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The OSCE Mission to Moldova¹

Introduction

The conflicts in Abkhazia and South Ossetia (in Georgia), in the Armenian enclave of Nagorno-Karabakh (in Azerbaijan) and in the region of Transdniestria (in the Republic of Moldova) are referred to within OSCE circles as “frozen conflicts”. The OSCE’s wide-ranging efforts over more than ten years to achieve a peaceful and sustainable solution to these conflicts have had little success to date. While these areas have seen virtually no violent confrontations in recent years – with the sole possible exception of Abkhazia, where the ceasefire has been threatened by Georgian guerrillas – there is still a long way to go before a political solution to any of the four conflicts can be found, and in no case can any concrete or substantial progress be observed. Of the four conflicts, Transdniestria in the Republic of Moldova is considered the most amenable to solution. This is probably one of the reasons the Dutch OSCE Chairmanship in 2003 has made the resolution of this conflict one of its priorities. This involves three tightly connected elements, central to the OSCE’s work in Moldova:

1. The signing of a document on the final resolution of the conflict
2. The complete withdrawal of Russian troops stationed in Transdniestria, including the military equipment and ammunition stored there
3. The stationing of peacekeeping troops under OSCE auspices.

A Federal State as a Solution to the Conflict?

The negotiations between Chişinău and Tiraspol, in which the OSCE Mission to Moldova, alongside Russia and the Ukraine², has acted as a mediator since 1993, gathered momentum in July 2002. At a meeting in Kiev on 2 and 3 July 2002, the mediators presented a document in which they recommended the federalization of the Republic of Moldova. During the past ten years, the Moldovan government had always rejected a federal solution, and a large part of the opposition continues to do so. However, the communist government

1 The opinions and views expressed in this article do not reflect the official standpoint of the OSCE Mission to Moldova or of the OSCE in general but are exclusively the personal observations and judgements of the author. This contribution deals with the period up to 31 August 2003.

2 Ukraine was invited to join the negotiations as a third mediator in 1995.

elected in the spring of 2001 is more open to the idea of transforming Moldova from a centralized state into a federation.

The Kiev Document³ consists of eight chapters and 42 paragraphs. The first chapter deals with the foundations of the constitutional system of the Republic of Moldova. The second chapter concerns the structure of the state, while chapters three to five outline the competencies of the president, the parliament and the government. Chapters six and seven are concerned with the court system and local self-government. Finally, the eighth chapter covers political, economic, military, social and cultural guarantees and also includes regulations for the transition. While this draft does contain elements from documents produced earlier in the negotiation process, it can nevertheless be considered a new departure as it is concerned less with defining the status of Transdnistria than with reshaping the entire state. It describes the Republic of Moldova as a federal state (Article 1) and provides for the creation of state-territorial entities within the Republic of Moldova, each entitled to their own constitutions and legislation (Article 4). However, the Kiev Document does not stipulate how many entities the federal state should comprise nor who is responsible for creating them. The representatives of Gagauzia made their demand clear that the existing autonomous region of Gagauz-Yeri be made an equal entity in the new federal state. Whether the Republic of Moldova is to consist of two (Bessarabia⁴ and Transdnistria), three (Bessarabia, Transdnistria and Gagauzia) or more (e.g. corresponding to the administrative districts existing from 1998-2001) entities is, however, of fundamental importance, as the draft document stipulates that all entities enjoy equal rights (Article 4) and are entitled to send an equal number of representatives to the proposed second parliamentary chamber (Article 26). This second chamber, the Chamber of Representatives, is to have 30 seats. The first chamber, the Chamber of Legislators, is to have 71 deputies. Here, the entities do not have an equal number of representatives, but in proportion to the size of their electorates. Hence, in the Chamber of Legislators, there would be 57 deputies from Bessarabia, but only eleven from Transdnistria and a mere three from Gagauzia. Note that if Gagauzia were included as an equal entity in the federal state, Bessarabia would only have one third of the votes in the Chamber of Representatives. Because all the laws passed by the first chamber must be ratified by a majority of members of the second chamber, Chişinău is unlikely to accept a proposal such as this that would allow it to be outvoted by Gagauzia and Transdnistria on a regular basis. On the other hand, if the federal state were to be comprised of only two entities, a functioning majority in the upper chamber would have to include representatives of both states. In order to prevent the Chamber of Representatives from blocking legislation

3 An unofficial English translation of the Kiev Document can be found in: Bruno Coppeters/Michael Emerson, Conflict Resolution for Moldova and Transdnistria Through Federalisation? CEPS Policy Brief No. 25, August 2002, Annex.

