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The Current and Future Challenges for the OSCE Mission to Moldova

Introduction

For more than two decades, the OSCE Mission to Moldova has been involved in the activities dedicated to the settlement of the Transdniestrian conflict, while also contributing to other areas related to the security of Moldova in general. In the following contribution, we will focus on the challenges that the OSCE Mission to Moldova currently faces. In order to create a coherent picture, we will set the current situation in the context of previous developments in the country and the region, as well as the former activities of the OSCE Mission to Moldova. We consider this important as, especially in the context of Moldova, many issues and challenges that need to be addressed as current priorities have been on the table for a long time.

All of the areas in which the Mission is active are more or less interconnected. As a result, activities undertaken by the Mission in one area may well have consequences for other areas – something that is reflected in the OSCE's comprehensive approach to security. The reverse is also true: Developments relating to various aspects of Moldovan security directly or indirectly affect the work of the Mission. We will therefore focus not only on the issue of the Transdniestrian conflict, but will tackle a broader complex of topics that in our opinion are or could be related to the work of the OSCE Mission in Moldova.

The OSCE Mission and Civil Society

Efforts to restore Moldovan territorial integrity have been ongoing for over 20 years, and the breakaway region of Transdniestria is still out of Chişinău's control. The situation has complex causes and numerous consequences, which we will try to analyse below. Numerous experts from Chişinău-based think tanks, academia, and civil society have expressed what we could politely call "mixed feelings" about the role of the OSCE. Above all, they have criticized the Organization as ineffective, claiming that the OSCE has made no progress towards the settlement of the conflict.

According to the theory and practice of conflict resolution, local ownership of the resolution process is very important. The perception and participation of civil society actors in such processes is therefore crucial. This is one of the key challenges the OSCE faces: How can it ensure ongoing support for the OSCE Mission within Moldovan civil society and deal with increasingly

negative views of its work? At the same time, experts and commentators are all aware that the OSCE's mandate is limited to creating a framework for possible proposals to settle the conflict; the Organization has no mandate to force the parties to reach an accommodation. If the experts are aware of the limited mandate of the OSCE and still consider it to be ineffective, it means that the Mission needs to improve its external communication with local civil society regarding the issues of conflict settlement and the Mission's other activities. Though my own experience and that of other researchers dealing with Moldova confirms that the OSCE Mission to Moldova is widely considered to be unusually open towards the expert community, some information might not be well communicated. The Mission therefore needs to find a balance between silent diplomacy and public-relation activities. The OSCE Mission to Moldova uses modern communication tools, including social networks, in an excellent way, however, developing closer links and better cooperation with local think tanks representing local ownership could encourage a more positive attitude towards the Mission and thus enhance support for its strategies and efforts to settle the conflict. Moreover, local think tanks have initiated several interesting activities to promote conflict settlement via dialogue, confidence-building, and soft-power approaches – just as the OSCE has. Joining or at least aligning their forces could thus be beneficial for both parties – Moldovan civil society and the Mission.

Transnistria: An Overview

The OSCE Mission to Moldova has a very specific mandate compared to those of field operations in other states. Its goals, as set out in the mandate that established it on 4 February 1993, are clearly political in nature: The main aim of the Mission is to “facilitate the achievement of a lasting, comprehensive political settlement of the conflict in all its aspects, based on the following understanding expressed by the parties to the conflict, and other interested parties, to the Personal Representative of the Chairman-in-Office:

- “Consolidation of the independence and sovereignty of the Republic of Moldova within its current borders and reinforcement of the territorial integrity of the State along with an understanding about a special status for the Trans-Dniester region;
- An agreement on the withdrawal of foreign troops;
- Effective observance of international obligations and commitments regarding human and minority rights;

- Assistance in monitoring the implementation of agreements on a durable political settlement.”¹

Alongside the work undertaken to fulfil the key goal of securing a settlement of the Transdnestrian conflict, the OSCE Mission has been active in various other areas of security, and has developed several interesting projects and tools in fields that include supporting and enhancing human and minority rights and fundamental freedoms, confidence-building, arms control and disarmament, democratization, rule of law, freedom of the media, and combating trafficking on human beings.

