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THE REFORM
OF THE PEACEKEEPING MISSION
IN TRANSNISTRIA:
a premise for conflict settlement

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EXECUTIVE SUMMARY

Peacekeeping missions evolved in the XX century from simple missions covering purely security issues to complex peacekeeping missions that go far beyond the classical format. The experience gained in deploying peacekeeping missions and random failures of some operations provided incentives for shaping more professional and multi-task missions. The EU and other international actors have developed peacekeeping missions that focus on crisis management, strengthening of the rule of law, civilian administration and civil protection, while the Russian peacekeeping mission model is peculiar with its hard security, and Russia uses it as a mechanism for legitimizing its military presence in the post-Soviet space.

The peacekeeping mission in Transnistria had a positive role when it was established. However, along with the changes in the region and in the conflict settlement process, the current mission no longer corresponds with the current needs. Already 22 years passed and the mission did not develop from a provisional mechanism designed to stop hostilities to a mission designed to create confidence in the process of conflict settlement and rapprochement between the two banks. Therefore, the current peacekeeping has to be transformed into an international civil monitoring mission, which would have a clear mandate, concrete tasks, impartial and would be in line with the UN standards.

Transforming the current mission into an efficient international peacekeeping mission is not an easy task due to the changes in the area and a shaky status quo, as well as the unwillingness of Russia to accept it. That is why the situation will change, and several scenarios are possible. The most positive is the one in which parties agree to reform the mission. A process of reform would entail a rethinking of the decision-making process within the Joint Control Commission and a mechanism of rotation of senior officials as well as a mission that would be more focused on law enforcement and ensuring that human rights, including the free movement, are respected.

INTRODUCTION

The cyclicity is not inherent only to the democratization waves described by Samuel Huntington or civilization waves interpreted in a materialistic way by Alvin Toffler. The „wavelike" dynamics is a regularity for international security as well, the security is dependent on governance regimes and global production, a proof of this is that the crises and their management in international practice have evolved steadily since major changes triggered by the 19th century. International reality dictated periodic arrangements between states in terms of security, marking the international community response to the crises that accompanied global changes.

Although the changes in the settlement process of the Transnistrian conflict are still pending and the regional security, especially in light of events in Ukraine, makes any progress unlikely, it is however important to hold discussions about local mechanisms of ensuring security. For quite a long time the debates on the Transnsitrian conflict settlement were not concerning the peacekeeping operation in the Security Zone. Such a debate started in 2012 when a citizen of Moldova was deadly shot in the Security Zone. Given that the debate at the diplomatic level was rather political without jumping into details, the aim of the authors in this research is to structure and calibrate the debate on possible solutions to reform the peacekeeping format and to depoliticize the discussions, shifting them to a politico-technical dimension rather than a purely political one.

The authors do not pretend to that this paper can trigger the reform of the peacekeeping mission "today" given that there are no proper conditions to raise this issue. However, it is important to underline the systemic failures of the peacekeeping mission and its management mechanism and to actively shape a vision of how the future peacekeeping mission should be built in order to facilitate a peaceful settlement of the conflict and decrease the tensions between the parties and in the Security Zone. Therefore, when a positive international and local context will appear, one should be prepared to offer a professional vision.

CHAPTER I.
INTERNATIONAL MANAGEMENT OF LOCAL CONFLICTS: EVOLUTION AND MODELS OF PEACEKEEPING OPERETIONS

COLLECTIVE SECURITY AND CRISIS MANAGEMENT: THE UN AND EVOLUTION OF PEACEKEEPING MISSIONS

If the Peace of Westphalia just legitimated a technical mechanism of balance of power, since the Congress of Vienna (1815) custom and international legal norms in relation to security and crisis management have gradually become articulated. Henry Kissinger, sometimes too generous in defining the role of the Concert of Europe in ensuring security in the 19th century, reminds us that "the Concert of Europe implied that competitive nations to govern by consensus the issues affecting the overall stability"[1]. Collective commitments during the period when the European nationalism contrasted with imperialism were not sufficient for international security; the proof is a setback of security and two world wars that followed. But they meant, however, the legitimization of collective security and the establishment of the first joint interventions for ensuring peace. Great powers' interventions in the mid-nineteenth century in the Balkan region, to ensure protection of the Christian majority, or the mission in Crete, at the end of the 19th century, are in many ways similar to modern peace operations. In the interwar period, the framework provided by the League of Nations allowed the deployment of several international missions relevant to peacekeeping operations, such as the mission that administered in 1920-1935 the Saarland state in Germany.

The creation of the United Nations (UN) and relevant international commitments aimed at ensuring collective security of states, and while this process proved difficult to be achieved, the peacekeeping missions under UN and regional organizations auspices develop and grow in importance. The great decision makers of the post-war world, represented in the UN Security Council, failed to ensure international security after becoming the protagonists of a bipolar competition and being involved in a difficult process of decolonization. Raymond Aron defined international security according to the principle "peace impossible, war unlikely" referring to the post-war competition between two military blocs with nuclear weapons, which prevented the Kantian perpetual peace to be created. But this inability to ensure collective security in the context of local conflicts, which are becoming more common, determined the increase of importance of the universal actor in managing these conflicts by means of peacekeeping missions carried out in different regions of the world.

The Charter of the United Nations does not define the peacekeeping operations but is the legal framework for the representative missions by the goal stipulated in Chapter 1 of the organization – to maintain international peace and security[2]. The Security Council, responsible for mandating any operation that would contribute to respecting this major goal and obliged by the context to intervene in different regional conflicts, referred to Chapter VI of the UN Charter – *Pacific Settlement of Disputes* – when it authorized the first peacekeeping operations but never made explicit reference to the articles of this Chapter. Peacekeeping missions evolved gradually, in terms of concept and operation, in order to meet the constantly changing international politics realities and for this reason developed the first two generations of such missions:

Observer	Interposition
UN Truce Supervision Organization (UNTSO), 1948-	UN Emergency Force (UNEF I), 1956-1967;
UN Military Observer Group in India and Pakistan (UNMOGIP), 1949 -	

The withdrawal of British administration from Hindustan and the Middle East tensed the southern flank of Eurasia, when the new states India and Pakistan got involved in a war in Kashmir, while the declaration of independence of Israel was accompanied by a lengthy war with neighbouring Arab states. Thus, the first two peacekeeping operations deployed by the UN were the UN Military Observer Group in India and Pakistan (UNMOGIP) and the UN Truce Supervision Organization (UNTSO). Both of these missions, which continue operating to this day, exemplified the observation and monitoring type of operation and had authorized strengths in the low hundreds. The UN military observers were unarmed. After that, the Suez crisis (1956) led to the deployment of the first military mission of the UN, namely the UNEF (Suez) when the role of the UN General Assembly was decisive. It was the only time that the General Assembly, referring to "Uniting for Peace" resolution of November 1950[3], established the First UN Emergency Force (UNEF I) in the Middle East. The UN Operation in the Congo (ONUC), launched in 1960, was the first large-scale mission having nearly 20,000 military personnel at its peak. Subsequently, the UN es-

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[2]   Charter of the United Nations and Statue of the International Court of Justice, Article 1. Available at http://treaties.un.org/doc/Publication/CTC/uncharter.pdf.

[3]   In accordance with the General Assembly's "Uniting for Peace" resolution of November 1950, if the Security Council fails to act, due to a negative vote of a permanent member, then the General Assembly may act.

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[1]   Kissinger H. Diplomacy. Bucharest: Bic ALL, 2003, p. 72.

tablished short-term missions in Eastern Asia, Middle East and America.

The third "wave of peacekeeping" is related to the end of the Cold War and post-war bipolar competition — a period when internal conflicts in countries in different geographical regions became more frequent. If prior to 1988, 13 UN peacekeeping missions had been deployed, during the third period 55 such missions have been deployed (so far), which triggers a number of quality changes. The UN shifted and expanded its field operations from "traditional" missions, involving generally observational tasks performed by military personnel, to complex "multidimensional" enterprises. In terms of operations, in 1992 was formally created The Department of Peacekeeping Operations (DPKO). DPKO provides political and executive direction to UN Peacekeeping operations around the world and maintains contact with the Security Council, troop and financial contributors, and parties to the conflict in the implementation of Security Council mandates. Meanwhile other two generations of UN peacekeeping missions are developed[4]:

Multidimensional	Transitional administration
UNTAC (Cambodia), 1992-1993	UNMIK (Kosovo), 1998-
ONUMOZ (Mozambique), 1992-1994	UNTAET (East Timor), 1999-2002

The Security Council's resolutions refer to Chapter VII of the UN Charter — Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression -while the UN deploys dozens of complex peacekeeping missions, such as UN Transitional Authority in Cambodia (UNTAC) or UN Operation in Mozambique (ONUMOZ). The mandate of the UNTAC, for instance, included aspects relating to human rights, the organization and conduct of elections, military arrangements, civil administration, maintenance of law and order, repatriation and resettlement of refugees and displaced persons and rehabilitation of Cambodian infrastructure.

At the turn of the century, the fourth generation of peacekeeping missions, much more complex, is articulated, when the UN served as the administrator in both Kosovo in the former Yugoslavia — UN Interim Administration Mission in Kosovo (UNMIK), and East Timor (now Timor-Leste) — UN Transitional Administration in East Timor (UNTAET), which was in the process of gaining independence from Indonesia. This also marked the real beginning of state-building as a part of peace operations.

At the same time, the UN undertook a major exercise to examine the challenges to peacekeeping in the 1990s and introducing

reform. Following the complex evolution of peacekeeping missions the "Brahimi Report" (2000) was developed byLakhdarBrahimi, the Chair of the Panel, which called for: renewed political commitment on the part of Member States, significant institutional change, increased financial support.

Thus, the Report recommends that in order to be effective, UN peacekeeping operations must be properly resourced and equipped, and operate under clear, credible and achievable mandates. Following the Brahimi report, UN Member States and the UN Secretariat continued major reform efforts[5]. In 2008, the common doctrine of UN peacekeepers, *Capstone Doctrine*, was adopted — a document that aims to define the nature, scope and core business of contemporary United Nations peacekeeping operations, which are usually deployed as one part of a much broader international effort to build a sustainable peace in countries emerging from conflict[6]. On July 17, 2009 the Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) released the most recent reform document entitled *A New Partnership Agenda: Charting a New Horizon for United Nations Peacekeeping*. The document attempts to reinvigorate the on-going dialogue with Member States and other partners on how to better adjust UN peacekeeping to meet current and future requirements[7].Other related reforms, adopted during the last decade, are aimed at behaviour and discipline of UN staff involved in peacekeeping missions and also the way of finance.

In 2013, UN peacekeeping missions celebrated 65 years of activity. The 68 missions, deployed during these years in all regions of the world, proved to be one of the most effective tools of the UN to assist host countries to navigate the difficult path from conflict to peace. Peacekeeping is flexible and over the past two decades has been deployed in many configurations. Today's multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote

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4   Dorn W. The evolution of peace and stability operations. Canadian Forces College, Joint Command and Staff Programme 37. Available at http://www.walterdorn.org/pdf/PeaceOps-Evolution_JCSP37-Elective_Mas_Dorn_5Apr2011_Optimized-ReducedSize_rev10June2011. pdf.

5   See: United Nations. High-level Panel on Threats, Challenges and Change. New York, 2008.Available at http://www.un.org/en/ga/search/ view_doc.asp?symbol=A/59/565; General Assembly.2005 World Summit Outcome. P. 20-27. Available at http://www.un.org/en/ga/search/ view_doc.asp?symbol=A/RES/60/1; United Nations. "Peace operations 2010" reform strategy (excerpts from the report of the Secretary-General) Available at http://www.un.org/en/peacekeeping/documents/ po2010.pdf; United Nations. Secretary-General Comprehensive Report on strengthening the capacity of the United Nations to manage and sustain peace operations. Available at http://www.un.org/en/ga/ search/view_doc.asp?symbol=A/61/858.

6   United Nations. United Nations Peacekeeping Operations. Principles and Guidelines. New York, 2008.

7   United Nations. A New Partnership Agenda: Charting a New Horizon for United Nations Peacekeeping. Available at http://www.un.org/en/ peacekeeping/documents/newhorizon.pdf.

