

UACES 46th Annual Conference

London, 5-7 September 2016

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A comparative analysis of EU engagement with contested statehood in the Republic of Moldova and Georgia

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Introduction

The different expectations in Moldova and Georgia towards EU engagement with contested statehood have placed significant pressures on the evolution of the ENP. The ability of the EU to address the endurance of unsettled conflicts in its Eastern Neighbourhood both through its policies towards the metropolitan centres as well as its involvement in the conflict zones in the region has been put to the test at various times during the past decade. In this context, the focus of this paper is on the present and future challenges of the EU in Moldova specifically with regards to the consolidation of the central governments' institutional set-up towards addressing the issue of contested statehood. Firstly, the paper engages with the broader role of the EU in the settlement of the conflicts in the post-Soviet space and then provides an overview of institutional evolutions towards conflict management in Moldova since the end of the violent phase of the Transnistrian conflict in light of the growing expectations towards EU involvement. Finally, it analyses EU approaches towards institutional capacity development for conflict resolution from a comparative perspective by engaging with the post-Rose Revolution developments in Georgia, with the purpose of distinguishing the various strategies and instruments deployed by the EU. This paper highlights the difference between the EU's practical commitments towards addressing the issue of territorial integrity in the past in Georgia and its present involvement in Moldova. It argues that responding to current expectations for more assertive engagement in this context highlights a much broader challenge for the future related to the EU's normative approach towards contested statehood.

Challenges for EU involvement in the context of international mediation in settling conflicts in the Republic of Moldova and Georgia

The process of international mediation in the context of the unresolved conflicts in the Republic of Moldova and Georgia has posed various challenges for the international organizations and diplomats involved in the negotiations of comprehensive agreements between the metropolitan centres and the unrecognized states over the past two decades and so. This paper argues that whilst such challenges have arisen both as a result of the nature of the mediation process itself, and the actions and capabilities of international mediators in the specific context of post-secessionist conflict in which they operate they have also been influenced by the perceptions and expectations of the primary parties involved in negotiations. With regards to the first aspect, scholars concerned with the study of conflict resolution in the context of enduring contested statehood, stress the often asymmetric nature of the mediation process as the perceived power of the metropolitan state offers central governments more leverage in international negotiations, compared to the legitimacy challenges faced by unrecognized entities.¹

Furthermore, in the context of protracted conflict in such cases, international mediation has been judged as limited and in need of a more inclusive approach that engages the leadership of de-facto states and gives primacy to negotiation over imposed solutions.² Such concern has been related to an overall assessment that the primacy of ‘deal-brokering mediation’ in conflicts involving de-facto states has mainly involved an endless process of positional bargaining rather than interest-based negotiations that are directed towards facilitating problem solving between conflicting parties.³ Indeed, a distinctive set of arguments with a broader reach in distinguishing the external dimension of intractable conflicts is concerned with the way in which actions by third parties may shape the interactions between opposing sides as part of the processes of ‘pure mediation’. The first relates ‘to the intervention of an impartial intermediary who attempts to facilitate a negotiated settlement on a set of substantive issues through reason, persuasion, the control of information and the formulation of alternatives’ and is primarily

¹ Stefan Wolff, ‘The Limits of International Conflict Management in the Case of Abkhazia and South Ossetia’, in *Unrecognized States in the International System*, ed. Nina Caspersen and Gareth Stansfield (Routledge, 2012), 167.

² Wolff, ‘The Limits of International Conflict Management in the Case of Abkhazia and South Ossetia’.

³ Antje Herrberg, ‘The Politics of Unrecognized States and the Business of International Mediation’, in *Unrecognized States in the International System*, ed. Nina Caspersen and Gareth Stansfield (Routledge, 2012), pp.165-182.

carried out by international organizations and the UN.⁴ With regards to the role of the UN sponsored talks in the context of the Cyprus talks Fisher argues that despite the use of these strategies, the efforts of the organization have often led to failures and frustration due to a lack of progress on a settlement as ‘The mediators have exercised skill, persistence, and respect, but the arguments and formulations they offer do not adequately address the deep fears and basic needs of the parties.’⁵ Furthermore ‘Such failures and frustrations in negotiations then become additional issues in the conflict, enabling the parties yet again to blame the other side, adding to escalation and intractability.’⁶

Whilst Antje Herrberg argues that the criticism related to the positional bargaining arising from UN actions in Cyprus are also relevant in the context of EU engagement in Georgia, she also acknowledges that the Union’s financial assistance to grass-root mediation has represented a step towards a more interest-based, transformative approach.⁷ Thus, when addressing the record of EU involvement in the context of contested statehood in the post-Soviet space, and specifically in the Moldovan and Georgian settings, the above arguments merit further consideration.