One of the tasks of the OSCE as an international forum and a political force is to build bridges among actors, taking account of geopolitical realities. According to a number of OSCE experts and practitioners we spoke to in Chişinău, Cold War thinking has never completely disappeared from the OSCE’s headquarters in Vienna’s Hofburg. The current situation in Ukraine is a very good example of how delicate the OSCE has to be in performing its work. In our opinion, the crisis in Ukraine has the potential to spill over both banks of the Dniester, albeit in different ways. Most experts consider this to be a real short-term possibility, even if relatively unlikely.² If we agree that the roots of Ukrainian crisis lie in the combination of a divided society in the midst of a failed state-building process, with tremendous corruption, and ongoing economic decline, and Ukraine’s position in the middle of geopolitical and geoeconomic competition between regional players that have extremely high levels of influence on the country and fuel the crisis by providing support in the form of arms, intelligence, logistics and material while also undertaking massive disinformation campaigns – the very same could be applicable to the right (western) bank of the Dniester.

In our opinion, this does not apply so clearly to the situation on the left (eastern) bank at present. Despite cuts in the economic support provided by Russia to both the authorities and to ordinary people and pensioners in Transdnestria, the overall situation remains favourable to Russia. In this regard, it is worth mentioning the protest that occurred at the end of February 2015 in Tiraspol, where some 300 people demonstrated against economic austerity; price increases in the health, education, and agriculture sectors; and the political elites represented by President Yevgeny Shevchuk.³ As reported by local media organization *Jurnal*, “the separatist leader Yevgeny Shevchuk has cut the pensions for the residents from the left side of the Dniester. The so-called administration from Tiraspol also canceled at the beginning of the

1 Conference on Security and Co-operation in Europe, 19th CSO Meeting, 4 February 1993, *CSCE Mission to the Republic of Moldova*, CSCS/19-CSO/Journal No. 3, Annex 3, 4 February 1993; at: www.osce.org/moldova/41137.

2 Interviews conducted by the author in Chişinău.

3 Cf. *Protest la Tiraspol împotriva politicilor de austeritate* [Protest in Tiraspol against austerity policies], Teleradio Moldova, at: <http://www.trm.md/ro/regional/protest-la-tiraspol-impotriva-politicilor-de-austeritate>.

year the gratuities in the public transport for pensioners, parents with many children and other categories of persons and this in the context in which Moscow refused to prolong a support of an amount of 100 million dollars for Transnistria. [...] The residents from the left side of the Dniester confront with a difficult situation after Russia stopped this summer the payment of some pensions, and after the increasing, in the last period, of prices for food, utilities and drugs.⁴ Nonetheless, as we can see, these protests were not directed at the Russian Federation, but targeted Transnistrian political elites. The Transnistrian position towards Russia is better represented by the step taken by the Supreme Soviet of Transnistria. Represented by its chairman, Mikhail Burla, the Supreme Soviet addressed a petition to the chairman of the Russian State Duma, Sergey Naryshkin, concerning the possibility of Transnistria becoming an integral part of the Russian Federation, following the example of Crimea, under new Russian legislation on the “integration” of new territories under specific conditions. However, there are several reasons why this law does not apply to Transnistria – the Moldovan government cannot be definitively labelled as ineffective, the hypothetical referendum (on becoming part of Russia) would have to be held under Moldovan law, despite the fact that the breakaway republic has its own legislation; and finally, since Transnistria is an unrecognized entity, there are no official Moldovan government authorities based in Transnistria that could approach Russia with a petition to join the Federation.⁵

In 2006, a referendum was held in Transnistria to gauge public opinion on the following questions: “Do you support the course towards the independence of Transnistria and the subsequent free association with the Russian Federation?” and “Do you consider it possible to renounce Transnistria’s independent status and subsequently become part of the Republic of Moldova?” In the first case, 97.1 per cent voted in favour, while in the second 94.6 per cent voted against. Overall turnout was 78.6 per cent.⁶ It comes as no surprise that the results were not recognized by the OSCE, the EU, or many other states. Nonetheless, the 2006 referendum, together with the petition made by the Supreme Soviet in 2014, sent a clear message to the OSCE and other engaged parties. Transnistria is not interested in reintegration with Moldova, despite its participation in official talks in the “5+2” format, the last unofficial meeting of which took place in Vienna on 21 April 2015 – without, however, producing any significant results.

4 *Protests in Tiraspol against Shevchuk’s austerity policies*, Jurnal.md, at: <http://cms4.jurnal.md/en/social/2015/3/2/protests-in-tiraspol-against-shevchuk-s-austerity-policies>.

