PERSPECTIVES ON THE TRANSNISTRIAN PEACE-MAKING FORMAT

Abstract:	The Transnistrian peacekeeping format, installed in the Security Zone under the 1992 ceasefire agreement, is strongly contested by civil society and some political forces in Chisinau. During this time, it is defended by Moscow and Tiraspol.
	Our research aims to describe the institutional mechanisms of
	the peacekeeping mission, and to address some topics for investigation: Do the founding acts have the character of an international treaty? What are the consequences of defining them correctly?; What is the effectiveness of the peacekeeping mission
	on the Dniester? How do we evaluate?; Is the presence and contribution of the Russian Troops Task Force necessary for the
	pacification format?
Keywords:	Transnistrian issue, Peace-making format, Security Zone,
	Russian Troops Task Force
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Some landmarks of institutional organization

Based on the Agreement on the Principles of Peaceful Settlement of Armed Conflict in the Transnistrian Region of the Republic of Moldova¹, signed by the Republic of Moldova and the Russian Federation on July 21, 1992, the peacekeeping mechanism was established in the Dniester Security Zone, in centre of which is the Unified Control Commission, which "is set up to ensure control over compliance with the ceasefire regime, to reach agreements on the withdrawal

¹ Alin Gvidiani, *Documente și acte normative referitoare la procesul de reglementare transnistreană*, TechnoMedia, Sibiu, 2020, pp. 70-72

of units of the armed forces and other formations, military equipment and armaments, to create a security zone between the conflict parties"¹.

Already in the Minutes no. 2 of the meetings of the Unified Control Commission (Annex no. 2), by the *Provisional Regulation on the Basic Principles for the Establishment and Activity of Military Observer Groups and Military Contingents Intended to end Armed Conflict in the Transnistrian Region of the Republic of Moldova, the Unified Military Command was created, composed of representatives of the ministries of defense of the signatory parties to the Agreement and the military leadership of the Transnistrian region (art. 3), which subordinate military observers and military contingents.. They "are introduced into the Security Zone in order to ensure a ceasefire and to ensure the withdrawal of active troops, military equipment and armaments on the agreed lines. They are responsible for ensuring control over the situation in the adjacent localities to the conflict districts" (art. 2). Currently, within the Unified Military Command, the senior military leaders of the peacekeeping contingents of the Russian Federation, the Republic of Moldova, Transnistria and the Group of Military Observers of Ukraine are collaborating.*

The Statute of the Unified Control Commission provides that each delegation is composed from six representatives of each of the conflicting parties (Chisinau and Tiraspol): a special representative authorized to coordinate the political aspects of the regulatory process; a representative of the Ministry of Defense/similar bodies; a representative of the Ministry of Internal Affairs /similar bodies; a representative of the institutions responsible for ensuring public safety; a representative of the Ministry of Foreign Affairs/similar bodies; a member of other bodies representing state power². Each Part regulated the tasks of its delegation to the Unified Control Commission in accordance with the Rules of Procedure and the Statute. For example, the Government of the Republic of Moldova adopted Decision no. 744 of 03.10.2011 for the approval of the Regulation on the activity of the delegation of the Republic of Moldova in the Unified Control Commission³.

Geographical and institutional coordinates of the Security Zone

The Security Zone was established on both banks of the Dniester, with a framed surface of a maximum length of 225 kilometers, and a width between 12 and 20 kilometers. It is organized into three sectors, named "North", "Center" and "South", to which is added the District with Enhanced Security Regime Bender.

At the level of 2017, the contingents of the peacekeeping mission were thus distributed in the Security Zone⁴:

1. Military contingent of the Peacekeeping Forces of the Republic of Moldova: Command in Bender; 1st Independent Infantry Battalion in Cocieri;

² Actele de bază ale CUC, http://gov.md/ro/content/actele-de-baza-ale-cuc (29.09.2021)

⁴ *Ibidem*, pp. 240-241

¹ *Ibidem*, p. 72

³ Eugen Străuțiu, *The Transnistrian Conflict Files*, TechoMedia, Sibiu, 2017, pp. 208-209

Independent Infantry Company in Varnița; 3rd Independent Infantry Battalion in Cosnita;



Fig. 1 The Security Zone¹

- 2. The military contingent of the Peacekeeping Forces of the Russian Federation: Command in Bender; 1st Battalion I. Moto in Bender; Company 1 I. Moto of the 1st Battalion I. Motorcycle in Dubasari; Transmission Center in Bender:
- 3. Military contingent of the Transnistrian Peacekeeping Forces: Command in Bender; 2nd Battalion I. Moto in Dubasari; 3rd Battalion I. Moto in place. Crasnaia Gorca; outside the Security Zone, 1st Battalion I. Moto in Vladimirovca.
- 4. The group of military observers of Ukraine is deployed in the cities of Bender, Dubasari, Criuleni and Vadul lui Voda, as well as in the village of Dorotcaia.

