyi, Berezhanskyi, Pidgayetskyi, Terebovlyanskyi, Monsturskyi, Gussyatynskyi, Chortkivskyi, Borschchivskyi, Zalishchytskyi and Buchatskyi in Ternopil oblast.

The adjoining areas have access to all priorities of the programme but only “soft” projects may be implemented in these areas.

The Joint Operational Programme Romania-Ukraine-Republic of Moldova covers three priorities and a technical assistance component.

Priority 1: Towards a more competitive border economy.

This priority aims to improve the economic performance of the border area through the diversification and modernisation in a sustainable manner, of the border economy: improving the productivity and competitiveness of the region’s urban and rural areas; initiatives in transport, border infrastructure and energy.

Priority 2: Environmental Challenges and Emergency Preparedness.

This priority aims to develop long term solutions to the environmental problems faced by the border areas, particularly those associated with environmental emergencies where a coordinated approach is essential.

Priority 3: People-to-People Cooperation.

This priority aims to promote greater interaction between people and communities living in the border areas: local and regional governance, support to civil society and local communities; educational, social and cultural exchanges.

The aim of Technical Assistance is to achieve effective and efficient implementation of the Programme by enhanced preparatory, monitoring, administrative and technical support, and by ensuring the widest participation possible amongst the public.

It is typical that the Programme’s political orientation is quite neutral. Therefore, it can influence solution of the problems that have emerged as a result of the Transnistrian conflict, only indirectly. Such neutral approach is typical for most of the European programmes that are implemented in the region. This situation is caused by the fact that the EU started to be physically present in the region only recently (in 2005, due to joining the negotiation format “5+2”). That is why it has insufficient experience of cooperation with regional NGOs. Therefore, the “added value” of the Programme, in the context of the Transnistrian conflict settlement, is mostly in promoting personal contacts.

At last, it is necessary to mention the activity of “Open Ukraine” Foundation and Victor Pinchuk Foundation. Both of them are interested in establishing contacts with Ukrainians abroad and, therefore, can increase the reintegration potential of the Moldovan Ukrainian community by supporting projects in the region.

As for the problematic (in view of seeking expert consensus), subject matters of joint projects, conferences and researches, here the important aspect (that is partly being mentioned at joint conferences, round tables and while carrying out common research by Ukrainian, Moldova and Romanian think tanks – and the given publication has not become an exception) is the problem of the Transnistrian region of Moldova residents' citizenship. This problem has gained a special actuality in the light of the recent usage of the situation with Russian citizenship of separatist regions of Georgia – Abkhazia and South Ossetia.

One also cannot leave beyond attention one more problem that usually provokes debates between experts from Ukraine, Moldova and Romania. It is a problem of so-called “moldavanism”. Some representatives of the Romanian expert community tend to claim more and more often that Moldovans are not a separate nation or ethnic group, and should not be recognised as such, particularly in Ukraine. It is hard to agree with such approach because it rejects the very right for self-identification. For Ukraine, where census was conducted taking into account the citizens' right for self-identification, such an approach could result in artificial fusion of the two groups, which is unacceptable – especially taking into account that it would run counter to the will of these two groups' members that sometimes conflict on this ground.

Undoubtedly, taking into account the abovementioned and other contradictions in approaches, it is sometimes difficult for analytics to elaborate common approaches in solving problems. However, the situation looks even worse if being extra-politicised. The extra-politicisation can occur in several cases. First of all, it can be caused by involving in projects those Transnistrian partners who share separatist views. Most usually, such organisations are represented by youth movements of the Transnistrian region.⁵⁴⁷ As it was already mentioned, while taking part in the events organised by Ukrainian partners, the youth of the Transnistrian region figuratively and literally raises in Ukraine the banner of the “Transnistrian Moldovan Republic”. Taking into account political engagement of leaders of such movements, their dedication to separatist and pro-Russian views, the Transnistrian side representatives' participation boils down to loud declarations about Transnistrian's right for independence, the totalitarian character of the official Chisinau, the separate “Transnistrian nation” etc. Of course, such approaches are eagerly tolerated by the Transnistrian donors (particularly, by the “Gazprombank” that actively supports youth and civil movements and has established “Victoria” special prize for civil activists, journalists, social managers.⁵⁴⁸ The bank is headed by I. Smirnov's son – O. Smirnov)⁵⁴⁹; however, sometimes it is accepted by Ukrainian donor structures and NGOs, too.

