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How Can Confidence and Security Be Restored in Moldova?

The OSCE Mission to Moldova was established in February 1993, a few months after the end of the conflict fought between forces on opposing sides of the Dniestr river. According to its mandate, its aim was to “facilitate the establishment of a comprehensive political framework for dialogue and negotiations and assist the parties to the conflict in pursuing negotiations on a lasting political settlement of the conflict, consolidating the independence and sovereignty of the Republic of Moldova along with an understanding about a special status for the Trans-Dniester region”.¹

A Rough Balance of Power

No political settlement of the conflict can be concluded while there is still a risk of a return to violence. Both sides have enough military power to repeat the tragedy of 1992 – or to do something even worse. The recent examples of Georgia and its separatist regions show that this risk exists. Can it be avoided in the case of Moldova?

In light of its size and situation, the Republic of Moldova decided to adopt a policy of neutrality.² Its military power consists of nearly 5,000 troops in the National Army, whose conventional equipment dates from the Soviet era. Most of its infantry is motorized or mechanized with armoured personnel carriers (BTR class) or air-transportable infantry fighting vehicles (BMD class). There are no tanks in Moldova, and the last six combat aircraft left in the country are no longer operational. Moldova’s relatively numerous long range artillery (guns and multiple rocket launchers) is becoming outdated and being decommissioned, but there are plenty of field artillery, anti-tank, and anti-aircraft weapons. Still dependant on a conscription system, Moldova has undertaken a modernization of its forces, but its lack of financial resources will not allow any improvement in equipment in the near future. Nevertheless, with strong firepower and significant anti-tank capacity, it is capable of limited action against its opponent and has the capacity to oppose any offensive coming from the left bank. In case of conflict, the add-

Note: The views presented here are the author’s own and do not necessarily reflect the positions of the OSCE or any of its structures.

- 1 CSO Vienna Group, *CSCE Mission to the Republic of Moldova*, Journal No. 7, 11 March 1993, Annex 1.
- 2 Cf. *Constitution of the Republic of Moldova*, Article 11: The Republic of Moldova as a Neutral State.

ditional force of some 10,000 interior troops, border guards, and police would secure the mobilization of a maximum of 100,000 troops.

The Transdnestrian side, with a total of 4,000 to 4,500 regular troops, has the advantage of 18 tanks, a good number of multiple rocket launchers, and several assault helicopters. Also based on conscription, the Transdnestrian defence sector can count on an additional force of Cossack and volunteer corps, and with a more effective mobilization system, some estimates say that it could mobilize up to 120,000 troops. Considering today's economic and social situation (with most of the economically active population of the region working abroad), a more realistic figure is around 80,000. The Transdnestrian forces could launch a very limited offensive on the right bank. Even if Transdnestria's capacities to buy modern weapons are as limited as those of its Moldovan counterpart, Transdnestria has the industrial capacity to manufacture weapons, or rather to assemble or transform existing weapons. Although Transdnestria has constantly denied it, several witnesses agree that it has manufactured small arms, mortars, and multiple rocket launchers. In any case, Transdnestria has the ability to conceal any such activities, as it has no international obligations.

An Outdated Peacekeeping System

The first attempt to reduce the danger after the Russian forces present in Transdnestria (General Alexander Lebed's 14th Army) obliged the parties to put an end to the conflict was the signature of an agreement in July 1992 that created a security zone to separate the belligerents and established a regular body, the Joint Control Commission (JCC), co-chaired by Russia and the conflict parties, and attended by Ukraine and the OSCE, that was capable of commanding tripartite peacekeeping forces (PKF) deployed in the security zone. The PKF mans control posts on the main crossing points of the river Dniestr and controls an observer unit of ten Russian, ten Moldovan, ten Transdnestrian, and ten Ukrainian officers, which patrols the entire security zone. A total of approximately 400 men per contingent are deployed in the security zone.

But the peacekeeping system has recently revealed its limits. On several occasions, tensions have risen at crossing points, mainly triggered by the security forces (militia, police, customs, border guards) deployed in spite of the agreement of free circulation included in the July 1992 agreement. Some of those incidents have paralysed the work of the JCC for several months, creating the risk of a rejection of the agreement by one of the parties and of a new conflict. With the exception of the withdrawal of heavy equipment from the security zone (an OSCE initiative implemented in the summer of 2003) and the downsizing of the number of peacekeeping battalions, the JCC has not been able to achieve any progress in the situation. All decisions are re-

quired to be made by consensus, and problems are often referred to higher authorities that never answer the commission's requests. The construction of new barriers between the sides has progressively diminished the importance of the PKF, and the free circulation of persons across the Dniestr has continuously declined; one of the bridges rebuilt after the conflict has not been yet reopened to road traffic. The JCC has not been able to eject fully the non-peacekeeping units that still remain within the security zone.