5 Cf. Svetlana Bocharova/Liliya Biryukova, *Pridnestrovye kak Krym* [Transnistria as the Crimea], *Vedomosti*, 18 March 2014, at: <http://www.vedomosti.ru/newspaper/articles/2014/03/18/pridnestrove-kak-krym>.

6 Cf. *Transnistria (part of Moldova). Independence Referendum, 2006*, Electoral Geography, at: <http://www.electoralgeography.com/en/countries/t/transnistria/2006-independence-referendum-transnistria.html>.

As a consequence, the common ground on which Moldovan and Transdnestrian representatives could achieve conflict settlement within the OSCE framework is very narrow, if any exists at all. For the OSCE, finding a way to engage both sides to settle the conflict will be very complicated if Chişinău continues to talk about reintegration, and Tiraspol about independence or integration with Russia. And when we say that Tiraspol is not interested in making progress in mutual negotiations, we also have to mention serious concerns about whether Chişinău's intentions in this regard are themselves genuine. Almost 25 years after the conflict, the central government does not have any serious plans for reintegrating Transdnestria into a unitary state. The political economy of conflict certainly plays a crucial role on both sides. At the regional level, the situation in Ukraine and the position of the new Ukrainian government suggest a change of direction, exemplified by the new economic restrictions Ukraine has imposed on Transdnestria, the strengthening of the border between Ukraine and Transdnestria, and recent attempts to prohibit the Russian armed forces based in Transdnestria⁷ from transiting through Ukrainian territory.⁸ This could be perceived as hostile from the Russian and Transdnestrian point of view, making progress in the "5 plus 2" format even harder to achieve. At the broader international level, Russia's relations with the EU and the US are currently very tense, and communication is very limited. All in all, therefore, in our opinion, settlement of the Transdnestrian conflict cannot be expected in the short or medium term.

Gagauzia

Gagauzia (*Gagaúziya* or *Gagaúz Yeri* in Gagauz, officially known as the Autonomous Territorial Unit of Gagauzia) is a discontinuous region in southern Moldova with a population of 155,500 (approximately 4.6 per cent of the overall population of Moldova). Some experts believe that Moldova's national and territorial integrity faces a further major challenge from this region, which should be given far more attention than it currently receives. It is important to underline that we do not understand this issue in terms of what some have called "Gagauzian separatism" and similar terms. We consider it in a broad context of failed central government policies to involve Moldova's numerous minorities in an effective state- and nation-building process. The case of the Gagauz represents just the most prominent consequence of a deeper problem – inadequate and neglected efforts to integrate minorities.

7 The former Russian 14th Army, now known as the *Operativnaya gruppa rossijskikh voysk* (Operational Group of Russian Forces, OGRV or OGRF).

8 Cf. *Ukraina ofitsialno zapretit tranzit rossijskikh voennykh v Pridnestrove* [Ukraine officially bans the transit of Russian troops in Transdnestria], point.md, at: <http://point.md/ru/novosti/obschestvo/ukraina-oficialjno-zapretit-tranzit-rossijskih-voennih-v-pridnestrovje>.

The Gagauz people, who are Turkic-speaking Orthodox Christians, are ethnically and culturally different from the rest of the country, and their origin is still subjected to historical disputes. It should also be noted that Gagauzia is not an ethnically homogenous region and has large populations of (Bessarabian) Bulgarians, Ukrainians, Roma and others. Indeed, the lingua franca of the region these days is overwhelmingly Russian rather than Gagauz, Bulgarian, or Romanian. Moreover, Russian is also the language of choice of the region's youth, and the fact that education is also mostly provided in Russian means that the younger generation might be closer to Moscow than to Chişinău. After the dissolution of the USSR, fear and uncertainty began to rise among the population of Gagauzia, who had historically maintained a warm relationship with Russia and considered themselves to belong to the sphere of Soviet (or Russian) rather than Romanian culture. Such fears were multiplied by the actions undertaken by The Popular Front of Moldova (PFM), an openly pro-Romanian and anti-Russian movement.⁹ Like the Transdnistrians, the Gagauz considered the possibility of Moldovan unification with Romania as an immediate threat and feared potential oppression. This is still a live issue, as some parts of Moldovan society would not be against unification with Romania, and some strongly support the idea. People from Gagauzia, and other Moldovans with "pro-Russian" views are convinced that the "pro-EU" vector of Moldovan foreign policy automatically means unification with Romania. Hence, these separate issues are often run together.¹⁰