Figure 1. Current UN peacekeeping operations

MISSIONS DIRECTED BY THE DEPARTMENT OF PEACEKEEPING OPERATIONS

MINURSO
Western Sahara

UNAMID
Darfur,
Sudan

UNMIK
Kosova

UNFICYP
Cyprus

UNIFIL
Lebanon

UNDOF
Syria

UNAMA
Afghanistan

UNMOGIP
India and Pakistan

NORTH
ATLANTIC
OCEAN

NORTH
ATLANTIC
OCEAN

NORTH
ATLANTIC
OCEAN

INDIAN
OCEAN

SOUTH
ATLANTIC
OCEAN

SOUTH
ATLANTIC
OCEAN

SOUTH
ATLANTIC
OCEAN

MINUSTAH
Haiti

UNMIL
Liberia

UNOCI
Cote' d'lvoire

MONUSCO
Dem. Rep. of the
Congo

UNMISS
South
Sudan

UNISFA
Abyei

UNTSO
Middle East

Source: *UN official website.*

human rights and assist in restoring the rule of law[8]. There are currently 16 UN peace operations deployed on four continents[9]. The number of personnel, military and civilian, participating in the missions deployed, is about 118.000, while the budget approved for 1 July 2013 — 30 June 2014 reaches about 7, 54 billion USD[10].

During these 65 years of UN peacekeeping missions there were also difficult conditions that prevented the good deployment of operations. Thus, the UN forces did not manage to prevent the massacre in Rwanda in 1994, the massacre in Bosnia in 1995, or the tensions in the South Sudan nowadays. But the failure of these operations was related to the (geo) political context and the insufficient mandate given by the Security Council but not to the inability or lack of impartiality of these missions. UN peacekeepers provide security and the political and peace construction support to help countries to make a difficult, early transition from conflict to peace. Due to this, in 1988 UN peacekeepers were awarded the Nobel Peace Prize.

UN PEACEKEEPING PRINCIPLES AND MANDATES

The UN has become the most represented international organization in managing local conflicts, even if maintaining peace and international security was not entirely possible. There is a constant concern of the major actors at the international arena, represented in the Security Council, to prevent escalation of conflicts and local wars beyond certain geographical and functional boundaries. After more than half a century of evolution, a wide range of UN activities in terms of peace and international security is getting shaped.

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8   United Nations. Peacekeeping operations . [On-Line]. 2013. http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml.

9   In addition to 15 peacekeeping operations, Department of Peacekeeping Operations (DPKO) directs one political mission: the United Nations Assistance Mission in Afghanistan (UNAMA).

10   United Nations. Approved resources for peacekeeping operations for the period from 1 July 2013 to 30 June 2014. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/C.5/67/19.

Figure 2. The Spectrum of Peace and Security Activities

| Conflict prevention | | Peacemaking | | Peacekeeping | | Peace enforcement | | Peacebuilding |

Source: *UN official website.*

Figure 3. Principles of UN peacekeeping

| Consent of the parties | | Impartiality | | Non-use of force except in self-defense and defense of the mandate |
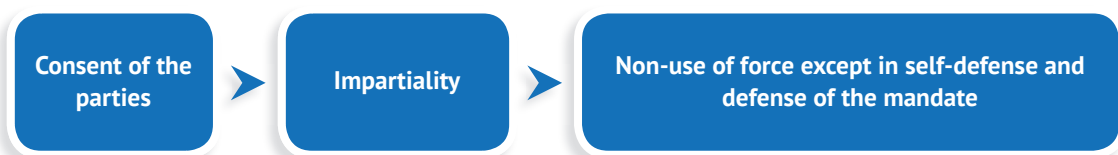
Source: *UN official website.*

Figure 4. Forming a new UN Peacekeeping operation

| Initial consultation | | Technical field assessment | | Security Council resolution | | Appointment of senior officials and planning | | Deployment |

Source: *UN official website.*

Peacekeeping is one among a range of activities undertaken by the United Nations and other international actors to maintain international peace and security throughout the world. The representativeness of the universal actor, the importance of the Security Council members in international politics and the establishing mechanism have given legitimacy to the UN peacekeeping missions, which have become international standards for the deployment of such operations. The principles of the UN peacekeeping mission relevant to all 68 operations, carried out throughout the years, underpin these international peacekeeping standards.

The UN Charter gives the Security Council the primary responsibility for the maintenance of international peace and security. Thus, the Security Council determines the deployment of a new UN Peacekeeping operation. The establishment of a new peacekeeping mission entails a complex procedure implying well-established mechanisms and stages in the legal and institutional framework of the UN[11].

Also, there is an operational cycle of UN peacekeeping missions deployment established in the Capstone Doctrine and represented schematically in Figure 6. Therefore, although the trajectory of each United Nations peacekeeping operation evolves differently, for planning purposes the lifecycle of a United Nations peacekeeping operation can be divided into four broad phases: Mission Start-Up; Mandate Implementation; Transition/Hand-over; Withdrawal and liquidation.

Thus, even if some of the UN peacekeeping missions have been lasting for more than half a century, the actual deployment of these missions envisages completing all these phases, including withdrawal and liquidation. Moreover, withdrawal and liquidation of the peacekeeping operations are a precondition for any international mission start-up and, most often, are the main indicator of a successful operation.

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11   UN. Forming a new operation. [On-Line]. 2013. http://www.un.org/en/
      peacekeeping/operations/newoperation.shtml.

Figure 5. Typical Phases of Deployment
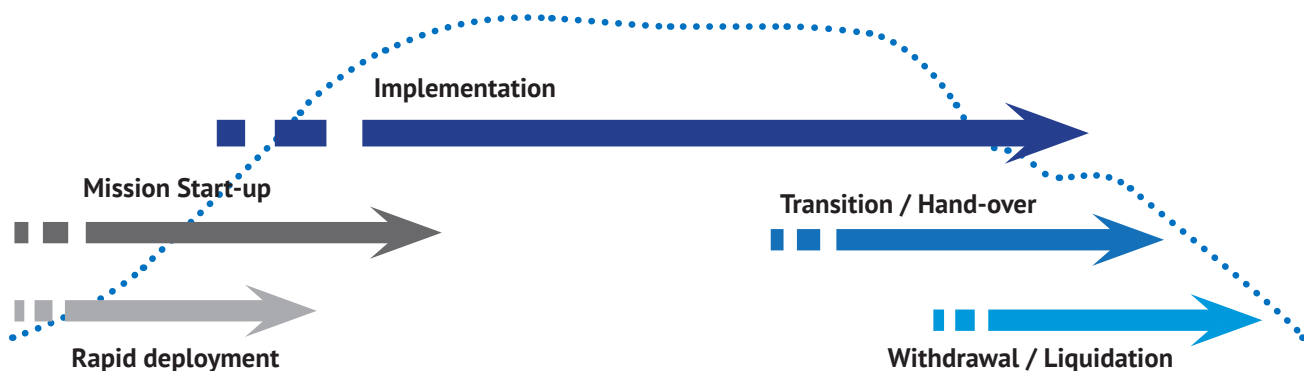
Source: *United Nations. United Nations Peacekeeping Operations.Principles and Guidelines. New York, 2008, p. 62.*

REGIONAL ARRANGEMENTS: TWO MODELS OF PEACEKEEPING

Chapter VIII of the UN Charter — *Regional Arrangements* — provides for the involvement of regional arrangements and agencies in the maintenance of international peace and security provided that such activities are consistent with the purposes and principles outlined in Chapter I of the Charter. Article 52 of the UN Charter gives regional organizations or agencies the right to deal with "such matters relating to the maintenance of international peace and security as are appropriate for regional action" and Article 53 discusses the phenomenon of enforcement action by regional organizations. The United Nations is no longer the only actor conducting peace operations. The number of peace operations mounted by non-United Nations actors doubled in the past decade. The African Union (AU), the Economic Community of West African States (ECOWAS), the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), the Association of Southeast Asian Nations (ASEAN), the European Union (EU) and the Commonwealth of Independent States (CIS) have all mounted major operations of their own, in most cases with the authorization of the United Nations Security Council.

PEACEKEEPING MISSIONS OF THE EUROPEAN UNION

Security and crisis management have been a constant concern for the post-war Europe divided into two antagonistic military blocs but the European integration has been achieved in a neo-functionalist pattern in which the "hard" sectors are dealt with at advanced stages of integration.Only after the disappearance of the socialist campand the division of the European continent, Common Security and Defence Policy (CSDP) is gradually getting shaped, the policy implying joint efforts by the European states in ensuring continental and international security.

The Treaty on the European Union, signed on February 7, 1992, institutionalized the Common Foreign and Security Policy (CFSP) and opened up the prospect of strengthening the European military and diplomatic potential. From here on out, a number of institutional and operational changes take place, giving content to a new major commitment of the European Union — maintaining international peace and security. The Western European Union (WEU) Council of Ministers adopted the Petersberg Declaration in June 1992, by which Belgium, Germany, France, Italy, Luxembourg, Britain, the Netherlands, Portugal and Spain declared that they were prepared to make available military units from the whole spectrum of their national armed forces to the WEU, NATO and the European Union. By the Treaty of Amsterdam, signed in 1997 and come into force in 1999, Petersberg Missions — humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peacekeeping — were incorporated into the Treaty on the European Union andsubsequently became an integral part of the CSDP.

As the European Union was defining its international status, and local tensions and conflicts demanded a complex presence of the international community, an elaborate defence and security policy took shape. In June 1999, the Cologne European Council decided to incorporate the role of the Western European Union within the EU, eventually shutting down the WEU and setting the institutional foundations of European Security and Defence Policy (ESDP).At Feira European Council (June 2000), the European Union defined four priority areas for civilian aspects of crisis management: police, strengthening of the rule of law, civilian administration and civil protection.The Treaty of Nice was written in the spirit of these policy reformsand provides institutional support by creating permanent political-diplomatic and military bodies, needed for

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the implementation of the ESDP. To bring doctrinal coverage to the ESDP, at the European Council in Brussels in December 2003,the European Union adopted the European Security Strategy (ESS), in which for the first time the new generation threats to European security have been assessed — terrorism, proliferation of weapons of mass destruction, regional conflicts worldwide,state failure, organized crime — and clear objectives to promote EU's interests in terms of security have been established[12].

The Treaty of Lisbon enshrined a new name — Common Security and Defence Policy — and devoted a new section to this policy in the founding treaties of the European Union. A range of amendments to the European collective security were operated, such as the provisions on Permanent Structured Cooperation, that would enable Member States to have an enhanced military integration, and common defence clause, that provides for specific obligations on defence matters for all EU Member States. Several institutions and mechanisms were established or reorganized to turn the new European policy into a functional one, such as the European External Action Service and the Department for Crisis Response and Operational Coordination.

The Common Security and Defence Policyprovides, therefore, a cooperation framework through which the European Unioncan carry out operational tasks in third countries, the tasks whose main objective is peacekeeping and strengthening international security in accordance with the principles of the UN Charter.International peace and securityhave become defining in the formulation of the European Union external actions, while the Treaty of Lisbon identifies six types of tasks that can be performed under the CSDP:

- *humanitarian and rescue tasks;*
- *conflict prevention and peace-keeping tasks;*
- *tasks of combat forces in crisis management;*
- *joint disarmament operations;*
- *military advice and assistance tasks;*
- *tasks of post-conflict stabilisation[13].*

The establishment of the first CSDP operations was a result of an intense dialogue between the EU and the UN, accompanied by the signing of documents providing a formal framework for cooperation between the EU and UN on crisis management. At the strategic level three documents are central for cooperation between the European Union and United Nations: the "Joint Declaration on UN-EU Cooperation in Crisis Management" of 2003, the "Joint Statement on UN-EU Cooperation in Crisis Management" of 2007 and the "Actions to Enhance EU CSDP Support to UN Peacekeeping" adopted in November 2011 by the European Council.

Figure 6. Actions to Enhance EU CSDP Support to UN Peacekeeping (European Council, November 2011)

Field A	Clearing House and Bundling Member States Contributions
Field B	EU Providing EU Component to UN Operation
Field C	EU Autonomous Civilian Deployment in Support of UN
Field D	EU Autonomous Military Deployment in Support of UN
Field E	Strengthen Assistance to AU and Other Regional Organizations
Field F	Cross-Cutting Areas

Source: *Actions to Enhance EU CSDP Support to UN Peacekeeping" adopted in November 2011 by the European Council.*

The first independent EU missions in 2003 — the European Police Mission (EUPM) in Bosnia and Operation Artemis in DR Congo -were deployed in close coordination with the UN. In Bosnia the EU took over the mandate of the International Police Task Force (IPTF) from the United Nations in January 2003 after a tightly coordinated five-month transition (including the last head of the IPTF continuing in this position with the new EU mission). In summer of the same year a military rapid response force of almost 1,800 soldiers from twelve countries was deployed to DR Congo to support the UN MONUC mission. Other EU missions deployed to support-supplement the UN missions followed. In Kosovo EULEX took over a range of tasks from UNMIK (after teething troubles), while in Chad EUFOR prepared and supported the deployment of a UN mission (MINURCAT). Subsequently, a range of EU tasks were performed in parallel with those of the UN, such as EUPOL and UNAMA in Afghanistan,EUSEC / EUPOL and MONUSCO in DR Congo or EUAVSEC in South Sudan as well as several absolutely autonomous EU missions.In fact, the autonomy of the EU in crisis management is not welcomed by some experts,calling for greater complementarity between the EU and the UN[14].