There are no checkpoints in the "North" sector of the Security Zone, as they are located exclusively in the "Center" and "South" sectors. There are 8 checkpoints in the "Center" sector, of which 6 are trilateral (Russian Federation/Republic of Moldova/Transnistria), and the other two are unilateral

¹ Eugen Străuțiu, *Op. Cit.*, pp. 239

positions (one of the Russian Federation, one of Transnistria). In the "South" sector there are 7 checkpoints, of which two are trilateral (Russian Federation/Republic of Moldova/Transnistria), four are bilateral (three in cooperation with the Russian Federation/Republic of Moldova, one in cooperation with the Russian Federation/Transnistria), and one post is unilateral (organized by the Russian Federation).

Political confrontation on the issue of the peace-keeping format

The issue of the effectiveness of the current pacification format has been discussed in the civil society of the Republic of Moldova for many years, especially pro-Western associations promoting the idea of obsolescence, inefficiency and the need for reform¹. During this time, the political class in Chisinau was oscillating, not even the pro-Western parties were consistent.

Former President Igor Dodon spoke in favor of preserving the current format of pacification, even during a meeting with Transnistrian leader Vadim Krasnoselski. At the official residence in Condriţa of the presidency of the Republic of Moldova, the two reaffirmed "the importance of the peacekeeping operation on the Dniester as a guarantee of peace and security of citizens; at this time the government's policy was set to transform the mission into an international one, under a civilian mandate"².

The current President of the Republic of Moldova, Maia Sandu, developed the topic in interviews and public statements. On November 20, 2020, she gave an interview to the Ukrainian portal Eurointegration.com.ua. Answering the question "how do you see the status of the region after the reintegration of Moldova?", M. Sandu stated that he opposes the federalization of the Republic of Moldova, and the settlement of the dispute "must include the complete withdrawal of Russian troops from Moldova". This statement was interpreted in the Russian, Ukrainian and most of the pro-Russian press in the Republic of Moldova as a request for the withdrawal of the Russian military from the pacification format- although the correct interpretation is that the request refers to the soldiers of the Russian Troops Task Force (Romanian: Grupul Operativ al Trupelor Ruse), a continuing structure

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¹ Misiunea de pacificare de pe Nistru rămâne una improprie, ineficientă și periculoasă pentru persoane, inclusiv jurnaliști, https://epochtimes-romania.com/news/promo-lex-misiunea-de-pacificare-de-pe-nistru-ramane-una-improprie-ineficienta-si-periculoasa-pentru-persoane-inclusiv-jurnalisti---303961, (31.07.2021)

² *Întâlnirea beletristică Dodon-Krasnoselski*, https://www.report.md/stiri/Intalnirea-beletristica-Dodon-Krasnoselski-887, (31.07.2021)

³ With the following clarifications: "I am sure that we will find a formula for resolving the conflict. And this formula should include the complete withdrawal of Russian troops from the territory of Moldova. We have always talked about this and we will continue to talk about it".

of the 14th Army, which operates under the direct command of the Western District of the Ministry of Defense of the Russian Federation¹.

At the press conference on 30 November 2020, the presidential position was clarified again in the following terms: "It is the position of the state of the Republic of Moldova and it is not a new one. I saw that the Russian Federation has a different position. We will continue to talk to find solutions. For us, the goal is for these Russian troops to withdraw from the territory of the Republic of Moldova. (...) We will have to work and I am open to work, to talk to the Russian Federation, so that we can reach a solution to this situation"².

President Vladimir Putin's spokesman Dmitry Peskov flatly responded to these statements: "Russia is playing a very important role and, of course, a change in the status quo, which is based on the spirit and letter of international law, could lead to a serious destabilization", and the Kremlin expects "all this to be discussed and no sudden movements"³. Vladimir Putin intervened in the debate, stating that "Maia Sandu, as a representative of a political force, did not say anything new, we have long heard the statements of Western leaders about the need to withdraw our contingent of peacekeepers. Maia Sandu is the President of the Republic of Moldova, but she is also a citizen of Romania. (...) In general, we are in favor of the withdrawal of peacekeepers (Russians – our remark), but after a favorable situation is created, a decent dialogue will be established between Transnistria and the other side of Moldova, when a peaceful settlement of the situation will be reached"⁴.

After a period of silence on the subject, President Sandu returned in force to the floor of the United Nations General Assembly. In September 2021, his statement states: "In the spirit of the constitutional neutrality of the Republic of Moldova and international law, I would like to reiterate that our position on the complete and unconditional withdrawal of Russian forces remains unchanged. This includes removing or destroying ammunition from the Cobasna depots, which

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¹ FALS: Maia Sandu cere retragerea pacificatorilor din regiunea transnistreană și se pregătește de război, https://stopfals.md/ro/article/fals-maia-sandu-cere-retragerea-pacificatorilor-din-regiunea-transnistreana-si-se-pregateste-de-razboi-180457, (11.10.2021) ² Declarația Maiei Sandu cu referire la retragerea trupelor ruse de pe teritoriul R. Moldova, https://youtu.be/nTGWpc5ishw, (01.10.2021)

³ Prima confruntare între Maia Sandu și Rusia. Președintele Moldovei cere retragerea trupelor rusești din Transnistria, https://www.digi24.ro/stiri/externe/prima-confruntare-intre-maia-sandu-si-rusia-presedintele-moldovei-cere-retragerea-trupelor-rusesti-din-transnistria-1409747, (01.10.2021)

⁴ Putin, despre cererea de retragere a trupelor rusești din Transnistria: Maia Sandu este președinte al Republicii Moldova, dar este și cetățeană a României, nu a spus nimic nou, https://www.g4media.ro/putin-despre-cererea-de-retragere-a-trupelor-rusesti-din-transnistria-maia-sandu-este-presedinte-al-republicii-moldova-dar-este-si-cetateana-a-romaniei-nu-a-spus-nimic-nou.html, (17.10.2021)

poses a threat to the security and environment of the region as a whole. We count on the support of the international community in this approach"¹.