On 19 August 1990, Gagauzia proclaimed itself independent from Chişinău,¹¹ while Tiraspol, following this example, declared its independence

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- 9 The Popular Front of Moldova has been characterized as follows: "The Popular Front of Moldova (PFM), a political force associated with dramatic changes in the society, focused on ethnic problems. It promoted attention to these specific problems without contributing to the consolidation of the society. The achievement of a political goal in that period was associated, as a rule, with the notion 'defeat your enemy'. Any hint of the need for dialogue or reasonable compromise was interpreted as treason and rejected from the start." United Nations Development Programme (UNDP), *Towards a Culture of Peace, National Human Development Report, Republic of Moldova 2000*, p. 29, at: hdr.undp.org/sites/default/files/moldova_2000_en.pdf.
- 10 "On 30th of August 1989 the Constitution of the Moldovan Socialist Soviet Republic was amended by article 70 that introduced Moldovan, written with a Latin alphabet, as the state language. Russian language was granted the status of *lingua franca* for interethnic communication and Gagauz language was to be protected. On the following day the *Law on the Use of Languages on the Territory of the Moldavian SSR* stated that Russian could be used across Moldova like Romanian." Tiago Ferreira Lopes, Post-soviet Unfrozen dilemmas: Profiling Gagauzia, in: *State Building and Fragility Monitor Newsletter* No. 7, March 2014, pp. X-XIV, here: p. XI, at: <https://statebuildingmonitor.files.wordpress.com/2012/08/newsletter-7.pdf>.
- 11 On 12 November 1989, delegates and local Gagauz assembled in Comrat to proclaim a "Gagauz Autonomous Soviet Socialist Republic within Moldova". The Moldovan Supreme Soviet immediately invalidated this proclamation. When Chişinău failed to provide much economic or cultural aid to the Gagauz populated regions in the early months of 1990, Gagauz delegates and officials assembled in Comrat once again and on 22 June 1990 declared the creation of the Gagauz ASSR within Moldova. On 19 August 1990, the Gagauz leadership proclaimed a "Gagauz Soviet Socialist Republic", which would be independent from Moldova, but part of the Soviet Union. Immediately, the Gagauz leader-

on 2 September 1990. According to the OSCE, as well as most Moldovan experts, the language issue served as trigger for conflict in both cases. In contrast to its actions in Transdniestria, the central government in Chişinău granted autonomy to Gagauzia in 1994 by passing the Law on the special legal status of Gagauzia,¹² which sought to prevent further bloodshed and the continued disintegration of the country. Though this law was successful in de-escalating the conflict, its vagueness meant that it failed to satisfy the desire for autonomy in the long-term. According to one commentator: “These controversies [author’s note: about competencies] were, to a significant extent, ‘programmed in’ at the stage of drafting the autonomy statute. A minimalist approach to the content of drafted provisions, which obviously made negotiations easier at the time of drafting the document, resulted in a lack of any specifications in the document regarding what having authority in a given policy area means or how decision-making rights in that particular area are distributed between the central and autonomy governments. The choices made at the stage of drafting the law delayed the conflict and moved it to the post agreement phase.”¹³ The lack of specific details regarding relations between the central authorities and the autonomous administration, especially in terms of competencies and finances, once again created a space for mutual mistrust, suspicion, and blame.

Recently, two important events have taken place in the region: The first was a referendum, held on 2 February 2014, which provided voters with a choice between closer links to the European Union or to the Eurasian (CIS) Customs Union. The outcome was clear: “The chairwoman of Gagauzia’s election commission, Valentina Lisnic, said on February 3 that 98.4 percent of voters chose closer relations with the CIS Customs Union. In a separate question, 97.2 percent were against closer EU integration. In addition, 98.9 percent of voters supported Gagauzia’s right to declare independence should Moldova lose or surrender its own independence. Turnout was more than 70 percent in the February 2 vote.”¹⁴ The referendum in Gagauzia was almost immediately called into question, specifically its legal basis: “Last month [author’s note: January 2014], Moldova’s prosecutor-general launched an investigation into Gagauzia’s plan to hold the referendum, saying the vote had

ship decided to hold elections for the Supreme Soviet of the self-proclaimed republic on 28 October 1990. In turn, on 26 October 1990, the Supreme Soviet of Moldova decreed a state of emergency in the southern part of Moldova. Cf. Priit Järve, *Autonomy of Gagauzia: a Post-Soviet Experience*, in: Zelim Skurbaty (ed.), *Beyond a One-Dimensional State: An Emerging Right to Autonomy?* Leiden 2005, pp. 429-456, here: p. 433.