The historical record of EU involvement with the conflicts in Abkhazia, South Ossetia and Transnistria has witnessed both the testing and gradual adaptation of its conflict management capabilities as part of the broader evolution of the European Neighbourhood policy, pointing towards several differences in the engagement with the three contexts of contested statehood. Thus the early 1990s were characterized by the use of the Partnership and Cooperation Agreements and the TACIS assistance programmes to foster closer relations with both Moldova and Georgia but with no specific policy related to conflict settlement being pursued⁸. One important distinction should thus be noted with regards to the comparative experience of Moldova and Georgia in respect to EU involvement in conflict settlement in Transnistria, Abkhazia and South Ossetia.

Firstly, whereas in the case of Abkhazia, the involvement of European member states UK, France and Germany through the mediation efforts of the UN took immediate effect in the aftermath of conflict, in South Ossetia , the gradual development of European engagement in

⁴ cited in Ronald J. Fisher, ‘Cyprus: The Failure of Mediation and the Escalation of an Identity-Based Conflict to an Adversarial Impasse’, *Journal of Peace Research* 38, no. 3 (1 May 2001): 313.

⁵ cited in *ibid.*, 322.

⁶ cited in *ibid.*

⁷ Herrberg, ‘The Politics of Unrecognized States and the Business of International Mediation’, 168.

⁸ Wolff, ‘The Limits of International Conflict Management in the Case of Abkhazia and South Ossetia’.

conflict settlement was only witnessed from 1997 as the European Commission was involved in funding post-conflict rehabilitation programmes, also becoming an observer on issues related to economic assistance in 2001 within the framework of the Joint Control Commission.⁹ Indeed, with regards to EU involvement in conflict settlement in Georgia, it has been noted that the 1999 Partnership and Cooperation Agreement- despite representing a major boost to economic relations between Georgia and the EU at the time- did not specifically prioritize the issue of conflicts in Abkhazia and South Ossetia, as these were only briefly addressed in the Political Dialogue section under Article 5 of Title 2. Between 2001 and 2004, this aspect has undergone a gradual change in that the Country Strategy referring to Georgia placed an emphasis on the need to address the instability and impediments to economic development arising from the conflicts in South Ossetia and Abkhazia, stressing the willingness of the EU to increase its involvement in conflict resolution and post-conflict, rehabilitation.¹⁰ Not least, with the inclusion of Georgia in the ENP in 2004, greater commitment on behalf of the EU to be involved in conflict settlement was evidenced by the elevation of these issues to a priority area in the ENP Action Plan.¹¹

In contrast, in the case of the Republic of Moldova, despite a similar Partnership and Cooperation Agreement being in place in the early 1990s, as well as financial contribution to the rehabilitation of the Nistru river, the initial involvement of the EU or its member states in the Transnistrian settlement between 1992 and 2002 has been very limited, highlighting the low level of European involvement in this context of contested statehood, compared to other settings in the post-Soviet space.¹² Thus, in the context of negotiations between the Republic of Moldova and the EU within the European Neighbourhood policy, the right momentum for an increased engagement of the EU with the Transnistrian issue brought about ‘ an increasing array of foreign policy instruments to affect the conflict resolution process.’¹³ Indeed between 2002 and 2005, the EU became involved in diplomatic initiatives towards the constitutional settlement negotiations between the Republic of Moldova and Transnistria as well as increasing its presence on the ground through the establishment of the EUBAM Mission on the border

⁹ Nicu Popescu, *EU Foreign Policy and Post-Soviet Conflicts: Stealth Intervention* (Routledge, 2011).

¹⁰ Wolff, ‘The Limits of International Conflict Management in the Case of Abkhazia and South Ossetia’.

¹¹ Ibid.

¹² Popescu, *EU Foreign Policy and Post-Soviet Conflicts*.

¹³ cited in *ibid.*, 42.

with Ukraine, towards a better coordination of border control issues between the Republic of Moldova and Ukraine.¹⁴

Despite differences in the specific policy instruments deployed by the EU, in both the Republic of Moldova and Georgia, the key issues arising from ‘status’ negotiations have also been shaped by the evolving perceptions and expectations of primary parties in the conflict in relation to the role played by the European Union in conflict settlement, thus placing an additional pressure on the evolution of its strategies. As Stefan Wolff emphasized with regards to the first aspect, in the context of the 2008 conflict escalation in Georgia, the perspective for successful European engagement have been hindered by the fact that the EU’s role had been structurally constrained. Specifically, Wolf noted with regards to Abkhazia and South Ossetia that:

