

Towards a European Approach of Conflict Management?

*The notion of 'Normative Power Europe' utilized in analyzing and
finding a resolution to the Transnistrian conflict*

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Abbreviations

AA	Association Agreement
ATP	Autonomous Trade Preferences
CEG	Capability – Expectations gap
CFE	Conventional Forces in Europe
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CoE	Council of Europe
CPE	Civilian Power Europe
DCFTA	Deep and Comprehensive Free Trade Area
EC	European Community
ECHR	European Court on Human Rights
EEAS	European External Action Service
EGPRSP	Economic Growth and Poverty Reduction Strategy Paper
EIDHR	European Instrument for Democracy & Human Rights
ENP	European Neighbourhood Policy
ESS	European Security Strategy
EU	European Union
EUBAM	EU Border Assistance Mission to Moldova and Ukraine
EUMAP	EU – Moldova Action Plan
EUSR	European Union Special Representative
FSU	Former Soviet Union
GDP	Gross Domestic Product
IDC	InterDnesterCom
IFS	Instrument for Stability
IMF	International Monetary Fund
JCC	Joint Control Commission
JPF	Joint Peacekeeping Forces
MASSR	Moldavian Autonomous Soviet Socialist Republic
MEO	Mutually Enticing Opportunities
MFA	Ministry of Foreign Affairs
MHS	Mutually Hurting Stalemate
MSSR	Moldovan Socialist Soviet Republic
NPE	Normative Power Europe
OSCE	Organization for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement
POS	Political Opportunity Structure
TEC	Treaty on the European Economic Community
TEU	Treaty on the European Union
UCWC	United Council of Workers’ Collectives
UN	United Nations
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organization

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I. Introducing the Foundations

1.1 Introduction

For almost twenty years now the Republic of Moldova is in the grip of its breakaway region Transnistria¹. This narrow strip of land, which is located on the left-bank of the Dniester River, seceded from Moldova after a short civil war in 1992 when, due to Russian military intervention, an end was put to the fighting and supported by Russia the Russophone separatists obtained control over the left bank. Russian militaries are stationed there ever since and along with excessive Russian support, Transnistria evolved into a territory that developed all attributes of statehood, except international recognition. The contemporary situation has changed little and without resolution of this enduring conflict Moldova's prospect on e.g. deepened cooperation or even integration with the European Union seems to be rather grey. This while such developments are exactly those deemed to be essential for further advancement of the Moldovan society. However, the stalemate over Transnistria may be as frozen as ten years ago; its international context is rapidly changing, hopefully for the better. The European Union, for instance, has voiced many increasingly profound foreign policy ambitions over the last few years. Especially after it originated the Common Foreign and Security Policy at the Maastricht summit in 1992, Europe sought to extend its scope in the international arena. But, despite all good intentions, within the study of European politics the EU is still frequently accused of facing a 'capability-expectations gap' (CEG) (Hill 1993) when it comes to this CFSP. This thesis will investigate to what extent such a gap might still be applicable when discussing Europe's abilities for conflict management in Transnistria. Moreover, drawing on the notion of Normative Power Europe, it aims to demonstrate possible valuable contributions this notion offers to the EU on invigorating its potential for conflict resolution by non-military means. Against the background of European enlargement this study of European involvement with the Transnistrian conflict pertains to the relevant discourse of European security ambitions. The EU's desired stability near its borders and the protection of fundamental freedoms are completely at odds with the existence of the Transnistrian black hole which is, distanced just 100 kilometres from its external border, the closest conflict to the European Union. Apart from proximity and morality, the increasing Europeanization of the conflict is another important reason to contribute, on new footing, to this growing field of research.

¹ Throughout this thesis the term 'Transnistria' will be used in reference to the breakaway region. By doing so it abides international academic standards and has therefore -by no means- political implications whatsoever. The proclaimed Transnistrian authorities however, call the region 'Pridnestrovskaia Moldavskaia Respublika', usually abbreviated as 'PMR'. Other variations are the Russian 'Pridnestrovye', the Romanian Sînga Nistrului (which literally means 'left of the Dniester') or the OSCE coined Transdniestria, all referring to the same area in the Republic of Moldova.

1.2 Problem Definition

As we briefly outlined in the abovementioned introduction, the EU is often accused of facing a so-called capability-expectations gap. Introduced as a concept to measure EU foreign policy it holds that there is a gap between the high expectations for the EU (from both within and outside the Union) on the one hand, and a low or insufficient capability of the EU to match those expectations on the other (Hill 1993). For this thesis we will only focus on specific parts of this gap, as we will highlight aspects of conflict management towards Transnistria from the EU. Generally the demand to, or expectation for, the EU to further develop competencies in conflict management stems from the EU's growing presence in the international arena whilst having a rather bad reputation on dealing with conflict situations (Smith 2008; Kagan 2002; Wallace 2005). This reputation, often illustrated with Europe's failure to deal adequately with the Yugoslav crisis and more recently its inability to formulate a single position on the Iraq war, is definitely in need of some reconstruction. The EU has stated that 'violent or frozen conflicts, which also persist on our borders, threaten regional stability. They destroy human lives and social and physical infrastructures; they threaten minorities, fundamental freedoms and human rights' and 'it is in the European interest that countries on the EU's borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe' (European Council 2003). So increasingly there arises a problem for the EU on how to respond to the continuous and growing demand, both from within and outside of the EU, to develop successful traits of conflict management. With the recent inauguration of the Lisbon treaty (2009) the EU took a next step forward in this process and installed its High Representative of the Union for Foreign Affairs and Security Policy (Mrs. Catherine Ashton). This post, which is no longer limited by inter-pillar competition, addresses already some parts of the pressing question to develop a more quick-witted foreign and security policy. But more is needed to make the EU a real capable actor in conflict situations and with the absence of a 'European' army it might even be harder to conceive its efforts in such ways serious. On the other hand would this absence of military capacity create a potential for the EU to develop itself into a totally different global actor; one characterized by normative means. If this successfully would be the case, a unique precedent in world history would be made, paving the way for more peaceful international relations. This thesis, and the research conducted for it, tries to understand how the EU could resolve the challenge it faces in the security domain by learning from its efforts in Moldova and Transnistria. The question if an own and genuine approach is able to tackle the various challenges there drives our inquiry. Such an approach would focus on civilian or normative power to pursue the foreign policy and security goals.

Assuming the EU is indeed an underdeveloped actor in conflict management this thesis in particular seeks to explain how specific challenges the EU faces with contributing to conflict resolution² in Transnistria could or have been resolved with the potential benefits from the notion of Normative Power Europe (Manners 2002) (for this notion see the conceptual literature review below). Through the highly relevant Transnistrian conflict we investigate how the EU has managed their role in this conflict so far, and to what extent this case provides answers to central question:

'Starting from an empirically grounded analysis of the Transnistrian conflict, what are the valuable contributions and possible problems of the notion of 'Normative Power Europe', especially when applied as a guide to European foreign policy aimed at conflict settlement in Transnistria?'

The situation on the ground in Transnistria with regard to Normative Power Europe (NPE) is puzzling; the EU allegedly has a major impact on Moldova (Litra 2010 *forthcoming*, (Niemann and de Wekker 2009b), ADEPT 2008) and therefore on the conflict as well. But, as traits of conflict resolution are still underdeveloped within the CFSP (Stewart 2006; Popescu 2005; Hill 1993) this thesis has to look at EU policies and mechanisms at play in Moldova *and* Transnistria, in order to brighten the puzzling concurrence between EU foreign policy and conflict resolution. Embedded in the wider paradigm of NPE it aims to demonstrate an innovative contribution to the quest for a unique European approach of conflict management.

² The terms 'conflict resolution' and 'conflict settlement' are somewhat used interchangeably in this thesis because although conflict resolution pertains to an overall final solution for the conflict and addresses deep-rooted sources (Miall et al. 2005), for Transnistria it goes that all international partners cooperate in the search for a *settlement*. Such a settlement is forestalling an eventual final solution, and an inherent part of conflict resolution. It does however focus on finding an agreement first and whereby underlying conflicting structures or attitudes may not have been addressed (Miall et al. 2005).

1.3 Conceptual Literature Review

1.3.1 Introduction

Prior to the study of the European Union's involvement with Moldova and the Transnistrian conflict, we will present an outline of the underlying concepts and theoretical foundations. This chapter will therefore give an introductory overview of relevant debates and literature on the role the EU plays and could play in global politics. Next, the chapter will integrate existing literature on both the (unique) role of the EU on the one hand and core concepts such as opportunity structures and means of conflict management on the other. As a result, it identifies a unique triangle wherein mechanisms of NPE provide tools to invigorate European ambitions of conflict management by normative means. For decades now notions of European civilian power resonates through academia and most recently Ian Manner's notion of Normative Power Europe gained significant attention. In light the of the EU's growing emergence on the world stage an understandable development, which most certainly contributed to the current salience of NPE. After all, in an era of globalization this emergence presents an interesting and intriguing achievement. When in 1951 the European Coal and Steel Community was found nobody could probably imagine the current state of affairs the EU is now in. Anno 2010 the European Union as a whole constitutes the world's biggest economy, has over 130 representations abroad and with newly invented European External Action Service (EEAS) a European *corps diplomatique* is in the making. All these developments all point in the same direction; the EU is increasingly becoming a true actor in the international arena. But, at the same time the EU is often described as an economic giant but a political dwarf, forasmuch the EU allegedly has little competence in actual (power) political affairs. However, before one can arrive at such assumptions on how the EU behaves internationally and can be characterized as a global actor we first need to review how it evolved into such an actor.

1.3.2 The EU as an International Actor

From its foundation in the 1950's already and later during the 60's and 70's, international cooperation was an inherent and crucial part of the EU's evolution. Starting as a project of interregional cooperation it slowly but surely expanded its external horizon and attained an international reputation, for instance by the relations it fostered with former European colonies in Africa. But, first and foremost the EU has developed into a global actor through the single European position on international trade (Hettne and Söderbaum 2005; Smith 2008). From this basis one can further witness the EU's evolution in line with the saying that 'size matters'. Derived from its increasing geographical size, impelled by the various rounds of enlargement, the EU as an actor successfully set foot in the international arena. Looking at modern literature on the European Union as an international actor and more conceptual approaches to this phenomenon we find many

interesting analyses. Pollack for instance has given a nice overview of different theories on EU integration and the nature of the EU as an international actor. He argues that it is still merely oriented towards national interests and positions, though EU decision making can be described in terms derived from international relations theory (Pollack 2005). A similar point is made by Andrew Moravcsik who famously argued that the importance of national interests and positions often stands above European ones (Moravcsik 1998). Albeit these observations might be true, at the same time we've seen that the EU is increasingly engaging in policies that have a global impact. In these days one only needs to imagine the impact of the EU's agricultural policies or the 2002 creation of its single currency; Euro. These developments are much in line with another interesting perception of the EU in the international arena, and bring us to the concept of 'European presence' as put forward by Allen & Smith. According to their theory we should consider the EU as a significant international actor, even though it does not possess the credits of a unified actor it does have a considerable amount of 'presence' in the international arena, and its most tangible presence is in the economic sphere (Allen and Smith 1990). But also Allen and Smith ask themselves the question how the EU can go from *presence to purpose*, and what it would need to fulfil proclaimed European interests? It seems that, while leading in economic terms, the political strength of the union is lagging behind (McCormick 2008). What seems to be undisputed however is the fact that the EU really emerged as a political authority with a distinct foreign policy that usually transcends the policies of its member-states. It is within this context that the question on how to exactly characterize this European power is subject of continuous debate and study. Like we mentioned earlier one of the most seminal approaches these days is the notion of NPE. On the other hand has the EU's power 'been characterized in sharply contrasting ways, from a distinctly European idealism (normativism) to traditional national interest policies hidden behind rhetoric'³ so one can't easily rely on certain definitions of EU behaviour in the field of international relations. It is, on the other hand, fair to say that many have attributed the EU as a unique actor with distinctive powers and where NPE is the latest addition to such conceptualisations. Although the debate peaked a few years ago, there's still an army of scholars and students that write about it or otherwise use the notion. For this thesis we aim to contribute to this ongoing debate but also attempt to broaden its scope by integrating insights the notion offers with more general concepts in the study of International Relations. Promoting conflict resolution and engage in conflict management for instance are therefore in the authors opinion perfectly compatible with a hypothetical normative agenda pursued by the EU. Therefore an inquiry will be made on mechanisms of this normative power and how they provide a yardstick for

³ (Hettne and Söderbaum 2005: 536)

measuring European foreign policy, especially when aimed at conflict settlement in Transnistria. Be that as it is, regarding EU conflict management honesty obliges us to make a few critical remarks as many scholars have identified problems on the EU's effectiveness in this matter. One of the most serious critiques in this regard is that of *absence of agreement* among the EU member states on a coherent conflict resolution theory (Hill 2001; Tocci 2004). This obviously poses great challenges to NPE and its relation to conflict resolution, as broad support for the EU's foreign policy is seen as essential in order to succeed. Another problem for the EU and its role in conflict management comes from its nature; in cases of violence and escalation immediate actions are often required, but this can hardly be realized within the EU framework. Decision-making is slow and building consensus takes long (Smith 2008). Nonetheless, we believe the EU potentially has an unique toolkit at its disposal for conflict resolution and management. The high expectations mentioned earlier must have a reasonable logic behind it, and the institutional and political efforts made by the EU so far regarding conflict management are encouraging. Therefore it seems worth to further investigate how such conceptualizations of the EU as an unique international actor are shaped and could be interpreted. A theory close to this desire and highly valued is, again, NPE. As the central notion in this thesis a comprehensive review shall now be given.

1.3.3 The Notion of Normative Power Europe

Normative Power Europe has, since it was first coined in 2002, surfaced as a prominent theory at the interrelated fields of European studies, political science and international relations. Drawing on the earlier invention of François Duchêne's notion of Civilian Power Europe (CPE), British scholar Ian Manners took it a bit further in 2002 and became one of the most influential academics in the current debate on Europe's role in the international arena. The NPE concept basically argues that Europe has "the ability to define what passes for 'normal' in world politics"⁴. Similar discussions surrounding the potential role of the EU as a normative power have ignited ample debate among various scholars and a special issue of the Journal of European Public Policy in 2006 was even devoted to this theme, illuminating its importance (Bicchi 2006; Sjurson 2006; Hyde-Price 2006; Manners 2006). For Manners the EU can be characterized as a *force for good*, as the power of the EU does not rely on traditional, e.g. military, forms of power. On the contrary, for Manners EU power relies on its ability to shape the acceptance of their aims as 'normal'. Those aims, which are heavily intertwined with universal norms, subsequently set the standard for international politics. One could say that he hereby lifts the EU to an entity that gives meaning to appearances of international affairs,

⁴ (Manners 2002: 236)

which gives the notion a rather discursive character. Having said that, Manners boldly formulated the notion also refers to the actual *essence* of the EU as it holds that the EU doesn't only shape international norms; it 'predisposes it to act in a normative way in world politics'⁵ as well. As a result, the most important observation on the EU's global role does not come from what the EU does or says, but mainly comes from what the EU is (Manners 2002). Moreover, also note that for Manners a militarizing EU would not jeopardize its supposed normative powers. He rejects any apparent perception of incompatibility between military means and normative power when he states that 'militarization of the EU need not necessarily lead to the diminution of the EU's normative power, if the process is characterized by critical reflection rather than the pursuit of 'great power'⁶. So although he does not exclude any potential support to NPE stemming from European military ambitions, the central point is that the EU doesn't depend on those powers to get what it wants in regard to foreign policy. Taken together one should still note that the approach isn't completely new. Also Manners draws, like most modern accounts of characterizing Europe as a distinct power, on the notion of Civilian Power Europe. Introduced by Duchêne in 1973 it held that the EU could be a model for reconciliation and peace for other regions in the world, and combined this idea with that of the European Community becoming the first major area of the 'old world' where war could be transformed (Ginsberg 1999). Others have defined civilian power as an actor without military means that is still able to influence international actors through diplomatic, economic and legal means⁷. In this sense it demonstrates some overlap with the widely acclaimed notion of soft power by Joseph Nye who identified *soft power* as using persuasion and attraction to get what one wants rather than using *hard power*, like military supremacy (Nye 2004). But contrary to all these earlier conceptualizations, Manners sees no imputed value to Europe's economic foundation and ensuing foreign policy instruments. Economic means are therefore not essential to his account of normative power. For him economic power and direct physical power were not strictly divided within CPE, and depended on 'civilian instruments' rather than normative ones. To Manners the ideas of Duchêne seemed to lack a proper evaluation of European history and the consecutive evolution of the European integration project where, according to Manners, ideas and norms were *the* driving factor. Therefore he looks into the power of *ideas* and *norms*, rather than economic or diplomatic means to persuade. By the way, such a prominence of the power of ideas and norms isn't new either and are build upon, among other, scholars like Galtung who've said that 'ideological power is the

⁵ (Manners 2002: 252)

⁶ (Manners 2006, 2008)

⁷ Twitchett, K. (1976) (ed.) *Europe and the World* (London: Europa) in (Ginsberg 1999)

power of ideas⁸. Manners thereby reemphasizes the importance to move away from endless discussions over either civilian or military power and argues that it is possible to perceive the EU as an actor with an ideational impact, inherited from its unique evolution over the years. Like we said earlier, it is exactly that -what the EU is- that reveals its nature of being a normative power. Arriving now at the deeper foundations of the notion we see it builds on, what Manners calls, the normative basis of the EU. Manners argues that Europe diffuses norms revolving around its own (European) normative basis, and the reinforcement inter-alia expansion of these norms 'allow the EU to present and legitimate itself as being more than the sum of its parts'⁹ giving reason to believe it constitutes a normative power.

Europe's Normative Basis and Norm Diffusion

As just mentioned, the normative basis of the EU lies at heart of the holistic concept of normative power. For Manners this basis is manufactured by the various EU documents, nowadays better known as the *Acquis Communautaire*. This, according to Manners, comprises the 'historical context, hybrid polity and legal constitution the EU attained in the post-cold war period, and turned into a 'commitment to placing universal norms and principles at the centre of the relations with its Member States'¹⁰. But what are those norms and how are they able to shape what passes for normal in world politics? And to what extent are they universal? According to Manners the basis of the integration project created the basis for Europe's normative power concept. With the development of the Union over the past fifty years, which resulted in a copious amount of Treaties and their respective content, he is able to identify five core norms more or less codified in the Treaties of Rome (TEC) and Maastricht (TEU). These norms are the ones that the EU has at its disposal when pursuing foreign policy. The first norm Manners describes is the centrality of *peace*. Already found in key symbolic declarations by e.g. Schuman this norm constitutes the Union's defining feature in the immediate post-war period. The second norm he describes is the idea of *liberty*, found in both the TEC and TEU and best exemplified with Europe's four essential freedoms; free movement of goods, capitals, services and persons. The third, fourth and fifth norms are democracy, rule of law and respect for human rights and fundamental freedoms. These norms became the defining features when distinguishing democratic Western Europe from communist Eastern Europe, especially in the countries that were in transition from communist rule. Accepting and defining these norms doesn't necessarily make the EU a normative power. In order to be so it has to diffuse its norms. According to

⁸ (Galtung 1973: 73)

⁹ (Manners 2002: 244)

¹⁰ (Manners 2002: 241)

Manners the EU actively engages in this 'norm diffusion', and through various mechanisms it would successfully spread these norms. Crucially important is that those EU norms constitute an inherent part of its own nature. Because, as mentioned earlier, for Manners Europe's normative power is located in a discussion of *force for good*, *idée force* and as such has a strong desire to move beyond state-like features when assessing the EU's international identity. His idea of normative power not only pertains to persuasion or silent diplomacy, he finds normative power also capable to shape discourses and ideas (which is of course something not necessarily associated with states). In international relations terminology Manners reckons six ways of norm diffusion¹¹; Diffusion by *contagion* results from unintentional diffusion of ideas from the EU to other political actors (Whitehead 1996). *Informational diffusion* is the cognizance of European norms as a result of strategic communications or initiatives undertaken by the EU. *Procedural diffusion* involves the institutionalization of a relationship between the EU and a third party, like the membership of the EU in the WTO. *Transference* takes place when the EU changes goods, trades or provides technical assistance with a third party, all involving substantial (financial) means. *Overt diffusion* happens when the EU is physically present in third states and international organizations; examples are the EU delegations or even monitoring missions. The last factor shaping norm diffusion is the *cultural filter*; this refers to the 'interplay between the construction of knowledge and the creation of social and political identity by the subjects of norm diffusion'. According to Manners, such a filter has been active in spreading democratic norms in China, or human rights in Turkey. Again, paramount amongst all these mechanisms of norm diffusion is the absence of physical force in the imposition of the various norms.