The de facto authorities in Tiraspol held positions similar to those in Moscow. Transnistrian leader Vadim Krasnoselski, in a statement issued at the end of December, states: "In essence, Ms. Sandu said nothing new. But he did it a little differently. But we have the same position. However, without Russia the peacekeepers cannot be withdrawn, but even without the people of Transnistria they cannot be withdrawn, and we remain devoted to the Russian peacekeepers and we understand and remember who brought peace to our land. We remember how it was and we have no doubts that here the peacekeepers are the guarantor of peace for both Transnistria and Moldova. So, these statements in some places are speculative. We will see. Peacekeepers are and will be, and statements will remain statements"².

The official position of the government of the Republic of Moldova is superiorly clarified and more categorical than the statements of the President. At the OSCE Ministerial Council in Bratislava on December 5-6, 2019, Moldovan Foreign Minister Aureliu Ciocoi said in a public speech that "The Republic of Moldova continues to insist on the withdrawal of military troops and foreign ammunition from its territory"³.

Aureliu Ciocoi, acting as Minister of Foreign Affairs and European Integration and cumulative as Prime Minister, held talks in Vienna (April 2021) with OSCE Secretary-General Helga Maria Schmid, as well as with the Special Representative of the OSCE Chairman-in-Office in the Transnistrian settlement process, Ambassador Thomas Mayr-Harting. The official statement said: "The head of the foreign ministry highlighted Chisinau's attention to the process of withdrawing foreign troops and ammunition from the country and stressed the importance of OSCE support and assistance to ensure the transparency of this process"⁴.

The basis of bibliographic research

As a well-known researcher on the presence of Russian troops on the territory of the Republic of Moldova, it is mandatory to mention Mihai Gribincea,

¹ Adunarea Generală ONU | Maia Sandu a cerut retragerea forțelor rusești din Transnistria, https://romania.europalibera.org/a/maia-sandu-republica-moldova-onu/31473107.html, (17.10.2021)

² Vadim Krasnoselski, gata să dialogheze cu președinta Maia Sandu: "Pacificatorii ruși rămân în Transnistria", https://www.zdg.md/importante/video-vadim-krasnoselski-gatasa-dialogheze-cu-preedinta-maia-sandu-pacificatorii-rui-raman-in-transnistria/, (17.10.2021)

³ Chişinăul a cerut la OSCE "retragerea "trupelor și munițiilor străine", https://moldova.europalibera.org/a/chi%C8%99in%C4%83ul-a-cerut-la-osce-retragerea-trupelor-%C8%99i-muni%C8%9Biilor-str%C4%83ine-/30311603.html, (17.10.2021)

⁴ Prim-ministrul interimar a discutat la Viena despre soluționarea conflictului transnistrean, http://www.infotag.md/rebelion-ro/291825/, (17.10.2021)

with his studies "Trupele ruse în Republica Moldova: Factor stabilizator sau sursă de pericol?" and "The Russian Policy on Military Bases: Georgia and Moldova", but also as a co-author with Anatol Țăranu (the work is signed under the name Mihai Grecu) in the document collection "Trupele ruse în Republica Moldova. Culegere de documente și materiale" .

The topic of the status of the peacekeeping mission on the Dniester (with its essential appendix - the presence and activity of the troops of the Russian Federation on the constitutional territory of the Republic of Moldova) was launched, in a consolidated manner, only in 2014 - when the occupation of Crimea by the Russian Federation put Ukraine in the position of enemy, and Western states and organizations have become very interested (politically and strategically) in the presence of Russian troops at the origin of a possible second theater of Russian-Ukrainian military operations.

With funding from Western foundations, the most famous think tanks in Chisinau have supported or written studies published in the form of a brochure.

The reference remains the study signed by Vitalie Gămurari, "Statutul forțelor pacificatoare în dreptul internațional: Cazul Republicii Moldova. Rolul și misiunea forțelor rusești de pacificare în Republica Moldova"⁴, published 2016, offering scientific and practical approaches to the jurisdiction and responsibility of the peacekeeping forces in the context of the ceasefire agreement of 21.07.1992 concluded between the Republic of Moldova and the Russian Federation, as well as the application of the criminal legislation regarding the Russian soldiers who commit crimes / contraventions on the territory of the Republic of Moldova. The paper was edited and offered to the public by the association Promo-Lex, which in 2019 coordinated (authors Ion Manole and Alexandru Postică) also a "Raport - Prezența militară rusă în Moldova și impactul acesteia asupra situației drepturilor omului", with funding from the European Union and National Endowment for Democracy⁵.