‘the ... agendas of the immediate conflict parties at the local and state levels in both conflicts have not only created a situation in which the EU is of relatively marginal significance but their perceptions of what their own interests in relation to security, power and material gain are have also meant that their willingness to move beyond the status-quo and towards sustainable settlement is at best limited.’¹⁵

Whilst such perceptions of both metropolitan and de-facto states limited the role of the EU in Georgia, in the case of the Republic of Moldova, the role of expectations arising from the central government, influenced the record of EU engagement with the Transnistrian conflict, leading to increased pressures for the adaptation of its strategies as part of the ENP. Indeed, according to Nicu Popescu, between 2002 and 2004, the broader context of relations between the EU and the Republic of Moldova was experiencing significant changes as the ENP Action Plan was negotiated. He stresses that at the time, ‘...the EU was reluctant to commit to any concrete and significant actions to promote conflict resolution in Transnistria. The European Commission did not have a mandate from member states to do that, and there was no intra-EU consensus on ‘big-bang’ EU engagement in conflict resolution in Transnistria. On Moldova’s insistence, the European Commission agreed to make Transnistria a first priority in the action

¹⁴ Popescu, *EU Foreign Policy and Post-Soviet Conflicts*.

¹⁵ cited in Wolff, ‘The Limits of International Conflict Management in the Case of Abkhazia and South Ossetia’, 161.

plan, but only vaguely pledged to strengthen its engagement in conflict resolution and commit to post-conflict rehabilitation arrangements and guarantees.’¹⁶

In the context of this paper, the importance of such expectations of involvement arising from primary conflict parties is particularly important as the role of the EU in settings of contested statehood has been conceptualized as bearing the potential to shape the relationship between antagonists. The work of Coppieters et al underpins a conceptualization of EU policies towards its neighbourhood as a normative framework that includes mechanisms of socialization and conditionality which can be applied in a differentiated manner towards the primary parties in the conflict. The authors clearly distinguish between the potential direct and indirect actions and effects that can be undertaken as part of these EU strategies as the Union has the ability to shape the behaviour of primary parties on the ground and direct them towards a formal negotiated settlement through various rewards and punishments as well as the possibility of offering a system of institutions and different levels of governance that can represent an alternative solution for conflict settlement.¹⁷ In light of the discussion on expectations in the Moldovan-Transnistrian case, these two mechanisms of intervention are particularly important. Indeed, Moldovan officials are keen to stress that whilst in the past decade or so the expectations towards EU involvement in the Transnistrian settlement have been related to the potential role of the Union in bringing forwards a solution for conflict settlement through the mediation process, there has also been a gradual acknowledgment that Moldova has to work towards its own reintegration strategy, rather than continue to look outwards for a solution to the issue.¹⁸ However, rather than representing a fall in expectations of increased EU engagement this acknowledgment stresses the importance of a reintegration strategy for the Moldovan government in the context of the broader European integration prospects of the country raising expectations with regards to this later issue. Such opinions highlight the potential role now envisioned by the central government with regards to EU engagement as European integration is viewed as expected to elicit a particular set of institutions and levels of governance and an alternative solution to conflict settlement in Transnistria. Expectations in this current context thus refer to the practical commitments that the EU offers the Moldovan government in its efforts towards maintaining its territorial integrity and advancing its

¹⁶ cited in Popescu, *EU Foreign Policy and Post-Soviet Conflicts*, 47.

¹⁷Bruno Coppieters, Michael Emerson, and Nathalie Tocci, ‘Europeanization and Secessionist Conflicts: Concepts and Theories’, 2004, 7, <http://cadmus.eui.eu/handle/1814/3508>.

¹⁸ George Balan, Interview by author, 11 November 2015.

reintegration efforts¹⁹. Prior to analysing these aspects, the next section of this paper will focus on outlining the various steps towards the evolution of institutional capacity for conflict management in the Republic of Moldova. It argues that only by understanding the evolution of domestic institutional settings in the metropolitan state, can a thorough assessment be carried out in respect to the current expectations of EU engagement in the context of Moldovan-Transnistrian enduring contested statehood.