However, seminal and appealing as it may be, in various ways Manners ideas raise questions. Found in for instance opposing views on European integration, or more methodological questions on how this notion would serve as an analytical framework. With regard to his view on EU integration it seems that Manners treats this process from quite a traditional *sui generis* perspective, something that could be contested. Because if it is indeed such a unique venture, does that mean one could not import theoretical insights from other schools of thought? Furthermore, drawing on general IR theories one can tell that realist scholars have largely dispelled ideas of civilian or normative power. One of the most interesting critiques towards NPE in that respect has been delivered by Adrian Hyde-Price who argues that the bipolarity during the cold-war was actually essentially significant for the emergence of the EEC/EPC (predecessors of European projects on defence and security) and furthermore argues that 'the development of the ESDP is a function of systemic changes in the

¹¹ (Manners 2002: 244-45)

structural distribution of power¹². This implicates that not norms and ideas were decisive for European integration, but rather that realist assumptions concerning fear, security and self-survival accommodated the birth of the EU. Besides these critiques Realism also accuses NPE of an 'almost total neglect of power' (Carr 2001; Hyde-Price 2008). And indeed there seems to be little attention to for instance the hard power backup Europe enjoys from its (transatlantic) partners.

Finally, besides these critiques one should also wonder what Manner's perception is on some of Europe's most essential policies and politics, take the agricultural policies for instance; are those to be attributed with norm diffusion as well? Bearing in mind the (side) effects it has on e.g. African markets these questions might pose a serious challenge to the notion. Similar shortcomings have been addressed by scholar Michael Merlingen who argues that NPE downplays the fact that EU foreign policy is often based on strategic calculations that are underpinned by material interests. As such these interests would usually trump the normative agenda pursued, when universal pretences collide with an insurmountable self-interest (Merlingen 2007). Yet, despite these caveats, NPE still remains a very influential concept with tremendous pretensions if validated as righteous and applicable. In this light, the theory is used as our point of departure for an inquiry on European involvement with the Transnistrian conflict.

1.3.4 On Actorness, Opportunity Structures and Conflict Resolution

In order to approximate the EU's normative power exercised on Moldova this thesis uses a number of important concepts to assist the analyses. A first central concept is that of actorness. In itself it doesn't seem such a complicated concept but the opposite is true, involving continuous and longstanding debate. Allen and Smith have for instance moved away from the concept of actorness and used 'presence' instead because for them actorness is too closely linked with the instances of statehood, of which according to them hardly any really exist within the European context (Allen and Smith 1990). Indeed the concept was initially linked to such themes as we will now see, with the first scholar to mention the concept and whose definition is still frequently used; Gunnar Sjöstedt. In his efforts to characterize the newly fledged appearance of the European Community (EC) in the international arena he interpreted the capability of this actor (what has later evolved into actorness) as 'the ability to function actively and deliberately in relation to other actors in the international system'¹³. Bearing in mind the question that Allen and Smith ask themselves, how the EU can go from presence to purpose, the deliberative nature of actorness in Sjöstedts account indeed seems to

¹²(Hyde-Price 2006: 217)

¹³ (Sjöstedt 1977: 2; in Smith 2008: 25)

presuppose the EU capable of engaging in *active* policies based on common formulated objectives and goals. Nowadays, drawing on this notion, actorness regarding the EU's external policies is commonly accepted according to the eloquently described definition of Ginsberg. He noted that this concept 'steers away from the neofunctional–intergovernmental debate and from the debate over whether the EC is a superpower, but does enable us to chart the changing EU role in the world'¹⁴. In addition he refines the notion by adding four dimensions of actorness according to Caporaso and Jupille (Jupille and Caporaso 1998) who have suggested that for true actorness four criteria need to be fulfilled; 'the EU needs recognition (outsiders' acceptance of EU competence); authority (the legal competence to act); autonomy (distinctiveness and independence from other actors); and cohesion (the extent to which it acts in a unitary way externally)¹⁵. So in sum actorness refers to engagement in foreign policy in the international arena in an *active* way, for instance with the use of actual policy instruments, and doing so intentionally (with a certain agenda of its own).

A second and another much recurring concept in this thesis is that of (political) opportunity structures. Political opportunity structures (POS) manifest themselves in many different ways in society, so a rather inclusive notion is necessary to maintain the appropriate scope. A corresponding wide and enabling formulation of political opportunity structures can be found by Charles Tilly who defines it along the following six features: 1) The multiplicity of independent centers of power within it. 2) Its openness to new actors. 3) The instability of current political alignments. 4) The availability of influential allies or supporters for challengers. 5) The extent to which the regime represses or facilitates collective claim making. 6) Decisive changes in items 1 to 5. (Tilly 2006). These six characteristics together shape the political opportunity structures of a country and yield insight in how they might have changed in Moldova and/or Transnistria. The relevance of these structures to this research mainly comes from the following two lines of thought. First of all from a perspective of conflict resolution, political opportunity structures are important because, comprised of specific configurations of the abovementioned features, it either facilitates or inhibits parties into collective action. When, like in Transnistria, a conflict suffers from an almost impenetrable governing structure and society has a firmly organized ruling class (more of this in the conflict analysis), any effort to transform this situation (and thus the conflict) would do better if these issues are addressed. Instances of political opportunity structures that seem to fit NPE quite well are, in my opinion, the use of positive-conditionality regarding resources, and EU conditions on institutional reform, as they both can challenge the economic and institutional continuities that resulted in the current stalemate.

¹⁴ (Ginsberg 1999: 447)

¹⁵ (Ginsberg 1999: 447)

From a more theoretical perspective it must be said that the interplay between NPE (agency) and POS (structure) is underpinned in the academic debate on structure and agency. In this thesis we draw on ideas of Anthony Giddens and his structuration theory whereby structures both can be enabling and constraining for individuals, as a result of the 'duality of structure' (Giddens 1979). More of this interplay in the next chapter where we develop NPE – POS- conflict resolution triangle.

A final word here is about the concept of conflict resolution, and how or what it is accounted for in this thesis. Contemporary conflict resolution pertains to a broad understanding of conflict and involves not only mediation 'but also efforts to address the broader context in which international actors, domestic constituencies and intra-party relationships sustain violent conflicts' (Miall et al. 2005: 11). Given this broad understanding there is absolutely no one-size-fits-all model for conflict resolution, but it can be said it refers to addressing the deep-rooted sources of the conflict and transforms these. This first of all implies that behaviour is no longer violent, attitudes are no longer hostile and the structure of the conflict has been changed (Miall et al. 2005). In the case of Transnistria the situation escalated about 20 years ago and a renewed outbreak of violence therefore seems unlikely (Popescu 2005). Henceforth it is argued that conflict resolution efforts should focus on the substance of, and actual negotiations for, proposals to the settlement of the Transnistrian conflict. Likewise EU involvement should be evaluated along these lines. The question whether or not the conflict is actually 'ripe' for resolution or if there's any reason for the parties to negotiate a settlement is therefore also relevant. From an academic perspective this implies that a mutually hurting-stalemate (MHS) should be in place for the involved parties that necessitates their search for an alternative policy or way out of the situation. Another version is that both parties see greater utility in settlement of the conflict rather than sustaining it, if a solution would generate prospects for a better future. In this scenario there is no longer a hurting stalemate that *pushes* the actors out of the conflict, but has a mutually enticing opportunity (MEO) shown up that *pulls* them into the search for better alternatives (Zartman 2001).

1.3.5 The NPE – POS – Conflict Resolution Triangle

For this thesis a state of the art framework to NPE literature is developed, focusing on issues like adequacy and effectiveness within the various EU strategies directed at the situation in Moldova. More importantly, we aim to integrate NPE with the notion of POS and to see how it influences conflict resolution in Transnistria. Such integration requires more explanation on how NPE is attributed with means of conflict resolution and additionally how POS contributes to this, which is why we now move to what is coined the *NPE – POS – Conflict Resolution* triangle that brings together the elements at play of these notions. In terms of mechanisms within NPE we've seen the six mechanisms that bring about normative power according to Manners (norm diffusion). However,

questions on how NPE facilitates conditions and relative success for conflict resolution by a genuine system of EU norms cannot sufficiently be answered by NPE itself. Because it doesn't explicitly address such elements we expand the analytical framework with political opportunity structures. It will function here as the prism for evaluating the different dimensions of EU normative power, meaning that we will look how NPE mechanisms have influenced and shaped POS. Especially when we come to study the dimensions of actual (normative) impact the EU would have in Transnistria, this investigation of EU policies through the lens of POS could be promising. Prior to this investigation we identify the relevant instances of POS that correlate with conflict resolution and for this research this is asserted as followed.

Assumed and well substantiated that aforementioned elements like domestic constituencies and intra-party relationships are crucial to be subject of change we seek to indicate how mechanisms of NPE are able of doing so, which it could in a number of ways. First it can be done like Noutcheva et al. have described in their model for European engagement in conflicts in its direct periphery. This work, that partly addresses instances of POS, coincides with the policy instruments we described. The model is based on two key mechanisms; Europeanization through conditionality and Europeanization through social learning who's functioning is as followed: Conditionality, applied to conflict resolution, principally affects the domestic opportunity structure in a country (Noutcheva et al. 2004). Meaning that if actors are goal-oriented and purposeful this results in strategic actions, by making a trade-off between costs and benefits. The EU could in this scenario offer certain resources and 'legitimization to some domestic players while constraining the ability of others to pursue their goals'¹⁶. In more ideal cases conditionality could also have a direct effect in the way that it prescribes a possible solution to a conflict. For instance if the EU categorically rules out the option of secession for Transnistria (which they do) than within the applicant or potential applicant state both the main and the secessionist entity may have to concentrate on compromise solutions such as a loose federation (Noutcheva et al. 2004). Crucial in both cases, and relating back to the earlier discussion on actorness, is of course to what extent the different entities value the incentives and benefits that are offered by the EU. So in two ways their model is of great help as it affirms two essential points that we believe influence conflict resolution: First it expands our horizon with the use of (positive) conditionality, of which our hypothesis is it challenges continuities that obstruct the finding of a resolution. Second it affirms the importance of recognition and authority for the EU if it wants to be an actor in the conflict, which of course relates back to the concept of actorness and how important it is to deliberately pursue foreign policy objectives. In addition they also contribute on opportunity

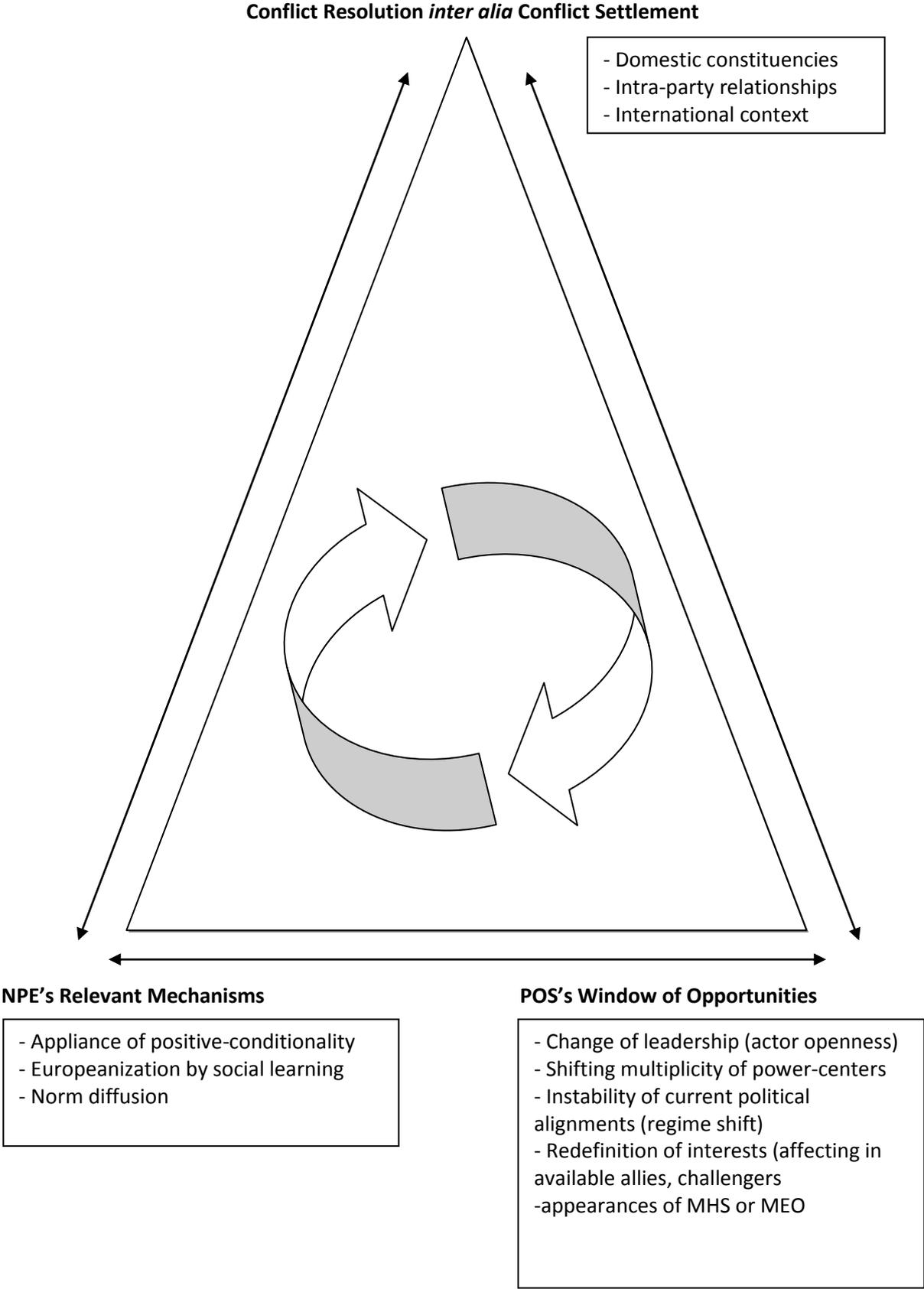
¹⁶ (Noutcheva et al. 2004: 13)

structures by adding the mechanism of Europeanization through social learning. This mechanism is based on interaction with the EU as a third party and makes the EU a true so called 'norm entrepreneur' when the authors argue that social learning impacts the way domestic players define their interests and identities (Noutcheva et al. 2004).

Next to these elements of POS we will highlight two more and complementing instances of such we believe principally affect the potential for conflict resolution within a given society. First is that of leadership/regime change and second is that of democratic governance. Obviously the entry of a new leader affects political opportunity structures in many ways, and in light of conflict resolution we mainly point to the emergence of a new windows of opportunity in case of leadership change. Clear examples that illustrate the relevance of this element are the cases of Yugoslavia (Milosevic vs. Tudjman) or South Africa (de Klerk vs. Mandela) where in both situations change of leadership was extremely influential on the political structures. Aside from leadership change as such there is the importance of democratic governance and its effects on conflict. Widely known in this regard is Immanuel Kant's perpetual peace theory that holds, but is not limited to, democracies don't wage wars with one another. More specifically it bounds the choice for war (or violent conflict) to that of the people's consent of which Kant then assumes, based on an easy-cost benefit analyses, people choose peace over war (Kant 1795). These ideas, and the many many variations it ignited, have been endlessly discussed and are still subject of continuous debate. What is, however, accepted for this thesis is the idea that (a vested) democracy correlates with internal stability. Intertwined with issues like rule of law, respect for human rights, legitimacy of governance and (individual) freedoms we find these elements likely to contribute to the positive conditions needed for reaching a conflict settlement. In relation with NPE a clear and foreseen link can now be made with these ideas and the diffusion of EU norms, most notably European norms on democracy, rule of law and human rights as they are within Manners theory respectively the third, fourth and fifth norm. Please note that we don't go into detail on the supposed relationship between democracy and its effect on conflicts. Any such debate within the limited framework of this thesis would be incomplete and dishonouring. The idea that democracy is a good thing in itself and positively reinforces conflict resolution merely serves as a faith and believe rather than a scientifically substantiated claim.

Now that we have formulated an idea of what embodies conflict resolution for Transnistria, have learned about the notion of NPE and the six functional ways underpinning the norm diffusion process, and finally have sketched out the additional framework of political opportunity structures and explained the interplay between these three concepts, we can arrive at the following schematic representation (see figure 1) of these concepts and their mutual relations. It shows us the idea guiding the inquiry on whether the EU's approach in Moldova (regarding a peaceful solution to the Transnistrian conflict), normative or not, has in any way contributed to conflict settlement.

Figure 1. The NPE – POS – Conflict Resolution Triangle



1.4 Research Design

1.4.1 Operationalizations

For this project the main research question is in what way the notion of Normative Power Europe can contribute to the effectiveness of EU foreign policy, and in particular towards conflict settlement for Transnistria. For this thesis we have developed a tripartite analytical framework, involving opportunity structures, NPE and conflict resolution to answer the stated central question and to provide insights on the (potential) unique and European approach to conflict management. It is therefore important to further define and design the interlinked concepts of NPE, POS and conflict resolution to a construct of clear definitions and to identify its empirical ramifications. For this we will first operationalize the concepts of normative power Europe, second we will operationalize political opportunity structures, and subsequently turn them into relevant and, above all, clear indicators. As for conflict resolution, in this thesis this has been formulated quite abstract and wide. Like argued in the aforementioned chapters we regard addressing the deep-rooted sources of the conflict and pushing for substance of, and actual negotiations for, proposals to a settlement for the conflict as contributions to conflict resolution. In addition, as the EU's contribution to this process doesn't necessarily have to be of a normative nature, conflict resolution is perceived generally. For a normative contribution in this regard the operationalization of normative impact is a complementing factor. So, the EU's contribution to conflict resolution will be looked upon both from a general perspective and from a normative perspective, as part of the EU's normative impact.