The Russian Counterweight

If the military power of both sides is roughly balanced, this is without considering the relative importance of the Russian troops in Moldova, the Operative Group of Russian Forces (OGRF), which has a strength of approximately 1,200 troops. These troops alone could not prevent a new conflict, but they could be quickly reinforced from Russia. Russia keeps these forces in Transnistria in support of the tripartite peacekeeping operation (about 600 troops) under the 1992 Agreement on Principles of a Peaceful Settlement of the Armed Conflict in the Transnistrian Region, and also to guard a large ammunition depot located in Colbasna in the north-eastern part of the Transnistrian region, which, at the end of the Cold War, contained more than 40,000 metric tonnes of ammunition left by the former 14th Army and withdrawn from the East European countries.

Following the OSCE Istanbul Summit in 1999, where Russia made a commitment to withdraw its forces from Moldova, an effort was made to assist Russia in performing this withdrawal. The OSCE raised voluntary funds totalling some 22,200,000 euros among 17 participating States, which helped to destroy or remove most of the equipment. No less than 108 tanks, 48 artillery pieces, and 91 armoured combat vehicles were destroyed between 2000 and 2004, along with other equipment that was not limited by the CFE Treaty. Nearly half of the ammunition was also removed in the same period. Soon, the Transnistrian authorities claimed that the remaining assets of the Russian forces were their property and allowed no more withdrawals. The last convoy left Moldova on 24 March 2004. Approximately 20,000 metric tonnes of ammunition remain in the storage depot at Colbasna awaiting removal to Russia or destruction in Transnistria. The Russian Ministry of Defence repeatedly declared that six months would suffice to remove the quantities that remained, and that the removal could start within two to three weeks. Since then, access to the storage area by OSCE mission members has been repeatedly blocked by Transnistrian authorities. Facing an inability to do more, some donors became impatient and withdrew their participation in the voluntary fund. Apart from a few armoured personnel carriers in support of the peacekeeping force and deployed in the control posts, there is no more significant Russian equipment left in the region.

The international inspections to be conducted in Moldova under the Vienna Document and the CFE Treaty have all been stopped at the internal demarcation line, the Transnistrian authorities denying access to the Moldovan escort, and the inspection team refusing to go on without it. Transnistria is therefore one of the last regions in the OSCE area in which there is no transparency. This includes the Russian forces, which cannot be inspected for the same reasons. This situation serves Russia's purpose of staying in the region as long as the conflict is not solved, pretending that its presence is a guarantee against any temptation from the Moldovan side to achieve full reunification by force. Keeping Russian forces in Moldova is a factor that blocks a political solution: Not only does it not facilitate negotiations, but withdrawing them too early could be a risk to security, which would equally prevent any progress.

Additional Tasks for the OSCE

The OSCE has to bypass this dilemma and move forward to achieve a settlement:

- by continuing to push both sides, together with the mediators and the observers, to resume the talks on the political settlement as soon as possible;
- by supporting Moldovan President Vladimir Voronin's recent (October 2007) proposal offering a number of confidence-building measures (CBMs). Following this initiative and the meeting of the two leaders in Bender in April 2008 (their first since 2001), eight groups of experts have been set up and five have started to work. These groups are working on the settlement by common consent of the problems in the fields of economy, agriculture, and ecology; railway transport; humanitarian assistance; infrastructure; and healthcare. Another working group has since been established, dealing with law enforcement bodies, but the education, and disarmament and demilitarization working groups have still to start their work;
- by supporting discussions on confidence- and security-building measures (CSBMs) and on the reduction of armaments. This technical, expert-level approach is supposed to open discussions on issues acceptable to both parties, clarifying and paving the way to political decisions.

Concerning the security sector, the idea of the demilitarization of Moldova and Transnistria is not new. At least once during their terms in office, both current leaders have proposed to demilitarize. The signing of the Odessa

Agreement,³ which already featured the 3+2 format (three mediators, Russia, Ukraine, and the OSCE, and the two conflict parties), introduced a number of measures that aimed to reduce the numbers of peacekeeping troops, and to facilitate communications and traffic across the Dniestr river. This document also enhanced bilateral contacts and consultations: Under pressure from their leaders, the heads of defence agreed to sign a protocol providing the following measures:

- direct communication lines between the defence ministries, general staffs, and operations duty officers,
- formation of a joint commission on co-operation and a common defence area,
- a plan on joint activities to enhance confidence,
- the mutual exchange of information on exercises, and invitations to attend those exercises,
- a mechanism of co-operation with the Joint Control Commission and Joint Military Command of the peacekeeping forces to solve the problems in the security zone, and
- regular meetings between the governments to raise questions connected with those common issues.⁴

A few weeks later, on the invitation of the OSCE Mission, high level representatives of both sides and of the mediators met in the Marshall Center in Garmisch-Partenkirchen and made a series of proposals related to the enlargement of the peacekeeping operation, transparency, and CBMs. They also questioned the necessity of an army on each side, and proposed the establishment of a Joint Information Centre in Bender.