4 The area between the Prut and Nistru (Dniestr) rivers is also known historically as Bessarabia.

indefinitely, laws would also be deemed approved if not debated by the second chamber within 14 days, or if the Chamber of Legislators outvotes the resolutions of the Chamber of Representatives with a two-thirds majority. In a federal state comprising two entities, Transnistria would thus have a restricted power of veto and, despite its formal equality to Bessarabia, would be *de facto* in a weaker position. The delimitation of competencies between the federal state and the entities is thus a particularly decisive issue for the Transnistrians.

Exclusive competencies of the federal state (Article 15) are to comprise the Constitution and federal laws; the structure of the state and national territory; the regulation and protection of basic rights and fundamental freedoms; citizenship; the regulation and protection of the rights of minorities; the establishment of the organs of the legislative, executive and judicial branches and the procedures that govern their effective operation; the formation of organs of state power; state property; the elaboration of policy fundamentals and programmes in the areas of general government, economy, environment, social welfare, culture, and national development; legislation to provide for a unified economic, currency and customs area; foreign policy; foreign economic relations; defence and security; the border regime; the legal system – especially law enforcement, criminal law, criminal procedure, amnesty and pardon, civil legislation, civil procedure, arbitration procedure and intellectual property; legal conflicts; meteorology; standards and official statistics; and state awards and honorary titles of the Republic of Moldova. Competencies shared by the federal state and the entities (Article 16) are to include ensuring the laws of the entities comply with the agreement and with the Constitution and laws of the Republic of Moldova; protecting basic rights and fundamental freedoms; protecting the rights of minorities; general matters in the areas of education, science, culture and sports; the co-ordination of the health system; family policy; social security; civil contingency planning; the introduction of standardized principles of taxation; legislation in the areas of administration, administrative procedures, labour, residency, agriculture, water management and forestry, mineral resources and environmental protection. They will also be jointly responsible for court and prison personnel, bar association and notaries' office and for establishing common standards for the organization of central state power and local self-government. Competencies which the (draft) agreement does not define as exclusive competencies of the federal state or as joint competencies are the exclusive competencies of the state-territorial entities (Article 17). However, laws and other normative legal acts of the entities may not contradict the Constitution or the laws of the Republic of Moldova (Article 20). Given the current situation, it is also noteworthy that the draft forbids the establishment of internal customs regimes and other impediments to the free movement of commodities and persons (Article 18) and stipulates that the Moldovan lei is the monetary unit of the Republic (Article 19) and that the Moldovan language written in the

Latin script is the state language (Article 14). However, the entities are allowed the right to establish their own official languages in their regions, which can be used alongside the state language. The implementation of the agreement and the delimitation of competencies are to take place step-by-step during a transition phase (Article 16). Disagreements between the parties over the implementation of the agreement are to be settled through negotiations and consultations mediated by Russia, the Ukraine and the OSCE Mission (Article 34). A peacekeeping force under the supervision of the OSCE is to ensure security and stability during the transition phase (Article 36, III); however, no concrete details are mentioned on its composition.

Although it often goes into great detail, the Kiev Document is imprecise in many fundamental areas: Specific details on the role of the guarantor states and the structure of the peacekeeping force are not stated; the delimitation of federal and joint competencies is contradictory in parts; and the number of entities is not stipulated. Moreover, exact provisions for the transition phase and the procedure for settling disputes between the federal state and the entities over competencies are lacking. Ultimately, the Kiev Document is a rather hastily compiled draft, which consists largely of provisions quoted directly from the Constitution of the Russian Federation. It is, therefore, hardly a suitable basis for a conclusive agreement between Transdniestria and the Moldovan central government. Nevertheless, the draft agreement has had two significant effects: *First*, the negotiation process, which had been suspended since the summer of 2001, was given a new lease of life and *second*, the idea of a federal solution is being discussed within the framework of this process for the first time.