During this time, the think-tank IDIS "Viitorul" in cooperation with Institute of World Policy din Kiev, printed in Kiev in 2014, with funding Black Sea Trust for Regional Cooperation, the study "Reforma misiunii de pacificare din Transnistria: o premiză pentru soluționarea conflictului" – as authors being

¹ Mihai Gribincea, Trupele ruse în Republica Moldova: Factor stabilizator sau sursă de pericol?, Civitas, Chișinău, 1998

² Mihai Gribincea, *The Russian Policy on Military Bases: Georgia and Moldova*, Cogito, Oradea, 2001

³ Mihai Grecu (Mihai Gribincea), Anatol Țăranu, *Trupele ruse în Republica Moldova. Culegere de documente și materiale*, Litera, Chișinău, 2004

⁴ Vitalie Gămurari, Statutul forțelor pacificatoare în dreptul internațional: Cazul Republicii Moldova. Rolul și misiunea forțelor rusești de pacificare în Republica Moldova, Promo-Lex, Chișinău, f.a.

⁵ Ion Manole, Alexandu Postică, *Raport - Prezența militară rusă în Moldova și impactul acesteia asupra situației drepturilor omului*, DwiGBgWDz5zl6MUggd5QBL04Ev3kLFU-1635659684-0-gqNtZGzNAtCjcnBszQdR, (17.10.2021)

indicated Cornel Ciurea, Alyona Getmanchuk, Leonid Litra și Eduard Țugui¹. Also under aegis IDIS "Viitorul", in 2018 was published the study of Rosian Vasiloi, "Menținerea trupelor Ruse de ocupație în regiunea transnistreană: eșec al diplomației de 'caviar' și dispreț față de dreptul internațional".

In Romania, the editorial program of the Transnistrian Conflict Analysis Laboratory proposed extensive references to the topic of the peacekeeping mission on the Dniester. Eugen Străuțiu's book, "The Transnistrian Conflict Files" (2017) describes in detail the legal basis and the deployment of military objectives in the field.³ The work of Mihai Melintei, "Cronologia conflictului transnistrean adnotată bibliografic", appeared 2018⁴, systematically monitors events related to the peacekeeping format, from establishment to date of publication. Likewise, in his book Eugen Străuțiu, "Transnistrian Bibliography" (2019)⁵ volumes, studies, reports, journal articles and other bibliographic sources dedicated to our topic are inventoried. The latest TCAL production, made by Alin Gvidiani, under the title "Documente și acte normative referitoare la procesul de reglementare transnistreană" (2020)⁶, lists all relevant documents regarding the establishment and transformation of the peacekeeping mission - some being offered, for the first time, in their translation into Romanian.

Agenda for debate / research on the Transnistrian peace-making format

Based on previous research (volumes, studies and published papers) and the content of recent public debates, we outline the premise that an analysis with explanatory and predictive power regarding the Transnistrian format of pacification must respond to the following topics.

1. Do the founding acts have the character of an international treaty? What are the consequences of defining them correctly?

We note, in general, the recognition of the international character of the Agreement on the Principles of Peaceful Settlement of the Armed Conflict in the

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¹ Cornel Ciurea, Alyona Getmanchuk, Leonid Litra și Eduard Țugui, *Reforma misiunii de pacificare din Transnistria: o premiză pentru soluționarea conflictului*, Institute of World Policy, Kiev, 2014, http://www.viitorul.org/files/10.pdf, (17.10.2021)

² Rosian Vasiloi, *Menţinerea trupelor ruse de ocupaţie în regiunea transnistreană: eşec al diplomaţiei de "caviar" şi dispreţ faţă de dreptul internaţional*, http://www.viitorul.org/ro/content/men%C5%A3inerea-trupelor-ruse-de-ocupa%C5%A3ie-%C3%AEn-regiunea-transnistrean%C4%83-e%C8%99ec-aldiploma%C5%A3iei-de-, (17.10.2021)

³ Eugen Străuțiu, *The Transnistrian Conflict Files*, TechnoMedia, Sibiu, 2017, pp. 208-211, 233-253

⁴ Mihai Melintei, *Cronologia conflictului transnistrean adnotată bibliografic (cu traducere în limba rusă)*, Armanis, Sibiu, 2018

⁵ Eugen Străuțiu, *Transnistrian Bibliography*, TechnoMedia, Sibiu, 2019

⁶ Alin Gvidiani, Documente și acte normative referitoare la procesul de reglementare transnistreană, TechnoMedia, Sibiu, 2020

Transnistrian Region of the Republic of Moldova of July 21, 1992, signed by the President of the Republic of Moldova Mircea Snegur and the President of the Russian Federation Boris Yeltsin. However, comments can be regarding the seriousness of the assumption by the parties, since "not even on the official pages of the Ministries of Foreign Affairs of the two states is this agreement mentioned in the list of bilateral treaties. It is not found in the register of official documents of the Republic of Moldova. Does it have the value of an international treaty or not? It's just that it was signed by two presidents. But other elements are missing"¹.