The evolution of Moldova's conflict management capacity in the context of enduring contested statehood

Institutional development in the Republic of Moldova has involved the search for a comprehensive and coordinated strategy towards defining the status of Transnistria in the context of enduring contested statehood over the past two decades. The institutional settings of the Republic of Moldova in the aftermath of the dissolution of the USSR have to a great extent shaped the initial mechanisms through which the issue of conflict resolution has been legislated towards in the context of the ceasefire agreement and the establishment of a security zone as well as a Joint Control Commission that would monitor the implementation of the ceasefire. The first constitution of the Republic of Moldova clearly stipulated the attributes of the directly elected President in guaranteeing 'sovereignty, national independence and territorial unity and integrity of the country'.²⁰ In particular, the division of powers in the newly independent Republic of Moldova and the direct election of the President, gave important attributes and responsibilities to the President in dealing with the challenges to sovereignty and security created by the Transnistrian conflict. Thus between 1994 and 1997, the President and national security institutions had a primary role in the consolidation of various mechanisms employed by the Republic of Moldova towards the settlement of the settlement of the Transnistrian issue. Indeed, throughout this period, the composition of the Moldovan delegation in the Joint Control Commission- a mechanism that had been put in place towards monitoring the security situation in the aftermath of conflict- was set by Presidential Decree and included representatives of security institutions and the Ministry of Interior.²¹ In the following two years the increased concern towards the settlement of the Transnistrian issue is

¹⁹ Ibid.

²⁰ Article 77 and 78 of Parlamentul Republicii Moldova, 'Constitution of the Republic of Moldova', 29 July 1994.

²¹ Presedintele Republicii Moldova, 'Decret Nr. 105 Cu Privire La Desemnarea Membrilor Comisiei Unificate De Control Din Partea Republicii Moldova', 24 March 1997, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=287375>.

evidenced by the several steps taken by the Moldovan leaders at the time with regards to creating an appropriate conflict settlement mechanism that would provide a coordinated strategy for the Moldovan authorities. In 1997, the first interdepartmental commission is created by the Moldovan President Petru Lucinschi towards the ‘coordination of state policy in the eastern districts of the Republic of Moldova’. What is markedly different about this initiative is that the composition of the commission is extended to representatives of executive institutions, and an advisor to the President in addition to members of security institutions as it was the case with the delegation of the JCC.²² In addition, other mechanisms that were available to the President at the time included the Commission for the ‘coordination of the negotiation process in the eastern districts of the Republic of Moldova ’ as well as the Commission for ‘interethnic relations’ meant to advise the president on issues related to the rights of ethnic minorities..²³

Between 1997 and 1999, the pursuit of these initiatives led to the consolidation of Presidential powers with regards to the Transnistrian settlement as despite the frequent changes within this Commission, their attributes and composition remained the same, specifically orientated towards the negotiation process that represented an issue of interest for the Presidency and specifically for its various Special Representatives.²⁴ From 1999 an important change can be observed in that the role of other state institutions in legislating towards the settlement of the Transnistrian issue gradually increases towards complementing the primary role of the president and its tendency of ‘ruling by decree’ in matters related to the conflict. Thus, in 1999, the government takes on the responsibility of nominating the members of the Moldovan Delegation to the Joint Control Commission which retains its mainly security-oriented composition with representatives of the special security services, the defence and interior

²² Presedintele Republicii Moldova, ‘Decret Nr. 77 Cu Privire La Constituirea Comisiei Interdepartamentale Pentru Coordonarea Politicii Statului În Raioanele De Est Ale Republicii Moldova’, 12 March 1997, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=287490>.

²³ Presedintele Republicii Moldova, ‘Decret Nr. 190 Cu Privire La Constituirea Comisiei Pentru Coordonarea Și Asigurarea Procesului De Rezolvare a Conflictului Din Raioanele De Est Ale Republicii Moldova’, 3 June 1997, 190, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=287414>; Presedintele Republicii Moldova, ‘Decret Nr. 400 Cu Privire La Constituirea Comisiei Pentru Relațiile Interetnice’, 16 December 1997, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=287467>.

²⁴ Presedintele Republicii Moldova, ‘Decret Nr. 190 Cu Privire La Constituirea Comisiei Pentru Coordonarea Și Asigurarea Procesului De Rezolvare a Conflictului Din Raioanele De Est Ale Republicii Moldova’, 190; Presedintele Republicii Moldova, ‘Decret Nr. 749 Privind Constituirea Comisiei Pentru Coordonarea Și Asigurarea Procesului De Negocieri În Problema Localităților Din Stînga Nistrului’, 10 September 1998, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=287487>.

ministry.²⁵ In addition, a parliamentary commission is established in 2000 towards establishing a dialogue with the representatives of Transnistria, with the legislative institution also concerned with defining a basic juridical status for the eastern districts.²⁶

As Henry Hale points out, in July 2000, citing the need to limit the abuse of presidential power and align the division of power in the Republic to other European systems, the majority of the Moldovan parliament voted for constitutional changes on its own terms that included the replacement of direct presidential elections with the election of the president by the parliament as well as other restrictions to the powers of the president.²⁷ Thus, it is only with these political and constitutional changes that occurred in the Republic of Moldova after 2000 that institutional settings related to conflict management shifted from the realm of authority of the president to the broader area of executive and legislative responsibility.