The OSCE Mission to Moldova had been cautiously promoting the federalization of the Republic of Moldova for a number of years without success before the summer of 2002. While a large part of the Moldovan opposition and some Western observers came out against the notion following the publication of the Kiev Document, moderate opposition politicians such as former Prime Minister Dumitru Braghiș as well as the European Union and the United States have expressed their support for the idea in principle. Two factors in particular argue in favour of a federal solution for Moldova. *First*, no sustainable solution to the conflict is feasible that does not involve granting some concessions to the Transdniestrian side, and *second*, reorganizing the Moldovan state along federal lines would mean that Transdniestria would also be involved in decision-making at the level of the country as a whole. In contrast to a solution based on autonomy, which favours parallel and – in the last instance – separate structures, a federation is inherently inclusive. Furthermore, critics of federalization often overlook the possibility that autonomy may under certain circumstances give a territory more rights and freedoms than federal models do. The question of the concrete delimitation of powers and Transdniestria's ability to influence decisions at the federal level

are thus key matters that must be decided – regardless of the model that is ultimately chosen.

Since the presentation of the Kiev Document, however, hardly any progress has been made in tackling these crucial issues. Although the conflict parties and the mediators met to negotiate eleven times between August and November 2002, they could not even agree on the exact wording of the first article of a final document. Initially, the Transdniestrian side distanced itself from a draft in which the Republic of Moldova was described as a democratic, federal state governed by the rule of law and founded on a treaty, as it did not want to give up its concept of a “common state”, which amounts to much the same as a confederation. When, however, the Transdniestrian side showed itself prepared to make concessions on this matter, Chişinău came to the conclusion that a federation based on a treaty could amount to the *de facto* recognition of Transdniestria and ultimately to a confederation. The negotiation process thus ground to a halt once more at the end of 2002. It picked up again at the start of February 2003 with the proposal by the Moldovan President Vladimir Voronin to appoint a joint constitutional commission and to task it with the elaboration of a new constitution for the Republic of Moldova including Transdniestria. Voronin’s initiative envisaged that the joint commission would draft a federal constitution within a period of six months. This draft was to be discussed in public and put to a referendum by 1 February 2004. Elections to a new parliament were then to follow on 25 February 2005 after a one-year transition and after the end of the legislative period of the present Moldovan parliament. This initiative represented the first time the Moldovan side had offered Transdniestria the opportunity to jointly build a new foundation for a reunified state. Up to then, Chişinău had assumed that the reintegration of Transdniestria could only occur largely on the basis of the existing Moldovan state and constitution – irrespective of the fact that the people of Transdniestria had played no part in creating them.

Despite these concessions and although the Joint Constitutional Commission was indeed established in April 2003, no major progress has so far been made towards developing a final document or a new constitution. It was only at the beginning of August that the Transdniestrian and Moldovan delegations in the Commission exchanged initial draft proposals. The Transdniestrian proposal, which was made accessible on the Internet on the same day, outlined a loose confederation rather than a federation and did not even go as far as the proposals expressed verbally by the Transdniestrian delegation at an earlier date. One should also note that the work of the Constitutional Commission did not commence until the beginning of July, as the parties could agree on neither a statute for the Commission nor a meeting place. It was only at the beginning of July with the mediation of the OSCE Mission that the two sides finally agreed on a statute and on making Bender the seat of the Commission. During these discussions, it became clear that the political will to make real progress was lacking not only on the Transdniestrian

side but that the Moldovans were also hesitant to implement the initiatives they had themselves set in motion. The role of the OSCE Mission during this phase consisted primarily of classical mediation activities. The Mission's offices in Chişinău and Tiraspol served as neutral ground for meetings between the chief negotiators on both sides and between the members of the Constitutional Commission. The OSCE also officially provided the building in Bender that was used for further meetings of the Constitutional Commission and found the formula that made it possible for experts from the European Union to take part in the development of the constitution as advisory observers.