- 12 Cf. *Law on special legal status of Gagauzia (Gagauz-Yeri)*, at: <http://www.e-democracy.md/files/elections/gagauzia2006/special-legal-status-gagauzia-en.pdf>.
- 13 Oleh Protsyk, *Gagauz Autonomy in Moldova: The Real and the Virtual in Post-Soviet State Design*, in: Marc Weller/Katherine Nobbs (eds), *Asymmetric Autonomy and the Settlement of Ethnic Conflicts*, Philadelphia, PA, 2010, pp. 231-251, p. 235, also available at: <http://www.policy.hu/protsyk/Publications/ProtsykGagAutonomy09fx.pdf>.
- 14 Radio Free Europe/Radio Liberty, *Gagauzia Voters Reject Closer EU Ties For Moldova*, 3 February 2014, at: <http://www.rferl.org/content/moldova-gagauz-referendum-counting/25251251.html>.

been rejected earlier by a court in Gagauzia as unconstitutional. Moldovan Prime Minister Iurie Leanca also told RFE/RL's Moldovan Service on February 3 that the referendum had no legal legitimacy."¹⁵ Though the legal aspects are also very important, we wish to focus here on the political meaning of these events. Politically, the referendum result represents the almost unanimous disagreement of the population of Gagauzia with the foreign policy being pursued by Chişinău. In broader political terms, the dramatic referendum results can be considered a clear signal to Chişinău and the OSCE that they need to intensify their engagement to avoid similar events being repeated in the future and to involve Gagauzia more in decision-making processes and dialogue with the central authorities.

The second important recent event was the election of the Governor (*Bashkan*) of Gagauzia, which took place on 22 March 2015. Ten candidates registered to compete for the post. All the candidates stood as independents, yet the three that received the most votes were endorsed by political parties: Valerii Ianioglo, who received 7.98 per cent of votes, was endorsed by United Gagauzia; Nicolai Dudoglo with 19.06 per cent, was endorsed by the Democratic Party of Moldova and the *Ravnopravie* ("Equality") Movement; and the winner, Irina Vlah who polled 51.11 per cent, was endorsed by the Party of Socialists of the Republic of Moldova. Unfortunately, not all candidates have made their programmes available online. However, of those that are available, the overwhelming majority include pro-Russian and pro-Customs Union aims and statements.¹⁶ The role of Russia in Irina Vlah's campaign was particularly strong, with, for instance, Russian celebrities participating in campaign events. More importantly, her election manifesto stated that the Russian Federation is a guarantor of Moldovan statehood as well as Gagauz autonomy.¹⁷ This merely confirms that Chişinău urgently needs to engage more with Gagauzia if it wants to avoid losing it. Of course, it is also important to highlight that, once again, there appears to be a high probability of such efforts becoming entangled with the apparently never-ending quarrels among politicians in Chişinău, as well as in the region as a whole.¹⁸

15 Ibid.

16 For information on many of the candidates and their policies, see: *Elections of the Governor (Bashkan) of Gagauzia (Gagauz Yeri) on March 22, 2015*, e-democracy.md, at: <http://www.e-democracy.md/en/elections/bascan/2015>.

17 Irina Vlah's election manifesto is available at: <http://www.e-democracy.md/en/elections/bascan/2015/irina-vlah>.

18 Cf. Veaceslav Berbeca, *Political Situation in Gagauzia: The Result of External Struggles or External Influence*, Moldovan Foreign Policy Statewatch, Issue 76, February 2014, at: <http://viitorul.org/doc.php?l=en&id=4333&idc=358>.

Conclusion

The OSCE Mission to Moldova faces several challenges – old and well known ones as well as new issues that have the potential to cause unpleasant surprises. As mentioned above, these challenges come from both the international and regional security environments and from the domestic political sphere; the OSCE stands somewhere in the middle of these processes. Probably the best elaborated field of OSCE engagement is conflict prevention. The current regional security situation in South-eastern Europe appears to present an unusual challenge to conflict-cycle theory: The conflict settlement process has come to a halt and conflict prevention is on the table again, and the OSCE needs to take this into account and proceed accordingly.