Specifically, in terms of institutional innovation this shift of authority entailed the replacement of the interdepartmental commission responsible for state policy coordination with a Ministry for Reintegration in 2001. With the Presidency now only responsible for ruling over the Commission for the official negotiation process, the extension of the government's authority over the Transnistrian issue was evident in the creation of a working group on socio-economic cooperation with the eastern districts of the Republic of Moldova.²⁸ With regards to the composition of this group it is worth mentioning that representatives from various ministries were included, thus pointing out to the gradual acknowledgment by Moldovan authorities of the need to address not only security matters but also the socio-economic aspects of the Transnistrian issue when designing institutions towards conflict management.

With these changes in place, by 2003, the Moldovan government's search for a strategy towards the settlement of the Transnistrian conflict became more engrained in the institutional mechanisms that had been put in place by the newly elected leadership of the Communist Party. Despite a move away from ruling by presidential decree, the control of the Communists over the government ensured that the reintegration strategy that was now to be implemented by the

²⁵ Guvernul Republicii Moldova, 'Hotărîre Nr. 113 Cu Privire La Desemnarea Membrilor Comisiei Unificate De Control Din Partea Republicii Moldova', 2 February 1999, 113, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=295706>.

²⁶ Parlamentul Republicii Moldova, 'Hotărîre Nr. 911 Despre Crearea Unei Comisii Parlamentare Pentru Problemele Privind Transnistria', 30 March 2000, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=309766>.

²⁷ Henry E. Hale, *Patronal Politics* (Cambridge University Press, 2014).

²⁸ Guvernul Republicii Moldova, 'Hotărîre Nr. 113 Cu Privire La Desemnarea Membrilor Comisiei Unificate De Control Din Partea Republicii Moldova', 848.

government was closely coordinated with all other public institutions in Moldova. A second interdepartmental commission was established by the Government; this time being entitled the Interdepartmental Commission for the Reintegration of the Republic of Moldova. The purpose of this Commission was to contribute to defining a strategy towards the territorial reintegration of the country as well as contributing to the creation of a common juridical, economic, financial and informational space that would ensure the success of this process on both banks of the Dniester. With a broad composition that included various representatives of the Ministry of Reintegration as well as other members of government institutions, it was clear that the issues to be dealt with as part of the Transnistrian problem were now much broader than the initial post-conflict settings in the early 1990s, requiring a much more extensive institutional capacity on behalf of the Republic of Moldova.²⁹

In the context of enduring contested statehood, an important aspect sustaining unresolved divisions between the sides was related to the positions of political elites with respect to the federalization plans that had constituted the basis for negotiations between the parties that culminated with the rejection of the Kozak Memorandum in 2003. Throughout this period, each proposal for political settlement attracted criticism on both sides, contributing to the gradual consolidation of rival positions in Chisinau and Tiraspol. In July 2002, the Kiev Document proposed by the OSCE, Russia and Ukraine received an initial welcoming in Moldova towards federalization plans, only to be later dismissed by civil society and right wing-political opposition on the grounds that the inclusion of Transnistria within a federal structure would offer Moscow a means to undermine the independence and European aspiration of the Republic of Moldova. Similarly, although Transnistria's position towards these negotiations promised to produce positive results, it soon became clear that the benefits of existing de-facto independence were undermining any progress towards a solution. With the loss of momentum towards this initiative subsequent proposal in 2003 for joint effort towards developing a constitution of the federal state, initially proposed by Vladimir Voronin were also fraught with rivalry as the two sides disagreed both on the composition of a Joint Constitutional Commission and also on its objectives. Moldova insisted upon establishing the fundamental act as a new Constitution of the Republic of Moldova, whilst the leadership in Tiraspol suggested that the initiative should address the creation of a new federal state.³⁰

²⁹ Guvernul Republicii Moldova, 'Hotărîre Nr. 385 Cu Privire La Instituirea Comisiei Interdepartamentale Pentru Reintegrarea Republicii Moldova', 31 March 2003, 385, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=301559>.

³⁰ Hill, *Russia, the Near Abroad, and the West*, 63–160.