At the same time, the EU has institutionalized relations with the OSCE and the African Union in crisis management, has a comprehensive cooperation agreement with NATO in the field of crisis management „Berlin Plus" (2002), while cooperation with other regional organizations is focused on individual cases, as it was in the case of the cooperation with ASEAN in Indonesia[15]. Also, the

12   European Council. European Security Strategy. A secure Europe in a better world. [On-Line]. 2003. http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf.

13   Consolidated version of the Treaty on European Union, Article 43 (1).

14   See Pietz T. The European Union and UN Peacekeeping: Half-time for the EU's Action Plan. Center for International Peace Operations, Policy Briefing, October 2013.

15   Grevi G., Helly D., Keohane D. *E*uropean Security and Defence Policy. The first 10 years (1999-2009). Paris: EUISS, 2009, p. 115-157.

Figure 7. On-going EU missions and operations

Military Operations
Civilian Missions

Source: *EU official website.*

European Union has concluded Agreements to participate in crisis management missions under the CSDP with 15 third countries, including the Republic of Moldova, while other countries, such as the Russian Federation, participated in some European Union tasks without signing such an agreement.

The results of such activities, that the European Union carries out in cooperation with international community, are 26 CDSP missions, already completed or being deployed in Europe, Africa, the Caucasus, the Middle East and East Asia. Currently, there are 4 military and 13 civilian on-going EU operations. Apart from geographical diversity, there is a functional diversity of these missions, ranging from traditional military peacekeeping operations such as EUFOR ALTHEA in Bosnia and Herzegovina to EU rule of law mission to Georgia — EUJUST THEMIS, from border assistance missions such as EUBAM Rafah or EUBAM Moldova and Ukraine, to training the national police forces, such as EUPOL Afghanistan[16].

Obviously, such an EU commitment has not been able yet to substantially reduce the existing global imbalances, stemming from the fact that rich states are funders of peacekeeping

operations, while poor states sent more troops in the last two decades. But the EU operations and missions involve about 7,000 military and civilians and other about 5,000 military and civilians, sent separately by the EU member states, are engaged in the UN missions. Summed up together, these figures prove that the EU has the most human resources engaged in ensuring peace and security in the world, more than atop states like Pakistan, Bangladesh and India, a country that has twice the population of the European Union. The European Union is the main funder of the global peacekeeping operations, contributing $ 2.7 billion (36.8%) of the UN budget for peacekeeping operations, while through other five funding channels it contributes other several billion euros[17].

The CSDP remains the most obvious expression of intergovernmentalism in the European Union; therefore, Member States are responsible for the complex security sector and, decided by unanimous vote in the European Council, the deployment of a new mission. Thus, the Treaty of Lisbon provides that decisions related to initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State[18]. The Council shall define the objectives and scope of missions and the general conditions for their implementation, after which the High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks[19].

Only 15% of the budget for CSDP missions pass through the mechanisms to administer the financing of the common costs of European Union operations (Athena), the majority of the funding comes directly from the Member States together with the military and civilian personnel. But this intergovernmental character of the CSDP shaped the European Union operations profile, as well as its role in world politics. The EU makes use of a different model of leadership in the modern worldand has developed a number of "soft" tools in diplomatic initiativesthat with its civil capacity for crisis management are an evidence of such behaviour. The EU did not resort to peace enforcement operations being more specialized in deploying civil tasks and managing crises in a larger framework of financial and technical assistance for sustainable development. For its efforts to ensure peace and welfare in Europe and worldwide, the European Union was awarded the Nobel Peace Prize in 2012.

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16   EU Operations. [On-Line]. 2012. http://www.consilium.europa.eu/eeas/security-defence/eu-operations.aspx?lang=en.

17   Tardy T. Funding peace operations: Better value for EU money. ISSUE Brief, Nr. 38, 2013.

18   Consolidated version of the Treaty on European Union. Article 42 (4).

19   Consolidated version of the Treaty on European Union. Article 43 (2).

FROM "PEACE ENFORCEMENT" TO "STATE BUILDING": THE RUSSIAN MILITARY PRESENCE IN POST-SOVIET SPACE

After the implosion of the Soviet Union, Russia managed to maintain control over the post-Soviet space only by fuelling a series of conflicts in the former Soviet republics and deploying of military troops, imposing on the newly established states ratificationof the Commonwealth of Independent States (CIS) Statute. After this it used the CIS mechanisms to set regional peacekeeping missions, seeking to redefine its own military infrastructure in the post-Soviet space as peacekeeping operations. Finally, Russia considers "peacekeeping missions" for new integration projects and, against the background of the CIS self-liquidation, has managed to set up a group of peacekeepers within the Collective Security Treaty Organisation.

The specialized literature is surprised with this distortion of international law: „It was hard to compare the Russian military actions, which were proclaimed as "peacekeeping" operations, with any internationally accepted definition of peacekeeping"[20].Many Western authors have questioned this "post-Soviet peculiarity", even there are authors who try to describe the compatibility of the CIS legal framework with that of the UN in terms of crisis management[21]. Apart from these intellectual disputes, the peacekeeping pattern established by Russia within the boundaries of the former USSR could be understood only in relation to the global context of establishment and evolution of peacekeeping operations.

Before the end of the Cold war and related changes in security matters, the USSR participated only in a single UN mission in 1973, when the Soviets jointly with Americans agreed to send 36 officers each to complete the mission *Truce Supervision Organization in the Middle East* (UNTSO)[22]. This single peacekeeping experience was the result of the Soviet Union special interest in the Middle East when the Arab-Israeli war in October 1973 led to the first oil crisis. The Soviet Union sent troops and civilians in individual rescue operations of friendly regimes worldwide — to Czechoslovakia or Afghanistan — but did not wish to participate in a joint commitment to international security.

When the socialist system was falling down together with its founding myths, the Soviet Union, and then Russia, did not have the capacity to mould by their own regimes and regions and, therefore, participation in different international missions was the only way to be present in zones of great interest. At the same time, such action had to bring the experience and give legitimacy to Russia in designing its own peacekeeping missions. Thus, the Soviet Union sent a small contingent of military observers to participate in the UN Iraq-Kuwait Observer Mission (UNIKOM), after the first Persian Gulf War, participated in the UN Mission for the Referendum in Western Sahara (MINURSO), and the UN Transitional Authority in Cambodia (UNTAC), where 200 Russian civilians and military personnel were deployed[23].

Russia participated with small contingents of military observers and civil personnel in the majority of UN missions, deployed around the world in the last two decades. Russia participated with military personnel and equipment besides NATO in the Balkans, in the SFOR mission in Bosnia and Herzegovina and KFOR in Kosovo, in the last one with the mandate of Resolution 1244 of UN Security Council[24]. Russia also participated in EU Police Mission in Bosnia and Herzegovina and EU military operation in Chad and the Central African Republic — EUFOR Chad / RCA[25].

Russian military is appreciated for their discipline and professionalism during the missions they participate in, but Russia does not necessarily have a complex international commitment in terms of crisis management. Russia's interest is selective; for instance it requests participation in United Nations Disengagement Observer Force (UNDOF) on the border between Syria and Israel, whose mandate forbids participation of permanent members of the Security Council but still refuses to participate with more personnel in other UN missions. Russia signed in 2002 the *Memorandum of Understanding between the United Nations and the Russian Federation concerning contributions to the United Nations Standby Arrangements System,* under which it offered several military helicopters and civil assistance; contributes with over 2% to the UN peacekeeping operations budget and; only with 103 military observers and policemen (as of December 31, 2013) distributed in most of the 16 UN operations[26].

However, in the post-Soviet space Russia uses another peacekeeping, based on a philosophy inherited from the Soviet Union and applicable only in "proximity" and not on established European and international models. Thus, Russia has led four peacekeeping

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20   Mackinlay J. and Cross P. (Ed.) Regional peacekeepers: The paradox of Russian peacekeeping. The United Nations University, 2003, p. 4.

21   Korkelia K. The CIS peace-keeping operations in the context of international legal order.Available at http://www.nato.int/acad/fellow/97-99/korkelia.pdf.

22   Claytor W. (USMC), 'United Nations Truce Supervision Organization: History and US Marine Involvement', (1990).Available at www.globalsecurity.org.

23   Skorsyrev V. 'UN Operation in Cambodia Will Cost Russia $190 Million', Izvestia, Nov. 10 1992.

24   Nordquist M. The Framework in the Founding Act for NATO-Russia Joint Peacekeeping Operations. // International Law Studies, Volume 72, p. 129-156; NATO and Russia: Partners in Peacekeeping. Available at http://www.nato.int/docu/presskit/010219/brocheng.pdf.

25   Nordquist M. The Framework in the Founding Act for NATO-Russia Joint Peacekeeping Operations. // International Law Studies, Volume 72, p. 129-156; NATO and Russia: Partners in Peacekeeping. Available at http://www.nato.int/docu/presskit/010219/brocheng.pdf.

26   UN. Monthly summary of contribution to the United Nations operations (As of 31 December 2013). [On-Line]. 2013. http://www.un.org/en/peacekeeping/contributors/2013/dec13_1.pdf.

missions in the Republic of Moldova, Georgia and Tajikistan, an "internal peacekeeping mission" at the Chechen-Ingush border and two wars to maintain territorial integrity in the North Caucasus. The first two peacekeeping missions (in South Ossetia and Transnistria) established in the summer of 1992 are the result of agreements imposed by the Russian Federation to the Republic of Moldova and Georgia in the aftermath of wars in which Russian military fought.

The Declaration of Sochi, signed on 24 June 1992 by the Russian Federation and Georgia, established the Joint Control Commission composed of representatives of the parties that fought in the conflict — Russia, Georgia, the administration of Tskhinvali -, the Commission that was responsible for security arrangements in the "contact zone" and led a trilateral peacekeeping operation composed of military of these same parties[27]. The agreement on the principles of peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova, signed by the Republic of Moldova and the Russian Federation on July 21, 1992 in Moscow, established a Security Zone in eastern Moldova and a Joint Control Commission consisting of representatives of the parties that fought in the conflict — Russia, Moldova, the Tiraspol administration, the Commission responsible for the whole security mechanism and leads a trilateral peacekeeping operation made up of the military of the same parties[28].

After the beginning of the military hostilities of the conflicts in the Republic of Moldova and Georgia, Russia seeks to establish without preparation collective peacekeeping forces within the CIS, from which stems a confuse and non-functional mechanism. On 20 March 1992, in Kiev was signed the Agreement on Military Observer Group (MOG) and the collective peacekeeping forces in CIS, a document lying the foundation for regional peacekeeping operations in the CIS. On May 15, 1992, in Tashkent the leaders of the CIS countries signed three protocols important for the further evolution of peacekeeping missions[29], after which security and peace operations were included in the CIS Statute, adopted in January 1993. On 24 October 1993 was signed the Agreement on Collective Peace-Keeping Forces and Joint Measures for their Material and Technical Provision, and on 19 January 1996, at the CIS Heads of State Council, the Regulation on Collective Peace-Keeping Forces in the Commonwealth of Independent States was adopted. Other documents, relevant to the operations deployed in Tajikistan and Georgia / Abkhazia, that became part of the legal framework of the CIS peacekeeping were adopted, as well.

In Tajikistan and Georgia/Abkhazia, Russia attempted to establish some collective peacekeeping missions with its partners within CIS, the organization providing two mandates, signed only by some member states. But the deployment of these operations was rather troublesome; realities on the ground meant the establishment of two other peace enforcement missions of the Russian Federation, which legitimize its military presence in Tajikistan and Georgia. After a series of failed attempts to establish a CIS peacekeeping mission in Tajikistan in 1992, after the failure of some decisions on the situation in Tajikistan and Tajikistani-Afghan border, adopted in January 1993 by the Council of CIS Heads of State, including the establishment of a collective peacekeeping mission, most documents related to common peacekeeping operation in Tajikistan were signed by five states (Russia, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan).