The growing interest of the European Union in a lasting settlement of the conflict in Transdniestria will be a crucial factor in the process in the years to come. The EU has not only delegated experts to support the Constitutional Commission, but – more importantly – has begun to bring its political and economic power to bear on the process. Thus, on 27 February 2003, the EU Council of Ministers imposed visa restrictions on 17 members of the Transdniestrian leadership. These 17 people were made responsible for the lack of co-operation in the search for a political settlement. In the event of further obstacles to co-operation, the Council of Ministers has threatened additional sanctions. As these would in all likelihood extend to economic sanctions such as freezing bank accounts, this threat was taken very seriously in Tiraspol. And while progress in the negotiations has admittedly been limited since then, the current delay cannot be attributed solely to the Transdniestrians but is largely explained by the lack of willingness to compromise on the Moldovan side. With regard to the withdrawal of Russian equipment and ammunition, the EU's sanctions – which were rapidly taken up by some of the Union's associated states and, most importantly, the USA – had an instantaneous effect.

Istanbul – Porto – Maastricht?

Following Moldova's independence, Russia committed itself at the CSCE Ministerial Council in Stockholm in 1992, to withdrawing the 14th Army that had been stationed there during the Soviet period.⁵ Although, between 1992 and 1999, the size of this force was reduced from 9,250 to 2,600, large amounts of heavy weapons that fell under the CFE Treaty and around 40,000 tons of ammunition remained in Moldova. It was generally understood that a further troop reduction could only occur after the removal of this ammunition and the other military equipment. However, the Transdniestrian leadership considered this equipment and ammunition to be their inheritance from the

5 Since 1995, the units of the former 14th Army remaining in Transdniestria have been designated the "Operational Group of Russian Forces in the Transdniestrian Region of the Republic of Moldova" (OGRF).

estate of the former Soviet Union and threatened to resist or block the withdrawal if Transdniestria did not receive corresponding financial compensation. And although Russia had agreed to pay the appropriate compensation in a protocol signed in 1998 in Odessa, Moscow showed no real political will to withdraw all the Russian troops either. At the Istanbul Summit Meeting of the Heads of State or Government of the OSCE participating States in November 1999, Russia nevertheless did commit itself to destroying or removing all CFE-relevant material in Transdniestria by the end of 2001 and to withdraw its troops entirely from the territory of the Republic of Moldova by the end of 2002. The fact that Russia made concessions on this issue can be attributed to a combination of diplomatic pressure underpinned by international law (the CFE Treaty),⁶ concrete offers of assistance from Western states and the willingness of Russia's President Yeltsin to compromise as his presidency came to a close. The after-effects of this diplomatic initiative made it possible, on 9 December 1999, for the OSCE Permanent Council "to expand the scope of the present mandate [of the OSCE Mission to Moldova], in accordance with paragraph 19 of the Istanbul Summit Declaration, in terms of ensuring transparency of the removal and destruction of Russian ammunition and armaments and co-ordination of financial and technical assistance offered to facilitate withdrawal and destruction".⁷

A conversion expert was subsequently added to the OSCE Mission, which held extensive negotiations in Tiraspol and Chişinău and in Moscow in the following months. A voluntary fund to support the withdrawal was also established. However, this money was not made immediately available as there were no signs of the necessary progress being made. It was only at the end of May 2001 that the Head of Mission, William Hill, and the Russian Deputy Minister of Defence, Vladimir Isakov, signed an agreement on OSCE financing of the demolition of Russian weapons in Transdniestria and the principles of monitoring the process. Thereafter, Russian units stationed in Transdniestria began to destroy their heavy weapons under the supervision of the OSCE Mission. In mid-June, Russia and the OSCE also came to an agreement with Transdniestria providing for the removal of Russian equipment and the demolition of ammunition stored in Transdniestria. This is also being financed by the OSCE. Despite continued Transdniestrian protests and blocking tactics⁸ in violation of the agreement, all military equipment stationed in Transdniestria and falling under the CFE Treaty was destroyed or evacuated by 14 November 2001, thereby fulfilling the first part of the commitments made in Istanbul. With diplomatic pressure and material dispensa-

6 For example, the USA pointed out that the ratification of the CFE II Treaty would only be possible after the completion of the troop withdrawal from Moldova.