The extra-politicisation of the problem emerges also in the case when the subject of research is connected with politically sensible issues, e.g., national minorities, human rights protection etc.

Conclusions and Propositions

⁵⁴⁷ Belitser N. Civil Society in Transnistria? (A View from Ukraine) / EuroJournal.org Journal of Foreign Policy of Moldova (EuroJournal.org Journal of Foreign Policy of Moldova), issue: 11 / 2005

⁵⁴⁸ See more about the ceremony of rewarding the prize in 2008 -

<http://www.gasindbank.com/newsdetail.php?ID=909&lang=ru>

⁵⁴⁹ <http://www.gasindbank.com/content.php?id=275&lang=ru>

Proceeding from the abovementioned, in the context of general development of NGOs' cooperation in the region, two problems attract attention first of all: the political engagement of the experts and, as a result, politicisation of their subjects of research, which are politically sensitive themselves.

In cases of sensitive subjects, it seems reasonable to try some experimental formats. In particular, one of such formats was proposed by the Strategic and Security Studies Group. Instead traditional for the "East-East: Partnership Beyond Borders" Programme trilateral format, a project where the Hungarian experts were involved, was carried out. The consideration was that between Ukraine and Moldova, as well as between Ukraine and Romania, sometimes emerge disagreements about the proportionality of the amount of right and freedoms that representatives of the respective national minorities enjoy on the territories of these countries. In such situation, especially if one of the working group participants is politically engaged, an optimal way and an objective necessity is a discussion with the participation of a "referee". By involving Hungarian partners, the attempt was made to prepare analytical report that could reflect strong and weak sides of the Ukrainian, Moldovan, Hungarian and Romanian national legislations in parts regarding national minorities. However, in the course of a research discussion Hungarian partners turned out also to be not an unengaged side. Hungary has a number of disagreements with Romania concerning status, rights and freedoms of the Hungarian minority in Romania. Hungarian and Romanian politicians often speculate on these complicated problems which, in its turn, impact civil society representatives' attitude to these issues.

Overcoming the engagement problem included, in our case, the combination of several approaches. First of all, the participants of the project had to take a neutral political stand. Besides, the necessity emerged to concentrate not just on legal studies but also on the historical past, as well as on the objective coverage of current political context in the four countries.

In cases when frictions emerged about sensitive Romanian-Hungarian relations, Ukrainians and Moldovans have acted as unengaged sides and in cases when disagreements emerged between other working group participants, the Hungarian partners played a role of the arbiter.

Of course, such approach did not simplify the process of carrying out the project. Instead of analytical report the research spilled over into a full-scale collective monograph that has taken more than one and a half year of developing it. However, in the attempts to represent their countries as objectively as possible, and to avoid accusations in biased approach, the experts have found a lot of interesting facts and documents, managed to elaborate new arguments, and proceeded from the priority of ensuring a "win-win strategy".

In cases when a project provides for the participation of Transnistrian region representatives, the strategy of overcoming extra-politicisation is even more complicated. First of all, donors have to concentrate on projects that promote overcoming alienation between residents of left- and right-bank Moldova. Involving arbiters-mediators could be successful but only if partners from the Transnistrian region are also trustworthy. These cannot be organisations that participate in Transnistrian political movements, structures close or subordinated to the Ministry of State Security of Transnistria, organisations that are known as carrying out provocative activities in Moldova, Ukraine, RF, etc. The most favourable ground for the development of civil society's potential could be establishing networks of national minorities' organisations (first of all, the Bulgarian minority that is rather consolidated and has preserved ties despite raising an artificial border through the Dniester River).

Unfortunately, involving Ukrainian organisations is, to certain extent, problematic because Ukrainian minority, unlike the Bulgarian one, appeared split because of the Transnistrian conflict. Obviously, the task of top priority for the Ukrainian community of Moldova is reviving contacts, initiating projects that would enable uniting interests of the Ukrainians on both banks of Nistru. The activity of the Embassy of Ukraine in the Republic of Moldova should be aimed at overcoming the conventional split of Ukrainians into the left-bank and right-bank ones.

As for cooperation with non-ethnic NGOs of the Transnistrian region, extremely important is supporting those structures that share the ideas of reintegration and leaders of which do not intend to obtain financial support from international structures and Ukrainian partners while continuing to stand for the separatist split of the Republic of Moldova into two separate countries.