CSI adopted a firm decision on Tajikistan only at the meeting of 24 September 1993 when Armenia, Azerbaijan, Belarus, Moldova, Turkmenistan and Ukraine supported the Declaration of Russia, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan dated August 7, 1993[30]. At the same time, the five countries signed the Agreement on the Collective Peacekeeping Forces in Tajikistan. Eventually, Tajikistan has withdrawn from this peacekeeping formula, only being the host country of the mission, to make the operation somewhat compatible with the international practice. Kirgizstan did not participate in the operation; Uzbekistan had a military contingent separated from the CIS mandate and only Kazakhstan along with Russia participated in the peacekeeping mission in Tajikistan. In 2000, the mission came to an end, only the Russian military of the 201st Motorized Rifle Division remained in Tajikistan.

The mission in Abkhazia even did not manage to begin as a CIS collective mission although it had the mandate of the organization. CIS Heads of State Council decided on October 21, 1994 to carry out a collective peacekeeping mission in Abkhazia, composed of military contingents of interested states (2500-3000 troops). But none CIS Member State sent military contingents to Abkhazia and the collective peacekeeping forces were established on the basis of the Russian military contingent already present in the conflict area. A Unified Command was not created, as provided for by the CIS mandate; the Russian officer leading the „collective operation" was subordinated to the Russian President. In fact, Russia started alone the operation, and after the CIS offered its mandate a few months after its deployment. Other subsequent statements by the

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[27] Agreement on the principles of peaceful settlement of the Georgian-Ossetian conflict. // Дипломатический вестник МИД РФ. 1992. №13-14.

[28] Agreement on the principles of peaceful settlement of the armed conflict in Transnistria. // Дипломатический вестник МИД РФ. 1992. №13-14.

[29] Protocol on the status of military observer groups and the Collective Peacekeeping Forces in the CIS; Protocol on the temporal order of formation and involvement of the MOG and CPF in areas of conflict between states and within the CIS states; Protocol on the staffing, structure, logistical and financial support of these groups and forces.

[30] On 7 August 1993, the heads of Russia, Kazakhstan, Kirgizstan, Uzbekistan and Tajikistandecided to strengthen the military presence at Tadjiko-Afghan border and send peacekeeping troops to Tajikistan.

Figure 8. Russia's missions in post-Soviet area

Source: *Raymond Finch. The Strange Case of Russian Peacekeeping Operations in the near abroad 1992-1994.*

CIS Heads of State Council, such as those on May 26, 1995 or January 19, 1996, introduced some specifications in the operation mandate and condemned the unilateral actions of Abkhazia but the structure of collective peacekeeping forces remained unchanged until August 2008 when the Russian-Georgian war changed all previous security commitments in Georgia.

Just as for the economic dimension of integration in the post-Soviet space, such as trade and energy, there no clear and functional rules, adjusted to international standards, complied with during peacekeeping operations led by the Russian Federation. There is a range of agreements hastily signed within the CIS, without integral participation of all member states, which were respected only when Russia wished this. The decision on the establishment of a mission is the exclusive prerogative of the Council of CIS Heads of State, which provides for the mission mandate, composition of

joint peacekeeping forces and the timeframe for its achievement. It also appoints the head of mission or the CIS Special Representative for conflict resolution.

But the limits of such a mechanism are related first of all to the fact that there is a "variable geometry" of cooperation in crisis management, since states such as Azerbaijan, Turkmenistan, Ukraine and Belarus participate with reservation in relevant CIS documents. Furthermore, according to the CIS Statute, the main document of the organization, decisions are taken by consensus (unanimity), including decisions on setting up a new peacekeeping mission, but only interested states can participate in voting[31]. In other words, two CIS countries, for instance Russia and Belarus, may decide by unanimous vote to send collective peacekeeping forces to the Republic of Moldova; collective forces that could

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[31]   CIS Statute, Art. 23.

mean, as in the case of Abkhazia, only a contingent of Russian military. Finally, the CIS Statute refers particularly to interstate conflicts, while the existing conflicts are purely internal. The only way of the CIS to intervene in internal conflicts is stipulated in Article 12 and refers to maintaining territorial integrity of CIS. The CIS mission in Georgia / Abkhazia did exactly the opposite, contributed to the loss of territorial integrity of a CIS member state.

The concept of preventing and solving conflicts on the territory of CIS member states, signed in January 1996, tends to be a more comprehensive documents and establishes 3 mechanisms of collective intervention and namely prevention of conflicts, settlement of armed conflicts and post-conflict missions[32]. But the provisions of this document are not necessarily complied with peacekeeping operations in CIS member states, just as other dozens of documents, signed during two decades of existence of the organizations, are not respected. The evidence of this is that in October 2007 was signed the Agreement on peacekeeping activities of the Collective Security Treaty Organization (CSTO), which came into force in 2009 and under which was established a group of peacekeeping forces "acting on a permanent basis" (3,500 military and 1,000 civilians) aimed first of all at possible missions on the territory of the CSTO Member States[33]. Hypothetically, if Ukraine were CSTO member, the government in Kiev could have requested "permanent peacekeepers" to intervene in "Euromaidan" to stabilize the situation.

But besides the analysis of documents relevant to peacekeeping missions signed in the post-Soviet space, the operations conducted by Russia in the former empire's borders are much more representative. The common feature of all these "peace operations" that differs from international practice and laws is determined by the fact that there is evidence that Russia, which leads all these missions, is the state that has fought against the Republic of Moldova on the Dniester, has fought with Georgia in South Ossetia and Abkhazia and was directly involved in the civil war in Tajikistan. It is hard to claim impartiality in these operations, the impartiality that is the fundamental principle of international peacekeeping missions and the main guarantor of these missions' success. Consent of the parties, the first principle to be taken into account while launching a new international peacekeeping mission, is also rather questionable in these four missions. Russia imposed on Georgia and the Republic of Moldova bilateral agreements on missions in South Ossetia and Transnistria, under the pressure of arms, and then managed to get two more decisions of the CIS on

interventions in Tajikistan and Abkhazia. Compliance with the third principle — non-use of force except in self-defence and defence of the mandate — is equally problematic in the post-Soviet space, since missions in South Ossetia and Transnistria have no mandate from anywhere, while that of Tajikistan, for example, had a very broad mandate that actually allowed any kind of action.

Therefore, the four operations led by Russia in the post-Soviet space are contrary to any international practice or legal norms and do not comply with any of the three fundamental principles for conducting peacekeeping missions, maybe with some exceptions for Tajikistan. Missions in South Ossetia, Transnistria and Abkhazia were unilateral peace enforcement missions (by the Russian Federation); they were officially named „peacekeeping operations" and became over time „state-building" missions, after which Russia recognized the independence of Ossetia and Abkhazia and consolidated the unconstitutional regime in Transnistria, which representatives are preparing for the moment when Russia will recognize their independence.

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[32] Concept of conflict prevention and settlement on the territory of CIS countries. Available at http://cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=536.

[33] Agreement on peacekeeping of Collective Security Treaty Organization. Art. 3. Available at http://www.odkb-csto.org/documents/detail.php?ELEMENT_ID=1679.

CHAPTER II.
TRANSNISTRAIN SETTLEMENT PROCESS AND PEACEKEEPING FORMAT

DYNAMICS AND DIFFERENT VIEWS ON THE TRANSNISTRIAN CONFLICT SETTLEMENT AND THE SECURITY ZONE

The dynamic of the settlement process of the Transnistrian conflict remained largely the same as few years ago: limited progress on the margins of key issues without having the possibility to discuss main areas of divergence related to the status and the conflict resolution itself. Despite the attempts to progress, or at least to maintain the status quo on the local level, the international context has its implications that create incentives for new frictions and escalation of the conflict. The misunderstandings of the EU and Russia in regard to the Eastern Partnership policy of Brussels and "near-abroad" policy of Moscow are negatively reflected on the conflict settlement process. On the one hand, the Republic of Moldova is firmly heading toward the EU aiming to sign the Association Agreement by the end of 2014, including the Deep and Comprehensive Free Trade Area; on the other hand, the de facto authorities from Tiraspol are declaring that the only viable way for Transnistrian development is the membership into the Customs Union. The problem of (geo)political orientation is an issue for Moldovan society, since, despite the strong support of the government for European integration, the independent opinion polls are showing that the EU is only few percents more popular than the Customs Union (44,7% for the EU and 43% for Customs Union)[34], while the EU use to have the support of over 70% in the 2007-2008[35]. The same dilemma is valid for the people living in the Transnistrian region, where local leaders and a major part of the population are willing to join the Customs Union while the business would prefer to keep the status quo in trade relations with the EU, as an expert from the region put it "the head of Transnistria goes to Customs Union while the body goes to the EU"[36]. Moreover, according to an independent survey about 57% of the population living in the Transnistrian region is willing to reintegrate with Moldova while

83% see the future of the country (reintegrated) in the Eurasian Union[37], while leaders in Transnistria usually use the data from the 2006 so-called referendum in which the overwhelming majority voted for joining Russia. The main reason for such behaviour is that the Republic of Moldova, despite its problems, becomes more attractive, and the exports of the Transnistrian region are mostly directed to the territory controlled by the constitutional authorities of Moldova (42%), other almost 30% of the exports are directed to the EU, while only 19% are sold to Russia.[38]

On the official level, mainly within the 5+2 negotiation format which was resumed in November 2011, developments remained insignificant. While, in the beginning, the participants were able to approve the principles of negotiations, the agenda of negotiations and some progress was recorded on secondary issues, the latter negotiations in 2013 became highly problematic and "cosmetic" in terms of deliverables. From the existing three conventional "baskets" of negotiations, only the first two referring to social-economic aspects and humanitarian and human rights issues were discussed, while the third one referring to the political settlement and security issues was not officially on the agenda given the objections of the Transnistrian and Russian side because it is too early to open negotiations on the third basket.[39] Thus, the so-called policy of "small steps" proved to be inefficient to a large extent mainly because most of the discussions on technical issues were in the end colliding in the overall political settlement of the conflict. Basically, the issue of the peacekeeping mission is also part on the third basket and the fact that actors already informally discuss the issue of peacekeeping mission is a proof that the third basket is opened.

The official resumption of "5 +2" negotiations, along with the reopening of dialogue between Chisinau and Tiraspol, opened up the prospect of change in the eastern part of the Republic of Moldova for reintegration of the country. But if negotiations for European integration show an increasing trend, the realities in the negotiations on the Transnistrian conflict settlement are quite different. Two years after their start the situation became tense in the Security Zone, Tiraspol administration actions attempt to obstruct the European integration of the Republic of Moldova and Russia still has plans to maintain its military arsenal on the left bank.

34   Barometer of Public Opinion, Institute for Public Policy, November 2013, http://www.ipp.md/public/files/Barometru/BOP_11.2013_prima_parte_finale.pdf

35   For a detailed explanation of why the support for European integration in Moldova decreased see The consequences of the disappearance of national consensus on European integration, Cornel Ciurea, Moldova's Foreign Policy Statewatch, IDIS Viitorul, Issue 54, http://viitorul.org/doc.php?l=ro&idc=358&id=4065&t=/PUBLICATII-PERIODICE/Buletin-de-politica-externa/Consecintele-disparitiei-consensului-national-privind-integrarea-europeana

36   Interview with an expert from the Transnistrian region, November 2013.

37   Mai mult de jumatate din populatia Transnistriei vrea unirea cu R. Moldova, April 2012, http://www.ziare.com/europa/moldova/mai-mult-de-jumatate-din-populatia-transnistriei-vrea-unirea-cu-r-moldova-1164624

38   Leancă a propus crearea unui subgrup de lucru în problema comerţului şi exportului mărfurilor transnistrene, 30.10.2013, http://www.publika.md/leanca-a-propus-crearea-unui-subgrup-de-lucru-in-problema-comertului-si-exportului-marfurilor-transnistrene_1657161.html

39   Andriy Deshchytsia, Ambassador, Special Representative of the OSCE Chairperson for protracted conflicts, 4th Strategic Discussion Club: "The Role of Ukraine in the Settlement of Protracted Conflicts", 12.06.2013, Kyiv.