7 OSCE, Permanent Council, Decision No. 329, PC.DEC/329, 9 December 1999.

8 The protests were directed against both the Russian forces, whose commander was under investigation by the Transdniestrian "Public Prosecutors' Office" (cf. Infotag, 26 July 2001), and the OSCE Mission, whose office was besieged and whose members were sometimes denied entry into Transdniestria (cf. Infotag, 19 July and 28 August 2001; RFE/RL Newswire 31 August 2001).

tions, the OSCE and Russia had finally moved the Transdnestrian leadership to make concessions. Decisive for this success was the Russians' willingness during 2001 to implement the first part of the commitments made in 1999 in Istanbul and to influence the Transdnestrian leadership accordingly.⁹

Nevertheless, the fulfilment of the second part of the Istanbul commitments failed due to the ongoing non-co-operation of the Transdnestrian leadership. For example, the Transdnestrian leadership refused to allow the import of the OSCE-financed equipment to be used to destroy ammunition. At the OSCE Ministerial in Porto on 6 and 7 December 2002, a Declaration was adopted that included the following statement: "We welcome the Russian Federation's commitment to complete the withdrawal of Russian forces as early as possible and its intention to do so by 31 December 2003, provided necessary conditions are in place."¹⁰ In the Statements of the Porto Ministerial Council, the OSCE not only expressed its agreement with the Russian view that the delay in the removal of ammunition was "due in part to the fact that the Transnistrian authorities have systematically created difficulties and obstacles",¹¹ it also, by including the clause that removal should take place "provided necessary conditions are in place", opened the door for Russia to delay completion of the withdrawal of its armed forces beyond December 2003 without violating the letter of the commitments made in Porto. The text had not been agreed with the Moldovan delegation but was primarily a product of American-Russian negotiations. In contrast to most Western states, who were only represented in Porto by state secretaries or political directors, Russia was the only important state to send its foreign minister to the Ministerial. The Russian delegation, which was in a position of political as well as numerical strength, was thus able to assert its ideas without appreciable resistance. The Moldovan delegation, in contrast, was merely able to add an interpretative statement in which it strongly insisted that the Russian Federation fulfil the commitment it made in 1999 in Istanbul to complete withdrawal of its armed forces from the territory of the Republic of Moldova and made clear that the term "necessary conditions" in the context of withdrawal "refers solely to eventual technical arrangements and may in no way be applied to any political circumstances".¹² The extent of Moldova's frustration becomes even clearer in a statement it made in a meeting of the Permanent Council on 12 December 2002: "However, we must also state that the techniques used by a number of mostly involved Delegations in view of obtaining

9 Cf. William Hill, *Making Istanbul a reality: Moldova, Russia, and the withdrawal from Transdnestria*, in: *Helsinki Monitor* 2/2002, p. 141.

10 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, printed in this volume, pp. 421-455, herein: *Statements by the Ministerial Council*, pp. 431-442, here: p. 435.

11 *Ibid.*

12 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, Attachment 1 to Statements, in: *ibid.*, pp. 438-439, here: p. 438.

our consensus were unprecedented for our Organization and they could never be referred as a negotiation process in the traditional sense of the phrase.”¹³

Although the Porto Declaration did not annul the Istanbul commitments, it did serve to weaken them considerably. While there can be no removal of ammunition and military equipment or troop withdrawal in the face of Transdniestrian resistance, one must ask whether the Russian Federation does not have the means to break this resistance – to the extent that it is genuinely interested in fulfilling its commitments. The destruction of CFE-relevant material in 2001 has shown that resistance from Transdnistria is not insurmountable; developments between March and July 2003 are a further indication of this.

On 5 March 2003, the Supreme Soviet of Transdnistria passed a decision in which it recommended that the Transdnistrian leadership enable the removal of military equipment and ammunition belonging to Russian troops stationed in Transdnistria. This decision was tantamount to a declaration of agreement with the removal on the part of Transdnistria. And indeed, between March and June 2003, 35 per cent of the military equipment and the ammunition stationed in Transdnistria was removed.

Two events contributed to this breakthrough. First, Tiraspol was alarmed about the visa restrictions introduced by the European Union. Although the EU justified sanctions by reference to the lack of progress in the negotiating process, the use of sanctions had, during the previous two and a half years, most often been linked to Transdnistria’s blocking of the troop withdrawal. Even Russia, which had rejected sanctions over Transdnistria’s conduct in the negotiation process, was in favour of threatening sanctions in connection with the withdrawal hold-up. Thus faced with possible further measures, Tiraspol considered it opportune to make concessions on this issue. The second event that contributed to the breakthrough was the offer, in early March, by a delegation of the Russian company Gazprom to cancel 100 million US dollars worth of Transdnistrian debt for outstanding gas invoices as compensation for the equipment that was to be removed. Thus, it was the classic “carrot and stick” approach that persuaded the Transdnistrian side to resume co-operation.