Beside the abovementioned, the civil society of Ukraine and Moldova has a sufficient potential to provide the appropriate information for donor structures, international and/or European agencies interested in making their input in settling the conflict and overcoming its consequences. In doing so, Ukrainian and Moldovan NGOs could proceed from their own experience, knowledge of the regional specificity as well as specificity of the NGOs working on Transnistrian conflict settlement. The cooperation of pro-European think tanks of Ukraine and Moldova in this field, working out and spreading bulletins in foreign languages with such information could curb, at least to some extent, spreading disinformation about the Transnistrian region of Moldova and would promote activities and further development of civil society there.⁵⁵⁰

While establishing cooperation between Ukrainian and Moldovan non-governmental organisations, including the structures in the Transnistrian region, it is necessary to consider a possibility of cooperation with those activists' groupings and civil initiatives that got no official registration. Being unregistered by the "quasi-state" Transnistrian bodies enables them to have a wider area for a manoeuvre, and liberates from the necessity to act as re-transmitters of the "TMR official propaganda". Organisations of school teachers that emerged after the so-called "school crisis" of 2004 can be an example of structures that should attract more attention of international donors and Ukrainian partners (first of all – human rights organisations).

More attention should be drawn to informing Transnistrian society: from the one hand – about political transformations that take place in the right-bank Moldova and Ukraine; from another – about European reforms and possibilities that open a new life prospects for Transnistrian region residents. Creating public portal that could become a platform for civil journalism and people's diplomacy (like www.maidan.org.ua portal) seems appropriate. It could also be useful for overcoming Russian informational domination in the Transnistrian region.

The potential of the so-called resource centres for NGOs should not be left without attention, too. The Centre for Resources and Development for Transnistria in Moldova and the Resource Centre "Hurt" in Ukraine could be considered as successful examples of such kind. Combining an experience of these two structures and establishing a resource centre that could ensure informing Moldovan and Ukrainian NGOs about possibilities of financial support for their projects, as well as involving volunteers and

⁵⁵⁰ See also «Virtual Reports from Virtual NGOs» - <http://www.scrapsofmoscow.org/2007/09/virtual-reports-from-virtual-ngos.html>

experts in Transnistrian issues could become an essential factor of promoting cooperation between NGOs of Ukraine and Moldova. It might positively impact the expanding of the circle of non-governmental actors that are interested in matters relating to Transnistria, and can make their input in overcoming consequences of the Transnistrian conflict.

Preparation of the joint report on the possibilities of Moldovan NGOs' cooperation with the civil society sectors of Romania, Poland, Check Republic, Bulgaria etc. also seems appropriate. The preparation of such report/publication/database could become useful for those who want to join projects on Transnistrian problem settlement and wants to avoid mistakes.

It is necessary to mention that establishing practical cooperation, preparation of joint research studies and publications seems more effective than carrying out separate conferences/round tables – the format not always as successful as expected.

Finally, it is necessary to learn about and take into account the possibilities for Ukrainian and Moldovan NGOs' cooperation (including partnership aimed at solving the Transnistrian problem) that are provided by the EU Initiative for Eastern Partnership, as well as the formats that are envisaged by the support of such donors as the Norway finance mechanism or the Finance Mechanism of the EEA (Island, Lichtenstein, Norway). The project of the International Centre of Democratic Transformations (Hungary) “The Experience of Vyshegrad Cooperation for Western Balkans and Countries of Eastern Neighbourhood” could serve as an example.

SUMMARY

The importance of the Transnistrian frozen conflict on the border of Ukraine is extremely high from the perspective of national security of Ukraine. This problem as well as the permanent discussion of the technical issues (particularly border management and property issues) to a large extent hampers implementation of strategic cooperation and mutual interests of Ukraine and Moldova. In internal political area it's systematic modernization of our states based on the market economy, rule of law, pluralistic democracy, social responsibility and open society. In external political area it's the development of the profound integrative relative relations with the EU.

Resolution of the mentioned problems and joined efforts in achieving top-goals as well as understanding of similarity of the interest may result in synergy effect, which will contribute into the efficiency of the EU Neighborhood policy, enhance the development of good neighborly relations between Ukraine and Moldova and their joint progress on the way to the EU.

In this context Transnistria is the symbolic ground for the development of cooperation between Kyiv and Chisinau and approbation of trust-building measures between elites, since it's a territory with the unique on the post-Soviet area conflict.

The Transnistrian conflict resolution may be a litmus paper for Ukraine's ability to play the role of the efficient mediator and to develop regional leadership strategy.