The last two meetings between Moldovan Prime Minister Iurie Leanca and Transnistrian leader Yevgeny Shevchuk displayed the real situation that exists between the two banks of the river Dniester. During the first meeting, which took place in Tiraspol in September, Moldovan Prime Minister Iurie Leanca tried to convince Transnistrian leader to accept the European path. Yevgeny-Shevchuk's response did not leave room for interpretation: Tiraspol does not want to give up Russian protection.[40] In this regard, it was proved that these two entities have a radically different approach towards their political orientation – Chisinau is looking for European association, and Tiraspol is focused on the Eurasian vector. The worsening of the state of the relationship between two parts was even more evident during the meeting between Leanca and Shevchuck, held in Landshut, Germany on October 30, 2013. Transnistrian leader said that the real solution to the Transnistrian conflict depends on a civilized divorce of the parties. Shevchuk stated that: "This should be done according to the model Czech Republic and Slovakia or Serbia and Montenegro. International recognition of Transnistria will bring only benefits, given that this will stabilize the region".[41] It was for the first time when Shevchuk stated so clearly the idea of total separation, and he repeated insistently this later, during his televised interview on Transnistrian TV.

The present round of changes started already on March 2013, in particular, when the Republic of Moldova decided to establish migration control of citizens in the six checkpoints: Gyrbovets (Aneni-iNoi), Hadzhimus (Causheni), Dubasari, Criuleni, Rezina, Sanatauka (Floreshti), a decision that later took the form of law and was voted by the Moldovan Parliament. That decision imposed limitations on the citizens living in Transnistria who hold only Russian passports (about 150 thousand people) and forming one-fourth of Transnistria's population. The Moldovan authorities said they did it in order to establish order on the future eastern border of the European Union, which Moldova plans to join. Later, Chisinau gave more explanations and defined more exactly the criteria of differentiation between foreigners who come to Moldova and Transnistrian residents who don't have the Moldovan passport.[42] Additionally, political parties in Parliament repealed the law that imposed fines on the people from Transnistria with no Moldovan passports. Apparently, the conflict on the checkpoint issue is temporarily settled but there are still questions related to the future number of checkpoints and the procedure of registration – voluntary or involuntary.

The Security Zone is another important source of tension, which is the main focus of our paper. Tensions increased during the night of April 26-27 in the Security Zone of the Republic of Moldova. The Transnistrian authorities unilaterally installed two checkpoints between the village of Varnita (a commune that remains controlled by the Moldovan government) and the city of Bender (controlled by the separatist authorities of Transnistria).[43] It led to clashes between Moldovan civilians, who tried to remove the checkpoints, and the Transnistrian militia, who intervened to stop them. The conflict was brought to an end a few hours later, by the Unified Control Commission, a joint mechanism established to monitor, among other things, the Security Zone. Transnistria claimed that the new checkpoints were aimed at combating smuggling. Several other problems appeared in the Security Zone in autumn that were linked to the Transnistrian authorities attempt to retaliate against Europeanization of Moldova – border management and entering the Deep and Comprehensive Free Trade Area. Among them, the most important one was the announcement of Transnitrian authorities to expel from the Security Zone the representatives of Moldovan police.

The situation in the Security Zone is seen differently by the parties that constituted in 1992 the tripartite format of peacekeeping operations. These radically opposed approaches make very difficult (if not impossible) the immediate process of changing the current format of the mission. Roughly speaking, the Moldovan side, accepting the efficiency of the peacekeeping mechanism at the initial stage in order to stabilize the situation in the region and avoid further escalation, is dissatisfied with the present situation, willing to change the format that is considered out-dated by reducing the influence of Russian Federation and making the structures of this mission more sensible to its demands. On the contrary, Transnistria is content with the results of this peacekeeping operation insisting on its efficiency and „pre-eminence" as the most important international mechanism which ensures stability in the region and contributes to the peaceful resolution of the Transnistrian conflict.[44] Transnistria praised the role of Russian Federation and insisted on the preservation of the principle of consensus in the process of decision making as the main guarantee of the peacekeeping mechanism. For the moment being, Moldova accepts reluctantly the principle of consensus but there is a steady recognition that this principle does not work properly. At the same time, Moldova feels that the decision-making principle is detrimental to its interests because it finds itself on the weaker side, suspecting 2 against 1 format of decision-making (Transnistria and

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40 "Aincercatsa-l convinga, insa nu a resit. Ce au discutat Sevciuk-si Leanca la Tiraspol", on http://inprofunzime.md/stiri/politic/a-in-cercat-sa-l-convinga-insa-nu-a-reusit-ce-au-discutat-sevciuk-1.html, 23/09/2013.

41 Тирасполь предлагает Кишиневу развод по примеру Чехии и Словакии, http://ria.ru/world/20140407/1002930881.html

42 "Pentru cine si de ce au fos instalate punctele de control a migratiei", on http://bloguvern.md/2013/10/22/pentru-cine-si-de-ce-au-fost-instalate-punctele-de-control-migrational/, 22/10/2013.

43 "Tensions grow at Moldova-Transnistria Security Zone", on http://globalvoicesonline.org/2013/05/01/tensions-grow-at-moldova-transnistria-security-zone/, 01/05/2013

44 The assessment is based on the interviews conducted by the authors with representatives of both sides.

Russia Federation having very frequently one point of view and Moldova – another). In this respect, Chisinau is looking forward to enlarging the format of the decision-making mechanism with a concurrent switch toward a majority rule. Moldova is also contesting the principle of efficient interaction between the parts in the peacekeeping mechanism, considering that the mission does not have access to different places in the Security Zone and is not able to collect always relevant information on the situation on the ground. It also wants to change some checkpoints where there is no presence of Moldovan peacekeepers.

Also, Transnistria considers that there is a high degree of trust of the population in the peacekeeping mission which contradicts the position of Moldova, which repeatedly asserted the fact that the population is distrustful and don't support the activities of the peacekeeping mechanism, being especially upset after January 1, 2012 tragic accident when Moldovan VadimPisari was mortally wounded by soldiers at VadulluiVoda border checkpoint. Moldovan side continuously insists on the demilitarization of the Security Zone and peacekeeping mechanism and transformation of it into a civilian mission, a demand that very much displeased Transnistria and Russia.

These two contradictory evaluations of the situation impede very much the process of reforming the Security Zone. Both sides have different narratives that stem from the different perception of risks and threats. Transnistria sees itself as a "besieged fortress", isolated from its "natural" ally – Russia by Ukraine that is not totally reliable because of its sporadic pro-European aspirations. In this respect, conserving the situation in the Security Zone, where Tiraspol finds itself in comfortable vicinity with Russia and due to this has a stronger voice, is seen as a unique guarantee for not to lose too much. At the same time, Moldova is kept into the prison of the so called "sovereignty trap", a term that was coined by Russian political scientists Dmitri Furman to explain two contradictory and mutually neutralizing tendencies which determine the development of the Moldovan state – Pro-Romaniasm in parallel with Pro-Europeanism that recommends "forgetting" about Transnistria against Moldovenism and state-building Moldovenist mentality which prompts the effort to reintegrate the country by any means.[45] Each tendency is counteracted and annulled by the opposite one. In its attempt to reform the Security Zone Moldova is aiming to use the internationalization argument, according to the model exploited in 2005 when the negotiation format was changed by including two observers – the EU and the USA. This attempt to rationalize and adjust the Security Zone is repealed by the strong Tiraspol and Moscow fears which suspect geopolitical implications.

These two opposite positions could be briefly summarized in order to grasp better the practical irreconcilability of these too opposite camps.

According to the evaluation of the Moldovan side over the last period – from January 1 to September 23, in the Security Zone were attested 112 illegal actions and incidents. Among the most serious the following could be attested: penetration of special security forces from Tiraspol in Bender where by using physical force, they captured the checkpoint and attacked police of the Republic of Moldova; prohibition of movement of the representatives of the Moldovan police to their posts and their detention; illegal installation of border, mobile police and customs posts; deprival of the car plates in the Security Zone by the Transdniestrian militia issued by the competent authorities of the Republic of Moldova, blocking of the activity of penitentiaries number 8 and number 12 of the Ministry of Justice of the Republic of Moldova, entering into a state of alert of the Transnistrian military units stationed in the area with increased security regime (Bender, Parkany village), as well as in the cities Ribnitsa, Dubassari, Grigoriopol and Sloboziya without informing the JCC and JMC, not allowing the military observers to carry out the inspection, conducting military exercises in the Security Zone region without the consent of the JCC.

The main Moldovan grievances that cover the last period are the following:

•   The presence of planned actions initiated by Tiraspol, aimed at strengthening the control of the security forces in Transnistria Security Zone, and persistent attempts to strengthen the military component, primarily in the city of Bender. There is an active process of replacing senior management of these structures with new qualified staff -trained and acquired combat experience in various law enforcement agencies of the Russian Federation.

•   Within 2 months (June-July) the work of the JCC and JMC were blocked because Tiraspol representatives undertook unilateral action to introduce a military unit in areas with high security regime – Bender, without having a JCC decision. It is a dangerous precedent that consists in the fact that one part of Peacekeeping Forces in the region is assuming unilateral action.

•   Open disregarding by Tiraspol of the existing mechanisms of the peacekeeping operation as it was stated in the international agreements of 1992 and 1998, through their revision and unfair interpretation with the active support of the so-called Transnistrian "external political authority," which categorically refuse to discuss the situation in the Security Zone in the "5+2" Format. The last example took place at the beginning of 2014 when 6 representatives of the Moldovan peacekeeping unit together with the lyceum director and accountant of the Latin-script school in Tiraspol were detained by the Transnistrian militia on suspicion of foreign currency cash smuggling into the breakaway region, when they were

45   Фурман Д., Батог К. Молдова: Молдаване или румыны?, on www.so-veurope.ru/stat/Furman.doc

transporting 114 thousand lei from the mainland Moldova to re-pay salaries to lyceum teachers.[46]

• The decision taken by Bender administration regarding "the ban on the movement within the territory under the authority of the city council of the security forces and police in uniform of Republic of Moldova." Detention on April 10, 2013, at the checkpoint Bender − Varnitsa, by the representatives of power structures of the Transnistrian region of the investigators from the Republic of Moldova Gyrzheva Alexei, NicholayKitaika, Sergei Kornitsela and Sergey Sheremet accompanying P. V. Mishchenko, who committed a murder in the Russian Federation, and opening of a criminal case against them all these investigators being declared persona non grata.

• Transnistrian authorities are blocking the deployment in the Security Zone and Bender city of an international inspection mission charged to monitor the current situation, including the military component, the interaction of the police and militia based on the results of the JCC working group that the structure and number of law enforcement units in Bender does not correspond to previous decisions

The position of Transnistria is radically different, and it contradicts drastically the Moldovan one.[47] According to it, Moldovan authorities commit a range of violations of the peacekeeping mechanism.

• attempts to draw in the Joint Control Commission in proceedings concerning disputes of economic entities in the Security Zone

• active personal participation of the police and military contingent of Moldovan peacekeepers in destroying the infrastructure of the ninth checkpoint

• attempts to impose to the Joint Control Commission decisions which contradicts the goals and objectives pursued by the peacekeeping operation

• building up the military component by the law enforcement structures of Moldova in the Security Zone

• attempts to disrupt the positions of power structures in Transnistria Security Zone, despite the fact that these issues are not in the competence of the Joint Control Commission

According to the Transnistrian side today in the process of the settlement of Transdniestrian conflict, there are two diametrically opposite picture: on the one hand − statements of Moldovan authorities about the need to build confidence and address the pressing issues to improve the lives of citizens, on the other − increased pressure on peacekeeping mechanism, leading to the escalation of tension and weathering of this "spirit" of trust. The position of the Transndniestrian side is that Tiraspol does not intend to discuss the peacekeeping operation in the 5+2 negotiation format because it suspects a strong geopolitical context. The main elements of this position are the following:

• not accepting demilitarization of the Security Zone;

• accepting the implementation by the Russian Federation of complex actions aiming at preserving the balance, not only in the field of security;

• any attempts to dilute the foundation of the peacekeeping operation are untimely and are categorically unacceptable.

This radical antagonism in understanding the situation in the Security Zone make very difficult the efforts to change the purpose of the PKM that enjoys just a semblance of the legitimacy due to its long term existence. Tiraspol and Moscow support the PKM in its current format and resist any attempt to change its format; Chisinau is compelled to accept reluctantly the PKM which is the less of two evils (the big one is not to have at all a peacekeeping format, because of fears that paramilitary entities in the Transnistrian regions may further destabilize the situation). In fact, all the sides miss the opportunity to build a PKM according to the internationally recognized standards (Moscow and Tiraspol being the most ardent opponents to this), which is the reason why Moldova wants to change the format of the mission.