Normative Power Europe, Operationalization and Indicators

The research follows Tocci's point of departure when she states that 'normativity in foreign policy means *the degree to which* foreign policy 1) pursues normative goals 2) through normatively deployed means and 3) is effective in fulfilling its normative intent'¹⁷. Although all three elements require further clarification, it are these dimensions taken together that 'profile' to what extent the policies at play might be of a normative nature. Another, complementary, version of this tripartite rendering analysis is to assess the EU's normativity by looking at what the EU 'is' (its principles); what the EU 'says' (its actions); and what the EU 'does' (its impact)¹⁸. In all cases the three variables collectively constitute a normative foreign policy. Now that we have identified these three variables, it logically implies the following three sub-questions for this research:

¹⁷ (Tocci et al. 2008: 310)

¹⁸ (Tocci et al. 2008 :302)

1. What are the central principles (or goals) that guide EU foreign policy towards Moldova?
2. What are the most prominent means (or actions) of EU foreign policy towards Moldova?
3. What is the impact of the EU's foreign policy towards Moldova, especially in terms of conflict settlement?

Having said that, it is still rather ambiguous and vague what counts as a normative goal, when a EU deployed mean is normative and ultimately how one distinguishes a truly normative impact from more traditional impacts of power. This brings us to the development of indicators whereby it will become clear what meanings the abovementioned concepts have.

First on central **principles and goals**, where one has often taken the approach to distinguish between values (normative) and interests (non-normative). However, this rather black and white dichotomy has convincingly been criticized from a wide range of authors and perspectives (Finnemore and Sikkink 1998; Morgenthau 1982) and has some made to believe that a clear distinction between normative goals and strategic ones has proven to be elusive (Tocci et al. 2008). Nevertheless there is some agreement to indicate the EU's goals as normative if legitimization of these norms is based on international norms rather than on self-interest (Tocci et al. 2008). This means that normative EU norms constitute norms that 'aim to shape the milieu by regulating it through international regimes, organisations and law'¹⁹. Tocci here refers to the distinction made by Wolfers on so called *possession goals* and *milieu goals*, where the latter means one pursues goals that are concerned with the wider environment wherein international affairs take place. (Wolfers 1962). The idea to accredit the EU with mainly pursuing such goals, of universal pretence, is also found in observations made by Helene Sjursen who drew on cosmopolitanism and a Habermasian principle of universalization to argue that a normative power Europe would, in its external relations, rely 'on norms that may be tested and found to be in accordance with this principle'²⁰. All together it shall be clear now that normative EU goals and principles refer to goals that are embedded in a wider environment of international relations and hold some universalistic value and above all are not directly motivated by an European self-interest.

Figure 2. Indicators for Normative Legitimized Foreign Policy	
Goals based on international norms:	Yes/No/Partly
Goals not merely serve EU self-interest:	Yes/No/Partly

¹⁹ (Tocci et al. 2008: 7)

²⁰ (Sjursen 2007 :6)

Second, on the prominent **means (or actions)** of EU foreign policy in Moldova and when it would count as normative the following: In order to arrive at clear indicators for normative means and actions it is particularly relevant to define first *how* normative foreign policy means are used rather than to attribute certain policy instruments with normativity. As such many authors have gone back to the notion of soft power by Nye where power relies of ‘soft’ means such as persuasion and attraction, and where cooptation prevails over coercion (Nye 2004). This brings us to the concept of coercion and how this relates to NPE. In this light an important discussion is whether or not the concept of conditionality can be rendered under the flag of normativity and counts as a normative instrument. Generally one distinguishes between positive and negative conditionality where positive conditionality means you persuade partners to fulfil certain conditions in return for certain benefits like financial aid, or awarding trade preferences whereas with negative conditionality it’s the other way around are these benefits suspended, reduced or even terminated if a state violates the conditions (Smith 2008). In this thesis we adhere to the idea that positive conditionality is not at odds with a normative agenda, and the reason for this is twofold. First of all because (positive) conditionality seems a prevalent policy-instrument among EU decision-makers. Second, because we believe positive conditionality perfectly fits the notion of normative power. The first reason doesn’t need much introduction, as has been argued by Smith and many others that conditionality is increasingly an instrument employed by the EU. The second argument is extrapolated from the idea that conditionality is essentially a continuation and extension of bargaining strategies, and therefore create incentives that persuades partners to comply with EU desired conditions (Schimmelfennig and Sedelmeier 2004). This means that for normative means we believe conditionality can be accounted for as such if the EU by this logic of reinforcing and rewarding is effective in bringing change to the targeted country, most ideally based on non-coercive methods (which are more in line with the idea of sanctions and are conceived as negative conditionality).

Figure 3. Indicators for Normatively pursued Foreign Policy	
Use of positive-conditionality:	Yes/No/Partly
Appearances of social learning:	Yes/No/Partly
Means are non-coercive:	Yes/No/Partly

Lastly on normative **impact or successfully fulfilling its normative intent** the following operationalization; here the question is of course to what extent the EU has been successful in developing the diffused norms in third countries, or in other words if they have been able to shape the conception of what counts as ‘normal’? In this thesis normative impact is first and foremost measured along the EU’s effect on the Transnistrian conflict, and within this impact a shift can be made on a structure and agency level. Looking how it influences the particular situation in terms of POS constitutes the structural contribution, more in general the EU could, if able to e.g. mitigate hostile attitudes and distrust, add to a solution on an agent level.

For indicating normative impact one approach is to follow an operationalization that describes this impact as ‘a traceable path between an international player’s direct or indirect actions and inactions (or series of actions) on the one hand and the effective building and entrenchment of an international rule-bound environment on the other’²¹. Another approach is the one by Niemann and de Wekker who operationalized normative impact and normative intent separately. For the latter they argue that a powerful indicator for intent is if the norms promoted by the EU were in conflict with its self-interest, for instance if the EU prioritized human rights over material interests (Niemann and de Wekker 2009a). In addition, and closely related to our framework of POS, an indicator for normative impact would be ‘a scenario in which the EU chooses to diffuse certain norms in the face of powerful opposition’²². Both Niemann and Tocci note that measuring normative impact is not an easy task, and Tocci in this light emphasizes again the importance of the approach taken in this theses (with POS as a central concept) when she argues that: *“impact assessment of most foreign policies requires a detailed analysis of the interaction between policy on the one hand and the political opportunity structure underpinning the situation within a receiving party on the other”*²³

Figure 4: Indicators for EU Normative Impact	
EU accredited and accepted as competent actor:	Yes/No/Partly
Intended norms visibly realized:	Yes/No/Partly
Increased ratification of international norms:	yes/No/Partly

²¹ (Tocci et al. 2008 :11)

²² (Niemann and de Wekker 2009a: 7)

²³ (Tocci et al. 2008: 12)

Political Opportunity Structures, Operationalization and Indicators

Arriving again at the concept of POS it’s now time to further operationalize its dimensions. This can be done quite straightforwardly as the foundation for this has been put down in the earlier chapters. Here we have identified the dimensions of POS that are causally related to conflict resolution and as such the following indications for an effect on the conflict have already been established. First, when the relevant players change the perception of their goals, interests and identities it reveals a changing POS. Second, a change of leadership within the current configuration of conflict parties means the POS is changing. Third, an increasing or decreasing amount of democratic values manifested in the societies of Moldova and Transnistria (as direct stakeholders in this case) would clearly indicate changing political opportunity structures that may have a direct effect on the process of conflict resolution. A fourth, and related to Tilly’s definition of POS, important indicator is to see what an actor’s allies are and to see if it has one or more allies at the same time. Likewise any change in this situation indicates an important change in the political opportunity structures. Speaking of allies and political alignments, the EU is without doubt an influential ally which already substantiates a significant role in Moldova, it will therefore especially be important to see how the EU affects this feature of POS; one can think here of how the EU supports various opponents of the regimes in both Moldova and Transnistria, and here we arrive at a fifth and final indicator which is if the EU offers certain resources and ‘legitimization’ to some domestic players whereas it might constrain other actors to pursue their goals. For all these features of POS goes that if they are affected by EU policies this ideally was done by *normative* means, so by the mechanisms that we outlined the earlier chapters.

Figure 5: Indicators for EU Normative Impact through POS	
EU affecting goal orientation:	Yes/No
EU facilitating change of leadership:	Yes/No
EU offers legitimization & resources to actors:	Yes/No
EU enhances stable political alignments:	Yes/No

1.4.2 Methodology

The research methodology for this thesis is based on two ways of data collection: The first is two months of fieldwork that was conducted by the author; the second is the continuous study and collection of relevant EU communications and strategies. Within the first the author held various in-depth interviews with relevant stakeholders in both Moldova and Transnistria (see appendix A). Besides this there were some written questionnaires administered and has the author engaged in non-participant observation. The second central data collection technique was done through the analyses of EU communiqués, key policy papers, newspaper articles and relevant literature. The output of these processes will be systematically analyzed along the outlined tripartite framework of this thesis. This systematic procedure whereby the data is analyzed offers us a coherent and succinct manner to answer the central research puzzle we formulated:

II. Empirical Backgrounds

Section 1: Moldova and Transnistria



Figure 6. Map of Moldova (& Transnistria in the Northeast)

From: *The World Factbook 2009*. Washington, DC: Central Intelligence Agency, 2009.



Figure 7. Cut-out of Transnistria with an outline of the post '92 security zone (that lies on both left- and right bank of the Nistru) ©Wikicommons, 2010

2.1.1 Brief History

The ancient roots of Moldova trace back to the late Middle Ages when the first Principality of Moldova was found. At that time its territory reached from the Siret River in present-day Romania in the West till the Dniester River on the East. With the inception of feudalism it quickly became a vassal state of the Ottoman Empire around 1538 which lasted approximately until the early 18th century when anti-Ottoman sentiments resulted in revolts and uprisings. Note that such sentiments were often supported by the expanding Russian empire that had always been interested in Bessarabia (the historic name for the territory situated by the Dniester River on the East and the Prut on the West, all the way to the Black Sea). Moldova, which is located in Bessarabia, was drawn into the Russian sphere of influence, precluding the pre-soviet history of contemporary Moldova. It witnessed a very tumultuous history as Bessarabia became subject of numerous clashes between great Empires; including the Roman, Ottoman and later the Russian Empire. Under Stefan the Great, modern Moldova's national symbol, it was once part of an independent Moldovan state in the 15th century but quickly fell into Ottoman hands in the 16th century. Emanating from a (successful) fifth attempt by the Russian Empire to acquire the territory from the Ottomans, it came under their permanent rule by 1812 when the end of the Russo-Turkish in that year resulted in the Treaty (or Peace) of Bucharest. Under the provisions of this treaty arrangements were made following the Turkish defeat, including agreements on a new border between the Ottoman and Russian Empire. The new demarcation would be along the river Prut, which meant that Russia obtained the *war trophy* Bessarabia. From that moment on the area would be under Russian rule for a long time although shortly interrupted when Russia was defeated in the Crimean War of 1856. At that time Moldova became independent and united with Wallachia to form the Principality of Romania in 1862. However, this unification didn't last long either as the Russo-Turkish-Romanian war of 1878 made Russia regain Southern Bessarabia. Russian rule then continued more or less until 1917/1918 when both the end of World War I as well as the Russian revolution started to play a central role in contemporary Moldova's history. Within the Russian empire, that already lost control during the war and witnessed upheaval caused by the revolution, many provinces in the Empire started to seek independence. Briefly called the Moldavian Democratic Republic between 1918 and 1919 the territory chose by referendum to reunite with the Romanian kingdom in 1919. The USSR, that reluctantly witnessed these events, had actually never acknowledged Romania's right to those territories and in this light a counter move was made. When on the 12th of October 1924 Stalin created the Moldavian Autonomous Soviet Socialist Republic (MASSR) situated on the right bank of

the Dniester, it is believed that this was 'the stepping stone to the re-acquisition of Bessarabia'²⁴. This republic that ironically consisted of mainly Ukrainians was according to King 'meant to put pressure on Bucharest in negotiations over Bessarabia's future and to highlight the achievements of the Soviet system, and finally to serve as a political magnet that would draw the Bessarabians away from Romania'²⁵. By this republic the USSR continued spreading their Soviet propaganda to the left bank of the Dniester, something deemed essential as Bessarabia ought to be a part of the USSR rather than being owned by those capitalists in Bucharest (King 1998). With longstanding Russian rule over Bessarabia, Russian aspirations to this territory were no surprise for anyone familiar with the situation. Combined with some Soviet (political) culture one wouldn't be too surprised either over Soviet-tactics that were allegedly applied: 'According to one observer, Soviet authorities ordered that bright lights be kept perpetually burning in the MASSR's capital, Tiraspol (which looked across the Dniester river to the Romanian city of Tighina), in order to impress the Bessarabian peasants'²⁶. The existence of this crucial MASSR lasted until 1940, when, due to the Molotov von Ribbentrop pact, Bessarabia was again assigned to the Soviet Union. But, the subsequent erection of the new Soviet Socialist Republic was accompanied by the annexation of the aforementioned quasi-independent MASSR that would now, as a whole, comprise the Moldovan Socialist Soviet Republic (MSSR). As discussed, the former republic on the left-bank (MASSR) was of great importance to USSR's policies for Bessarabia, and the integration of this republic with the newly found MSSR must therefore be seen as a very deliberate act to restore Russian influence in Bessarabia. The territory of the MASSR however was never part of it, meaning that that territory had been under continuous Soviet rule since 1812. In those years it had always been at the crossroads of different identities and ethnicities. As Charles King puts it was 'a classic borderland where ethnic identities were fluid and situational, and where Russian, Ukrainian, Romanian, Jewish, and German influences combined to create a mixed culture'²⁷. Ages before, Transnistria belonged to the Kievan Rus' and later the Galicia-Volhynia kingdom, but more importantly has never been part of any Romanian speaking territory. When the Soviet Union started to collapse in the late '80's this reality transformed into a fundamental issue on the left-bank. It all started by 1986 when USSR President Mikhail Gorbachev announced his reform program. As is generally assumed, the *Glasnost and Perestroika* that followed set in motion the whole chain of events that eventually culminated in the August coup of 1991 leading to the collapse

²⁴ (Nantoi 2009: 10)

²⁵ (King 1998: 60)

²⁶ Ibidem

²⁷ (King 1999: 181)

of the USSR. However, internal dynamics during these events are crucially important to understand the position of modern day Transnistria. Emanating from the Perestroika reforms the USSR witnessed all kinds of minorities starting to organize themselves and launching initiative after initiative. Likewise also in the Moldovan SSR such socio/civic-political activism gained ground. Moldovan and Gagauzian (a Turkish-rooted minority in the South) voluntary associations were found and hosted nationalist intelligentsia and activists. The main agenda of these associations were the promotion of various cultural and linguistic interests, and soon these movements had ten thousands of supporters, all increasingly organized along ethnic lines. In the summer 1989 a mass rally was organized in Chisinau by one of these movements, the Moldovan Popular Front, MPF. As a leading movement with most of its supporters from Chisinau and around, they advocated that 'Moldovan language should receive the status of sole official language in Moldova, as an important symbol of the republic's aspirations to true sovereignty within the USSR'²⁸. Such moves instigated (further) alienation of the left-bank of Moldova were, as a result of the planned economy, the USSR had placed all of the MSSR's heavy industries like steel and construction and were Russian speakers were the majority. The ethno-political nature underpinning discussions over the language status had quite profound ramifications, as implementation would mean that knowledge of 'Moldovan', which is actually Romanian but often referred to as *Limba Noastră* (our language) or *Limba de Stat* (state language), would be obligated for all involved in the republic. Under federalist rule Russian was the only intercommunal language and Moldovan was even written in Cyrillic, so a good command of Romanian wasn't necessary. On the contrary, Russophones (Slavs) were often encouraged to both retain their Slavic heritage and to continue learning Russian. This served as a counterweight to Moldova's longstanding identification with Romania, which was (and is still today) an eyesore for most people on the left-bank. Reacting to the rapid growth of the various nationalist-democratic movements that challenged traditional Soviet federalist values, the leaders of the industrial areas (meaning the left-bank) gathered and contemplated on how to tackle the perceived threats. They, Russophones loyal to Moscow, mobilized in the Yedinstvo (Unity) movement and in the United Council of Workers Collectives (UCWC; in Russian OSTK - *Ob'edinennyi Soviet Trudovykh Kollektivov*). In particular the latter consisted mainly of factory managers of the left-bank that were afraid to lose their close ties with Moscow if the right-bank would successfully consolidate its claims. In their attempt to halt the Moldovan movements they started to oppose the emerging nationalist claims and identities via these collectives and movements.

The tensions that had aroused broke into actions by 1989 when, under the lead of MPF,

²⁸ (Aklaev 1996: 88)

Moldova's Supreme Soviet (parliament) adopted republic legislation on the language. This legislation required all state-officials to demonstrate proficiency in Romanian, even if serving in Russophone minorities. It resulted in major strikes on the left-bank, organized by the UCWC. Over 80,000 workers in more than 100 factories and plants are said to have participated in those protest strikes in what we now call Transnistria. In particular in the industrial centers (Tiraspol, Bendery, Rybnitsa and Dubassari) participation is said to be exceptional. The ensuing events culminated in summer one year later. At the time, June 1990, the Declaration of Sovereignty was passed through the Moldovan Supreme Soviet, declaring its independence from Moscow. Moldova's left-bank obviously wasn't amused reacted swiftly with their countermeasure a month later in July 1990. Arguing that, just as Moldova did not recognize the supremacy of USSR legislation anymore; Transnistria would not recognize any Moldovan authority over its territory; they declared themselves independent and denounced all legislation from before the 31th of August in '89 (when this 'Moldovan' language legislation passed), and restored the Soviet situation.

War of Transnistria

The situation then quickly deteriorated when the 'paramilitary wing of the UCWC transformed itself into the "guardians of the Dniester"²⁹. Similar paramilitaries were found across Transnistria, and when one of them attacked a police station in Dubassari (the police were the proponents of the Moldovan armed forces), it seemed the conflict really caught fire. What followed where various violent and deadly escalations over the course of several months. Infamous is the fighting that took place at the town of Bender (Tighina) in June '92, where it is said that over 600 people were killed and tens of thousands fled to Ukraine³⁰. These violent uprisings, that lasted for almost four months came to an abrupt end when Russia showed its involvement. In response to the escalating violence, Transnistria had appealed to Russia for protection. In response Russia (that already had troops stationed there) deployed its 14th army, which intervened after the fighting in Bender. Soon after, Russia and Moldova signed a peace agreement. This agreement involved not only withdrawal of all combat forces but also introduced the peacekeeping forces from Russia, Moldova and Transnistria managed under the newly invented structure of the joint control commission (JCC), which remains the situation to this very day.

²⁹ (O'Loughlin et al. 1998: 346)

³⁰ Uppsala Conflict Data Program (Date of retrieval: 2010/03/17) UCDP Database: www.ucdp.uu.se/database



Picture 1: The remnants of the '89 events are still visible in Moldova; in the capital Chisinau one of the main streets is named after one. Picture taken by Leonid Litra 06/2010



Picture 2: Competition over key dates in history. In Transnistria's 'capital' Tiraspol the main street is called 25 October street, referring to the Russian (Bolshevik) revolution of 1917. Picture taken by the author, 05/2010.