These developments had an important impact on the positions towards the Kozak Memorandum- the proposal for political settlement that emerged from the various negotiations over federalization held throughout the year. The Memorandum stipulated the settlement of the Transnistrian conflict in the framework of an asymmetric federation would include that would underpin the reunification of Moldova. ‘The Federative Republic of Moldova’ was to include two federative subjects-Gaugazia and Transnistria as well as the territory of the right-bank Moldova.³¹ The proposed language of the document indicated potential support of the Transnistrian side that sought the establishment of a new federative state through the transformation of institutional structures belonging to the Republic of Moldova. Similarly, initial support by President Voronin suggested that a solution to the conflict was finally in sight as the president endorsed the lengthy efforts to reach a final solution despite the controversies that each proposed plan had produced within Moldovan society.³² However, the failure to sign the Memorandum by the Moldovan side at the end of November 2003, set the two sides on a course of growing hostility and a lack of political rapport between Moldova and Transnistria. With regards to the actions of the central government, one of the consequences of this failure was also a growing commitment to enhance the use of all responsible institutions towards the promotion of a strategy towards reintegration.

Moldova’s search for a reintegration strategy

Thus, whereas in the first decade following the end of the military conflict, the role of the Moldovan President was essential in the institutional architecture developed towards the resolution of contested statehood, in the context of Moldova’s constitutional reform and in the aftermath of the failure of the Kozak Memorandum, the role of the executive and the legislative became more instrumental in guiding the metropolitan state’s position towards Transnistria. In June 2005, the unanimous approval by the Parliament of the Republic of Moldova of a resolution dedicated to the issue of the Transnistria settlement, clearly emphasized an important degree of rigidity in the position of the newly elected political majority towards the ruling regime in Tiraspol. The resolution passed in response to a new Ukrainian initiative towards the settlement of the conflict endorsed the proposed plant for negotiations towards the status of Transnistria through means of democratization and de-militarization of the eastern region. The

³¹ ‘Memorandum on Basic Principles of the State System of the United State’, *Ministry of Foreign Affairs*, accessed 6 February 2015, <http://mfa-pmr.org/en/sbv>.

³² Hill, *Russia, the Near Abroad, and the West*, 149–59.

document stresses these priorities in the context of an ‘intolerable situation’ in the eastern districts of Moldova where ‘the existence of a separatist and authoritarian regime has deprived its citizens of basic human rights’, in contradiction with international norms.³³ Though in the aftermath of conflict, political rhetoric in Chisinau was often underpinned by an insistence on the illegitimate and criminal authorities in Tiraspol³⁴, the official Appeal of the Parliament indicated that the Moldovans side was increasingly willing to abandon moderation in favour of a more radical position that emphasized the need for reintegration.

The fact that reintegration represented a priority for the Moldovan authorities at the time was evidenced by two important developments that occurred with the re-election of the Communist Party majority in 2005. The first aspect is related to the planned legislative programme that had been set for the 2005-2009 period, that included the need to propose a law on the special status of Transnistria. It is important to stress that the proposed law was directly associated with the then EU-Moldova Action Plan that had been proposed through the ENP and included as a priority the strengthening of ‘the stability and effectiveness of institutions guaranteeing democracy and the rule of law.’ Under this priority, the specific reference towards the resolution of the Transnistrian conflict urged Moldova to:

‘ensure constitutional and legislative reform in line with European standards, continuing to draw on the expert cooperation and advice of the Venice Commission and the EU, and ensuring a democratic and stable constitutional framework both for citizen and state institutions in (a re-united) Moldova.’³⁵

This approach was thus ultimately pursued by the passing of an organic law ‘regarding the basic juridical status of Transnistria,’ adopted by the Moldovan Parliament in July 2005 that reiterated the need for reintegrating the eastern districts under the jurisdiction of the Republic of Moldova on the basis of democratic principles. The law offered Transnistria provisions for

³³ Parliament of the Republic of Moldova, ‘HOTĂRÎRE Nr. 117 Din 10.06.2005 Cu Privire La Inițiativa Ucrainei În Problema Reglementării Conflictului Transnistrean Și La Măsurile Pentru Democratizarea Și Demilitarizarea Zonei Transnistrene’, 6 October 2005, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=307472>.

³⁴ This aspect is emphasized in Hill, *Russia, the Near Abroad, and the West*.

³⁵ cited in ‘EU/Moldova Action Plan’, February 2005, http://eeas.europa.eu/enp/pdf/pdf/action_plans/moldova_enp_ap_final_en.pdf.

broad autonomy within the borders of a unitary state, putting an end to previous compromise solutions on federalization.³⁶