Strong contradictions arise in the characterization of the *Agreement on confidence-building measures and the development of contacts between the Republic of Moldova and Transnistria of March 20, 1998*, signed in Odessa (which updates and concretizes the operating conditions of the peacekeeping mission). The agreement is signed by Petru Lucinschi ("For the Republic of Moldova"), Igor Smirnov ("For Transnistria"), is countersigned "On behalf of the guarantor states" by Victor Cernomârdin ("For the Russian Federation") and Leonid Kuchma ("For Ukraine"), and concludes with the signature of John Evans ("In the presence of the Head of the OSCE Mission to Moldova").

Pro-Western experts and some officials of the Government of the Republic of Moldova (even when the government was the result of a pro-Russian majority) deny the international treaty capacity of the 1998 Agreement. They are based on the definition of the international treaty, as stipulated by art. 2 of the 1969 Vienna Convention on the Law of Treaties: "An international agreement concluded between states in written form and governed by international law, whether recorded in a single instrument or in two or more related instruments, whatever their name." But Transnistria, as the signatory of this document, is not an internationally recognized state. The Organization for Security and Co-operation in Europe is also not subject to international law².

Why is this discussion relevant? An international treaty is under the protection of recognized mechanisms in case of non-compliance, amendment, denunciation. If the 1992 Agreement is protected as an international treaty, the 1998 Agreement is not. This difference is not relevant at this time, when policy makers representing all national and international players signatories to the Agreements declare their intention to respect them. However, in the event that one

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¹ Observation of Alexandru Flenchea, former Deputy Prime Minister for Reintegration, https://lact.ro/dezbatere-online-lact-formatul-transnistrean-de-pacificare-reforma-saucontinuitate/, (01.10.2021)

² The quality of a subject of international law for an international organization is conditioned by the presence of the constitutive act in the form of an international treaty. The Helsinki Final Act of 1975, which formed the basis of the Conference on Security and Cooperation in Europe, is not an international treaty in the strict sense of the term - it has a political character. That is why the obligations assumed within this organization have a political character and not of international law, apud Vitalie Gămurari, *Statutul forțelor pacificatoare în dreptul internațional: Cazul Republicii Moldova. Rolul și misiunea forțelor rusești de pacificare în Republica Moldova*, Promo-Lex, Chișinău, f.a, p. 21

or more actors intend to request an amendment to the Agreements, with a view to reforming or replacing the current pacification format, the 1998 Agreement is easier to amend or denounce. Regarding the risks of giving up the latest agreement, experts from Tiraspol warn: "Indeed, the 1998 agreement was a precedent, we can gather the heads of state involved in the regulatory process and make the necessary clarifications. But in this situation we will return to the reality of 1992, when the contingent of Russian forces was supposed to be about 3000 soldiers, the agreements regarding its reduction to 500 will no longer be in force. Theoretically, Transnistria cannot influence the desire of one of the parties to amend and denounce the 1992 agreement. I believe that the political class in Chisinau is wise enough not to destroy the security system that ensures peace not only around Transnistria and Moldova, but also at the regional level, including for neighbouring Romania and Ukraine."

2. What is the effectiveness of the peacekeeping mission on the Dniester? How do we evaluate?

The correct and verifiable assessment of the effectiveness of the peacekeeping mission, during the three decades of operation (recent data being more relevant than the initial ones), may be decisive in arguing to remain unchanged, or the need to reform / replace the current format. The first problem to be solved is that of the judgment criteria; we consider that we need to discuss the following:

- Has the current mission fulfilled the fundamental objective assumed by the 1992 Agreement - to maintain peace and to prevent the resurgence of armed conflict? The answer is unquestionably positive. The comparison that can be made with the failure of the pacification formats in the Caucasus region or in Ukraine, strengthens the image of a viable solution, proportional to the risk of resumption of the armed confrontation. But beware, in the fundamental logic, the above answer does not imply the impossibility of a superior solution, which would produce more security with less risks and costs.

- Are the costs of maintaining the current mission justified? Unfortunately, there is a complete lack (at least available to the public) of reports on material costs and other costs that institutional participants in the format have incurred, and what their limit of future affordability is. We can assume that a reformed pacification formula, with the additional involvement of other institutional partners (states and international organizations), will reduce costs by redistributing part to new entrants. Also, a possible police or civilian peacekeeping mission, in the absence of the required expenditure on the use of army-specific weapons and equipment, seems more economical from the outset. So there are ways to reduce costs.

¹ Igor Shornikov, director of the Institute for Socio-Political Research and Regional Development in Tiraspol, https://lact.ro/dezbatere-online-lact-formatul-transnistrean-depacificare-reforma-sau-continuitate/, (01.10.2021)

On the other hand, it is very useful to note that these costs are not evenly distributed. The population in the Security Zone, through the activity of checkpoints and other peacekeeping mechanisms, is strongly affected in freedom of movement, has additional costs with economic activities, endures daily stress. The people of Chisinau - for example - are outside these direct influences. After all, who should the pacification mechanism on the Dniester serve? The institutional actors involved, or the population and its natural needs? Depending on the stated and de facto priority, we calculate the effectiveness of the mission differently. If the population of the Security Zone is essential, then the efficiency of pacification seems to the inhabitants there rather a sum of restrictions and tasks; institutions can be satisfied, but the inhabitants can not¹.

