

## ***Seeking Solutions in Transnistria: Looking Beyond Russia to the Challenges of “Undoing”***

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### **Topic of the research**

Why do some conflicts “freeze” between active hostilities and formal peace agreement? These conflicts are analytically distinct from conflicts that relapse into violence after peace agreements are reached, as well as from “intractable” conflicts that resist agreement: while neither party was able to gain complete territorial control of the state, the core objectives of at least one party were met to some degree through military action, making a political solution even less attractive. Having fought against a recognized government, rebellious groups in these cases failed to achieve recognized independence, yet succeeded in achieving an unrecognized, *de facto* status as an independent entity. Resolution of these conflicts, “frozen” between active hostilities and peace agreement, has therefore proven extremely difficult. The recognized state, in most of these cases already weak in terms of central authority, is equally reluctant to legitimize an outcome that would call into question their territorial integrity. International law and practice validate, in general, the claims and objectives of recognized states.

Several of these conflicts erupted in the wake of the collapse of the Soviet Union and the communist system in Eastern Europe. All have found resolution elusive, despite the concerted involvement of major powers in Europe and North America, as well as the attention of regional organizations such as the Organization of Security and Cooperation in Europe (OSCE) and the European Union (EU). The controversy over the status of Kosovo seems to have only strengthened the *de facto* governments’ commitment to recognized independence.

Moldova is an excellent example of a “frozen conflict” that belies concerted diplomatic efforts at resolution. An armed conflict fought in the early 1990s between the central Moldovan government and separatists in the Transnistria<sup>1</sup> region resulted in a stalemate and division of the country. Since the end of armed hostilities in 1992, Transnistria has enjoyed *de facto* independence. They have their own government, currency, institutions and laws. Although unrecognized internationally, Transnistria operates quite independently from the Moldovan government. They have resisted any solution to the unresolved conflict that would eliminate their current autonomy. In addition, Russia’s role in initiating and perpetuating the conflict adds to the complexity of possible options for resolution.

### **Relevance and contribution to the field**

This research seeks to identify the root causes of the conflict in Moldova between the official government and the separatist region of Transnistria, as well as the potential areas to exploit in search of a viable resolution. Current studies tend to focus primarily upon the role of Russia in creating and sustaining the existing stalemate through their indirect support, and sometimes direct involvement. In addition, the entrenched position of the regime in

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<sup>1</sup> Although the region has never been officially recognized as an independent state, it is referred to in English as the Dniestr (or Dniester) Moldovan Republic (DMR), or Transnistria, and in Russian as the *Pridnestrovskaya Moldovskaya Respublika* (PMR).

Transdnistria's capital Tiraspol, fueled and sustained by criminal activity, is often cited as an impediment to a peaceful solution.

Both of these explanations are certainly supported by the facts, but they are ultimately incomplete. This research will build upon these two strands of analysis by filling in the legal and diplomatic factors involved. More importantly, this work will consider both the underlying factors leading to the original dispute and the forces that sustain the conflict and continue to divide the parties. This will allow for a more comprehensive and holistic analysis that will hopefully produce more fruitful policy options.

### **Approach and methodology of the research**

I take an interdisciplinary approach that examines the various sources of the conflict between the government of Moldova and the separatist forces in Transdnistria. Through an in-depth case study, I trace the impact these sources have had on the escalation and perpetuation of the conflict. I then turn, based upon this analysis, to consider possible avenues to explore for the future resolution of this conflict.

My sources include published accounts of the background and escalation of the conflict, conceptual and theoretical writings to inform the interdisciplinary analysis, and news accounts and interviews in English and Russian that shed light on the perceptions and objectives of the governments involved.

### **Research findings and preliminary conclusions**

The challenges facing policymakers seeking possible solutions to the conflict in Moldova are daunting. The most important factors impeding progress in resolving this conflict are not only military in nature, but also economic, political and legal. Together they create a stalemate that is not "mutually hurting," which would be conducive to resolution, rather they fester in a status quo that, while not optimal to either party, is preferable to the authorities in Transdnistria than any realistic alternative. Consequently, the stalemate is "self-reinforcing" and, therefore, detracts away from the "ripeness" of the conflict for resolution.