Other proposals were made on this occasion, which contained interesting ideas such as:

- involving more parties in seeking a resolution of the conflict, such as the press, NGOs, etc.,
- reducing the size of armed forces and amounts of weaponry,
- amending the constitutions, in particular the provisions on national and internal security,
- mutually exchanging data on armed forces,
- verifying the implementation of agreements already signed, and
- extending transparency and CBMs to the entire territory.

3 *Agreement on Confidence Measures and Development of Contacts between Republic of Moldova and Transnistria (Odessa Agreement)*, Odessa, 20 March 1998.

4 Cf. *Protocol Decision between the Defence Ministries of the Republic of Moldova and Transnistria on Confidence Building Measures*, 8 August 2001.

This period of rich exchange and dialogue between the sides did not last long; the so-called economic blockade of Transdniestria, when the Moldovan government decided to oblige the Transdniestrians to use Moldovan customs seals, suspended all implementation of the documents already agreed.

When, after the removal of the last convoy of Russian ammunition from Transdniestria, the Transdniestrian side blocked the railway to Colbasna and refused access to Mission experts, it became obvious that there was a need to resume discussions, and, prior to that, to find a way to make this resumption possible.

The OSCE Proposes a Set of CSBM Documents: "The Package"

To this end, during 2004 and 2005, the OSCE Mission elaborated a package of documents gathered under the title "Arms Control – Confidence and Security Building Measures in Moldova".⁵

It is based on the OSCE's previous experience in these areas, which includes the CFE Treaty, the Vienna Document 99, and the achievements of the Dayton Framework Agreement in the former Yugoslavia,⁶ such as the Florence Agreement establishing arms control in the area and the Vienna Agreement building confidence and security in Bosnia Herzegovina. The package takes into consideration both the current Moldovan situation and previous achievements. After a thorough analysis of all possible measures, including the most recent ones undertaken by the OSCE (small arms and light weapons, ammunition destruction and stockpile management), the choice was made to offer a mixture of the most attractive and the most efficient measures. A first draft of proposals was handed over to the leaders of both parties by the then OSCE Chairman-in-Office, Solomon Passy, in 2004.

After some constructive remarks were made in the Permanent Council, the draft was re-examined by the Mission experts, together with experts from the guarantor states (the Russian Federation and Ukraine), and the final version of the package was presented to the parties on 12 July 2005, together with a letter from the OSCE Chairman-in-Office, Dr Dimitrij Rupel.

The package contains all the instruments necessary for fully balanced, simultaneous, and progressive disarmament together with a menu of confidence- and security-building measures.

The first part of the package (Part A) contains the most restrictive documents, centred upon a draft agreement on the reduction of forces, armaments, and equipment generally referred to as "the Agreement". The Agreement proposes a reduction rate of 20 per cent per year for heavy military

5 Organization for Security and Co-operation in Europe, *Arms Control – Confidence and Security Building Measures in Moldova*, SEC.GAL/178/05, 28 July 2005.

6 *General Framework Agreement for Peace in Bosnia and Herzegovina*, initialled in Dayton, Ohio, U.S.A., on 21 November 1995, and later signed in Paris, France, on 14 December 1995, Annex I-B, Articles II-IV and V.

equipment and ten per cent per year for personnel beginning one year after signature. It also includes a proposal that the parties review this after three years to formulate an “end-state” for military reduction. In the best case scenario, this could lead to total demilitarization. It was proposed that a Joint Security Commission (A-5) should examine the package as a set of working documents for further elaboration by the parties and organize their implementation. The rest of the documents propose a verification regime (A-2), a list of existing types of equipment (A1-1), reduction of armaments (A-3), transformation of combat capable helicopters (A-4), and a protocol on visits to weapons manufacturing facilities (A-6). A comprehensive exchange of information on equipments holdings, subordination, and manpower is also proposed. The Agreement concerns far more than the five categories of armament considered in the CFE Treaty and the Florence Agreement, and encompasses not only military forces but also all organizations and units with a military capacity. If one of these documents is accepted, it should lead automatically to the negotiation of others, opening the way to substantial or full disarmament.

The second part of the package, (Part B) contains a draft document on confidence and security building, known as “the Document”, which includes seven measures:

- proposals for invitations (B-1),
- military contacts and co-operation (B-2),
- joint peace-support-operation training (B-3),
- joint training on inspections (B-4),
- small arms and light weapons (B-5),
- ammunition destruction and stockpile management (B-6), and
- disaster relief (B7).

The Document follows the gentlest possible approach to confidence- and security-building, with no measure depending on any other. In the form in which it is finally signed, it may include only some of the measures or additional ones chosen by the parties.