- Can the goals of the partners in the process be identified, other than those indicated in the 1992 Agreement? Doesn't each actor calculate his costs and efficiency differently, depending on his own objectives? We formulate the following hypotheses, based on the wide public circulation (for this reason it does not require citation):
- a) The Russian Federation, by participating in the Transnistrian peacekeeping format, solves its strategic problem of an operational base in case of its involvement in the conflict in Ukraine or in other possible conflicts in Southeast Europe. The proximity of this base to Chisinau puts military and political pressure on political developments in the Republic of Moldova. Compared to these objectives, the costs of the Russian Federation seem minor, and the efficiency of its participation in the format particularly effective.
- b) Tiraspol, through its equal status with Chisinau in resolving military and security issues, implicitly supports its position as a separate actor and its political demands for independence. The de facto support, by the Russian Federation, in all the structures and activities assumed by the functioning of the mission, creates the impression (and reality) of a Russian protection in political and military terms. The costs of this actor are also justified by the achievement of objectives in addition to those set out in the 1992 Agreement.

¹ Alexandru Flenchea, at the debate on March 29, 2021: "Who are the beneficiaries? The preservation of the military and military equipment at any cost is pursued by a state. But I think it needs to prioritize the needs of people living in and out of the Security Zone. Everything provided for in the 1992 Agreement has remained in the past and is no longer current. The challenges that have existed in the security zone for more than a decade are not of a military nature. Let's face it, the most common violation is the right to free movement in the Security Zone. Here the peacemakers proved incapable of preventing and removing these ambiguities. Certainly different tools are needed. All gunfire that was fired after 1992 were fired by peacekeepers, as a result of which one person died (the case of Vadim Pisari in 2012 - our note). In the last 15 years, peacekeepers are part of the problems, not the solutions, because they are destabilizing https://lact.ro/dezbatere-online-lact-formatul-transnistrean-de-pacificare-reforma-saucontinuitate/, (01.10.2021)

- c) Chisinau remains the only actor that has no other objectives than those in the Agreement to prevent a resurgence of fighting. Tiraspol's equal position in format and the presence of Russian troops on its territory create political and military discomfort, more strongly highlighted by pro-Western forces, and silenced by pro-Russian forces. After all, the current pacification format prolongs (perpetuates?) The secession of its East, and strengthens the position of Tiraspol, which in its shelter is constantly advancing towards independence. If it calculates its costs according to the national interest, Chisinau loses both to its partners in format and in absolute terms.
- Do malfunctions occured during the execution of tasks, indicate systemic problems or are accidents of little relevance? The answers are different in Chisinau (in general) and in Tiraspol / Moscow (where they are synonymous). The case under debate, each time, is the case of Vadim Pisari¹, a local who was killed by a soldier of the Russian Federation who was performing a mission at a peacekeeping post (January 1, 2012). For this case, the Russian Federation was sentenced to the European Court of Human Rights. Seen from Chisinau, this case is edifying for the risks of a military mission, consisting of regular army employees, little prepared for interaction with the civilian population. From Moscow and Tiraspol, the case seems an accident exploited propagandistically by opponents.
- 3. Is the presence and contribution of the Russian Troops Task Force necessary for the pacification format?

Although it is a related issue of the organization and functioning of the peacekeeping mission, we will immediately notice that this is in fact the key issue of the format and the main reason for reforming or replacing this format.

In 2009, the Russian Troops Task Force (RTTF) was placed under the command of the Western Military District of the Russian Armed Forces, whose main mission is to prepare for a military confrontation with NATO troops stationed on the southeast flank of the Alliance. Currently, the Russian Troops Task Force is reduced to a motorized infantry brigade, consisting of three battalions. Of these three, one is included in the joint peacekeeping forces, and another guards the Cobasna ammunition depot. The third battalion, although not operating in the pacification operation, also calls itself a "pacifier". Once a year the

rusia-pentru-uciderea-lui-vadim-pisari-de-c%C4%83tre-pacificatorul-s%C4%83u/a-

18396810, (01.10.2021)

¹ Although he is a local from Bender, but enrolled in the peacekeeping troops of the Russian Federation on the basis of the Russian passport he held, Veaceslav Cojuhari (at that time he was 38 years old), who fired in Vadim Pisari, was immediately withdrawn to a military unit in the Breansk region, Russian Federation, in order not to be arrested by the Moldovan authorities investigating the case. Before joining the Russian army, Cojuhari was employed by the Transnistrian militia, see https://www.dw.com/ro/cedo-a-condamnat-

rotation of the two battalions takes place; one returns to the status of peacemaker, another retreat to the armed units of RTTF.

The key issue to be addressed, in relation to the presence of RTTF in the pacification format, can be summarized according to the model below.

a) Is the presence of RTTF on the constitutional territory of the Republic of Moldova legal, from the point of view of international law and domestic law?

The legal origin of the presence of Russian troops on the territory of the Republic of Moldova is already questionable. By Decree no. 320 of April 1, 1992, the President of the Russian Federation placed the military formations of the former USSR stationed on the territory of the Republic of Moldova, including those on the left bank of the Dniester, under the jurisdiction of the Russian Federation - The Fourteenth Army thus became the Task Force of the Russian Federation in the Transnistrian Region of the Republic of Moldova¹. This Decree of the Russian President was issued contrary to the norms of international law, ignoring the previous Decrees of the President of the Republic of Moldova, as well as the sovereignty of the Republic of Moldova over its territory².