The conflict is "frozen" in the sense that this stalemate persists, and that the parties seem fixed upon a zero-sum notion of the preferred outcome: outright independence on the one hand, and autonomy within a federal Moldova on the other. Thus, the parties have not moved beyond their positions to seek an integrative solution that could serve their interests. In this way, the conflict can be understood to be a "frozen" one.

Nonetheless, the issues that led to the escalation of the conflict in the early 1990s and the factors that sustain it today are, while related, in fact quite different. For example, Russia has played a key, yet changing role in this case. The Russian 14<sup>th</sup> Army was stationed in the Moldovan SSR in the waning days of the USSR, and was instrumental in providing the rebellious forces in Transdnistria the means with which to rebel. On a number of occasions local forces "raided" weapons depots controlled by the 14<sup>th</sup> Army, and, in 1992, under heavy fighting between the Moldovan government and Transdnistrian forces, the 14<sup>th</sup> Army violated its putative neutrality to intervene directly in support of Dniestr forces.

Currently, Russian peacekeepers remain in the region, yet even their complete removal will not substantially alter the status quo. The Transdnistrian authorities declared their autonomy and began to stockpile weapons *before* the Soviet collapse and the subsequent independence of Moldova. Their commitment, therefore, to independence is quite strong. In addition, they have achieved at least their basic objectives on the battlefield. The fact that

Russian military forces may have assisted them, directly or indirectly, in this endeavor, therefore, is not the critical issue at hand. Removing Russian forces will only *undo* the status quo if the Moldovan government or external forces are able and willing to subsequently engage to change it. A military solution has already been ruled out by the Moldovan government who, at any rate, does not possess adequate power to pursue this option. Outside forces are even less likely to favor a military solution. This leaves, therefore, only one option: to entice the Transdniestrian authorities to accept a political solution.

The international community, unfortunately, has little leverage over the Transdniestrian authorities, whether or not Russian forces remain in the region. This is true because external governmental forces face tremendous difficulty in influencing sub-state actors in the best of circumstances, much less in cases where those sub-state actors have *already* achieved the bulk of their objectives, save formal recognition. In this case this is further complicated by political, economic and other support for Transdniestria provided by Russia. The current trajectory of Russian foreign policy seems to indicate that they will seek to maintain an active role in the region, whether or not the international community succeeds in convincing them to remove their peacekeeping forces. More important, however, is the impact of the “privatization” of Russian foreign policy. Russian businesses, some of whom have direct financial interests in Transdniestria, provide the kind of material support that makes it possible for the region to withstand economic pressure applied by outside actors. In addition, the Duma often follows a more activist line than the Ministry of Foreign Affairs. With Putin’s likely appointment as Prime Minister, this line should be taken seriously.

Russia’s role has changed, therefore, from one of direct and official support to one of informal support by actors that are not easily influenced by the traditional levers of diplomacy. Additionally, the nature of the regime in Tiraspol continues to be an impediment to peace, although currently for reasons different than when the conflict began. In the early 1990s the elite in Transdniestria were motivated by a desire to defend their economic interests, which were protected and sustained by the CPSU<sup>2</sup> and the Soviet military since the local enterprises they controlled were an essential part of the strategic military industrial capacity of the region. Today the elite continue to be motivated by economic reasons, but very different ones: the regime has been accused of trafficking in illegal drugs and in human beings, and of general criminal activity. This could provide the elite in Transdniestria with even greater reasons to avoid political accommodation with the Moldovan authorities and ultimate resolution of the conflict since they benefit from the status quo.

In addition to the above factors, international law plays an important role in this conflict. One of the more persistent claims by the authorities in Transdniestria is their right to ‘autonomy’ or ‘self-determination’ under international law. They base this claim upon two strands of logic. First, the territory of Transdniestria was never part of Romania, as the remainder of Moldova was. It has a history as an autonomous republic inside of Ukraine. Second, the discriminatory and nationalistic nature of the early Moldovan regime, which sought secession from the USSR, justified their decision to seek to remain within the Union by seceding from Moldova.