As in 2001, however, this co-operative attitude did not last long. When the promised debt cancellation had not been granted by mid-June 2003, Transdnistria put any further withdrawal on hold for a month. An additional fact that probably influenced Transdnistria’s resumption of blocking tactics was the kind of ammunition and equipment to be removed in the second half of the year. Whereas the Russian armed forces will be able to use the equipment and ammunition that had been removed up to then, much of the ammunition remaining in Transdnistria now is obsolete from the Russian point of view. For the Transdnistrian and other armed forces, however, who are pri-

13 Statement by the Delegation of Moldova, in: OSCE, Permanent Council, PC.JOUR/426, 12 December 2002, Annex.

marily equipped with older Soviet weapon systems, the remaining ammunition is still usable. To put it another way, while the Russians do not have any particular interest in transferring more ammunition to Russia, as it would have to be stored there or destroyed at Russia's cost, Transdniestria does have an interest in keeping this ammunition – whether for use by its own armed forces or for resale. Although the OSCE is using its Voluntary Fund to finance the transport of ammunition out of the country – and would finance its demolition in Transdniestria – the countries that provide the money for the Voluntary Fund have so far not expressed their willingness to finance demolition in Russia. Transdniestrian resistance has so far rendered demolition in Transdniestria impossible. As no progress in this regard looked likely at the time of writing, the process of fulfilling the Istanbul commitments will in all probability extend beyond the end of 2003. The Russian side attributes the current hold-up to the need to resolve customs issues¹⁴ and takes the position that solving these problems is a necessary condition for withdrawal to go ahead. As far as Russia is concerned, the repeated postponement of the original deadline, which was set for the end of 2002, is thus covered by the Statement adopted in Porto.

An OSCE Peacekeeping Force for Transdniestria?

Even if Russia were to completely remove the military equipment and ammunition it has stationed in Transdniestria, all prerequisites for the withdrawal of the remaining 1,288 Russian soldiers would still not be met. Currently, 500 to 600 OGRF soldiers are deployed on a rotating basis within the framework of the trilateral Russian-Moldovan-Transdniestrian peacekeeping force, which has been stationed in an approximately twelve kilometre-deep security zone on each side of the Nistru (Dniestr) since 1992. The withdrawal of Russian troops would turn the trilateral peacekeeping force into a Moldovan-Transdniestrian operation. Although there have been no serious incidents in the security zone since 1992, it would be reckless to place responsibility for keeping the peace entirely in the hands of the two parties to the conflict. The complete withdrawal of Russian troops is thus linked to the stationing of a new peacekeeping force.

As already mentioned, the Kiev Document provided for the deployment of peacekeeping troops under the auspices of the OSCE. It did not, however, give any concrete details on their form or composition. Russian politicians and diplomats have on several occasions emphasized that Russia would have to play a leading role in a peacekeeping force for Transdniestria. Western

14 As a result of the customs agreement from 15 May 2003 between the Republic of Moldova and Ukraine, no goods may be removed via Ukraine that carry a Transdniestrian-Moldovan customs seal. These seals became invalid on 1 September 2001. From the Russian point of view, this agreement also makes it more difficult to complete the withdrawal.

OSCE delegations have also acknowledged that a peacekeeping force without Russian participation would be unrealistic. However, the solutions discussed in mid-2003 by the Dutch Chairmanship and other Western participating States do not envisage a dominant role for Russia. Independently of whether a force of this kind was deployed by the OSCE itself, NATO and/or the NATO-Russia Council or the European Union, it is thus clear that, although there will be strong Russian participation, Russia will not be in charge.