## FORMULA AND PECULIARITIES OF THE PEACEKEEPING OPERATION IN THE SECURITY ZONE

The current institutional setting of the management of the conflict area and the peacekeeping mission (PKM) appeared as a result of the cease-fire agreement between the Republic of Moldova and Russian Federation signed on the 21 July 1992[48]. The PKM consists of about 1200 peacekeepers almost evenly divided between Russia, Moldova and the Tiraspol administration, as well as of 10 Ukrainian observers. By the cease-fire agreement, the Security Zone was also created, parameters for which were later set by the Joint Control Commission (JCC). The later is the body composed by Russian Federation, Moldova and the Tiraspol administration in which OSCE and Ukraine has an observer status. The JCC manages the Security Zone which has 225km in length and 12-20km width. Further, the Security Zone, the operation of the JCC and the peacekeeping mission were completed by several documents. First

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46 European Parliament passes a Resolution on Moldova-run schools in Transnistria, on http://www.infotag.md/rebelion-en/184290/, 07/02/2014.

47 Игнатов В. «Миротворческая операция на Днестре и геополитические вызовы современности», on http://i-news.kz/news/2012/07/24/6519811-vitalii_ignatev_mirotvorcheskaya_operaci.html, 24/07/2012.

48 Соглашение о принципах мирного урегулирования вооруженного конфликта в Приднестровском регионе Республики Молдова, Москва, 21 июля 1992 г.

Figure 9. The Security Zone
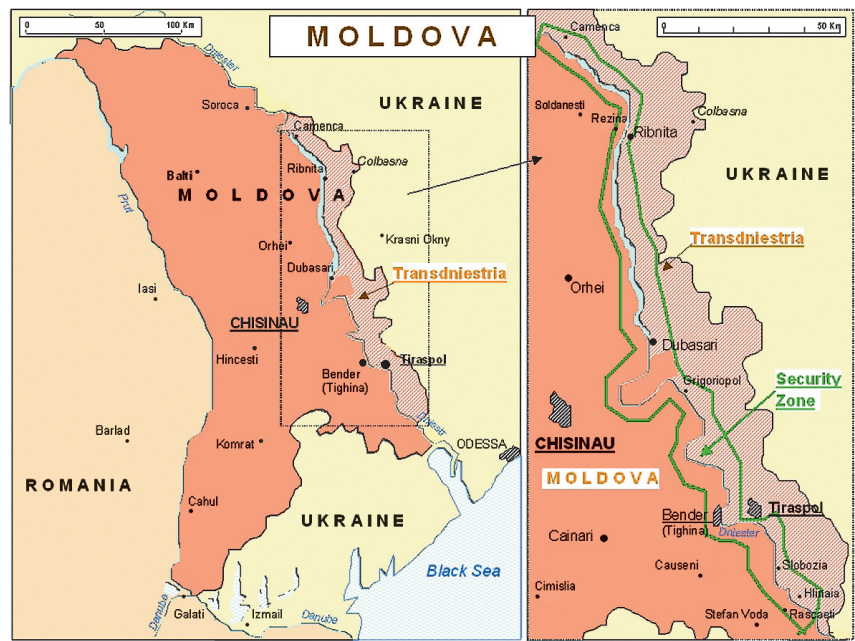
Note: *The map does not reflect the exact jurisdiction of the Chisinau Government on the Transistrian region, which includes the villages of New Molovata, Cocieri, Cosnita, Pirita, Pohrebea and Dorotcaia.*

of all the 1994 Bender agreement on the principles of cooperation between the JCC and OSCE, which was later updated in 2004 and most importantly the 1998 Odessa agreement which provides the reduction of Moldovan and Tiraspol's administration peacekeepers, reducing the number of joint check-points of peacekeepers and their substitution with mobile units as well as participation of Ukraine in the peacekeeping format and documents related to the status of the JCC and regulation which established the mechanisms of the functioning of the Security Zone.[49]

Over the last years, the situation in the Security Zone became less stable, and the JCC proved to be not as efficient as it supposed to be. According to the information provided by the Moldovan authorities, only in 2013 there were registered more than 100 illegal actions and incidents in the Security Zone[50]. Among these incidents, one has to notice the barriers created by the Tiraspol administration to the transportation of pupils to Dorotcaia school, illegal installation of border and customs checks, prohibition of movement for Moldovan police, illegal detention of representative of law-enforcement institutions of Moldova, etc. The Moldovan authorities claim that most of the actions carried out by the Tiraspol administration are illegal and unilateral and are meant

as provocations. Leaders of the Transistrian region, on their turn, consider that their actions are directed to defend the "independence" and are fully legal.

According to the regulations, the JCC decision is taken by consensus, which in practice mean that the JCC activity is quite often blocked by the fact that one of the parties is refusing to record incidents or approve the agenda that makes the JCC to be on the side of the processes taking place in the Security Zone. This situation shows that the work of the JCC and Joint Military Commandment (JMC) has insufficient control of the situation in the Security Zone and their activity during last years is highly politicized, and the decisions are taken on the basis of political considerations instead on considerations based on interest to ensure security and order in the Security Zone.[51] Moreover, many reports prepared by the JMC in which different incidents are recorded are not discussed by the JCC that proves that the members are not able to reach a consensus. For instance, in 2013 the Tiraspol representative in the JCC blocked the activity of the JCC for several months on purpose.[52] Moreover, individuals attending the JCC meeting of 5 March 2013 say that despite the insistence of the Moldovan and Russian representatives to the Tiraspol representative to withdraw military unit which was created in violation with JCC rules in Bender, the representative of KGB of Tiraspol administration accused Russian representative for taking the side of Moldova and officially declared that

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49   Tugui E. Managementul unei contestate jurisdictii, in «De ce federalizarea nu este valabilă pentru Republica Moldova» by Ciurea C., Litra L., et al, Insitute for Development and Social Initiatives «Viitorul», 2012.

50   Interview with a Moldovan official.

51   Interview with a Ukrainian expert.

52   Generalul Ion Solonenco: Partea transnistreană continuă să blocheze activitatea CUC, http://www.noi.md/md/news_id/30481

Figure 10. The mechanism of management of the Security Zone[53]

Joint Control Commission (JCC)		
JCC Composition	Experts	Invited / Present
• Co-presidents • Members of delegations - Special representative responsible for coordination of political aspects of the settlement process - Representative responsible for defense area - Representative responsible for the area of ensuring public order - Representative responsible for area of security (FSB, SIS, MGB) - Representative of other public authorities • Representative of Ukraine	• Permanent experts of the sides • Invited experts (for solving concrete problems)	• Senior military commanders • Chief of Staff of JPF • Representatives of Ukraine • OSCE representatives in the Republic of Moldova

Joint Military Command		
Chief of staff	Commanders of the three military delegations	Commander of the Ukrainian Groups of Observers

Group of Military Observers	
Representatives of the sides	10 servicemen of Ukraine

Military commandant		
South sector	Central sector	North sector

Joint Peacekeeping Forces (JPF)														
Checkpoint Nr 1	Checkpoint Nr 2	Checkpoint Nr 3	Checkpoint Nr 4	Checkpoint Nr 5	Checkpoint Nr 6	Checkpoint Nr 7	Checkpoint Nr 8	Checkpoint Nr 9	Checkpoint Nr 10	Checkpoint Nr 11	Checkpoint Nr 12	Checkpoint Nr 13	Checkpoint Nr 14	Checkpoint Nr 15

the Transnistrian side violated the JCC regulations on purpose and will continue to act unilaterally. The example provides that basically, in the Security Zone everyone whose activity is not guided by good faith intentions can take unilateral steps without being punished and block the activity of the JCC. The problem is that the JCC is also in charge of the peacekeeping mission and the disfunctionality of the first creates serious problems for efficient management of the latter.
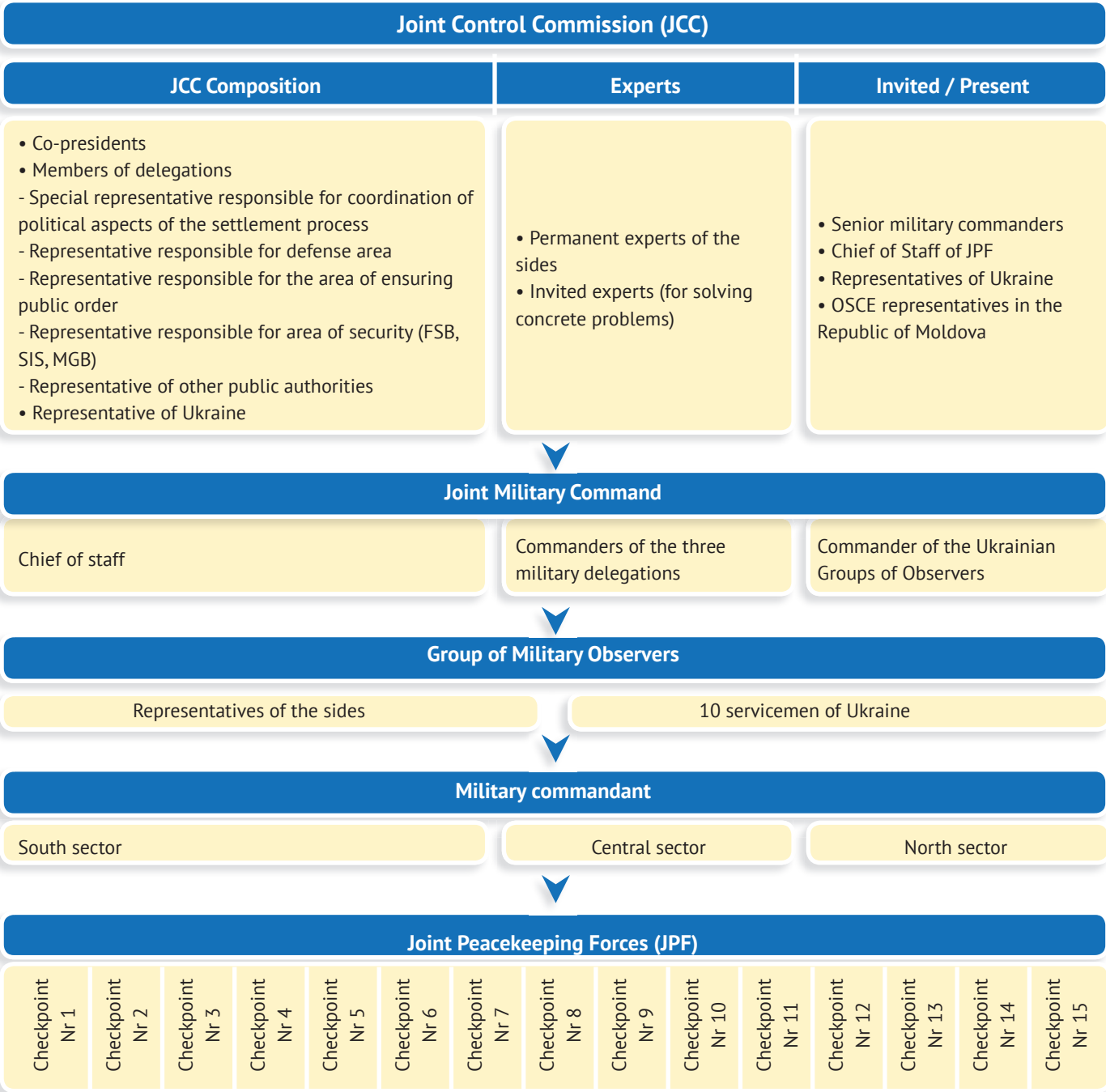
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53 Table elaborated by Eduard Tugui in Managementul unei contestate jurisdictii, in «De ce federalizarea nu este valabilă pentru Republica Moldova» by Ciurea C., Litra L., et al, Insitute for Development and Social Initiatives «Viitorul», 2012.