As Victor Chirila points out, the respective law was at the centre of the search for a reintegration strategy by successive governments of the Republic of Moldova that has nevertheless failed to yield a significant result in terms of a coordinated state policy³⁷. Indeed, at the time it represented a success of the strengthened institution of the Ministry of Reintegration that had set out to pursue such a coordinated strategy by actively working with relevant governmental departments.³⁸ By 2013 nevertheless, the various changes in the institutional set up towards conflict management developed by the Moldovan authorities did not manage to improve the relatively weak position towards policy making and policy implementation in the area of reintegration. Among these changes it is worth mentioning the re-organization of the Government's Office in 2009, to include a State Chancellery under which the Bureau of Reintegration became active as the central administrative institution responsible with coordinating Moldova's policy towards Transnistria.³⁹ The Bureau, which remains active to this day, has effectively replaced the Ministry of Reintegration in 2009, bringing a further change in that it became directly subordinated to a Deputy Prime Minister for Reintegration that retains specific attributes towards the consolidation of the government's policy towards Transnistria.⁴⁰

³⁶ Parliament of the Republic of Moldova, 'LEGE Nr. 173 Din 22.07.2005 Cu Privire La Prevederile de Bază Ale Statutului Juridic Special Al Localităților Din Stînga Nistrului (Transnistria)', 22 July 2005, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313004><http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313004>; 'Parlamentul Republicii Moldova - Actualitate - Stenogramele Sedintelor Plenare', accessed 7 February 2015, <http://old.parlament.md/news/Plenaryrecords/>.

³⁷ Victor Chirila, 'The Reintegration Policy of the Republic of Moldova: Vision, Strategy, Means' (Foreign Policy Association Moldova), accessed 24 August 2016, http://2014.europa.md/images/dox4download/ue_problematika_transnistreana/2014-02/Victor_Chirila_Politica_de_Reintegrare_RM_Eng.pdf.

³⁸ Guvernul Republicii Moldova, 'Hotărîre Nr. 928 Cu Privire La Aprobarea Regulamentului Ministerului Reintegrării', 30 August 2005, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=305548>.

³⁹ Guvernul Republicii Moldova, 'Hotărîre Nr. 657 Pentru Aprobarea Regulamentului Privind Organizarea Și Funcționarea, Structurii Și Efectivului-Limită Ale Cancelariei De Stat', 6 November 2009, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=332599>.

⁴⁰ Guvernul Republicii Moldova, 'Hotărîre Nr. 599 Cu Privire La Atribuțiile Prim-Ministrului Și Ale Viceprim-Miniștrilor', 22 October 2009, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=332488>.

Expectations of EU support for Moldova's territorial reintegration in light of the Union's record of past commitments in Georgia

As the beginning of this paper has highlighted, the current expectations towards EU involvement in the context of contested statehood in the Republic of Moldova are related to the potential that the process of European integration can play in fostering an alternative to conflict settlement in Transnistria. Specifically, as the current deputy prime-minister for Reintegration has emphasized with regards to Moldova's willingness to reintegrate Transnistria, such commitment is shaped by the fact that reintegration currently represents a precondition for the broader process of European integration pursued through the closer relations between the EU and Moldova.⁴¹

This assessment raises particular expectations with regards to the potential role that the EU may play in the future with regards to supporting the territorial reintegration of the Republic of Moldova. Indeed, despite the fact that representatives of the Moldovan side have been keen to stress that future initiatives should be the result of a comprehensive government strategy, insisting on the links between the resolution of the conflict and the European integration of Moldova also draws attention to the inherent anticipation of support from the Union that remains an integral part of Moldovan politics. This becomes particularly relevant if taking into account the history of institutional development towards conflict management that has been analysed in this paper. Furthermore, it is closely linked to the existing perception among current decision-makers in Moldova that a lack of institutional resources towards reintegration has constituted an impediment towards this process in the past and remains one of the main challenges of the Moldovan authorities.⁴²

In the context of these present and future challenges, one of the main important aspects related to the assessment of EU engagement in the settings of contested statehood in the post-Soviet space is thus related to the Union's actions towards pledging support both in terms of practical financial commitments and normative support for the specific reintegration policies and mechanisms of the metropolitan states. A comparative assessment of specific EU actions towards the Republic of Moldova and Georgia is revealing of the crucial differences in EU engagement with contested statehood, arising primarily from the distinctive evolution of

⁴¹ Balan, Interview by author.

⁴² Ibid.

internal political and conflict dynamics within the two countries. In the case of Georgia, the decisiveness of the post-Rose Revolution government to pursue its reintegration strategy through various means of consolidating social and territorial control in South Ossetia and Abkhazia was more evident than the actions of the Moldovan authorities in Transnistria.