Figure 8 : A chronology of key events since 1919 impeding the '92 war of Transnistria

When	What
1919	Creation of the Soviet Union, contemporary Moldova reunites with Romania by plebiscite
1924	Stalin grants contemporary Transnistria autonomy within the Ukrainian SSR by creating the Moldovan Autonomous Soviet Socialist Republic (MASSR) to strengthen Soviet claims on Bessarabia.
1940	Due to the Molotov-von Ribbentrop Pact Bessarabia is given to the Soviet Union, who subsequently erects the Moldovan Soviet Socialist Republic and integrates it with the previously created MASSR.
1987 – '89	Gorbachev's perestroika reforms result in intensified ethnic anxieties. In the Moldovan SSR tensions arise around the usage of 'Moldovan' and Russian language.
1990	Moldovan Parliament adopts a <i>Declaration of Sovereignty</i> , which also claims Sovereignty over Transnistria. Transnistria and Gagauzia oppose and declare their independence.
1991	Soviet coup d'état attempt (that enjoyed popular support from Transnistrian elites while Moldovan President Snegur opposed it) is averted by Boris Yeltsin; final dissolution of the Soviet Union is a fact and Moldova declares its independence (August 27).
1992- January	Transnistria forms its own army that also includes former USSR troops that are stationed in the area (14th army)
1992- March	Transnistrian forces attack a Police HQ in Dubassari, heralding four months of war. Meanwhile Moldova accesses the United Nations (March 2) which aggravated the violent conflict.
1992- April	The new Republic of Moldova declares the state of emergency, and attacks Bender (Tighina in Romanian). Meanwhile in the Russian Duma a resolution is adopted to support the population of Transnistria.
1992- June	Ten days after one of the bloodiest confrontations in the conflict in the town of Bender, President Yeltsin orders General Lebed to stop the ongoing conflict with any available means, the 14th Army intervenes and ended the hostilities.
1992-July	President Yeltsin brokers a peace agreement with Snegur, which implied to withdraw all combating-forces, and introduced the peacekeeping forces comprised of Russian, Moldovan and Transnistrian troops. A provision is made for Transnistria to secede if Moldova ever decides to reunite with Romania
Compiled by the author based on: O'loughlin et al (1998), K�uchler (2008), OSCE/CSCE conflict prevention Centre (1994) and Charles King (1998, 1999)	

2.1.2 Mapping the Conflict

In our effort to clarify the European involvement with the Transnistrian conflict we need to have a basic understanding of the conflict prior to such a study. As with every conflict history (like we just reviewed) is important to bear in mind, but also actors and their subsequent perspectives have to be accounted for. The Transnistrian conflict is particularly rich in actors and besides such an actor perspective the conflict also has important structural and socio-political elements to it that one needs to reckon before analyzing and drafting potential solutions. However, we will focus on some basic elements in this regard by identifying the central actors and their core interests, next we will briefly mention the issues that currently obstruct the way to a settlement.

Conflict actors and agendas: Within all formal and informal accounts of the conflict, it has been endlessly reiterated by all involved that the so-called five-sided negotiation format plus its two observers should be *the* framework for finding a comprehensive solution. As such we currently need to take seven actors into account: Moldova, Transnistria, the Russian Federation, Ukraine, the OSCE Mission, the USA and the EU. Within this framework there are formally two parties opposed to one another and have a direct stake in the conflict; Moldova and Transnistria. This while Russia, Ukraine and the OSCE are seen as secondary stakeholders and have been granted a ‘mediator’ status. Finally (in 2005) one added the USA and EU to this framework as ‘observers’. Together, these parties comprise the “5 + 2” format one usually refers to when talking about finding a political settlement for the conflict. The primary goals and interests of the aforementioned parties are in a nutshell as followed:

Moldova: One of the -officially only two- conflicting parties has in essence one major interest which is what they have coined ‘reintegration’. It wants to exercise full control over its international recognized territory, meaning restoration of control over its external borders and integrating ‘the Transnistrian region into the economic, political, social and informational space of the Republic of Moldova’³¹. Furthermore would it be fair and useful to note that Moldovan actorness over the course of years has been rather weak and unsuccessful. It holds, due to various reasons very little leverage over the relevant actors like Russia and Transnistria and is more or less dependent on the international community for general development. This because it is poor, plagued by widespread corruption and elements of state-failure, whilst crime and a black economy allegedly flourish.

Transnistria: Claims full control over the disputed territory because without it claims it would seriously compromise the security of their people. In the words of Transnistria’s former ‘minister’ of foreign affairs Valery Litskay Transnistria would “move towards a second Chechnya if the Russian

³¹ Activity Program of the Filat-Government of the Republic of Moldova 2009-2013; “European Integration: Freedom, Democracy, Welfare”. p4

peacekeepers would retreat”³², referring to a total relapse into violent conflict if the Russian-led peacekeepers would leave. Although one could seriously wonder if these claims and their subsequent claim of independence hold any truth, it is abundantly clear that they want a high level of autonomy and don't want to give up much of their current control over the area. In terms of actorness Transnistria is at best quite ambiguous, given their fierce and understandable pro-Russian agenda. Some have therefore argued that it holds no real agency and isn't much more than a Russian puppet (Küchler 2008; Nantoi 2009). There are however some signs of Transnistrian actorness; symbolic examples of this are the alliances with- and recognition from- other dubious, non-state, entities like South-Ossetia, Abkhazia and Nagorno-Karabakh (see picture below). More formal examples can be found in the economic sphere as some Transnistrian companies are or were very profitable, have global linkages (outside Russia) and are able to export their goods onto global markets.



Picture 3: The 'Embassies' of South-Ossetia and Abkhazia to Transnistria, situated on the 25 October Street in Tiraspol. Picture taken by the author 03/2010

³² Interview by the author with former Transnistrian minister of Foreign Affairs Mr. Valery Litskay, 6th of April 2010, Tiraspol.

Russian Federation (mediator): According to Moscow their role is strictly limited to that of peacekeepers and to secure the humanitarian interests of Russia. However, it is commonly accepted that there's more at stake here, for instance the pursuance of a more geopolitical agenda like securing spheres of influence. Also the longstanding presence of Russia's 14th Army on the ground and the existence of Russian weapon stockpiles in Transnistria seems to contest the, according to them, limited role. On the other hand has Moscow, drawing from its Chechen wars, usually been a supporter of territorial integrity for the post-Soviet states and has it shown a keen interest in sustaining Moldova's active membership within the organization of post-Soviet states, the Commonwealth of Independent states (CIS) partnership (Kolstø 1997).

Ukraine (mediator): Is mainly concerned over Ukrainians living in Transnistria. It's also interested in preventing escalation as it currently lodges over 40.000 refugees from the war in 1992, putting local economies under pressure. Next to these humanitarian interests, there are issues with border management; major smuggle routes to and from the Odessa region allegedly run through Transnistria, destabilizing Ukrainian governance. In a broader perspective one could add that the Ukrainian areas bordering Transnistria have their own internal problems as they're mainly dominated by Russophones (the wider Crimea). This makes Ukrainian authorities extra alert, and some have suggested for instance that the 2005 pro-Western Yushchenko government eventually supported the idea of installing the EU Border Assistance Mission to Ukraine and Moldova (EUBAM) because it would weaken the revenues from smuggling –and thus the power– of the elites in this particular Russian oriented region³³.

The OSCE Mission (mediator): Officially the OSCE mission understands the conflict as ' found in deep resentments between the parties, who pursue distinct conceptions of development. These cannot be solved without the consolidation of mutual trust between the disputants'³⁴. So OSCE actorness is mainly concentrated on traditional OSCE tasks like fostering dialogue with confidence building measures and otherwise promotes understanding and discussion among the adversaries. Besides this should according to the OSCE any acceptable solution to the conflict grant Transnistria with extensive autonomy and some form of power sharing with Moldova, as they believe there is some form of Transnistrian identity (Freire 2003). A final observation one should make is that the OSCE is typically a state-centric and consensus based organization, and therefore has certain legal and political implications. One the one hand it means principles such as inviolability of borders, territorial integrity

³³ Interview by the author with an anonymous EUBAM official, 2th of March 2010, Chisinau

³⁴ (Freire 2003: 211)

and non-interference are important, but it also means decision-making (if any) takes long and that general inefficiencies may occur.

The EU (observer): Has showed an increasing interest for Moldova and Transnistria since 2003 when it formulated the European Security Strategy (ESS) and also issued a travel ban for leaders of the Transnistrian regime. When two years later, in 2005, a special representative was appointed for Moldova (Mr. Adriaan Jacobovits de Szeged, nowadays Mr. Kálmán Mizsei) who's mandate was 'to contribute to a peaceful settlement of the Transnistria conflict, to 'the strengthening of democracy, rule of law, and respect for human rights' etc. it is obvious that the EU wanted to play an active role in the conflict following goals formulated in the ESS. More on the development of the relation between the EU and Moldova in 2.2.1 onwards.

The US (observer): Having its own National Security strategy (NSS) it is said that the US often takes a more actor-based approach (Peters and Bittner 2006). Such aspects in Moldova and Transnistria regard the harsher approach towards Russia on fulfilling its Istanbul commitments (to withdraw troops and destroy ammunition), to quote: 'The United States has declared that NATO countries would not ratify the Agreement on Adaptation of the Treaty of Conventional Armed Forces if Russia does not fulfill its Istanbul commitments in Moldova'³⁵. In light of NATO has the US also encouraged Moldova to integrate into Euro-Atlantic structures (Moldova is a member in NATO's partnership for peace program), which could also be perceived as a rather fierce approach aimed at constraining Russian power in the region. Another interesting observation one should make is to mention that the OSCE's ambassador to Moldova has always been an American so far. Apart from this it seems that the US shares many of its interests with that of the EU, and despite different geographical and political realities, it often seeks cooperation with the EU in Moldova. Albeit, one should also note that, although they together initiated travel-ban for Transnistrian leaders, the EU has suspended this at the moment while the US still has this ban in place.

The main challenges on the way to a political settlement

The Transnistrian conflict has over the years developed around four issues recognized by the parties involved and founded in the history we described earlier. Generally these issues are viewed as the crucial points of disagreement that must be addressed in order to resolve the conflict. Two of these issues are somewhat intertwined and are rooted in competing governing systems that successfully construct discourses around the matters at hand (rather than caused by ethnic elements). Based on this interpretation the first issue we mention is the elementary **language issue**.

³⁵ (Peters and Bittner 2006 :14)

Accompanied with the 'problem' of Moldova's romantic relations with Romania that supposedly would culminate in a reunification someday, these are the two connected issues. As we read in the brief historical background the language issue is quite crucial as many have argued that the language legislation from 1989 instigated the eventual violent conflict. Moreover, the requirement for government officials to be competent in both Romanian and Russian (and Gagauzian in Gagauz areas) intensified quarrel over the issue and has led to problems up to this very day. There are problems for instance with Moldovan schools located on the left-bank which have been closed by the Transnistrian authorities or have been told to teach using the Cyrillic script (just like it was under Soviet rule), so that the rift between the two parties regarding the language issue is still an active one.

A second issue we briefly touched upon revolves around **unification with Romania**, which would be Transnistria's worst fear (or hope). Grounded in the history of the territory together with Transnistria's identification with Russia, any scenario wherein they would be part of a Romanian country would be a direct reason for secession. The Gagauz minority shares this fear and consolidated this in their constitution that allows them to become independent if Moldova ever decides to join Romania again. It is however an overplayed card and seems to lack any realistic substantiation. Moldova has repeatedly expressed, by referenda, that it seeks no reunification with Romania and is determined to continue as an independent country. It must be said though that a great number of Moldovans holds a second, Romanian, passport and recently acting-president Mihai Ghimpu alluded to reunification with Romania when he said that nobody could stop it if people pushed for it.

A third issue is that of the presence of the **Russian 14th Army in Transnistria**, which formerly was part of the Red Army and is now officially a neutral actor. Formerly under the command of the charismatic General Lebed it functions independently from the Joint Control Commission and can be considered as the only force in Moldova capable of any offensive action. Especially under General Lebed the army was very popular among the left-bank's population and remains so today. There they are conceived as the liberators and guardians of Transnistria, whereas Moldova and the international community conceive these troops as destabilizing and problematic (surprisingly Chisinau doesn't use the term occupiers). The army was involved in the war in a rather obscure and ambiguous way and is said to be involved in arms transfers and training of the paramilitaries in 1992 (OSCE 1994). Under the Istanbul commitments Russia has agreed to withdraw these troops from Moldova, but claims it has done so already (a complicated story whereby Russia claims it has to do with an additional treaty which is linked to NATO and they don't wish to accept). What is clear though is that the continued presence of the 14th army contradicts Moldova's territorial integrity and in a geopolitical context is of great concern to the international community. In this context also the Russian weapon stockpiles in Kolbasna are mentioned, which are guarded by this 14th Army and removal of this ammunition was

also part of Russia's Istanbul commitments. In 2002/3 Russia removed the most heavy weapons, but there is still a huge amount present that is estimated around 20.000 tons.

A fourth and final issue is that of **Transnistria's final status**. While independence is officially the desired outcome of the negotiations for Transnistria, it seems more likely that some form of autonomy will be granted. In this regard a question that often occurs is if one could live under mechanisms of power-sharing, or that an absolute Transnistrian system of governance should be in place. Besides, any solution that is found needs to reckon Transnistria's evolved administrating bodies such as its parliament and 'state-ministries' which either need a constitutional foundation, like with the Gagauzian variants, or maybe could be embedded in an idea of a (con)federation.

Additional challenges to a settlement

Based on the author's interviews held in both Moldova and Transnistria, and the many informal conversations during his visits to both societies, it is deemed necessary to make a few observations on the issues raised and to complement them with empirical insights. Hereby several additional challenges to the settlement process are identified. A first element that should be mentioned in this context is Moldova's pluralized political landscape. Already less developed in terms of democratic institutions, it witnessed a series of unfortunate events and severe civil unrest in April 2009 that reportedly involved cases of torture and police brutality. Resulting from the parliamentary elections that month protesters claimed the elections were fraudulent and demanded the communist government to step down, which didn't happen. However, incapable of appointing a president (requires a 2/3 majority, which the communists didn't have) parliament was in the end dissolved and new, early, elections installed the current pro-European government. Yet, also without an official president as the current ruling coalition also don't have the needed majority, acting president Ghimpu needs to dissolve parliament pretty soon for the same reason. This deadlocked situation is often referred to as the constitutional crisis and needs to be reformed in order to prevent a future impasse in this regard. At this moment a referendum is scheduled to decide whether parliament (indirect) or the electorate directly elects the president. In any case, the proposed solution will be contentious and may cause renewed instability and upheaval. A second, unofficial, obstacle to conflict resolution is found in the current attitude of many Moldovans towards Transnistria. Here we found that most of them simply don't care anymore and believe the left-bank is somewhat of a lost territory. Although travel is relatively easy between the two banks³⁶, it is not

³⁶ There're frequent busses running between both banks, however train transportation is limited as a result of a tensioned railway dispute in 2004, since 2006 one (Russian) train runs again from Chisinau to Moscow passing by Transnistria, however the more popular train from Chisinau to Odessa is still not functioning.

widespread and lead us to the conclusion that feelings of intercommunal unity, if any, are extremely far-fetched and constrain the potential benefits of what have been called cross-cutting cleavages (Lipset and Rokkan 1967). So together we observe two serious challenges to the resolution process related to Moldova's domestic political and cultural configuration. In this light a third challenge is worth noting, and extends the scope of this challenge to the economic sphere. Here it should be mentioned that Moldova is still Europe's poorest country and even though developments to eradicate this poverty have been initiated, the economic crisis also hit hard on Moldova (including Transnistria). Together with the earlier made remarks it generally can be said that Moldova's attractiveness, or rather unattractiveness, as a country may need some real improvement in order to draw its secessionist-territory closer to their sphere of influence.

However, also for Transnistria there are some issues that need to be clarified in light of conflict settlement. Three elements, apart from the official ones, are asserted here as important. The first is somewhat part of Transnistria's almost mythical reputation as an obscure black hole where shady businesses would take place and concerns the accusation it offers internationally wanted criminals a safe harbor, or even has such persons in its governing bodies. Two cases come to mind, which are those of Dimitri Soin and Vladimir Antyufeyev. The first is the leader of Transnistria's infamous youth organization PRORIV who is wanted by Interpol for a Moldovan issued arrest warrant accusing him of murder. Antyufeyev is Transnistria's 'minister' of state security, and was allegedly involved in the murder of journalists in Latvia during the time Latvia became independent of the USSR and is supposed to be wanted by Interpol as well. Although the substance on the last case isn't very conclusive, the case of Soin seems more clear and gives rise to believe that Transnistria is indeed an illustrious lawless black-hole. In addition, the Transnistrian authorities have recently arrested and detained two people on grounds of high treason and espionage. Illie Cazac (24) is in their custody since March 2010 and in April journalist Ernest Vardanyan (33) was apprehended. There were also some other provocations whereby a Moldovan election official was detained and eventually released, but the emergence of these practices (which are quite new) have an impact on the conflict-settlement process, especially for the EU as a norm entrepreneur³⁷.

A second hurdle to reach a solution for the conflict has to do with the apparent unwillingness of, in this case, Transnistria's leader Igor Smirnov to reach a solution and stems from the political-economy of the conflict. In this regard it is much argued that the elites, headed by Smirnov, actually prosper through continuation of the conflict. As long as this situation persists, any will to negotiate a settlement seems to be absent. Another way of looking at this issue is to argue there is an absence of

³⁷ In this context it's worth noting that these events raised fears in the CoE's Parliament that Transnistria is increasingly becoming a human rights 'black hole' in Europe. PACE Written Declaration 448, 23th of June 2010

a mutually hurting-stalemate (MHS) or mutually-enticing opportunity (MEO). Because not only elites in Transnistria are interested in sustaining the problem, also their residents have a stake here. The average citizen in Transnistria often makes his/her money via the small smuggling of victuals, or as they locally prefer to call it, they run an import/export business based on Transnistria's favorable tax climate. No wonder that EUBAM in 2006 found that the people of Transnistria nominally ate 12 times as much chicken per head as Germans³⁸. In sum, the benefits of this conflict for (business) elites at the moment seem to outweigh its political detriments and are certainly an aspect that needs to be addressed when talking about conflict resolution.

A third aspect of the conflict revolves around a number of structural problems and is in brief as followed. First there is the constant financial support from Russia towards Transnistria that accounts for 200mln dollars each year. In addition, Russia has a Gazprom station on the left-bank, which is used by Transnistria for gas it doesn't pay for. According to some however, Transnistria does collect payments for gas from its inhabitants but fails to remit these payments to the right recipient³⁹, raising its public debt to an estimated 1.3bln dollar. Another structural element that divides both banks and was subject of heavy debate is the usage of communication systems. Transnistria has its own telecom operator, InterDnesterCom (IDC) that operates all landlines, mobile phones, Internet connections and TV in Transnistria. Especially phone-communication have caused serious conflict and reached an unfortunate peak in 2003 with the 'telephone war'. Motivated by a number of reasons, cellular communication didn't work in Moldova because both sides were jamming the signals, lasting about 4 months and eventually resolved through mediation by the International Telecommunication Union (Bogomolov et al. 2009). This mediation also resulted in a license for IDC to operate a CDMA system in Transnistria, which was later withdrawn but is still operational, and means that mobile communication on the left-bank doesn't allow roaming. Therefore most people there have two phones (a Moldovan and a Transnistrian one)⁴⁰. Meanwhile Transnistrian landlines can only be reached from Moldova via IP telephony that makes it necessary to use prefixes. This weird situation is another unnecessary complication, grounded in the every-day situation in Moldova, to a potential unification of both banks and is often overlooked as an obstacle.