The Package and the Reality

The core of the package being the Agreement, the first step towards real negotiations is the establishment of a joint commission. This role could be filled by the expert group on defence and demilitarization created as a result of the Voronin proposals but not yet activated. The next step would be to exchange information, the verification of which could initially be performed by the mediators, as has been done, for instance, in Bosnia under the Vienna Agreement (better known as Article II).

In our view, the CSBM discussions should start by considering measures for disaster relief. This issue is a very sensitive one, and recent disasters have shown that better co-ordination and sharing of alert and rescue assets are an immediate priority.

During the political negotiations in late 2005 and early 2006, two measures were already considered. Both are related to transparency:

- First, an exchange of information on the armed forces was proposed on the model of the protocol on exchange of information and notifications (A-1). This is the main item that was discussed at the negotiations; it precedes and determines the rest; CSBMs cannot achieve anything without initial transparency.
- Second, responding to accusations of arms production and trafficking, the Transdniestrian leader proposed to open his defence industry to international observers. The OSCE then proposed to elaborate a document that would govern visits to various facilities identified as possibly producing weapons. This document would be based on the model of the protocol on weapons manufacturing facilities (A-6).

The two proposals are victims of the suspension of political negotiations, but they are still on the table and ready for discussion.

After an official presentation was made to the press and to the OSCE participating States in Vienna in October 2005, several criticisms were raised, mainly by Moldova:

- The main obstacle to discussion is Transdniestria's reluctance to embrace transparency and accept parity with the rest of Moldova, which has international transparency obligations.
- The Russian presence in Transdniestria and its ambiguous position as both a mediator and an interested party cast doubts on Moscow's ability to support any progress. (Russia has not agreed to ratify the agreement it signed with Moldova in Moscow in October 1994, which set out a schedule for the withdrawal of its troops, the deadlines for which have been postponed indefinitely since the Istanbul summit).
- What could oblige the parties to implement agreements in the absence of a central political agreement, as in the Dayton system, that would place them under international pressure?
- Because of the rule of consensus, the Agreement, like the peacekeeping system, is dominated by Russia, and would therefore not be effective.
- The signature of any document with Transdniestria puts it on an equal footing with Moldova and is a step towards recognition of its right to be independent.

Nonetheless, both parties have expressed their interest in the package, and the Moldovan Minister of Defence has already accepted the setting up of a work-

ing group of experts to discuss the issue with the OSCE Mission prior to negotiations. The Transdniestrian authorities have been invited to do the same. On several occasions, a group of experts nominated by the Transdniestrian leadership has failed to attend the presentation of the package by the Mission's experts, without any explanation.

It seems that the steps taken by President Voronin towards Russia, his CBM proposals, and the recent meeting of the three leaders, Dmitry Medvedev, Vladimir Voronin, and Igor Smirnov, in Moscow have opened a favourable window during which a fruitful dialogue on the security sector may be started. Russia's influence is essential if the Transdniestrian authorities are to be convinced to start negotiating, but the opportunities to move ideas forward have to be organized by the OSCE. The Mission has already enabled the exchange of ideas by holding seminars in Odessa on the issue of CSBMs (October 2007 and April 2008). Both sides expressed their continued interest in such meetings, and the experience will soon be repeated, this time with the expectation of achieving real commitments to institutionalize the dialogue and start the work.

Scepticism regarding the interrelatedness of the political negotiations and the CSBM discussions is misguided: If there is no progress in the political negotiations, lower-level confidence-building measures can help improve the climate in which political discussions are carried out.

A former Head of the OSCE Mission to Moldova noted that "CSBM work won't stop with a possible settlement. In fact, it's just the start."⁷ CSBM negotiations have a long future ahead of them. They also need support from all quarters. The involvement of the US and the EU as observers in the 5+2 format is a means of guaranteeing such support. There is a need for money and know-how, for the training of inspectors and peacekeepers, for building storage areas, reducing armaments, establishing specialized communication systems, retraining dismissed defence and security personnel, converting equipment, equipping, planning, and training for disaster relief operations, for finding new ways to promote confidence and security, all in all: for creating the conditions under which peaceful discussions can take place.

Everybody agrees that this conflict is neither ethnic nor religious. Nor is it about language, and it is hard to detect any difference between the sides when one crosses the Dniestr. That is why, in contrast to the conflicts in the Caucasus, this one has better prospects for resolution. Expectations on both sides are high, and there is room for compromise between maintaining the status of Moldova under international law within its 1991 frontiers, the will of the Transdniestrian people to keep their autonomy, and the concerns of Russia regarding its role in the region. The process of making that compromise a reality started several years ago, it can be resumed by taking tiny steps towards building confidence.

7 Louis O'Neill, former Head of Mission, in his closing remarks of the October 2007 seminar on CSBMs.