The establishment of an OSCE peacekeeping force by the beginning of 2004 is not realistic, as the OSCE does not have the capacity for such an operation at present, and not all participating States are willing to build capacities up within the OSCE framework. Although the working group on peacekeeping forces that was established in Porto will, at the Ministerial Council in Maastricht, present recommendations for reforming the regulations on OSCE peacekeeping operations adopted in Helsinki in 1992, this will hardly suffice to enable a deployment in Moldova at the beginning of 2004. At the same time, discussions within the working group on the possibility of the OSCE's mandating peacekeeping operations to be carried out by other organizations are becoming increasingly concrete. The OSCE established the prerequisites for mandating peacekeeping operations to be conducted by other states or organizations in the 1999 Charter for European Security. Paragraph 46 contains the following statement: "We have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping. Reaffirming our rights and obligations under the Charter of the United Nations, and on the basis of our existing decisions, we confirm that the OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role when participating States judge it to be the most effective and appropriate organization. In this regard, it could also decide to provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise. In accordance with the Platform for Co-operative Security, it could also provide a co-ordinating framework for such efforts."¹⁵

In line with this statement, the 2003 Dutch OSCE Chairmanship favours stationing an EU-led peacekeeping force under an OSCE mandate. This kind of force could also contain a strong Russian contingent.¹⁶ The arrangements for including Russia in an EU peacekeeping mission already exist. According to these stipulations, Russia would be equal to the EU member states in the

15 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 439.

16 Cf. Dov Lynch, Russia faces Europe, Chaillot Paper No. 60, Paris 2003, pp. 100-103; John Chalmers, Dutch propose EU peacekeeping force for Moldova, Reuters, 11 July 2003.

peacekeeping force in the implementation of daily tasks.¹⁷ However, this type of operation would be the responsibility of the European Military Staff, meaning that Russia would have no overall command of the operation. In addition to the EU, which has already signalled its willingness to take on such an operation, NATO may also be in a position to assume this kind of task. However, the Transdniestrian leadership has so far rejected the stationing of NATO troops, and the Transdniestrian people are generally critical of NATO. In particular, the intensive anti-NATO propaganda produced by the Transdniestrian leadership during the Kosovo war may still have a certain influence even today. An EU peacekeeping force under an OSCE mandate and with the participation of Russia as well as interested participating States would thus probably be the best alternative for securing the peace in Moldova as of 2004. A peacekeeping force of this kind is likely to number not much over 600 soldiers and could be gradually reduced in size. As a final conflict settlement would also entail the integration or demobilization of the security forces on both sides, the key future tasks in Moldova would be monitoring the demobilization process and training and modernizing the police forces – fields which are established core competencies of the OSCE. Consequently, an EU peacekeeping force in Moldova would be a good interim solution. Due to its limited duration, the stable military situation in the region and the expertise of the OSCE Mission, which has been in Moldova since 1993, the EU peacekeeping force should be linked as closely as possible to the civilian OSCE Mission. In contrast to the EU's Artemis Operation in the Democratic Republic of Congo, in which political control is the responsibility of the EU Policy and Security Committee, political command of a peacekeeping operation in Moldova should remain in the hands of the OSCE.

Summary and Outlook

The Dutch OSCE Chairmanship in 2003 has given the situation in the Republic of Moldova much attention and has endeavoured with great dedication to advance the settlement of the Transdnistria conflict. It is now essential to make use of the momentum achieved through these initiatives. As a member of the OSCE Troika and holder of the Presidency of the EU Commission during the second half of 2004, the Netherlands will also be able to continue to directly influence the processes it has set in motion. As Moldova's neighbour and the kin-state of the country's fourth largest minority, Bulgaria – which will take over the OSCE Chairmanship in 2004 – also has an interest in the rapid settlement of the Transdnistria conflict. This is also true of the European Union as a whole, which, in all likelihood, will extend its borders

17 Cf. Presidency Report on ESDP, 10160/2/02REV2ESDP188, Annex IV, Arrangements for Consultation and Cooperation between the European Union and Russia on CIS Crisis Management, Brussels, 22 June 2002.

eastward as far as the Prut in 2007. The potential for further progress in the conflict settlement process is thus good. While resolving the conflict is ultimately the responsibility of the parties themselves, only outside influence – particularly a balanced application of incentives and sanctions – is capable of weakening the powers that have more interest in maintaining the status quo than in settling the conflict. Furthermore, the withdrawal of Russian troops will not be attainable without active political support from the EU and the USA, as the interest in an enduring, at least symbolic, stationing of troops in Moldova is still very pronounced in influential circles of Russian politicians and policy makers.