³⁸ See the article in the Economist (2008): 'Another forgotten conflict; Moldova and Transdnierstria' <http://www.economist.com/node/12609757> , retrieved the 12th of July 2010

³⁹ In this light another question arises, which is to whom Transnistria would be indebted. Some say to Russia but others argue that Moldova actually pays for this gas as Russia would charge Moldova given the legality of the Transnistrian territory as Moldovan. Another story is that Transnistria's gas debt has been acquired by Alisher Usmanov, a wealthy Russian businessman who owns the biggest company in Transnistria, MSS Steel.

⁴⁰ Moldova's mobile-phone carriers have placed extra strong transmitters on the borders and are thereby able to cover the Transnistrian territory with a Moldovan signal. It is however rather weak and the Transnistrian CDMA system operates much better (and is cheaper)



Picture 4: The Russian-led 'Peacekeepers' at the bridge over the Nistru River near Bendery. Picture taken by the author 03/2010

2.1.3 On Transnistrian Conflict Mediation

Ever since 1992 various international initiatives to a resolution for the conflict have led to many negotiations on many different platforms. The negotiations that have been held in the first stage involved Moldova, Russia, Ukraine and initially even Romania, which had supported some of the Moldovan combatants through material and logistical ends⁴¹. The first serious mediation effort however, or actually mediation *act* was of course the ceasefire agreement between newly-elect Russian president Boris Yeltsin and his Moldovan counterpart Mircea Snegur. This agreement involved the withdrawal of all combat forces and introduced the tripartite Joint Control Commission (JCC) between Russia, Moldova and Transnistria. The JCC was entrusted with supervision over the agreed ceasefire in the security zone (see figure 2), which is maintained by a mixed, but mainly Russian, group of peacekeepers carrying the name 'Joint Peacekeeping Forces' (JPF). This obtrusive agreement from 1992 not only laid down the present management structure of Transnistrian peacekeeping, it more importantly also demonstrated the degree of Russian involvement in the

⁴¹ (Ozhiganov 1997: 178)

conflict and subsequently in the international mediation efforts that followed. Snegur once noted that 'by signing this agreement we proved to the whole world that the instigator and direct participant in this war was the Russian Federation'⁴². Shortly after the 1992 peace agreement a permanent CSCE mission (the precursor of the OSCE) was sent to Moldova with the mandate we discussed above. Ever since the most profound and certainly most official negotiations have been undertaken by the mission, who were also the first international organization that opened an office in Transnistria (since 1993 they have an office in both Bender and Tiraspol and remain to date the only representative of the International Community in Transnistria). The OSCE's mandate clearly addresses, among other, three crucial issues; facilitation of negotiations on Transnistria's status, facilitation on Russian troop withdrawal and the safeguarding of human rights and the democratic transformation⁴³. Within this OSCE framework several agreements and summits have been concluded of which the most relevant ones we will now very briefly address. First there is the 1997 'Moscow Memorandum on the Basis for Normalization of Relations between the Republic of Moldova and Transdnistria (*sic*)' where parties promise each other 'not to resort to the use of force or the threat of force' and to 'build their relations in the framework of a common state within the borders of the Moldavian SSR as of January of the year 1990'⁴⁴. But one must note that the conception of this 'common state' almost naturally differs between the two parties given Transnistria's independence claim. Furthermore the agreement contains an indefinite extension for the trilateral peacekeeping. Another key agreement is the 1998 "Odessa Agreement on Confidence Measures and Development of Contacts between the Republic of Moldova and Transdnistria" where the parties stipulated their desire to decrease the number of peacekeepers and checkpoint at the administrative border, to ensure more freedom of movement. Especially the commitments made on reducing, or even withdrawing, the troops seem to be a crucial element for the OSCE's mediation.

This brings u to a third and final important agreement made within the OSCE framework. One year after the Odessa agreements those commitments were an important item on the agenda of the Istanbul summit. At this annual OSCE summit Russia agreed, among other things, to fully withdraw its troops and ammunition in Moldova by the end of 2002, and nowadays these agreements are better known as the Istanbul commitments and serve as an essential disagreement between Russia and the international community (as the number of troops has decreased but are still there). Generally, implementation of these agreements has been rather slow or not implemented at all, which is why

⁴² (Munteanu and Munteanu 2007: 63)

⁴³ OSCE Mission statement; retrieved from http://www.osce.org/documents/mm/1993/02/4312_en.pdf

⁴⁴ (OSCE 1997)

many people in Moldova but also abroad think the OSCE is not the actor through which a (political) settlement will be eventually found.

The Kozak Memorandum

Such realities are the reason that, apart from these two limited memoranda, the resolution process shares a frozen nature with the conflict. It was only by 2003 that a real substantial effort to renegotiate a solution was put on the international agenda again. The OSCE chairmanship that year was in the hands of the Dutch who had set conflict resolution for Transnistria as one of their main-priorities during this chairmanship. In The Hague a heavy taskforce at the Ministry of Foreign Affairs (MFA) was assigned to the case and closely cooperated with policymakers in Brussels and Washington. After they (the EU and the US) has issued the earlier mentioned travel ban, some progress was made and in light of this an effort was made to discuss internationalization of the peacekeeping forces with an EU consolidation force (Löwenhardt 2004). Russia, as expected, reacted negatively on this idea but shared an important interest with the other parties, which was to have a resolution by the end of 2003. This would ease ratification of the Conventional Forces in Europe (CFE) treaty and was an important issue for Russia, especially with the then forthcoming accession of the Baltic States to the EU and NATO by 2004. This treaty arranges the destruction of offensive arms and is generally perceived as boosting both confidence and predictability in the field of European security. It all went differently however when, realizing that Russian actorness seemed to loosen, Putin decided to intervene and send a confident to the ongoing process for Transnistria. The young Dimitry Kozak, who carried the nickname “Cheshire Cat (‘The broader the smile, the less he believes his own words’)”⁴⁵ was assigned to care for a speedy solution. He started secret shuttle diplomacy between Chisinau and Tiraspol while the official 5-sided negotiation format was still in use. When a few weeks later he presents the plan had been fabricating, it turns out it essentially proposes a framework for a federal Moldova wherein Transnistria and Gagauzia had profound competence over federal decision-making (Moldova on its own could hardly reach a majority). In addition the plan foresaw in a (also secret) provision ensuring the Russian military presence for some twenty years. Altogether it has been evaluated as a guarantee for severe Russian influence in Moldova whereas Transnistria/Gagauzia would have a choking grip on the federation to be. This is why the EU, US and (Dutch) OSCE chairman advised the Moldovan authorities simply not to do it and to cancel the signing of this document (Löwenhardt 2004). According to them the conditions laid down by Mr. Kozak resembled too many vague and asymmetric power-relations with Transnistria and Russia, that

⁴⁵ (Löwenhardt 2004 :5)

in itself it would more likely be part of a new problem rather than a solution. The ceremony whereby, among others, Putin were supposed to sign the document and that would reunite Moldova was cancelled and so an important mediation effort again turned into a dead-end.

In the following years the one and only official channel for negotiations is the “5+2” format, which seems to bear very little success. Recently the current OSCE ambassador, Philip Remler, proudly told an audience that the parties had agreed to relaunch the negotiations in this format, and were supposed to meet four times this year under Kazakh OSCE chairmanship⁴⁶. If these developments are considered you might start wondering what has been reached in the decades-long negotiations before. Additionally, it also seems that despite everybody’s affection for this 5-sided negotiation format there also are secret negotiations every now and then. As was mentioned by the Minister of Reintegration of Moldova, who told the same audience, they soon would have direct talks with Transnistria hosted by (and at) the Russian Embassy in Moldova⁴⁷. So, if everybody is so compelled to this “5+2” framework, then why do the adversaries agree to meet directly? Hence, the question arises if commitment to this framework is sincere and what its added value is.

⁴⁶ Head of the OSCE Mission to Moldova Mr. Philip Remler addresses the 'Dialoguri Transnistrene' conference. 20th of March 2010. Vadul lui Vodă

⁴⁷ Vice Prime-Minister of Moldova, Mr. Victor Osipov addresses the 'Dialoguri Transnistrene' conference. 20th of March 2010. Vadul lui Vodă

2.2.1 Introduction to EU – Moldova relations

The official relations between the EU and the Republic of Moldova go back for some 15 years now when the EU entered into a contractual relationship with the 1994 Partnership and Cooperation agreement (PCA) with Moldova. Signed on the first of July that year the relationship had, in the words of President Delors, entered 'une phase nouvelle, qualitativement meilleure'⁴⁸. The European Commission however had been active before in Moldova when, motivated by end of the Cold War and the subsequent dissolution of the Soviet Union, it initiated a program comprising of mainly technical aid aimed to assist the post-soviet states in their political and economical transformation. Moldova was also a participant in this Technical Aid to the Commonwealth of Independent States programme (TACIS) that was supposed to instigate structural reforms in the targeted countries but overall is believed to have had little effect and wasn't much of political nature. The 1994 took a while to ratify which is why it entered into force in 1998. The agreement laid down the legal framework wherein EU – Moldova relations would take place and mentions issues like the development of trade relations, support consolidation of democracy and develop Moldova into a market economy. Furthermore it established the institutionalization of the facilitating bodies that are currently still in place. These concern a cooperation council that meets annually at the top level (EU Presidency, EC Commissioner and Moldovan government) and who's assisted by a cooperation committee. Then there is a interparliamentary co-operation council (between the Moldovan parliament and the European parliament) who meet twice a year and make recommendations to the various actors involved. From the moment the PCA came into force relations started to get form and were consolidated, whereas the years before it was characterized by a wait-and-see attitude on both sides.

However, a real boost in the relations came after 2004. Realizing that enlargement seriously affects EU foreign policy (Schimmelfennig and Sedelmeier 2002; Hill 2002) relations logically were intensified in view of the fifth EU enlargement that year. Not only did the EU welcome ten new members, it also launched a policy for countries that had no chance to become a member in the near future, the European Neighbourhood Policy (ENP). This ENP works on the basis of mutually agreed Action Plans that are customized to the target country and are in line with the principle of 'joint ownership'. Moldova became a part of the ENP and following from its first country report a EU – Moldova Action Plan (EUMAP) was adopted in February 2005. Soon after, in March 2005, a EU special representative (EUSR) was appointed. Hence, it is fair to say that a genuine interest from the EU towards Moldova was established by 2005⁴⁹.

⁴⁸ (Manners 1999: 6)

⁴⁹ It should be mentioned that ENP negotiations started in 2003 already and with regard to Transnistria the EU had issued a travel ban for Transnistrian leaders that year too (coordinated with the US).

With the PCA and the EUMAP among the first concrete and visible steps taken by the EU to engage in Moldova and more general in what Brussels coined the 'Wider Europe', relations anno 2010 evolved into a complexity of instruments and institutions that represent the increasingly close relationship between the EU and Moldova. The most striking expansion of the EU's involvement in Moldova is maybe the founding of EUBAM in 2005, requested on behalf of both governments of Ukraine and Moldova, which aims to assist in border, customs and fiscal matters. Ever since the relationship gradually shifts into a higher gear given the many important agreements that have been concluded so far. The EU has for instance eased the visa application procedure for Moldovan citizens in 2007 and opened a common application centre in Chisinau. More importantly has it agreed to grant Moldova with a so called 'Autonomous Trade Preferences' regime (ATP) in 2008 removing all remaining tariff barriers and improving access to European market for agricultural products. In 2009 the EU launched the Eastern Partnership, another initiative to consolidate its role in the region, as well as in Moldova. Finally, since February 2010 a EU high-level policy advice team is sent to Moldova assisting local key institutions with the implementation of reforms. This should ultimately culminate in an ambitious (future) Association Agreement (AA) between the EU and Moldova, replacing the outdated PCA. Negotiations for this agreement started in January 2010 already and the EU recently expressed its willingness to assist and support Moldova in their 'Rethink Moldova' strategy whereby the wider international community promised about 2,6bln dollar in support.



Picture 5: A billboard in Chisinau stating: 'To Europe, for a decent future'. Clearly the pro-European discourse is gaining ground in Moldova (sponsor unknown). Picture by the author 03/2010

III. Bringing Change to the Moldovan Opportunity Structures

3.1. How EU Goals and Principles shape a Potential for Change

Before we move to an overall assessment of the EU's goals and principles in its relations with Moldova we need to identify these goals and principles. We will do this by drawing on key policy papers and combine this with that what various EU officials have stated as crucially important. As such, a first lead on identifying the EU's goals is a look at the PCA from 1994. Together with other states in the region of the former Soviet Union (FSU) similar agreements (PCA's) were amended by 1997-98 and particularly with the countries that had no chance of membership in the near future the EU formulated principles in these agreements that were in line with the Copenhagen criteria (institutional stability guaranteeing democracy, rule of law, respect for human rights and respect for and protection of minorities)⁵⁰. This also applies to Moldova and its PCA that states that 'respect for democracy, principles of international law, and human rights as defined in particular in the Helsinki Final Act and the Charter of Paris for a New Europe'⁵¹ are crucial and underpin any policy of the parties involved. In addition, the EU articulated its wish for FSU countries to develop themselves along principles of international law and "good neighbourly relations". Generally one could say that the PCA is a rather static document, as it didn't elaborate on the EU's commitment or what would happen if progress were halted. It is however a document that emphasizes 'common' goals and also remarkably mentions that the way forward for Moldova on the longer run is via WTO-membership which eventually will culminate in a free-trade area with the EU (Manners 1999). A second source that reveals the EU's goals and principles is the EUMAP of 2005. Here the EU has set out an interlinked set of priorities that focus on 'sustained efforts towards a viable solution to the Transnistria conflict' and call on Moldova to strengthen the rule of law, its (institutional) democracy, freedom of the media, administrative and judicial capacity. Furthermore it mentions a number of crosscutting issues related to border management, management of migration and the fight against human trafficking, organised crime and money laundering. Four our research we mainly focus on the political dimension of this plan, which is why move the section 'political dialogue' in the EUMAP. For this, various experts have noted that the plan is actually an elaborated version of the earlier PCA which, as we saw, embodied many of the EU's Copenhagen criteria (see ADEPT 2008). In addition, one could note that seven of the ten priorities envisage political aspects and therefore the EUMAP is not only a rather politically motivated document but also aims towards austere reforms within Moldova in the realm of political transformation approximating European standards. Another key

⁵⁰ (Gudim 2005)

⁵¹ (EU – Moldova Partnership and Cooperation Agreement. 1994: 6)

document to identify the EU's goals are the mandates of the Council and its appointed special envoy (EUSR). In the pre-Lisbon era the ENP was managed under the auspices of the supranational EC, whereas the more intergovernmental Council in the 'second pillar' demonstrated consensus-based values and norms from the member-states. The goals and aims of the EUSR were in 2005 above all to contribute to the (peaceful) settlement of the Transnistrian conflict, and also mention the issues of democracy, rule of law and fundamental freedoms (like in the PCA and EUMAP). Finally, it is worth noting that the added value of the EUSR was, to quote his mandate, 'to ensure coordination and consistency of external actions of the EU in Moldova'⁵² which in 2005 weren't as much developed as today. Apart from the PCA, EUMAP and the EUSR's mandate we've seen that the EU's relationship with Moldova has significantly developed over the years and in light of this the recently inaugurated National Indicative Programme 2007-2010 that was launched under the European Neighbourhood Partnership Instrument (ENPI), the financial instrument of the ENP which replaces TACIS, is important to address. Here the EU set three clusters of priorities for Moldova. The first is '*Support for Democratic Development and Good Governance*', second comes '*Support for Regulatory Reform and Administrative Capacity Building*' and third is '*Support for Poverty Reduction and Economic Growth*'. With the latter the EU also aligns itself with an earlier IMF guided Moldovan strategy on Economic Growth and Poverty Reduction (EGPRSP). Bearing in mind 80% of Moldova's population lives in regions that receive less than 20% of foreign investments, account for less than 40% of exports, and have wage levels almost half than those in the capital (IMF 2004), this constitutes an important goal. Regarding the Transnistrian conflict an observation on EU goals to make is that recently the EU has suspended the travel ban in order to 'encourage progress towards a political settlement to the Transnistrian conflict, to address remaining problems in Latin-script schools and to restore the free movement of persons'⁵³. In addition the EUSR noted on a conference that he hoped for a permanent suspension of this ban and argued that 'free movement of persons is a European norm and seen as important for both diplomats as well as persons'⁵⁴. In sum, one may conclude that in the end official goals of the EU mainly revolve around the issues of democracy promotion (interrelated with the rule of law and human rights and fundamental freedoms), and the creation of an economic space/market economy wherein the actors closely cooperate and mutually benefit. On their turn these goals are based on different EU principles such as the promotion of peace and prosperity, and general well-being, and can be found in respectively the ESS, the TEC and TEU (Manners 2002). In addition we

⁵² Council Joint Action No 265 O.J. L'81/50 2005 (CFSP)

⁵³ Council of the European Union. 2010: Press Release 2996th Council meeting. 6739/10 (Presse 38)

⁵⁴ EUSR Kálmán Mizsei addresses the 'Dialoguri Transnistrene' conference. 20th of March 2010. Vadul lui Vodă

found that according to several interviewees the EU's goals and principles are based on respect for the local authorities and that the relationship takes place in terms of a partnership⁵⁵. Additionally an EU official in this regard mentioned that EU assistance is usually in line with the Rome declaration (2003, on aid harmonization), the Paris Declaration and Accra Agenda for Action (2005, 2008) arguing that aid/assistance is driven by internal necessities rather than European ones⁵⁶. Besides he noted that the EU charter obliges the EU to respect national and cultural minorities, which would add to the general idea to respect local beliefs and principles and have a relationship based here on⁵⁷.

Normative or not?

Now that we have identified the EU's main goals and principles we ask ourselves the question to what extent they are of a normative nature, which in a way is maybe a bit rhetoric as the goals we found are likely to fit general ideas of goodness. Nevertheless the question that comes to our academic minds is if these goals are primarily in the EU's self-interest or that they are legitimized on norms derived from a wider international environment (milieu) and maybe have some universal aspirations. To answer this question we follow a similar way wherein we identified the EU's goals and principles, and therefore first look at the PCA. Although it is clear here that the EU favors goals and principles in line with internationally respected ideas of democracy, human rights and fundamental freedoms, some have conceived this document as a rather European one. Manners noted for instance that 'the protocol on customs cooperation is obviously of great importance to the EU, but where is the encouragement for the Moldovans? It does not appear to be willing to address the real issue here'⁵⁸ and later notes that the human rights dimension is righteously raised by the EU but misses a good monitoring system (Manners 1999). Another aspect downplaying normativity in the PCA is that it seems to be little generous in remunerating Moldova for achieving the outlined goals. There is no future put down in terms of membership or otherwise deepened association/integration if conditions are met. Given Moldova's explicit desire to seek such cooperation and eventual wish to become a full member, this indicates the PCA merely seems to reckon European interests that were formulated for the post-Soviet space. Yet, despite these caveats there are also some serious normative dimensions to the PCA, which is why we don't completely denounce it as non-normative

⁵⁵ Interview by the author with Moldovan experts Leonid Litra and Nicu Popescu. Chisinau, 29th of April 2010

⁵⁶ Interview by the author with Gheorghe Stamate, Local Project Manager at the Delegation of the European Union to the Republic of Moldova. Chisinau, 26th of March 2010

⁵⁷ Ibidem

⁵⁸ (Manners 1999: 8)

but rather as *partly* normative. This naturally comes from the democracy and human rights agenda in the PCA, of which its normative nature lies quite on the surface but will now be elaborated on when discussing the EUMAP. Here, in the 2005 Action Plan, the EU shaped and formed an agreement based on the principle of joint ownership and it seems it wants to foster a dialogue instead of a European monologue. Regardless of the discussion whether or not there was any real Moldovan agency during the establishment of the EUMAP, the question if its goals can be described as normative has to be answered positive. The plan unequivocally foresees in the promotion of norms and values that can be called universalistic, as we will now explain. Although somewhat hidden in a footnote, the EU addresses international norms rooted in the UN system when they call on Moldova to ratify a wide range of treaties dealing with issues like civil and political rights, torture, women and children rights⁵⁹ (see also appendix B). It clearly indicates the EU being concerned with shaping a milieu in Moldova that is regulated by international norms and laws, and also touches upon universal issues with these norms as they come from the UN system. Also the norms pertaining to physical integrity can be called universal since they don't really jeopardize any political or cultural elements (Donoho 1990). Also with regard to the Transnistrian conflict the goals and underlying principles are of a rather normative nature. The idea of the EU as a peace community, and subsequent and presupposed promotion of peaceful norms could be well approximated with norms on for instance non-proliferation. In this regard the EUMAP calls on Moldova to cooperate on these matters and draws on UN conventions on illicit manufacturing and trafficking of firearms, but also requests cooperation in the field of counter-terrorism in light of other UN resolutions.⁶⁰

So unlike the PCA, the EUMAP covers normative goals much more through the dimensions of human rights and besides also envisages different proxies for peace, like settlement of the Transnistrian conflict, elements of non-proliferation and illegal arms exports. Finally, and also crucially important, it hammers on democracy and good governance when it alludes to existing standards in the framework of the Council of Europe (CoE) and asks Moldova to implement the advices of the Venice Commission to ensure correct functioning of its parliament and to implement recommendations from the Group of States against Corruption (GRECO). While the CoE is not as universal as e.g. the UN framework and has certain internal dynamics to be taken in consideration, promotion of these goals can be described as so called milieu-goals to our opinion and is in line with Manners idea of a normative impact⁶¹.