However such and ambitious task should be complemented by understanding of political elites, complex measures aimed at building trust on both banks of the Dniester river. The completion of this task seems to be possible by implementing the following recommendations.

The Transnistrian problem cannot be an instrument for gaining electoral dividends or to be used for business interests protection or as an element of intrigue in relations with the EU or Russia. This is relevant for both national and regional leaders. It is inadmissible that the interest in using Transnistrian "off-shore" is expressed not only by "TMR" establishment but also by the economic agents or third countries.

At the same time the enhancement of transparent economic cooperation between Ukraine and Transnistrian region of Moldova may contribute into Transnistrian problem resolution. In particular, an effective step towards reintegration of Moldova may be trilateral contacts of business structures of Ukraine, Moldova and "TMR": the example of the EU proves that integration on the economic background impacts political integration. However the political actors should find out the balance to invigorate the economic development of Transnistria and reintegration with RM and to block separatist movements.

The significant effect from the perspective of reintegration may be setting well-developed contacts between the Ukrainian from the left and right banks of Moldova. However it should be noted that in Transnistrian region of Moldova Ukrainian communities are "aimed" in their ethnocultural development into nationalistic context which hampers the consolidation of the Moldovan Ukrainians on the right and left banks of Dniester. This circumstance creates the preconditions for the antagonism of the Ukrainians from the left bank of Dniester towards Moldova and Romania, transforms them into

an instrument of Tiraspol's separatist policy. Moreover, it leads to a paradox – "Ukrainian nationalism" in the Transnistrian region of Moldova is used for the fulfillment of "TMR" separatist tasks and Russian foreign policy tasks in Eastern Europe.

Combating this problem may be efficient by supporting the project aimed at integration of the Ukrainians of Moldova. Beside that, it is necessary to counteract the practice of the ethnic minorities' of Moldova "Russification". It is worth also to disseminate the data regarding the protection of ethnic minorities right: Moldovans in Ukraine and Ukrainians in Moldova. The problem of gaining double (Ukrainian +) citizenship of Ukrainians of Moldova (including Transnistrian region) also needs proper resolution. It might be of added value to reconsider the policy of mass issuing Ukrainian passports for the inhabitants of the Transnistrian region (those who do not plan to leave for Ukraine) and stipulate them to gain the Moldovan citizenship. However the mentioned processes should be supplemented by the fulfillment of the ethnic and cultural interests of Ukrainians and other ethnic minorities of RM, in compliance with the European standards, norms and international agreements signed by Ukraine and Moldova.

One cannot omit the issue of the Ukraine – Moldova border (in particular Transnistrian part). The problems of border regime functioning are rooted in combination of separatist (Transnistrian) and smuggling factors. Therefore the important issue for the proper functioning of the border regime is the political will of the Moldovan and Ukrainian parties regarding finalization of demarcation process; combating the problem of insufficient equipment; counteracting the deficit of quality in organizing border and customs control regimes.

The strategy of stimulating proper functioning of the border regime should include drawing international attention to the problem, enhancement of coordination and cooperation of international efforts; implementation of strong and systematic efforts aimed at counteracting smuggling and corruption, illegal migration, human and drugs traffic; providing sufficient level of resources and capacities and proper implementation of border and customs control.

A separate issue which is to be resolved is the problem of Russian forces and ammunition presence in Transnistria. "Out-of status" armed forces not only potentially threat the neighboring countries (Ukraine) but also jeopardize human right and the right of the citizens of Ukraine (including the fundamental right for life). Therefore an important step which may stipulate Transnistrian conflict resolution, state reintegration of Moldova and regional security in general will be demilitarization of the region and replacing of the Russian peace-keepers by limited contingent of international military and civil missions with the further transformation into purely civil format.

The role of Ukrainian mass media is also important for the process of Transnistrian resolution. Overestimating of conflict oriented issues leads to simplification of Transnistrian problem perception as well as the Ukrainian community in Moldova perception.

Under such circumstances Ukraine considering its interests in Transnistria and protecting its international image has to reinforce its mass-media presence both in Moldovan and Transnistrian media areas. It is worth to create civil web-portal which may turn into the platform for free and sincere discussion, exchange of information, public diplomacy.

Finally, civil society of Ukraine and Moldova has potential rooted in experience, knowledge on the specifics of respective NGO functioning, enough for attracting international attention (particularly European structures' attention) towards regional problems, all-European threats caused by the stagnation of conflict resolution process; to develop the respective recommendations to the governments and other interested parties.