On the other hand, the temporary nature of the presence of Russian troops in the Republic of Moldova was implicitly recognized by the Russian Federation. In 1994, Moldovan-Russian negotiations were launched for the elaboration of the Agreement on the legal status, manner and terms of withdrawal of the military formations of the Russian Federation, temporarily located on the territory of the Republic of Moldova. The minutes of the meeting of 8 June 1994 state that "the representatives of Transnistria expressed their disagreement with the draft documents discussed and proposed their options, which are not considered by the Russian and Moldovan delegations". The negotiations did not end with an agreement; The Russian Federation did not ratify the outcome of the negotiations, and the Parliament of the Republic of Moldova adopted a new Constitution (July 29, 1994), proclaiming the permanent neutrality and inadmissibility of foreign troops on its territory (Article 11. Republic of Moldova, neutral state. (1) The Republic of Moldova proclaims its permanent neutrality; (2) The Republic of Moldova does not allow the deployment of military troops of other states on its territory)³.

An additional constitutional clarification, in Chisinau, was elaborated by the Constitutional Court of the Republic of Moldova, by Decision no. 14 of 02.05.2017 on the interpretation of Article 11 of the Constitution (permanent neutrality), which provides, in art. 81: "The fact that the Russian Federation has not withdrawn its occupation troops from the east of the country, but, on the

¹ Ukaz Prezidenta Rossiyskoy Federatsii ot 01.04.1992 № 320, http://www.kremlin.ru/acts/bank/1114, (01.10.2021)

² Ion Manole, Alexandu Postică, *Op. cit.*, p. 5

³ Constituția Republicii Moldova, "Monitorul Oficial", No. 78, 2016, https://www.parlament.md/CadrulLegal/Constitution/tabid/151/language/ro-RO/Default.aspx, (01.10.2021)

contrary, has strengthened its military presence in the Transnistrian part of the Republic of Moldova, is a violation of constitutional provisions on independence, sovereignty, territorial integrity and permanent neutrality of the Republic of Moldova, as well as of international law"¹.

Meanwhile, the de facto administration in Tiraspol (Presidential Decree of 15 February 1994) proclaimed the Russian army as the guarantor of peace, security and stability, and Russian military personnel and members of their families are beneficiaries of facilities established by Soviet legislation for military personnel and members of their families, including providing them with pensions and facilities².

b) Is the RTTF activity characterized by neutrality and impartiality in relation to the conflicting parties?

In the Agreement of 21 July 1992, point 4 refers to the status and perspective of the units of the 14th Army, in the following terms: "The units of the 14th Army of the Armed Forces of the Russian Federation, deployed in the Republic of Moldova, will strictly respect neutrality. The two parts in the conflict assume the obligation to respect neutrality and to refrain from any illicit actions towards the military patrimony, towards the soldiers of this army and the members of their families. The problems regarding the status of the army, the procedure and the terms of its withdrawal in stages will be solved within the negotiations between the Russian Federation and the Republic of Moldova"³.

We extract some evidence regarding the systematic violation of the obligations assumed in 1992 by Russian troops, according to a Memorandum of a group of civil society experts published in Chisinau in 2017⁴:

- The Russian soldiers from RTTF were responsible for the massive transfers of military equipment, ammunition, combat equipment, radiolocations, etc. to separatist forces. ⁵ They ensured the effective leadership, training and development of the Transnistrian guards in what is now called the "Transnistrian Army". There is evidence of the authorization of transfers of combat equipment for the benefit of separatists, even if some of this technique reached the black market for arms sales.
- GOTR regularly conducts military exercises uncoordinated with the Moldovan side, including forcing of the Dniester River, using in these military

³ Alin Gvidiani, *Op. cit.*, p. 71

⁴ Memoriu. Măsuri de răspuns la acțiunile provocatoare din ultima vreme a Grupului Operativ al Trupelor Ruse, https://issuu.com/victorursu4/docs/memoriul_gotr-guvern, (01.10.2021)

¹ Hotărârea Nr. 14 din 02.05.2017 privind interpretarea articolului 11 din Constituție (neutralitatea permanentă), https://www.constcourt.md/ccdocview.php?l=ro&tip=hotariri&docid=613?l=ro&tip=hotariri&docid=613, (01.10.2021)

² Eugen Străuțiu, *Op.cit*, p. 247

⁵ Rosian Vasiloi, *Riscuri de securitate și apărare în contextual reglementării transnistrene*, p. 12, http://www.viitorul.org/files/library/Riscuri%20de%20securitate%20si%20 aparare%20-%20%20Mai%202017%20rev2.pdf, (01.10.2021)

operations units of the separatist regime. In July 2017, RTTF troops deployed 17 military applications with the participation of the Transnistrian military (regular troops and KGB units). For applications, the Russian Federation paid generous subsidies to the Transnistrian army, thus fully supporting the defense, security and public order sector in the separatist enclave with the resources of the federal budget. Until 2011, the separatist guards were able to organize only 2-3 applications with combat shootings per year, 4 times less than in 2017. Most of RTTF's military maneuvers are aimed at strengthening cooperation, coordination and interoperability with the so-called force structures of the Transnistrian region, which include actions to liquidate diversionists, repel terrorist attacks. Most of these combined exercises are carried out with the involvement of heavy fighting and shooting techniques (tanks and artillery), with the passage of water obstacles, crossing the Dniester River and performing combat shootings on the right bank.