⁵⁹ (EU – Moldovan Action Plan. 2005: 7)

⁶⁰ Ibidem

⁶¹ (Manners 2002: 249)

How they contribute to a potential for change

The goals and principles laid down by the EU for its relations with Moldova have in several ways the potential to make a contribution for settlement of the Transnistrian conflict. To begin with, and crucial for the concept of actorness, the EU enjoys quite a popular perception on both banks. A recent study showed that 63% of the Transnistrian people would vote in favor of EU membership whereas Moldovans wanted this even more with a 71% majority⁶². Furthermore, beyond obvious exponents of contribution e.g. to ensure Russia fulfils its Istanbul commitments or to resolve issues along the borders, the relationship potentially advances change in a number of other ways as well. First of all we believe the EU's increasing involvement with the conflict gives new impetus to the negotiation process, and additionally the evolving actorness of the EU increasingly gives the Union its desired credibility to engage in such roles. Second, and maybe most promising, the EU makes an effort to improve Moldova's general appearance with an approach that encompasses not only economic objectives, but also aims towards improvement of civic rights, human rights and the institutional democracy. Such accomplishments would definitely be a plus for Moldova's position in the negotiations, and almost naturally have an impact on the domestic political opportunity structures. In this context the EU's goals could be capable of facilitating a conceptual change in the goal-orientation of stakeholders, creating substantial new opportunities. Finally, as an EU official once put it, the EU aims 'to make people solve problems together'⁶³ in Moldova, and as such their effort to integrate both societies is a final contribution that may instigate serious change regarding the Transnistrian case.

So in sum the EU's goals are anticipated to have an effect on conflict settlement in Moldova based on the encouragements of its (institutional) democracy and economy, an effort to reshape interests and goals of the parties involved and an effort to ameliorate the necessary conditions for reaching a solution (border issues, national security, tax-regime).

⁶² Report for the UK Embassy to Moldova. 2009. 'The Perception of Moldova's and Transnistria's Residents towards Russia, the West and each other'. Conducted by CBS-AXA, Chisinau & Novvy Vek, Tiraspol.

⁶³ Interview by the author with Gheorghe Stamate, Local Project Manager at the Delegation of the European Union to the Republic of Moldova. Chisinau, 26th of March 2010

3.2 How EU Actions are shaping Potential for Change

As briefly noted already, the field of EU involvement in Moldova is divided in many branches ranging from instruments like the ENPI up to various EU financed consulting companies that deal with the implementation of the EU – Moldova agreements. It would therefore be impossible to review all of these EU financed and initiated actions, which is why we limit ourselves to study those aimed at the situation in Transnistria and the ones that are (directly) politically related. This means that the EUSR and the projects carried out in light of the ENPI are the most important. Especially regarding the latter the plans are crucial and present an outline of how the Commission's actions and means are given shape in their relations with Moldova. Second, we will identify those of the Council. After that, an investigation on this combination of EU actions is performed in light of the desired contribution to a potential for change.

Now, the foremost action of the Commission via the ENP towards Moldova is the delivery of aid. The European Commission generally has three modalities for delivering aid⁶⁴ and this also applies to Moldova where support for *projects*, *sector programmes* or *general budget support* can thus be found. For Moldova the actual use of these modalities is laid down in a diverse collection of EU plans, programmes and actions and is hard to cluster under one framework. Crucially important though is that a significant part of the aid is comprised of macro-financial assistance where the EU uses the principle of conditionality (Litra 2010 *forthcoming*). Not always formulated that clear, it is without any doubt used, as has also been confirmed by the numerous held interviews. Several interviewees mentioned for instance that for the disbursement of a next tranche of financial support it was reviewed whether or not certain conditions were fulfilled. One anonymous EU official noted that they used soft and hard indicators for continuation of the e.g. budget support (money that flows directly to the state budget). If the Moldovan parliament had passed certain laws that made the financial system more reliable and/or enhanced the management of funds, this represented some sort of hard indicator. A soft indicator would be what timeframe went by before actual legislation was adopted and implemented. Likewise, a report of the EC on the macro-financial assistance to Moldova also mentions the use of conditionality when it states that one of the main conditionalities of the ENPI to Moldova was reform of the social benefit system and argues that a budget was cut because not all the benchmarks were met (ECORYS 2010). Apart from general budget support and the use of conditionality there, the specific support for projects is important for our research. Here the commission has launched several instruments to achieve its goals, two of which are rather well known. First is the European Instrument for Democracy & Human Rights (EIDHR) and the other

⁶⁴ See http://ec.europa.eu/development/how/aid_en.cfm, retrieved on the 8th of May 2010

(launched under the Development Co-operation Instrument) concerns the thematic programme called 'Non-state Actors and Local Authorities in Development'. What is problematic for both of these programs is that the actual plans or actions carried out with regard to the situation in Moldova, most notably Transnistria, are perceived as sensitive by the EU and therefore seriously restrained when it comes to making them public. Anonymous sources have even told the author that the EU in this area deliberately ignores visibility guidelines and don't invite that many people to the press conferences in Moldova when such programmes are launched or discussed⁶⁵. Based on the interviews it is assumed that under these programmes civil society actors in Moldova and Transnistria were directly financially supported, and that some money is given to support independent media. A little bit more transparent are the two other programmes of the EC that are being established with regard to Transnistria, though again rarely publicly announced or well-documented. The first programme is called 'support to Civil Society in Transnistria' which is (as with all EC programmes) implemented by UNDP Moldova and has €1.7mln at its disposal. A first project here is to contribute to confidence building between Chisinau and Tiraspol by involvement in social, environmental and health matters. Here the EU has financed a blood transfusion center in Transnistria that tries to create a shared database of blood types, believing it could create a strong bonding between Chisinau and Tiraspol. In addition, a prenatal facility in Tiraspol is being modernized with EU money, and there are some smaller projects like the one that deals with preserving biodiversity in a shared delta of the Nistru River. Based on the idea of building confidence between Moldova and Transnistria a second package for this programme has become available under the EU's instrument for stability (IfS) with a budget that accounts for €2mln. For this project UNDP is again the implementation partner and here the projects aim to the development of a business center with the Tiraspol chamber of commerce, plans to overcome issues in the security zone, wants to create an Euro region (a co-operation structure between the territories) and finally wants to re-launch railway traffic between Moldova and Transnistria via the conventional train to Odessa (rather than Russian one to Moscow).

Besides the macro-financial general budgetary support and the project support just described, there is another major project carried out through the ENPI, which is EUBAM. Found in 2005 it is maybe the most tangible action of the EU in Moldova (and Ukraine) and has an annual budget of around €12 million (in 2008-2009). Essentially EUBAM is only a technical assistance project that deploys around 120 custom professionals from the EU member-states. It provides training for Moldovan and Ukrainian border officials and has financed quite substantially the purchase of all sorts of border management equipment like x-ray scanners, computers, thermo imaging binoculars and

⁶⁵ The author gained these insights during his fieldwork in Moldova and through interviews in Brussels.

biometric passport readers. But, although characterized as a technical mission, it certainly has a political dimension. In particular EUBAM's task to implement the ATP's granted to Moldova in 2008 are important here. In this light, EUBAM provides advice on the management of customs clearance for the companies based in Transnistria, which also means that Transnistrian companies have to be registered in Chisinau in order to benefit from this preferential trade regime. Thereby EUBAM's actions have a direct effect on some of the key structures that underpin the current situation and regime in Transnistria.

The final elements that should be addressed are the actions initiated by the Council, the intergovernmental body of the EU. From a historic perspective it was the Council that enacted a first political move towards Moldova when it issued the, currently suspended, travel ban on Transnistrian leadership by 2003. Two years later the Council adopted Joint Action 2005/256/CFSP whereby it installed a special representative to play a more substantial role in Moldova. Finally, in 2008 it was the Council that introduced the important autonomous trade preferences (ATP) for Moldova, which were an improving extension of the already existing system of generalized preferences (GSP), however that was run by the Commission.

Taken together it may be clear that most of the instruments and subsequent actions of the EU in Moldova emanate from the ENP where the EU financially aids Moldova (through various modalities) and persuades them with specific incentives or extent their strategy with the use of conditionality to promote its goals. It furthermore actively practices a (political) dialogue with Moldova through the bodies of the PCA, through the EUSR and finally through various bilateral meetings and relations. A last obvious action of the EU is its EUBAM mission, and related to this the EU's trade with Moldova. This trade with the EU27 accounted for 47.8% of Moldova's total trade balance (in 2008) and hereby the EU is Moldova's biggest trade partner⁶⁶.

Normative or not?

Now that one is familiar with the most important actions and means of the EU towards Moldova, especially with regard to the situation in Transnistria, we ask ourselves the question again whether or not these actions are of a normative nature. To answer this question it was import to bear in mind the *usage* of foreign policy means, where many then referred to Nye's soft power notion (Nye 2004). Here attraction, persuasion and above all non-coercion are important in order to qualify the EU's goals as 'normative'. A second indicator, apart from non-coercion, was the use of positive conditionality as the driving mechanism for the EU to create incentives to persuade the partner

⁶⁶ European Commission datasheet, see <http://trade.ec.europa.eu/doclib/html/113419.htm> retrieved on the 5th of February 2010.

country, in this case Moldova. Based on these indicators it can be said that the actions and means enacted by the EU on their Moldovan counterparts can be accounted for as normative. The disbursements of funds in the ENPI depends on the fulfillment of certain conditions and also the conditions that have been set for Moldova (and thus Transnistria) to sell its goods on the European markets is a clear case of persuasion through specific incentives. Although the use of conditionality is a fairly more complex matter than explained here, and the initial travel ban from 2003 could be characterized as non-normative (it's a coercive action) the EU's general performance in Moldova is one without force and this includes EUBAM, because EUBAM holds no executive power and eventual seizures of goods is done by the local authorities.

How they contribute to a potential for change

The EU's actions in Moldova, predominantly through the financial assistance it provides, has instigated a major reform movement in its administrative bodies, potentially culminating in achieving prosperity and democratic governance. Without doubt this affects domestic opportunity structures, and also for Transnistria such changes might be foreseen in light of the EU's actions. In their effort to integrate both parts of the country the confidence building measures may lead to lower levels of distrust or suspicion or even a shared understanding of Moldova's (security) needs. In this context also the EUBAM mission contributes to the reintegration of the country when it tries to bring both economies under one authority.



Picture 6. EUBAM in action: A Moldovan border guard is assisted by an EUBAM expert. © EUBAM 2010

3.3. A Study of the EU's impact in Moldova

The chapters before explained how the EU's goals and principles are not intrinsically motivated by a European self-interest and are based on normative principles. Furthermore it showed that the EU's actions and means were non-coercive and frequently based on strategies of persuasion and attraction (albeit through positive-conditionality and/or social learning). Therefore it was argued that the EU's involvement in Moldova is of a strong normative nature. What remains unclear to this point however is if it actually matters. Has change been realized in the areas it prioritized, and moreover does this in any way significantly influence settlement of the Transnistrian conflict? It are these questions that come to mind when we want to describe the actual impact of the EU in Moldova and Transnistria. The theoretical chapters outlined that such a study or *impact assessment* requires a structured analysis of the interplay between the EU's policies on the one hand and the opportunity structures that underpin the defined problem areas on the other. This will then indicate to what extent the EU has been successful in bringing change to Moldova and contributed to finding a settlement for the complex Transnistrian conflict. First an examination will be done of the structural changes attributed to EU actions, next the attention shifts to an actor perspective where impact based on the idea of Europeanization via social learning is discussed and afterwards any valuable contributions are reviewed.

As said, first we assess the structural aspects of EU involvement in Moldova and a first lead here is to investigate its actual impact on the (institutional) democracy, a matter of great concern for the EU whilst it also relates to conflict resolution. It can be said that ever since the EUMAP entered into force (2005) Moldova adopted several laws improving their political landscape, meriting their democracy and whereby it started to move towards a more pluralized democracy (Niemann and de Wekker 2009b). However, it is problematic to argue that such changes were the result of just one exogenous actor, in this case the EU. Moreover, the current deadlock that was earlier referred to as the *constitutional crisis* is a severe constrain on Moldova's institutional democracy and yet no EU actions have been initiated here that were of any help. It did mention once to keep an eye on the steps to overcome this crisis⁶⁷, but frankly can't do much more either as it is an internal affair. Now that a referendum will be held on September 5, which will likely rule that the President shall be elected at direct universal suffrage, consequences are unknown and could mean a setback for Moldova. Because although the EU doesn't have any preference for who's leading the country, it is without doubt that cooperation and diffusion of its norms is going much better with the current

⁶⁷ See <http://politicom.moldova.org/news/moldovaeu-dialogue-on-visa-free-regime-officially-launched-in-luxembourg-210098-eng.html> , retrieved 18th of July 2010.

Alliance for European Integration than with earlier the Communists who currently lead the polls. All in all, it seems that the instruments the EU has at its disposal to foster democracy in Moldova (conditionality and financing some civil-society actors plus engaging in dialogue), seem to have generated very few observable effects on these matters. Another observation is that despite extensive EU involvement already, the April 2009 events were a painful showcase of how democracy and state functioning should *not* work and made any positive EU contribution before this point little plausible. Yet, it must be said that is too early to judge on the current government who's reform agenda just departed and so far is mostly positively received⁶⁸.

With the April 2009 events and subsequent violations of human rights by the police we navigate to a complementing area of the institutional democracy, which is respect for human rights. The situation in this regard in Moldova is, as in most FSU countries, quite awful and for Moldova this mainly concerns the justice system. The alleged mistreatments of detained people in the April 2009 events were therefore not a surprise. One year earlier (2008) Moldova was subjected to a visit of the United Nations Special Rapporteur on torture who had concluded that ill-treatment during the initial period of police custody is widespread and in particular found that police uses torture to extract confessions. Methods such as 'severe beatings, with fists, rubber truncheons, and baseball bats, including on soles, electro-shocks, asphyxiation through gas masks, putting needles under fingernails and suspension are used in order to extract confessions from suspects'⁶⁹. So in that sense what happened on the 6 and 7 of April was 'common' for Moldovan standards, but even in a country that is accustomed to ECHR rulings on torture (in the first six months of 2009 alone the European Court on Human Rights has found Moldova to be in violation of obligations to prevent torture and ill-treatment five times), the scope and level of police violence against suspected demonstrators was shocking and raises serious doubts on whether the EU successfully diffused (international) standards on these matters in the years before. The assumption would maybe have stand a chance if perpetrators were currently prosecuted in line with the international legislation the EU promoted (and was adopted by Moldova) however, there are no such prosecutions. In addition, the EU's supposed affection for *other fundamental freedoms* are also at odds with the habit of local taekwondo clubs to brighten 'pro-equality' marches in Moldova with their presence, leading to a legal ban on such demonstrations. Even though sexual rights are under pressure in EU member-

⁶⁸ Based on the many interviews one thing became abundantly clear, which is that after 18 years of communist rule, expectations and hopes are high and the new government is reforming in an accordingly fast pace.

⁶⁹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to the Republic of Moldova, A/HRC/10/44/Add.3, February 12, 2009, p25.

states too, the overall picture in light of respect for human rights is bad and seems to exclude any normative impact in this context. It should be noted though that modest contributions are as always made but have been low profile, for instance through support for a forensic-medicine institution that documents cases of torture⁷⁰. In terms of conditionality and the promotion of human rights there seems to be little evidence suggesting it is equally strong applied as with the macro-financial assistance. One interviewee however noted that the current dialogue on visa-liberalization would, apart from other conditions, depend on the passing of a sensitive ant-discrimination law⁷¹. But, in terms of resources that deal with human rights issues, the specific instruments as outlined in 3.2 weren't that conclusive either (the EIDHR or thematic programmes) and just allowed for some money to be given or consisted of a human rights dialogue.

As was argued in the chapters on potential for change, the EU's efforts on improving living standards in Moldova is maybe the most important one. If an impact could be generated on Moldova's economic standards this would be a major achievement that not only affects their bargaining position when talking to Transnistria, it would also make the country exert serious attraction to this secessionist entity. As such we come to study the impact in economic terms, and again have to note that as far as any influence on poverty reduction it is probably too early to judge on the ultimate impact. Such results generally become apparent on the long-term and are by default difficult to assess. Despite such pitfalls, most people seem to have positive expectations in this regard and particularly hopes are vested on the current negotiations with the EU on an Association Agreement (AA) that would establish a so-called Deep and Comprehensive free trade Area (DCFTA). However, caution should be taken! Following the recession that was triggered by the global credit crunch, Moldova's economy is just slowly recovering from the financial crisis and with its strong dependence on remittances from abroad things could be tricky. About one third of Moldova's GDP is based on these remittances⁷², and within the countries where the almost 400.000 Moldovans work (Russia, Italy, Spain etc) employment opportunities are also increasingly scarce. A second reason to temper high expectations for development comes from Moldova's fluctuating Human Development Index (HDI). For years this index is lower than it once was under Soviet rule, remains below the global average and continues to be the lowest among European countries⁷³. In addition, the conflict with

⁷⁰ Interview by the author with Claude Cahn, Human Rights Adviser at UNDP Moldova, 11th of April 2010, Chisinau

⁷¹ Interview by the author with an anonymous UNDP official, 12th of March 2010, Chisinau

⁷² (Worldbank 2008: Ratha and Xu)

⁷³ United Nations Development Programme. *The Human Development Report*. 2009. In U.N. Development Programme. *The Human Development Report*, see <http://hdr.undp.org/en/>

Transnistria is inextricably linked with Moldova's economic development as 75% of its exports come from Transnistria⁷⁴. A final aspect which is worth noting is that Moldova almost fully relies on Russia for their energy security, which means instable prices, crisis and even sudden power cut-offs. In the context of energy security any European involvement seems to (painfully?) missing.