Indeed, the struggle to achieve legitimate authority through means of political, social and territorial control that is at the heart of transitions in political order in the context of contested statehood was strongly felt in the aftermath of Georgia's Rose Revolution. Following his election as Georgian president on January 24, Saakashvili pledged to fulfil the goal of his life in reuniting the country, promising that 'Georgia will be united, strong, will restore its wholeness and become a united, strong state' and stressing that his priorities lie in fighting corruption as well as guaranteeing a 'strong economy and army' needed for the territorial reintegration.⁴³ The top political leadership in Georgia was thus set upon the path of confrontation with South Ossetia and Abkhazia by an increasingly nationalist rhetoric, emphasizing the goals of territorial unity of the Georgian nation-state. As Siroki and Aprasidze point out, the Rose Revolution generated the type of inclusionary 'state-making' nationalism, through which the main aim of the Georgian government became the consolidation of a new polity through the incorporation of 'previous autonomous or peripheral territories and people'.⁴⁴

This commitment was also reflected in the significant development of its institutional set-up towards the implementation of this policy between 2005 and 2008 with similar institutions to those in the Republic of Moldova emerging in the Georgian executive towards dealing with reintegration and conflict resolution. But perhaps most crucially, this commitment was geared towards the consolidation of its reintegration policies in the aftermath of the 2008 resurgence of war through the promotion of the Georgian State Strategy on Occupied Territories as well as the enhanced capacity of the State Ministry of Reintegration.⁴⁵

Thus, whereas under the auspices of the ENP, the Union offered similar normative support for territorial integrity of both Georgia and Moldova, the dynamics of contested statehood in South

⁴³ 'Saakashvili's Vows Improvements with Drastic Measures', *Civil Georgia*, 25 January 2004, <http://www.civil.ge/eng/article.php?id=6090&search=>.

⁴⁴ David S. Siroky and David Aprasidze, 'Guns, Roses and Democratization: Huntington's Secret Admirer in the Caucasus', *Democratization* 18, no. 6 (December 2011): 1227–45, doi:10.1080/13510347.2011.579514.

⁴⁵ For a detailed outline of the development of institutional capacity towards conflict resolution in Georgia see: Giorgi Sordia, *Institutions of Georgia for Governance on National Minorities: An Overview* (HeinOnline, 2009).

Ossetia and Abkhazia after 2008 created further constraints and opportunities for EU involvement that were materialized in EU technical assistance for strengthening the capacity of the Georgian State Ministry of Reintegration as well as offering policy advice related to the State Strategy proposed by the Georgian government. Both of these projects were carried out between 2007 and 2011 and were financed through the ENPI.⁴⁶ In the absence of a similar strategy proposed by the Moldovan Government, the Bureau of Reintegration only received financial assistance towards the increase in its coordination and human resource capacity throughout 2013 and 2014.⁴⁷ Notwithstanding the significance of these actions and in light of the past commitments of support for reintegration policies in Georgia, it is important to stress that the current expectations for EU involvement in the Moldovan-Transnistrian conflict also raise an important challenge related to the Union's normative approach towards contested statehood. In the case of Moldova and Transnistria this is primarily related to the ability of the Union to bridge the gap between expectations of political support to territorial integrity that is sought by central government institutions in the context of European integration and a policy that prioritizes EU involvement in technical issues rather than high level political involvement -with the potential of engaging the Transnistrian authorities on practical matters of conflict resolution.

Conclusion

This paper has provided a comparative assessment of EU engagement with contested statehood in the post-Soviet space from the perspective of the various challenges that have been part of the Union's activity in the Republic of Moldova and Georgia. It has focused on revealing the present challenges for EU engagement in the Republic of Moldova in light of expectations and perceptions towards the Union arising from the primary parties in the conflict. In order to assess the importance of these expectations, the paper has provided a comprehensive overview of the institutional set up towards conflict management that has shaped Moldova's search for a reintegration strategy in the aftermath of the violent stage of the conflict. To conclude, this paper stresses the fact that the recent acknowledgment of the Moldovan authorities that a reintegration strategy should be the result of Moldova's internal efforts should be understood

⁴⁶ European Union Delegation to Georgia, 'EU Assistance to People Affected by Conflict in Georgia – Overview', October 2011, 22,

https://eeas.europa.eu/delegations/georgia/documents/projects/conflictassistance_2011overview_en.pdf.

⁴⁷ 'European Union - EEAS (European External Action Service) | Technical Assistance to the Bureau for Reintegration of the Republic of Moldova', accessed 30 August 2016, http://eeas.europa.eu/delegations/moldova/projects/list_of_projects/311386_en.htm.

both in light of its struggle to consolidate an institutional capacity over the years as well as the relatively more successful experience of Georgia in pursuing such a strategy and attracting EU support. Thus, rather than minimizing the potential role that the EU may play in the future settlement of the Transnistrian conflict, current expectations in Chisinau raise further challenges with regards to the future engagement of the EU with the issue of enduring contested statehood.

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