At the same time, a serious issue represents the so-called procedure of departure of the military observers of the four parties (Ukraine, Moldova, Russia and Tiraspol administration). The problem is that the instructions that govern the activity of the observers of the four parties are inconsistent and by this prevent from acting quickly when needed and gives a leeway to parties to block the departure of the observers. For instance, according to the data provided by the Moldovan authorities (other parties did not provide data), the departure of military observers of the four parties was blocked in 2012 by Moldova — approximately 30 times, by Russia — approximately 60 times and by the Tiraspol administration approximately 90 times. In extreme situations, the departure of the observers has to take place within 15 minutes while sometimes the departure is heavily delayed or even blocked in order to avoid the record of illegality. Despite the fact that improvements were proposed and initially accepted by the all parties in 2010, the Transnistrian delegation withdrew its support given that the proposed changes were not yet adopted in an official decision of the JCC.

WHY THE CURRENT PEACEKEEPING MISSION IS UNSUSTAINABLE?

The discussion on the need to transform the peacekeeping mission into an international civil monitoring mission became a viral subject in the process of settlement after the 1st of January 2012, when a citizen of Moldova was shot dead at the peacekeeping checkpoint No 9 by a Russian peacekeeper. Following this case, the Moldovan authorities declared that the peacekeeping format is obsolete and is no longer needed in the actual format, calling for the transformation into a civil monitoring mission under an international mandate.

The debate on transforming the current peacekeeping mission was first launched by the Dutch OSCE presidency in 2003. At that time, there was little interest, and the issue of the peacekeepers did not seem so pressing since the Communist government in Moldova (2001-2009) thought that the conflict could be fully resolved, and the issue of the peacekeepers will disappear[54]. But after the failure of quick settlement formats as it was the so-called "Kozak" memorandum, the feeling about the mission started to change. Basically, the Russian position is that the status of the peacekeeping mission shall be discussed only after finding a political settlement in the conflict[55]. The Russian position is shared by the Tiraspol administration that is against the transformation of the mission and says that the "there is a real threat of a new war in the region"

therefore the number of the peacekeepers should grow[56]. But the Russian position was not always identical with the one of Tiraspol administration. In 2010 president of Russian Federation D. Medvedev and president of Ukraine V.Yanukovych signed a declaration that called for the transformation of the current peacekeeping format[57]. Some in OSCE dealing with the Transnistrian conflict also think that the peacekeeping mission is not a big problem, and parties should be focused rather on solving the conflict than on transforming the mission since the latter will take many efforts. However, the official position of the OSCE is that the organization is supporting the discussions on the transformation of the PKM since the "peacekeeping operations must adapt to new challenges and political realities and the highly militarized peacekeeping force, whose presence was agreed 20 years ago, can no longer suit the region where today, apparently, there is no serious risk of armed conflict"[58].

The Moldovan officials voice the position of the OSCE most often and call for transformation of the PKM. In addition, Ukraine, US, Germany and the EU, all support the talks on the issue[59]. Moreover, the transformation of the PKM was part of the 2005 Yushcenko plan which was proposed by Ukraine[60].

At the time when the mission was established, it was clear that the PKM was needed in order to stabilize the region and reinforce peace, for which all the parties involved should be grateful. But since then already 22 years passed and the mission did not develop from a provisional mechanism designed to stop hostilities to a mission designed to create confidence in the process of conflict settlement and rapprochement between the two banks. That is why the current PKM has to be urgently transformed due to the following reasons:

- **The PKM is not impartial.** One of the key elements of the UN principles of peacekeeping is that a PKM should be impartial. The existent PKM is composed by conflict parties Moldova, Russia and Tiraspol administration. Given that the cease-fire agreement

54   Interview with former Moldovan official.

55   РФ подтвердила, что миротворческая операция на Днестре может быть переформатирована лишь после урегулирования конфликта, 24/07/2013, http://moldnews.md/rus/news/61827

56   Ştanski avertizează asupra pericolului izbucnirii unui nou conflict în Transnistria, 06/11/2012, http://unimedia.info/stiri/Stanski-avertizeaza-asupra-pericolului-izbucnirii-unui-nou-conflict-in-transnistria-54002.html

57   Украина и Россия подписали восемь соглашений, 19/05/2010, http://newsland.com/news/detail/id/505015/

58   Ламберто Заньер: «Миротворческая операция — непроблема, конфликт — это проблема», 15/07/2012, http://www.kommersant.md/node/9140

59   Tiraspol opposes transformation of Transnistria peacekeeping mission, 05/01/2012, http://www.easternpartnership.org/daily-news/2012-01-09/tiraspol-opposes-transformation-transnistria-peacekeeping-mission

60   Grigori Perepelîţea: Transformarea misiunii de pacificare la Nistru este înteresul Ucrainei, 13/01/2012, http://www.europalibera.mobi/a/24451143.html

was signed between the president of Russia Boris Eltsyn and president of Moldova MirceaSnegur, and taking into account the ruling of the European Court for Human Rights in the case "Ilascu and Others vs Moldova and Russia"[61] the Transnistrian conflict is a conflict between the Republic of Moldova and Russian Federation and Tiraspol administration. Over the time and taking note of the 1997 so-called Primakov Memorandum, the Russian Federation tried to induce that there is a conflict between the right and left banks of river Nistru. In fact, the conflict is between Moldova vs. Russia and Tiraspol administration and not between the people from both banks. Therefore, conflict parties compose the PKM.

• **No consent of the parties.** According to the UN principles, the parties should give their consent in order to accept the PKM. The Republic of Moldova asked for the transformation, or at least to hold official discussion on the issue of the PKM since it considers that it is no longer functional and does not contribute to the settlement process. According to the 1992 agreement, a decision to review the peacekeeping mechanism should be adopted by Russia and Moldova.

• **Non-use of force except in self-defense and defense of the mandate.** The case of 1st January 2012 proved that the use of force was exaggerated. According to the instructions of the peacekeepers, the latter could use the machine gun only in extreme cases and only for shooting at legs in case of pedestrians and on wheels in case of means of transport[62]. According to the medical expertise, the citizen of Moldova VadimPisari was deadly shoot; the 3-4 bullets penetrated kidneys, stomach and other internal organs.

• **The PKM has no clear mandate and terms.** As proved in the first chapter, all the peacekeeping missions have a clear defined mandate that includes terms of stationing, competences of the peacekeepers and phases of completion. According to the UN, a PKM has 5 phases: (1) Rapid deployment; (2) Mission start-up; (3) Implementation; (4) Transition/hand-over and; (5) Withdrawal/liquidation. Obviously, the current PKM should be at least at the phase of Transition/hand over since the PKM fulfilled its initial task to ensure peace. Moreover, according to the UN standards, planning the phase of withdrawal and liquidation is a precondition for initiating any PKM, and it is the main indicator of success.

• **The PKM is not accountable.** Officially the PKM is coordinated and accountable to the JCC, but due to the imperfections and disfunctionality of the JCC and its operation system, the PKM can do actions that are exceeding its powers and not get punished. In the case of the Moldovan citizen who was shot dead on 1st January 2012, the Russian peacekeeper who shot enjoys the freedom and was not yet judged for its actions. Moreover, because the military observers departed to the place where incident took place after more than two hours (even if according to the instructions in an emergency situation the departure has to take place within 15 minutes), the peacekeeper that shot was evacuated as well as the gun machine from which he shot. Until this moment, the prosecution is stopped due to the refusal of the Russian side to cooperate and conduct a joint investigation with Moldova.

• **The PKM is biased and is used to escalate the conflict.** The PKM is biased since it takes the side of the Tiraspol authorities. Many peacekeepers who serve in the Russian contingent are, actually, individuals living in the Transnistrian region but as they have the Russian citizenship, they are employed as Russian peacekeepers. Moreover, the PKM was and is used to strengthen the "statehood" of the so-called Transnistrian republic and a guarantee of its existence. In addition, the PKM is used as an argument in order to increase the military capabilities of the Russian and Transnistrian forces under a strategy conventionally called "staged" militarization[63].

• **The current PKM is not a success.** Despite the assessments of some actors in the 5+2 that the current PKM is a real success, the arguments speak for contrary. A mission is considered a success when is withdrawn and liquidated. If the mission is not withdrawn and the escalation attempts in the Security Zone are carried out and not punished, then the mission is not able to fulfil its tasks and, therefore, has to be transformed together with the management mechanism.

Considering the above arguments, the 5+2 negotiation format has to open the third basket and put on the agenda the issue of the transformation of the PKM as soon as possible. Otherwise, the current PKM will generate significant problems in terms of advancement of the settlement process. Until the discussion will start and will be held, provisional steps to "soften" the negative elements of the PKM should be taken[64].

61 Ilascu and others v. Moldova and Russia, ECHR, http://sim.law.uu.nl/sim/caselaw/Hof.nsf/1d4d0dd240bfee7ec12568490035df05/83f9f9b2dfed15a3c1256ec9004d882d?OpenDocument

62 Interview with an expert familiar with the instructions of the peacekeepers.

63 Litra L. Ukraine's contribution to regional security: The case of Transnistrian conflict, Institute of World Policy, 2013, http://iwp.org.ua/img/policy_brief_0913_eng.pdf

64 Popescu N., Litra L. Transnistria: A bottom-up solution, European Council on Foreign Relations, 2012, http://ecfr.eu/page/-/ECFR63_TRANSNISTRIA_BRIEF_AW.pdf

CHAPTER III.
HOW TO BUILD AN EFFICIENT PEACEKEEPING MISSION IN TRANSNISTRIA?

SEVERAL SCENARIOS OF THE DEVELOPMENT OF THE SITUATION IN THE SECURITY ZONE

This tensed situation could be explained by means of various basic contradictions which are changing the status quo in the region. One of the most important contradictions is the Eurointegration of Moldova versus the need to reintegrate the country. Republic of Moldova's legitimate intention to move toward signing the Association Agreement and no visa regime triggers counteraction from Tiraspol and Moscow, which is not approving such conducts. In turn, this leads to more tensions in the Security Zone. In this way, Transnistria manages by means of Russian support to block the pro-western aspirations of Moldova. Another important element is the general transformation of the context in the area, which is becoming more and more unpredictable due to such new factors as Association Agreement with its DCFTA component. In fact, this new situation makes the status quo progressively unsustainable, which determines the main actors in the region to change their behaviour. In this new situation, Tiraspol and Moscow tend to apply conservative tactics, trying to impede the new developments in the area. These conservative tactics imply threatening in different ways — expelling the Moldovan police forces, refusing to discuss the political solution in the 5+2 format and intensifying pressure on the Moldovan schools in Transnistria with Latin script. In addition, Tiraspol starts increasingly to display its will toward a "civilized divorce" that can be taken by real, or it could be interpreted as a signal sent to Moldova not to move forward on the European course. This general unpredictability and unsustainability of the status quo makes the situation in the Security Zone progressively shaky and fragile. Unfortunately, the old format of the JCC and JMC is not able to face this new situation in an efficient way.

Last but not least important factor that makes the status quo problematic resides in the high degree of geopolitical rivalry in the region between Russia and the European Union. This antagonism intensifies the existent contradictions making them totally unmanageable by such small actors as Chisinau and Tiraspol. At the same time, such a rivalry could serve as a prerequisite for change and transformation of the peacekeeping format if both parts will accept that the status quo is no longer maintainable, and there is an urgent need in reconfiguring the situation in the Security Zone.

We could imagine many scenarios which could happen in the future, basing our considerations on the general belief that status quo starts to be unsustainable because the process of European integration moved situation to the point of no return. The situation starts to be dynamic but unpredictable, being pushed to some points of bifurcation that could lead to very different results.

CENARIO A. *Situation is degenerating in the Security Zone which could determine Moldova to exit from the Peacekeeping Format.* Progressive violations of the agreements taken before could lead at some point to the exit of Moldova from the peacekeeping format. Such actions or inactions as introducing unilaterally military units in the Security Zone, disregarding the existing mechanisms of the peacekeeping operations, banning the movement of the law enforcing bodies which are allowed to be placed in the Security Zone according to present agreements, not allowing monitoring in the Security Zone, and, finally, resort to force could determine Moldova to disavow the existing format and declare itself no longer part of it. This situation could lead to a de facto separation of both banks of the river Dniester. It will be the worst case of separation, because it will be fulfilled in a unilateral way, loosing Transnistria and leaving the Security Zone with no, at least minimally, workable mechanisms of protection. The responsibility for this will be placed on the shoulders of Moscow and its "satellite regime" which will increase dramatically the instability in the region, making some violent scenarios quite possible. Such (in)evolution could occur only if Moldova is deprived of any possibility to choose an alternative way to keep under control the situation in the Security Zone. The recent events in Ukraine and Russian military presence and annexation of Crimea prove that such scenarios are quite possible, leading to a high risk of destabilization in the Security Zone. For example, at the beginning of April, over 100 people out of 3,600 have gathered in downtown Dorotcaia village which is located on the left bank of the river Dniester but is controlled by the Moldovan authorities, calling on mayor Andrei Lesco to switch from the Moldovan administration to the Russia-backed separatist administration of Transnistria. Most of those who turned to the streets seek particular interests, such as 'Transnistrian' pension and 'Transnistrian citizenship' which eases the procedures to get Russian citizenship[65]. Such kinds of moves change drastically the status quo in the area and could lead potentially to severe confrontations.