Does the EU then have no impact in Moldova despite the millions of aid provided and numerous initiatives launched? Well, yes, but it tends to manifest itself more subtle and takes on a long-term view. So far, the reforms instigated by the EU in Moldova have indeed lead to amendments or even new legislation, but the problem seems to be getting accustomed accordingly. Prominent Moldovan analyst and hardliner Oazu Nantoi argued in a similar context that Moldova finds it hard to overcome the 'homo sovieticus' mentality of limited freedoms and values (Nantoi 2007; Gordon and Sasse 2008). Nevertheless, the current government seems to be heading in the right direction and given their time in office it's still too early to judge. Nevertheless, various executives in the Moldovan government expressed that laws currently pass almost naturally if they are framed as 'needed by the European Union'⁷⁵, which exemplifies a clear instance of EU impact. It also touches upon an important aspect of this impact, and one that fully coincides with the theoretical framework that outlined shifts in the goal orientation of actors as crucial. Intertwined with conflict resolution, Europeanization through social learning is maybe *the* mechanism whereby the EU currently exercises its most tangible influence on Moldova. It also alludes to the EU's effect on domestic opportunity structures; hence this aspect shall now be addressed.

Impact on Moldova's political opportunity structure vis-à-vis conflict settlement

As exemplified by the passing of bills, social learning is clearly taking place in Moldova and is affecting the conceptual goal-orientation of relevant stakeholders. The best example is probably the strategy of the current government coalition, who's central document is called: 'European Integration: Freedom, Democracy, Welfare' and is run by the alliance that calls itself the 'Alliance for European integration'. Obviously, the way in which these domestic players have defined their interests and even identity is dominated by ideas of Europeanization. This also goes for most civil society actors in Moldova, who seem to have taken up this pro-European agenda. Two leading NGO's *ADEPT & Expert-Grup* for instance issue the frequent 'Euromonitor' that aims not only to monitor evolutions in EU – Moldova relations, but also aims to raise broader awareness about these matters.

⁷⁴ Interview by the author with an anonymous official of the National Bureau of Statistics, 13th of April 2010, Chisinau

⁷⁵ Interview by the author with two Moldovan deputy-ministers and one desk officer at the Bureau for Reintegration (the government body that mainly deals with the Transnistrian conflict) on the 24th of March 2010, Chisinau

Additionally, the author found all civil society actors he became acquainted with during his fieldwork (APE, CREDO, IDIS Viitorul, IPP and Promolex) strong supporters of the European cause. Lastly, the positive attitude of Moldova's residents towards the EU is also supportive of the idea social learning takes place. Surveys have showed that Moldova is the most 'EU friendly' country in the Eastern neighbourhood, where its residents associate it with prosperity and democracy (Korosteleva 2010). As such the configuration of Moldova's political opportunity structure is very pro-European, and one may argue that the various instances of this POS are or were shaped by the EU. An important element in this regard is that currently the EU, combined with its direct policies aimed at Moldova, presents itself as a close ally. For instance when the EU re-affirms 'its readiness to support Moldova, including with macrofinancial assistance and high-level advice to the government'⁷⁶ or when the Commissioner states that 'as a close and consistent friend to Moldova, I will continue to press for progress'⁷⁷. Together with the many policies of the ENP, it makes the partnership with the EU a very salient feature of the POS. In this context it could be argued that following the polarization after the unrest in April 2009 (and subsequent governmental repression) this salience of EU values gave rise to the realized potential of installing a new regime; the current pro-European government (see also the picture below).



Picture 7: Demonstrators carrying EU flags during the mass-rallies in April 2009.

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⁷⁶ Consilium: EU – Moldova Cooperation Council Twelfth Meeting, Luxembourg 15th of June, (Presse 180)

⁷⁷ Speech by European Commissioner for Enlargement and Neighbourhood Policy Štefan Füle at the Consultative Group meeting on Moldova, the 24th of March 2010. Brussels

3.4. A Study of the EU's impact in Transnistria

Mapping the actual impact of the EU in Transnistria based on hardly any overt instrument or known assistance programme out there is a difficult thing to do. Not only is there such little information out there, another problem is that within the EU everything that touches upon Transnistria is seen as extremely politically sensitive, which constrains decisiveness in this regard. The EU would probably like to take on a much harsher approach on Transnistria every now and then, but is usually afraid to upset Russia. These fears are well spread over the EU bodies that deal with the issue and are quite openly articulated by the many interviewees the author spoke during his research. Additionally, there are limited data available regarding Transnistria's economic or social dimensions as the local authorities aren't that keen to share this information (for obvious reasons) or even don't have it themselves. This makes studying eventual improvements of such parameters unfeasible. What can be done however is an overall assessment based on the data found in the fieldwork. Following this understanding, the interplay of EU actions on the one hand and domestic opportunity structures in Transnistria (which are comprised of several social and institutional continuities) on the other is the subject of investigation.

As known by now the implementation of the EU's desire to play a more significant role started in 2005 by appointing Mr. Adriaan Jacobovits de Szeged as the EU's special representative. The commission-led border assistance mission, EUBAM, soon accompanied the EUSR (who's task was to streamline the EU's efforts in Moldova). Following these two major actions the question arises *if* and *how* it has impacted the conflict situation. Some have for instance argued that EUBAM is unsuccessful in addressing elements of (speedy) conflict resolution and shouldn't be seen as such an instrument⁷⁸. However, quite the contrary seems to be true. Apart that any hopes for a swift solution are somewhat phantasmagorical, EUBAM is most certainly a tool for conflict resolution, but is just simply not framed as one. When found in 2005 it was framed as a *technical*-assistance project, thereby evading political sensitivities in the already tricky issue of border management. One could say EUBAM was meant to serve two rationales for two different beneficiaries. The first one concerns Moldova (and to a lesser extent Ukraine) who conceive EUBAM as a method to make Transnistrian companies pay (Moldovan) taxes and besides provides them with all sorts of fancy equipment. Another, unofficial, rationale is that EUBAM would be able to cut-off the (illegal) supply side of the Transnistrian regime making the regime being *bled to death*. This is, however, clearly not the EU's perception that have always argued it's a technical assistance project that eventually contributes to

⁷⁸(Küchler 2008: 100)

the building blocks of European aspirations for both countries (Moldova and Ukraine)⁷⁹. Ironically, neither one of these two rationales is actually what happens in practice; Transnistrian companies can still export without paying official fees and taxes, and the regime isn't quite bleeding to death as was maybe hoped for by some. Yet, this doesn't mean EUBAM is a failure; it actually has a serious and profound impact.

What happens is that EUBAM requires all official exporters of Moldova to be registered in Chisinau in order to qualify for the Moldovan preferential trade regime with the EU. This means that at the time of writing (May 2010) around 600 companies from Transnistria were registered with the Moldovan chamber of commerce, and this list is supervised by EUBAM. Subsequently EUBAM then assists/facilitates the exports to be cleared by the Moldovan customs at a 'service-point' in Moldova, after which the goods go back into Transnistria with a Moldovan stamp, ready to be presented at the border with Ukraine. From the bright side, this structure provides some sort of economic integration between both banks. The registered companies need also to pay a fee and taxes, so Moldova generates some revenue as well. However, taxes are only required if the companies are registered permanently, which is why all Transnistrian companies opt for the temporary registration. In addition, the Transnistrian regime prohibits its companies to pay taxes to Moldova⁸⁰, so apart from those small fees there is no real taxation by Moldova while it would be entitled to do so. Nevertheless, the effort to integrate both economies is given shape by EUBAM and the establishment of the list of Transnistrian companies under Moldovan auspices is a complementing achievement in the sense that Moldova has reclaimed its authority here, which again affirms the idea that both economies should be integrated into one.

Another positive contribution by EUBAM relates to the often-heard accusation that Transnistria would be a major loophole in the illicit manufacturing and trafficking of arms.⁸¹ So far, one of EUBAM's major findings is that there's no evidence suggesting Transnistria is a Wal-Mart for arms trafficking. Over time EUBAM seized some smaller firearms and found that there is a lively business in the smuggling of frozen chicken, but brought no reason to suspect arms trafficking. A Russian weapons depot in Kolbasna (Transnistria) together with the MMS steel plant in Rybnitsa were the primary suspects for creating this business, of which it must be said that prior to EUBAM's

⁷⁹ Interview by the author with an anonymous EUBAM official, 25th of April 2010, Chisinau

⁸⁰ Ibidem

⁸¹ An infamous case in this context is that of Dimitri Soin, who would have been involved in the sales of Alazan missiles in 2003 to three British journalists. See also an article that featured the Washington Post that year: <http://www.washingtonpost.com/ac2/wp-dyn/A41921-2003Dec6?language=printer>

presence there were documented cases of trafficking⁸². However, nowadays it seems the threat has shifted to the storing conditions of these stockpiles. Former EUSR Jacobovits visited the premise in Kolbasna once (though he wasn't allowed to bring a military expert) where he got the impression it was mainly an arsenal of outdated weaponry that was partly stored in the open⁸³. These stockpiles amount, according to Russian sources, to an approximate 20.000 tons and consists of Kalashnikovs, grenades and missiles.⁸⁴ Fears of a potential explosion and the mayhem it would unleash therefore seem a bigger security issue then the alleged trafficking itself. In addition, the factory that supposedly manufactures arms (Moldova Steel Works, MMS) is Transnistria's (and even Moldova's) biggest exporter and has been subjected to OSCE fact-finding missions, media coverage and inspections from international quality assurance bodies like ISO. Our interpretation is therefore that it is unlikely they covertly produce arms these days. In any way, the fact that EUBAM found no signs of arms-trafficking around Transnistria's land borders, whether or not 100% true, is a major contribution for the process of conflict settlement. It contributes to the building of confidence and reduces the risk of certain avoidable fears and tensions. It also illustrates the importance to carry on with efforts to increase transparency on Transnistria's military capacity as an effort to promote confidence and decrease (misplaced) distrust between the two adversaries.

In this context there is another, mainly technical, contribution EUBAM *potentially* could make, that is if it manages to overcome its biggest challenge: Currently Transnistria still refuses to have EUBAM on its territory, meaning EUBAM is not physically present at their side of the border with Ukraine. This is a serious pitfall, because the administrative border between Transnistria and Moldova is **not** supervised, as it would mean defacto recognition of the Transnistrian 'stateborder'. Instead, Moldova has so called Internal Custom Checkpoints (ICCP's) on this border where, a Moldovan customs and police officer occasionally perform checks (never a passport control, again this would mean defacto recognition). Nevertheless, it's a very porous border where basically no one knows what goes in or out. In light of the current dialogue on visa-liberalization with the EU this is an important issue, as effective border control cannot be exercised while this is a prerequisite for an eventual liberalization⁸⁵. Meanwhile, the presence of these ICCP's is sort of a justification for the

⁸² The Washington post mentions a case from 1999 whereby a truck was halted that contained Russian-made anti-aircraft missiles, along with plastic explosives and detonators, driving the truck were several members of the Transnistrian army, including Colonel Vladimir Nemkoff (Transnistria's minister of defense).

⁸³ Interview by the author with former EUSR Mr. Jacobovits de Szeged, 16th of February 2010, The Hague

⁸⁴ Ibidem

⁸⁵ The author gained these insights based on various interviews, including those with an anonymous EUBAM official, Mr Victor Chirilla, Nicu Popescu and Leonid Litra.

JCC's presence (the peacekeepers) given the fact that Moldovan police were the armed forces during the violence of '92. For Transnistria, these ICCP's are a reason to have border-crossings points (BCP's) on their side of that border. Now; EUBAM is working on a plan to replace these ICCP's with mobile teams, which it calls a 'technical proposal'⁸⁶. If successful, it would be an important step to satisfy the EU's demands for visa-liberalization, whereof it has been argued that "should the EU move towards a visa-free regime with Moldova, this might prove the single biggest incentive for Transnistrians to seek reunification with Moldova"⁸⁷. Second, if the ICCP's were dissolved because mobile-teams have taken over its duties, it subsequently undermines the legitimacy of the BCP's (why have a border crossing if there's no border) and the JCC (why have peacekeepers if there are no 'belligerents' in its vicinity). As such, this technical proposal might have far-reaching contributions for conflict settlement, and illustrate Europe's centrality in this regard.

The contributions of the EU Special Representative towards settlement of the conflict are more ambiguous than with EUBAM. This first of all has to do with the fact it hasn't got any instruments at its disposal (like conditionality) and the post also seems to miss a clear strategy. As was expressed by Solana's office at the time when Jacobovits asked for the EU strategy on the Transnistrian issue the reply was: "Your nomination is our strategy"⁸⁸. Also the current EUSR acknowledges there is little tangibility in what he does, but asserts that the execution of 'silent diplomacy' is his most important, and fruitful duty⁸⁹. It also has to be mentioned that the mandates have been amended over time, so nowadays the EUSR not only deals with the Transnistrian conflict, but is also involved in 'general' Moldovan affairs. Nevertheless there were some important efforts and actual contributions to the Transnistrian case: In 2005, the EUSR together with representatives of the OSCE, USA and Ukraine again put the issue of internationalizing the peacekeepers on the agenda, following the OSCE endeavors in 2003 when a similar attempt was made during the Netherlands' presidency of the Organization. They thought it would be a good idea to investigate if the peacekeeping format could be changed. After quite some discussion the Russian envoy, Nesterushkin, agreed on the condition that Russian militaries would be present. Especially the latter would have been a major asset leading to substantial discussion and was thus highly welcomed. However, when presenting his ideas to the Permanent Representatives in Brussels, Jacobovits found

⁸⁶ Interview by the author with an anonymous EUBAM official, 8th of March 2010, Chisinau (also note it is again framed as a *technical proposal*)

⁸⁷ (Popescu 2009: 463)

⁸⁸ Interview by the author with former EUSR Mr. Jacobovits de Szeged, 16th of February 2010, The Hague

⁸⁹ Interview by the author with EUSR Mr. Kálmán Mizsei, 19th of July 2010, Brussels

that Germany and Italy were not in favor of continuing that line⁹⁰. But, the brainstorm session already agreed upon by the parties in de “5 +2” talks nevertheless took place, with Nesterushkin, however, not turning up. Jacobovits later understood that his boss, Russians Minister of Foreign Affairs Lavrov, summoned Nesterushkin not to go⁹¹. What lied at the basis of this decision remains unknown, but it seems likely that Russia knew Germany wasn’t going to agree with anything without their consent⁹². Although it is far from sure that a EU-led peacekeeping force was within the range of possibilities, the situation shows the EU’s reluctance to offer a meaningful contribution when confronted with such possibilities. Others have argued in this context that the EU’s reluctance to engage in 'hard' conflict resolution stems from its choice to prioritize such local demands and/or objections over their own declared objectives(Popescu 2009).

Other examples of substantial EUSR contributions are difficult to assess, mainly because it’s merely an interlocutor rather than an executing agent. However, some known efforts are worth mentioning. So has the current EUSR raised the idea of opening a EU office in Tiraspol with Mr. Smirnov, as to increase the EU’s visibility and presence in Transnistria. Regrettably, Smirnov told Mizsei that he feared for developments akin to the Ukrainian *orange revolution* if he would allow such an office⁹³. Additionally, Mizsei went to see Vardanyan and Cazac and told the author he aims to free these persons via discrete diplomacy which is according to him sometimes even thwarted by (partially EU-funded) human-rights NGO’s who only seek provocation and sensation which he believes creates an aggravating irritation on the Transnistrian side⁹⁴. Overall, the EUSR’s contributions are of a supportive nature through dialogues and (silent) diplomacy.

Impact on Transnistria’s political opportunity structure?

Transnistria’s regime is often portrayed as a horizontally organized political space where there is no plurality, just strict authoritarianism under the cosmic leadership of Igor *-mustache-*Smirnov. However, three objections have been made that challenge this assumption of pure authoritarianism and homogeneity. Scholar Rebecca Chamberlain, who did anthropological research on both banks, righteously argues that there’re currently around ten political parties in Transnistria.

⁹⁰ Interview by the author with former EUSR Mr. Jacobovits de Szeged, 16th of February 2010, The Hague

⁹¹ Ibidem

⁹² Jacobovits noted in our interview that as far as it concerned Transnistria, Germany was not prepared to act without the agreement of Moscow.

⁹³ Interview by the author with EUSR Mr. Kálmán Mizsei, 19th of July 2010, Brussels

⁹⁴ Ibidem

Second, she points to the influential business movement and Transnistria's republican party; Renewal (Obnovlenie) that has the majority in Transnistria's Supreme Council (parliament) and are supposed challengers of Smirnov's power and party 'Respublica'. A third and final aspect is that due to increasing Euro-Atlantic attention (in light of democratization etc) civil society actors are slowly but surely penetrating the Transnistrian society too, making its residents receptive to change (Chamberlain-Creanga 2008). These observations are an accurate and important analysis of the interplay between domestic constituencies in Transnistria's elites and already hint towards a EU impact in Transnistria. In this light we found that the EU especially exerts significant attraction to the group led by Evgeny Shevchuk, opposition-leader of the important Renewal party.

Mr. Shevchuk instigated some democratization reforms within Transnistria back in 2005 and considers himself democrat⁹⁵, moreover his movement is considered to be very influential in Transnistrian politics (Korobov and Byanov 2006). His moderately positive perception of the European Union is therefore an opportunity for policy makers in Brussels and abroad that want to take him onboard. Unfortunately, when the occasion occurred, the EU was acting clumsy and failed to fully use an emerging window of opportunities. Shevchuk, who was subjected to the travel ban, was in 2006 invited to speak at a Chatham House seminar on Transnistria and given a British visa, so he told the EUSR. Positively surprised, EUSR Jacobovits called the British ambassador in Moldova to enquire about this. It turned out that another British Embassy had erroneously granted the visa due to the fact that on the EU ban-list his date of birth was incorrect. So when Shevchuk applied for a visa with his right date, the visa was granted. Nevertheless, once it was clear it concerned *the* Shevchuk the decision was reversed and the visa withdrawn, and so Shevchuk couldn't go⁹⁶. Regardless of this clumsiness, the EUSR had noted earlier already that it was desirable to adjust this list, which consisted of many irrelevant persons and missed new key-figures. Within the EU, Jacobovits started to promote adjustments of the list, which eventually happened in 2008. Yet, in the meanwhile Moscow had endorsed Shevchuk, so that the amended visa-ban list came too late to draw this key-figure closer to the West. His own take on the situation revealed that Shevchuk felt limited and disadvantaged ever since the ban came into place (2003), and believed it offers only disincentives to the process of conflict settlement. As such he welcomed the current suspension and characterized the EU's approach nowadays as changed "from isolation to openness"⁹⁷.