While the logic of this argument may be persuasive, the law does not necessarily back up this line of reasoning. For example, while it is true that the principle of self-determination is enshrined in the U.N. Charter, and is supported by numerous legal opinions, this right is limited in many respects. The principle of *uti possidetis juris* posits that newly formed states should have the same borders that they did before independence. In the case of Moldova, this would

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<sup>2</sup> The Communist Party of the Soviet Union

mean that the borders of the Moldovan Soviet Socialist Republic would transfer over to newly independent Moldova. Under this conceptualization, the fact that the territory of Transdniestria was only recently joined with the rest of Moldova is not as important as the stability incurred by conforming to this norm. Thus, under international law, the right to self-determination does not extend to the right to secession.

Nonetheless, the application of international law has not been uniform in Eastern Europe. This leads to a perception that decisions on state recognition are based upon politics, not principles. As long as unrecognized states feel that the system is stacked against them, they are likely to view “compromise” solutions with skepticism. Evidence of this can be seen in the recent move by Transdniestria, Abkhazia and South Ossetia to request official recognition of their independence from Russia. Further politicization of this question is illustrated by the fact that the Duma has taken up discussion of the issue, and has recommended that unofficial “missions” be established in these territories. While official Russian recognition is unlikely to come anytime soon, the establishment of missions, should they occur, would certainly further separatist tendencies.

### **Suggestions for future research**

Further research should focus on how diplomacy can be made more effective in cases involving unrecognized states and other sub-state actors. As illustrated above, while these actors have considerable influence on the state system, the ability of external actors to influence them is often very limited. In addition, creative ways must be sought to engage the Russians in a solution that meets the interests, rather than the stated positions, of the parties. Even if official Russian foreign policy should become more cooperative in these cases, the unofficial actions taken by private citizens and local and other lower-level governmental officials may still be enough to promote a continuation of the status quo. Finally, the impact of European integration should be studied further. While EU enlargement has had a primarily beneficial influence on ethnic tensions in Eastern Europe, the fact that Russia is outside of that process raises questions as to how beneficial the “new neighborhood” approach will be.

### **Recommendations for the US policy community**

Current U.S. policy correctly focuses upon the critical role played by Russia, yet this research points to the wider challenges at hand. U.S. policy points to the need to remove Russian forces and munitions as an important step in bringing the conflict to a permanent resolution. Much more needs to be done, however, to actually move beyond the status quo, given that the current military, political and economic situation constitutes a “self-reinforcing” stalemate that solidifies the deep entrenchment of the Transdniestrian elite. The following recommendations aim to begin to dismantle the current status quo.

1) **Elevate the profile of international law governing self-determination.** The recent recognition of Kosovo has further complicated the political situation in this case. The US government must make clear why Kosovo is a special case in order to avoid the perception that the US and other Western states are simply playing politics. International law makes clear that the right to self-determination does not extend to the right to secession. Rather, the presumption is for an *internal* right to self-determination, one that guarantees a people’s right to pursue their political, linguistic and cultural rights through internal arrangements such as autonomy. Only in exceptional cases does the right to *external* self-determination, or secession, exist, when three

criteria are met: those wishing to secede constitute a “people”; the government they wish to secede from is seriously violating their rights; and, there are no other domestic or international legal alternatives. Focusing on these criteria, on the *principles* at hand, would reduce the perception that politics is at play.

**2) Promote a Confederal Solution for Moldova.** Currently the two sides are pursuing mutually exclusive objectives. Transdniestria insists on independence, and Moldova insists on maintaining central control through a federal arrangement. A possible solution could be a confederation where territorial integrity is maintained, yet each side is free to pursue their policy preferences. This has the advantage of actually making Transdniestria accountable internationally for their actions, something they currently are able to avoid. While the central government will be weak, such an arrangement is a possible way to bring the parties together without threatening the core interests of either side. Over time, with European integration and continued economic and political cooperation, the weak nature of the central government may not pose a serious problem. At any rate, a weak central government is surely preferable to the current state of affairs.

**3) Work on building up civil society in Transdniestria.** This would involve creating, from the ground up, a new generation of leaders, a new constituency in Transdniestria that over time will have incentives to engage in economic cooperation with their neighbors. Rather than have their self-interest tied to the continuation of the conflict, this new generation could have their interests served by engagement. The process of European integration could have a positive impact on the region if there is a constituency to welcome it. This could lead to a changed political situation, although if Russia remains outside of Europe clashing loyalties in Transdniestria will continue to pose challenges in the future.

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