SCENARIO B. *Situation is slowly degenerating being no longer status quo situation but without offering exit option solutions.* Scenario B means maintaining the effort to maintain the status quo situation in place in a situation when status quo is no longer possible. Apparently, no major changes will take place under this scenario. All three main parts of the peacekeeping format will continue to meet and will try to solve the incidents which, putatively, will occur more frequently than before. At the same time, the number

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65   "Another secessionist referendum could be organized" on http://www.moldova.org/another-secessionist-referendum-might-organized-moldova/

of disagreements between them will increase which will continuously feed the state of nervousness. Concurrently, the regional situation will become more and more tensed and the geopolitical dispute between Russia and the European Union – more pronounced. In such a case, the security format will be condemned to inefficiency and all the sides will be continuously displeased by each other. This scenario is very risky because it could lead at some point to the Scenario A. Alternatively, if some improvements become possible, this situation could be transformed in a more acceptable format. Instead of being a status quo scenario, this state of affair could be considered a provisional one, with not many chances to be preserved as it is in the long run.

SCENARIO C. *Situation is improving, and the parts come to term in order to institute a more functional peacekeeping format.* This scenario seems to be improbable for the time being, but it is worth to be considered very seriously. Taking the status quo unsustainability thesis as granted, the primary reason to take it into account lies in the fact that there is no other way to keep the situation under control then to slowly improve the peacekeeping climate. Such a scenario would favour strongly refraining from any intervention in the Security Zone which is not sanctioned by the tripartite format. In addition, an international inspection mission is highly needed, which would be allowed to assess exactly the situation in the Security Zone – this mission should include Russian observers, but it is imperative to include in this mission representatives of 5+2 negotiation format. Deployment of an international inspection mission should be charged to monitor the current situation, including the military component, the interaction of the police and militia based on the results of the JCC working group that the structure and number of law enforcement units in Bender city does not correspond to previous decisions the (Republic of Moldova exceeds the permitted number by 2.1 times, and the Transnistrian region by 4.6 times) and implementation of the recommendations of the working group regarding launching of an appeal to international organizations and experts to monitor the police and militia activities in Bender. This international inspection mission would be a serious step forward from the initial situation because it will assess the situation from a new standpoint, either enforcing or delegitimising the status quo. Starting from this new assessment, it will become feasible to elaborate some new recommendations. The basic idea is that the status quo situation could be changed only by means of an external factor which will be allowed to intervene in the Security Zone. It is also important that this mission should be accepted by all the sides of the tripartite format. It is worth mentioning that the current situation is not conducive at all for such changes, the mission deployment being supported by Moldova and being resisted by Russia and Transnistria.

Admitting that the international inspection mission would provide some positive results, the further development of things in the Security Zone could proceed in different ways. One way, which is more convenient for the Moldovan side, was described in the Memorandum on Transnistrian Conflict Settlement[66], developed by the representatives of the civil society of Moldova, which consists of two consequent stages which contain the following phases: Stage 1- The Joint Control Commission changes its structure by including representatives of the U.S. and the European Union as observers in its activities; In the activities of the Joint Control Commission increases the role of the Military Observers Group; The Military Observers Group is complemented with representatives of the European Union and the United States of America and is made up of ten representatives from each side; Introducing rotating command in the administration of JPF; Reducing transport equipment, infantry weapons and military contingent: Stage 2 – Establishment of a new mechanism for control and management in the Security Zone, a Joint Control Commission with 7 representatives having equal rights and namely OSCE, the Russian Federation, the European Union, the United States of America, Ukraine, the Republic of Moldova and Transnistria; The Commission will take decisions by simple majority; Complete withdrawal of military contingents of the International Mission of Military and Civilian Observers in Moldova and its transformation into the International Mission of Civilian Observers; and final cessation of the Joint Control Commission activities, of the International Mission of Civilian Observers and liquidation of the Security Zone.[67] The first stage implies just reforming the Joint Control Commission and the Military Observers Group by introducing new members. The second stage is aiming to provide a final solution by transforming the mission in a civilian one and gradual cessation of the Security Zone. This document that was presented to the public in 2012 was received with big reservations by all the sides due to its overambitious character and highly detailed roadmap in the absence of some agreed starting points for negotiation and lack of political will to discuss it at the level of elites. In fact, it presented an idealistic way of reforming and, in the end, abolishing the Security Zone and has the merit to be the most elaborated document of this kind.

Some unofficial documents of Moldovan government do not enter too much into details, being content with stipulation of the necessity to transform the current peacekeeping operation into a multinational civil mission with an international mandate, including member states of the EU, the Russian Federation and other interested states. The precise format and the ways of implementing this civil mission are not provided, so it represents a shortened

66   Memorandum on Transnistrian Conflict Settlement and Fundamental Principles of Organization of the Republic of Moldova, on http://viitorul.org/lib.php?l=en&idc=297, 12.12.2012

67   http://viitorul.org/lib.php?l=ro&idc=297&t=/STUDII-IDIS/Conflicte&

version of the previous one. According to these views three conditions should be fulfilled in order to ensure efficient functioning of the multinational civil mission: a) This mission should be under a neutral authority which would not allow Russian Federation to exert their mechanisms of exclusive influence; b) The second important element of the mission could be enforcement of the constraining mechanism in order to counteract human rights violations, harassment of the economic agents and transporters, etc. This mechanism should be well defined and real. If the mechanism is vague and unclear situation degenerates into constant clashes between the observers and the Tiraspol regime structures – militia, guard, customs officers, migration service officers, etc.; c) The third important element which could potentially influence the mission is the provision of the logistics. In crisis conditions, establishing and ensuring the effective functioning of the mission will be a very difficult problem.[68]

An option more conducive to the Transnistrian interests would be preserving the same tripartite format of the peacekeeping operation but making it more functional by several means: a) improvement of exchange of data on the structure, size and location of military units and weapons, as well as ensuring unhindered access of military observers in military units located in the Security Zone and uncontrolled by the JCC; b) transformation of the format of the unilateral peacekeeping post number 10 (RF) Bridge Bender – Parkany, into a tripartite one in accordance with paragraph 3, "b" JCC decision from July 30, 1992, Protocol Nr 4; c) OSCE mission should be allowed to conduct inspection and monitoring of any object in the Security Zone; d) Considering the case of the penitentiary institutions located in Bender under the authority of the Ministry of Justice of the Republic of Moldova will be possible only with the removal of the Regional Training Center (infantry brigade) military department from the fortress, where the JCC cannot exert any kind of control on the number of servicemen, their movement (arrival – departure) in Bender, availability of weapons and military equipment.

RECOMMENDATIONS

In accordance with the 1992 Agreement, the main task of the Joint Peacekeeping Forces is to restore peace and the rule of law in armed conflict and the creation of prerequisites for resolving conflicts by peaceful political means.

First of all, the tasks assigned to JPF by the Provisional Regulation on the basic principles of creation and activity of groups of military observers and troops destined to stop the armed conflict in the Transnistrian region of the Republic of Moldova does not fully comply with the current situation today in the Security Zone.

Some of these problems (including – Ensuring the full ceasefire) has already been completed, while others – such as the functioning of groups of military observers and JPF checkpoints, cannot provide the Joint Military Command full and effective control over the situation in the Security Zone. In particular:

• First, the very organization of the functioning of the main military body subordinate to the JCC – that is, the Joint Military Command – provides a mechanism for decision-making, uncharacteristic for the military. It concerns the principle of consensus. Given that at least two senior military commanders from the Joint Military Command, as a rule, advocate exactly the opposite position, and providing that this method is more peculiar to the functioning of political institutions, it is fair to conclude that it is not even theoretically possible to provide efficient operation of Joint Military Command.

• Second, the constant pursuit of the Supreme Commanders from the Russian Federation and Transnistria to formalize the work of the military observer groups also significantly reduces the efficiency of the military component of the peace process. Some outdated proposals are sometimes advance that offer a return to a clearly outlived practice of planning the process of monitoring the situation in the Security Zone by the groups of military observers for a month or even a year. Instead of accepting the reality that involves that the situation in the Security Zone develops and changes, the military observers prefer to carry out their mission in a planned way for once and for all established routes. And what's more – some observers from Russia and the Transnistrian region, by clearly exceeding their authority, take the liberty to categorize the problems which are delivered to them by the citizens and representatives of local authorities, into economic, political and other, as they think, " not having relation to peacekeeping", while, in fact, all these problems are connected to the people's basic rights to freedom of movement in the Security Zone.

• Third, the reason for the low efficiency of the Joint Peacekeeping Forces still lies in the fact that the majority of peacekeeping structure, except Joint Military Command, namely the Joint Headquarter, military commanders, all posts located in the Security Zone, is headed only by the Russian officers. Unfortunately, these

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68   Interview with former Moldovan official.

officers often either do not understand the specificity of their work, or they are instructed in such a way that they simply do not notice and do not enter into the essence of the processes occurring in the Security Zone. Additionally, the problem is becoming more serious because the Russian peacekeeping contingent includes on a contract base residents of the Transnistrian region of Moldova, who have Russian citizenship and who can solve by this means their problem of employment. Naturally, they have a vested interest in ensuring that this "unique" peacekeeping operation lasted as long as possible, better — forever. Any party which, for one reason or another, protests against changing the format of the peacekeeping in Transnistria will be strongly supported by them.

The next important concerning factor relates to the predominance of the complacency in the Security Zone. Standard statements that are made by High Commanders from Russia and Transnistria about the fact that, in the Security Zone, there is no shooting and no armed clashes (what is the main and indisputable achievement of the current format), do not reflect the essence of actual events. In fact, it suggests that the situation in the Security Zone is controlled by the Joint Military Command incompletely, selectively, and in general — ineffectively.

In the Security Zone, there are always a significant number of armed groups, subordinated to the authorities of Tiraspol. The JMC is not monitoring the dislocation of these groups for many years. Such formations are stationed in Kamenka, Rybnita, Dubossary-Grigoriopol, Bender Parkany and other settlements. The status of peacekeeping forces, in principle, allows the military structures to check any object in the Security Zone. Moreover, in the instructions for military observers, approved by the JMC, it is explicitly provided that the observers are entitled to check all military units stationed there.

Contrary to provisions of the agreements on the peaceful resolution from July 21, 1992 and March 20, 1998, a considerable number of so-called border and customs and immigration checkpoints exist in the Security Zone. All of them are subordinated to different Transnistrian structures of power. These checkpoints prevent residents of the villages Dorotkaia, Pogrebea, Cosnita, Cocieri and New Malovata in cultivating their lands located east of the highway Tiraspol — Dubossari — Ribnita. These checkpoints also charge people by collecting the so-called migration fee, check their papers and do not allow the local authorities and the police to reach their places of service.

Priority measures to improve the organization of JPF when performing assigned tasks should be directed to:

The peacekeeping mechanism is simply not capable of operating efficiently in the existing format. At this stage, a comprehensive study of the activities of the Joint Peacekeeping Forces, namely the JCC, Joint Staff, the military commandant, checkpoints located in the Security Zone should be done by the experts from international organizations such as the UN and the OSCE. The need for this inspection is dictated by the increased necessity for peacekeeping activities in the Security Zone. According to the results of the study, the future measures to be taken will be those that will be accepted and recognized by the international and European community.

As a temporary (interim) measure, for improvement of the peacekeeping mechanism (or, groups of military observers, military commandant's offices and posts) it is necessary to introduce a mechanism of rotation of senior officials along with the development of the primary provisions and regulations governing the activities of the peacekeeping mission.

Another important criterion for the peacekeeping forces operating in the Security Zone could be the maintenance regime aimed at ensuring the proper functioning of local authorities, law enforcement agencies, schools and other institutions. It should also ensure normal operation of economic agents, regardless of their form of ownership, and most importantly — the rights and freedoms of ordinary citizens. In this regard, it is imperative to protect the right to free movement of people, so that they can earn for themselves and their families for life, to exercise their right to study and to resolve their personal problems.