⁹⁵ Interview by the author with Chairman of the Republican Party 'Obnovlenie'; Mr. Evgeny Shevchuk, 6th of April 2010, Tiraspol

⁹⁶ Interview by the author with former EUSR Mr. Jacobovits de Szeged, 16th of February 2010, The Hague

⁹⁷ Interview by the author with Chairman of the Republican Party 'Obnovlenie'; Mr. Evgeny Shevchuk, 6th of April 2010, Tiraspol

So fortunately, the EU is still an attractive partner to Mr. Shevchuk and most other Transnistrians. Shevchuk, who briefly held the important position of Speaker of Parliament but was eventually ousted for someone closer to Smirnov, has close ties with the business conglomerate Sheriff; Transnistria's monopolist on virtually everything from petrol to pine nuts. His biggest desire is to export freely to European markets without tariff barriers, and he shares this desire with most of Transnistria's elites. Subsequently they would like the EU to help with problems of their banking system and infrastructure. Concerning the latter, the EU has promised to rebuild Transnistrian infrastructure⁹⁸ in case the conflict is resolved (Popescu 2009). And although a rhetorical and often heard complaint is that the EU raises a blockade of Transnistria through EUBAM (an argument also used to campaign for aid in Moscow), generally in Transnistria one has a positive perception of the EU; their business elites want to trade with the EU and their residents think it would bring them general development and overall positive repercussions⁹⁹. Interestingly, when asked what should be done to promote Transnistria's accession to the EU, 50% of the Transnistrians states reintegration with Moldova should take place¹⁰⁰. This might indicate that far-stretching EU integration could be *the* mutually-enticing opportunity to thaw the conflict, and alludes to an EU impact on the opportunity structure. This idea, that the EU constitutes an attractive partner, appeals not only to Transnistria's residents or business elites. Even the hawkish former 'minister' of foreign affairs Valery Litskay stated the EU has potentially a lot to offer and is a valued trade-partner¹⁰¹. However, regarding conflict settlement the former chief negotiator of Transnistria believes the EU had done little concrete, and characterized its attitude over the years as passive, coming from its nature as a "big elephant with short legs"¹⁰². Nevertheless, he reckons the situation is currently changing and sees a magnitude role for the EU, whereby he implicitly accepted the EU as a competent actor as well. Overall, the EU impacts Transnistria's POS more and more, and even seems to fosters inter-elite competition; as it seems that Shevchuk is eager to cooperate with the EU while also being popular among the population. Moreover, when asked who is the most appropriate politician to resolve the conflict

⁹⁸ It should also be mentioned that what is rendered under this aid is unclear, bearing in mind Moldova's poor infrastructure and the EU's commitment towards Moldova one might wonder what the EU has for sight in this context.

⁹⁹ Report for the UK Embassy to Moldova. 2009. 'The Perception of Moldova's and Transnistria's Residents towards Russia, the West and each other' conducted by CBS-AXA, Chisinau & Novvy Vek, Tiraspol. p14

¹⁰⁰ *Ibidem*

¹⁰¹ Interview by the author with former Transnistrian Minister of Foreign Affairs; Mr. Valery Litskay, 6th of April 2010, Tiraspol

¹⁰² *Ibidem*

Shevchuk is considered more competent by Transnistrians (30,5% think he's the most appropriate) than Smirnov (24,2%)¹⁰³.

3.5 Limitations on the EU's Impact

All in all, it seems that the EU's evolving actorness and impact with regard to the Transnistrian conflict is a highly welcoming development that in varying ways enhances opportunities for a settlement. Yet, rich in potential contributions, it also faces severe limitations. One word, or rather country, comes to mind: Russia. The EU – Russia relationship is a first constrain on the EU's impact; it is of high-strategic importance (energy security, major trade) and supersedes the EU's objectives for Moldova or Transnistria (Niemann and de Wekker 2009a). A second problem is that the Transnistrian issue is not addressed at the proper level. Former EUSR Jacobovits asserts that in Russia, conflicts like these are decided upon on at presidential or prime minister level, and suggests the EU raises the issue accordingly by a head of government of one of its larger members talking directly to Medvedev or Putin¹⁰⁴. Additionally, during EU – Russia summits the Transnistrian conflict is barely discussed, or receives so little attention it can't be taken serious. For instance "In eighteen summits that have been held since 2000, Transnistria was referred to in the final press statements only five times,....,and always mentioned together with other conflicts such as Nagorno-Karabakh, Abkhazia and South Ossetia. There was never more than one sentence dedicated to this particular conflict, while the other three conflicts received (much) more attention"¹⁰⁵. In this light one final aspect comes to mind, which are negotiations outside the "5+2" framework. Here Russia is again the actor that takes the lead and seems to be teaching the EU a lesson in who's really able to address the relevant matters: It has every now and then facilitated talks outside the format, attempted to unilaterally resolve the issue (Kozak memorandum) and expressed desires to start "2+1" negotiations (Moldova + Transnistria with Russia as a mediator)¹⁰⁶. Taken together, it is clear that the EU cannot properly deal with Russia's role in the conflict, nor is it a central issue in this relationship. This severely limits the EU's impact as according to most interviewees the key to resolve the conflict lies in Moscow¹⁰⁷.

¹⁰³ Report for the UK Embassy to Moldova. 2009. 'The Perception of Moldova's and Transnistria's Residents towards Russia, the West and each other' conducted by CBS-AXA, Chisinau & Novvy Vek, Tiraspol. p33

¹⁰⁴ Interview by the author with former EUSR Mr. Jacobovits de Szeged, 16th of February 2010, The Hague

¹⁰⁵ (Niemann and de Wekker 2009a: 15)

¹⁰⁶ (Eurasia Daily Monitor, 2/3/2009)

¹⁰⁷ The author gained this insight based on his interviews with many people including, but not limited to, Mr. Jacobovits de Szeged, Mr. Victor Chirilla, Mr. Victor Dragutan, Mr Vlad Lupan and Mr. Radu Vrabie

Furthermore, it's essential to note that Russia is every now and then actively remembering those involved of its central place in Moldova and its conflict. Besides the aforementioned actions another infamous action is the import-ban inflicted to Moldovan wines (2006), one of Moldova's main revenue sources (estimated around 25% of the GDP of which 80% is exported to Russia). More important, this week (August 2010) Russia announced that this ban, which was lifted at the time after endless discussions, would soon be enforced again¹⁰⁸. Perhaps a bit superfluous to note, but it shall be clear that such unilateral decisions have a profound impact on Moldova and seem to be out of reach for any European diplomacy, nor can the EU undermine its effects on the short term.

Lastly, it has to be mentioned that the EU's executive structure and its ramifications for the policies targeted at Moldova might limit its impact. It can be argued that the EUSR, who is not 'double-hatted' as the EUSR's in Bosnia, Kosovo or Macedonia¹⁰⁹, faces stiff competition from other EU policies in Moldova, particularly from the Commission. EUSR Mizsei mentioned for instance that, despite the Lisbon treaty in force, he feels that Ms. Ashton (EU High Representative for Foreign Affairs) likes to delegate a little too much to Commissioner Füle¹¹⁰, alluding to internal competition which in no way would benefit the beneficiaries; Moldova and Transnistria.

¹⁰⁸ Formally, these bans are inflicted because the wines would be of poor quality or contain harmful substances. Informally and more likely they're politically motivated. In the recent case, acting-president Ghimpu would have infuriated Russia by signing a decree that would set the 28th of June as a national remembrance day to mourn victims etc. of the Former Soviet Union's *occupation*.

¹⁰⁹ See <http://www.eusrmoldova.eu/en/mandate> retrieved 5th of July 2010

¹¹⁰ Interview by the author with EUSR Mr. Kálmán Mizsei, 19th of July 2010, Brussels

III. Conclusion: The EU’s Contribution to Conflict Settlement

Based on the chapters before, research done and literature reviewed, several conclusions can be drawn. To start with, any serious EU contribution to a settlement of the Transnistrian conflict is most likely to occur via intended spillover effects from its actions targeted at Moldova. As such, one first needs to draw conclusions on the *realized* normative impact. Although hard to substantiate that domestic improvements were causally related to the EU’s involvement, or that 'conceptions of normal' have been shaped, the evidence suggests that several EU actions are in line with the outlined mechanisms of norm diffusion (Manners 2002) in the theoretical framework. Hence, based on these actions an impact evaluation can be made that draws on the chapters before. The figure below summarizes the conclusion that, apart from contagion, the EU has its norm diffusing mechanisms at work in Moldova, of which two have an profound impact: *Informational diffusion* through the cognizance of EU norms via the politically motivated EUMAP and the recent high-policy advice team whereby knowledge is diffused (based on EU norms). Second, the EU’s transference of norms through EUBAM and the financial assistance are examples of clear EU norms transposed on Moldova by the use of conditionality and via social learning, that resulted in approximation of democratic standards, improved state-functioning, ameliorated security conditions and confidence-building.

Diffusion Mechanism	Yes/No	Example	Impact
Contagion	No	–	–
Informational diffusion:	Yes	EUMAP/ High-Level Advice Team	profound
Procedural diffusion:	Yes	Bodies established by the PCA	moderate
Transference:	Yes	Macro-Financial Assistance/ EUBAM	profound
Overt diffusion:	Yes	EU Special Representative/ EU delegation	Moderate
Cultural Filter:	Yes	Increased number of ratified UN norms	little

Figure 9. Norm Diffusion Mechanisms (Manners 2002) and their Impact in Moldova

Second, this thesis outlined that virtually all EU goals were carefully put in line with international standards and norms. If it weren’t norms derived from the UN system, approximate the most universally, then it are norms derived (like with good governance) from various CoE treaties or resolutions. Yet, all these goals also serve the EU’s own (security) agenda. On the other hand, any rigid division between strategic goals or ideational goals has proven to be elusive (Tocci et al. 2008). Additionally, it can be argued that in practice the amplifications of the EU’s goals led to reification, for instance by the mechanism of Europeanization through social learning whereby other actors adopted the EU’s objectives, as such there’s a relative autonomy of these goals. A final point here is

to mention that Moldova is the second-most recipient of EU-aid per capita after the Palestinian Territories (Popescu 2009) which indicates sincere EU commitment transcending its own self-interest. The figure below values and summarizes these findings accordingly, and leads to the conclusion that the nature of the EU’s goals is by large normative:

Indicators for Normative Legitimized Foreign Policy	
Goals based on international norms:	+++
Goals not merely serve EU self-interest:	+

Figure 10: The EU’s goals and their Normative Nature

Thirdly, there is the question if the deployed means were actually normative in both theory and practice, which is a tricky issue. The EU had a bad start with the travel ban, which was coercive and also had no positive impacts. However, the absence of force combined with the set of 'normative' means as shown below has led to the conclusion that the majority of the EU’s actions are normative.

Indicators for Normatively pursued Foreign Policy	
Use of positive-conditionality:	+++
Appearances of social learning:	+++
Means are non-coercive:	++

Figure 11. The EU’s Normative Means

Final Conclusions, the EU’s Impact on Conflict Settlement for Transnistria

The patchy road to settlement of the protracted Transnistrian conflict is increasingly one where the EU tries to find its way. Under the ENP it launched numerous initiatives aimed at Moldova, which also involved this deadlocked situation. Additionally, it has significantly increased its presence in the negotiation process where the parties involved accredit the EU with remarkable acceptance. As outlined in this thesis, the EU’s contribution has so far mainly concentrated on ameliorating Moldova’s general appearance, by delivering aid and instigating several reforms. Moreover, it has taken a central position in the economies of both sides on the Nistru, so that combined with the policies at Moldova; it is drawing the secessionists closer to Chisinau. However, the biggest contributions are maybe yet to come, as the EU still has a huge unrealized potential. The window of opportunities that opens if the EU decides to deepen trade relations with Transnistria is one of these, and could be an instigator of decisive change within their respective opportunity structures. Furthermore an eventual visa-free regime for Moldova would be a big asset to its attractiveness,

which potentially might many Transnistrians make want to become Moldovans. It is via such incentives that the EU can exercise actual normative power. They could become the actor that realizes a free zone in Moldova of successful and beneficial trade together with unbarred travel; a situation that would transform the current status quo into a non-status and most likely culminates in the desired 'viable' settlement.

Yet, all these potential strengths may be to no avail if European Union remains reluctant in challenging one of the biggest advocates of the current status quo; the Russian Federation. Although the EU's sensitiveness to Russia's interests partially affirms the normative nature of its foreign policy when local agenda's supersede that of the EU, it also raises questions to what extent normative power is of any use. Does it mean the EU may only contribute in 'soft' political issues, and needs to rethink its strategy if a desire is there to engage in more antagonistic environments? Maybe, because as far as it concerns Transnistria we've only seen tantalizing glimpses of what *could* be a promising achievement. The full potential is has not been realized and ever since the EU partakes in the negotiations (2005) virtually nothing changed on the ground in Transnistria.

Recommendations:

In order to address these issues, and to bring the EU's desired contribution to a viable settlement of the conflict, some recommendations can be made. First we would suggest the EU to continue with its various programs in Moldova as recent developments point in the direction that its aid is beneficial to domestic players, and is a good push towards reform. Secondly, it has to engage more with civil society in both Moldova and Transnistria, and extend the scope of this cooperation so that local networks become a dominant force in the public discourse. Furthermore, it is highly recommended to further elaborate on the so-called *technical proposal* of EUBAM in order to challenge the status quo around border issues. Closely related, is the suggestion to do its utmost best to grant both entities with opportunities for development via e.g. a deep and comprehensive free trade area. As seen, this might be *the* enticing opportunity to pull the involved actors into a settlement as like-mindedness in this context already exists. As such, the EU's potential would be realized to a full extent and hereby it may eventually live up to the legacy of constituting a normative, conflict transforming, power.

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Appendix A: List of people spoken / interviewed

Adriaan Jacobovits de Szeged: Former EU special Representative to Moldova, former personal Representative of the OCSE Chairman-in-Office for Moldova

Alex Oprunenco: Program Director International at EXPERT Grup

Ana Popa: Project coordinator at EXPERT Grup

Anna Cernomaz: International Officer at the PL liberal party youth organization

Claude Cahn: Human Rights Adviser at UNDP Moldova

Daria Fane: Political-Economic Section Chief at the US Embassy to Moldova

Dasha Mandziuc: Local coordinator for the project 'Engagement Through Dialogue' by Berghof Peace Support and IKV Pax Christi

Denis Matveev: International peace building consultant (incl. PATRIR and Black Sea Trust)

Elena Gnedina: Independent expert, PhD Candidate at the Queens University Belfast

Ernst Mehrengs: Member of the EU High Level Policy Advice Team (adviser to the chief of the main state tax inspectorate)

Evgeny V. Shevchuk: Chairman of the Republican Party 'Obnovlenie', Deputy of the Transnistrian Supreme Council

Gheorghhe Stamate: Local Project Manager at the Delegation of the European Union to Moldova

Hans Sieg: Foreign and Security Policy Advisor at the Office of Manfred Grund CDU parliamentarian at the Deutscher Bundestag

Ion Manole: President of Promo-Lex

Juhan Kahk: Political Officer at the OSCE Mission to Moldova, Tiraspol office

Kálmán Mizsei: EU Special Representative for the Republic of Moldova

Leonid Litra: Political Expert at IDIS Viitorul

Martin Andres: IOM Chief of Mission in Moldova

Martin Kaspar: Former Head of Operations Section EU Delegation to Moldova

Martin Horseling: Team Leader of the IBF Consulting project 'Support to the Implementation of Moldova – EU Agreements

Nicu Popescu: ECFR Fellow (London) and Advisor to the Prime Minister

Philip Santens: Team Leader at the GFA Implemented project 'Support to Export Promotion and Investment Attraction'

Pieter Jan Wolthers: Ambassador of Her Majesty the Queen of the Netherlands to Ukraine

Radu Vrabie: Program Coordinator at the Foreign Policy Association (APE)

Robert de Groof: Honorary Consul of Her Majesty the Queen of the Netherlands to the Republic of Moldova.

Rupinder Singh: Member of the EU High Level Policy Advice Team (Chief Technical Adviser to the Prime Minister)

Serghei Ostaf: Executive Director at CREDO

Stanislav Secieru: Researcher at the Center for East-European and Asian Studies, Bucharest

Timur Onica: Liaison Officer at the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM)

Valery Litksay: Former Minister of Foreign Affairs of Transnistria

Victor Chirilla: Executive Director at the Foreign Policy Association

Victor Dragutan: Senior Consultant at Bureau for Reintegration, State Chancellery of the Republic of Moldova

Victoria Boian: Program Coordinator at the Foreign Policy Association (APE)

Vlad Lupan: Independent expert

Appendix B: EU's Promotion of International Norms & Standards in Moldova

In the Actionplan (EUMAP 2005: 7) they call on Moldova to:

“Ensure adherence to and effective implementation of core UN Conventions and related optional protocols. Including signature and ratification of: CCPR-OP1, CCPR-OP2-DP, CEDAW-OP, CAT Declar.Art.21, Declar.Art.22 ,CAT-OP, MWC; and ratification of: CRC-OP-AC, CRC-OPSC.”

- CCPR-OP1 ->** optional protocol to the ICCPR, status as of 15-01-2010 **114 states parties**.
(btw Moldova ratified this 23-01-2008, likely due to EU persuasion to do so)
- CCPR-OP2 ->** Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, status as of 15-01-2010 **72 states parties**
(btw Moldova ratified this 20-09-2006, likely due to EU persuasion to do so)
- CEDAW-OP->** Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, status as of 15-01-2010 **99 states parties**
(btw Moldova ratified this 28-02-2006, likely due to EU persuasion to do so)

CAT Declaration

- Art.21 ->** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (declaration under article 21), status as of 29-07-2009 **60 states parties**
- Art.22->** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (declaration under article 22), status as of 29-07-2009 **63 states parties**
- CAT-OP->** Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, status as of 15-01-2010 **50 states parties**
(btw Moldova ratified this 24-07-2006, likely due to EU persuasion to do so)
- MWC->** not sure, I guess it concerns the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, status as of 15-01-2010 **42 states parties**

and ratification of:

- CRC-OP-AC->** Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, status as of 15-01-2010 **131 states parties**
(Moldova had already ratified this when the actionplan came into force)
- CRC-OPSC->** Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, , status as of 15-01-2010 **135 states parties**
(btw Moldova ratified this 12-04-2007, likely due to EU persuasion to do so)

Furthermore the EU calls on Moldova to:

- Assist the UN in the multilateral fight against terrorism, including through implementation of UNSC Resolutions 1373/01 and 1267/01, through implementation and enforcement of the UN Convention for the Suppression of the Financing of Terrorism; work towards the establishment of an information exchange system between relevant judicial bodies and law enforcement agencies of the EU Member States and Moldova;
- Cooperate on non-proliferation of weapons of mass destruction, including on aspects related to accession to and implementation of relevant international instruments and export control

regimes, in the light of the EU WMD Strategy adopted by the European Council in December 2003 and the GAERC conclusions of 17 November 2003; Establish an effective system of national export control controlling export and transit of WMD related goods, including WMD end use control on dual use technologies;

- Approximation of Moldovan legislation to the EU norms and standards, implementation of the 1951 UN Convention relating to the status of refugees and the 1967 Protocol relating to the status of refugees, including the right to seek asylum and respect for the principle of nonrefoulement. Approximation of the system of state authorities responsible for implementation and realisation of legislation on asylum and refugees to EU norms and standards.
- Implementation of the obligations of the Geneva Convention and its Protocols, in particular through the development of an asylum system. Ratify UN Convention against Trans-national Organised Crime and its protocols on smuggling of migrants and trafficking in persons and adopt and implement national legislation (including human right aspects) accordingly
- Sign and ratify protocol to the UN Convention (see above) on illicit manufacturing and trafficking of firearms. Continue to implement the 1988 UN Convention on Illicit Traffic of Narcotic and Psychotropic Substances.
- 'Further develop co-operation in the fight against trafficking of arms and the destruction of stockpiles, including with a view to the situation in Transnistria;'