- The planning and development of the applications of the special operations center of the alleged force structures of the Transnistrian region take place under the guidance of military advisers and intelligence services of the Russian Federation. The final stages of these applications are personally supervised and led by RTTF Commander Colonel Dmitrii Zelencov.
- FTTP often participates, despite the protest notes presented by the Moldovan authorities, in military parades organized on various occasions in Tiraspol, as part of separatist ceremonies and a demonstration of support for separatist authorities.

c) May imagine a pacification format without RTTF?

Although criticisms of the pacification format are consistent, concrete alternative proposals are almost lacking.

Referring to the European Union's ability to intervene in improving the pacification format, the head of the Reintegration Policy Office in Chisinau suggests that. "The EU can intervene with convincing arguments on the investment-economic and humanitarian benefits of the presence of a multinational mission in civilian or mixed format (civil-military-police), initiating activities for the elaboration of a joint memorandum with the EU, which would serve as a basis for cooperation in the Transnistrian issue". 1

The only operational proposal on the structure and mechanisms of a new peacekeeping format was launched by Edurad Bumbac, a member of the Unified Control Commission.² A new peacekeeping and stability mechanism should be

¹ Interviu cu Alin Gvidiani. Harta obstacolelor din calea reintegrării R. Moldova şi Transnistriei, https://www.digi24.ro/opinii/interviu-cu-alin-gvidiani-harta-obstacolelor-din-calea-reintegrarii-r-moldova-si-transnistriei-637006 (01.10.2021)

² Eduard Bumbac: Rolul și misiunea operațiunii de pacificare din Republica Moldova, în contextul Acordului de încetare a focului din 21.07.1992 încheiat între Republica Moldova și Federația Rusă și Acordului privind măsurile de consolidare a încrederii și dezvoltarea contactelor dintre Republica Moldova și Transnistria din 20.03.1998,

based on the OSCE's mandate to conduct a peace and stability operation. The operation can be carried out by the Peacekeeping and Stability Force (PSF), consisting of a limited contingent of military formations and an institution of military and civilian observers. PSF would consist of:

- the military contingent of the European Union and the Russian Federation, with a total number of no more than 600 people, which would operate for the period of demilitarization of the Security Zone (up to 1.5 years);
- the institute of military and civilian observers, composed of representatives of the OSCE participating States, with a total number of 80-100 people, who would act for a period of 2-3 years. The task of this mechanism is to carry out the demilitarization of the Republic of Moldova, including the Transnistrian region.

This operation should provide for the development of a special program, which, in parallel with the demilitarization process, should provide social guarantees and coordinate the process of socialization and integration into society of military personnel from the military formations of the Republic of Moldova, including the Transnistrian region – taking into account the financial support provided to this program by the international community, the government of the Republic of Moldova and the Transnistrian region.

The operation would be commanded by the Joint Committee of the Forces for Peacekeeping and Stability (JCFPS), composed of representatives of the OSCE (USA), the EU and the Russian Federation. JCFPS will monitor the implementation of the operation and implement the demilitarization program. The task of the operation will be to guarantee respect for human rights and freedoms, to contribute to the democratization of the region and to ensure the free movement of goods, services and people. In order to maintain the rule of law and fight crime, the JCFPS will create the Joint Coordination Center for the rule of law in the Republic of Moldova and the Transnistrian region.

PSF will be deployed in the cities of Bender and Dubasari on bridges and at the entrance to Bender, where stationary checkpoints will be installed. In the other sectors of the Security Zone, mobile patrol groups will operate.

Conclusions

With the solid installation of the Action and Solidarity Party in Chisinau (whose representatives were given by the president, the government and the parliamentary majority), an equally solid political direction can be envisaged on reforming / replacing the current pacification format. In support will be that pro-Western part of civil society, traditionally sympathetic to the prevailing political conception. The opposition in Moscow and Tiraspol will resort to all possible means and tactics, but it cannot defeat the determination of Chisinau - which can get the What can Romania do, in the conditions of reopening the discussion,

https://lact.ro/eduard-bumbac-rolul-si-misiunea-operatiunii-de-pacificare-din-republica-moldova-in-contextul-acordului-de-incetare-a-focului-din-21-07-1992-incheiat-intre-republica-moldova-si-federatia-rusa-si-acor/, (01.10.2021)

considering that the presence of Russian troops in its vicinity, in the conditions of a conflict, represents a major problem regarding the national security and the security of the international organizations of which it is part? We consider the following:

- 1. Political support given to Chisinau in order to reform the pacification format, both bilaterally and by mobilizing the international organizations to which it belongs (NATO, European Union);
- 2. Providing expertise to Chisinau, focusing on those policies that can best meet the interests of Moscow and Tiraspol as well, in order to identify the common denominator needed to accept the reform;
- 3. Positioning as firmly as possible within the new pacification mechanisms, both politically and through its force structures as a guarantee of its own and regional security at the same time.

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