

# THE EAST ZONE CONFLICT IN THE REPUBLIC OF MOLDOVA – A NEW APPROACH

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As a result of the USSR break up 15 new independent states appeared on the world map. One of them was the Republic of Moldova, which became known mainly due to the bloody conflict from spring-summer 1992 that took place in Transnistria – the East zone of the Republic of Moldova. Despite the fact that 10 years have past since the armed confrontations stopped and despite the efforts of the international community, the conflict is not yet solved. And the future of Moldovan State is unclear and insecure. The situation gets more and more complicated also because in Transnistria a new generation enters the active life. This is a generation that does not know other realities than the existing ones, even if anti-constitutional. At the same time, new stereotypes take roots into the public opinion. These stereotypes act as psychological barriers in the process of looking for efficient solutions. It is obvious, that the solution of this conflict will influence the future existence of Moldovan State, its emplacement into the interest geography of other states and international organizations (CIS – EU).

## I. Conflict genesis

In order to elaborate a sound strategy for the solution of this conflict it is essential to understand the causes of its break out. In the interim, in the Republic of Moldova the 1989-1992 events are simplistically interpreted, for election purposes mainly.

From the very beginning, it should be mentioned that the Republic of Moldova is an artificial state. The premises of its appearance have been determined by the arrangements made by Hitler and Stalin and stated in the secret protocols signed additionally to the Molotov – Ribbentrop Pact on August 23, 1939. On August 2, 1940 in Moscow was proclaimed the Soviet Socialist Republic of Moldova (SSRM) as part of the USSR. The Republic of Moldova, as an independent state, is the successor of the SSRM. SSRM's borders have also been drawn also by Moscow. As a result of these actions, the territory of SSRM included 2 parts: Basarabia and Transnistria, which have a historical background, ethnic component of the population, and dominant mentalities very contrastive.

All modern states, with an approximation doze, could be divided into two major categories – those appeared as a result of the dominance of certain *internal factors* and those that emerged due to the interference and conjunction of *external factors*. The Russian scientist Lev Gumileov in his ethno-genesis theory introduced the notion of passionarity (from passion), which means that ethnos that had enough energy and internal potential managed to assert and make itself conspicuous within an area of existence. The national idea is one of the most powerful internal factors that proves the appearance and affirmation of a national state, overcoming sometimes the unfavorable external factors.

The destiny of the Republic of Moldova during the last two centuries was exclusively determined by *external factors*, the opinion of local population being permanently defied. This also refers to the state independence of Moldova. It was voted

with enthusiasm on August 27, 1991 by the Parliament of the Republic of Moldova, but only after the collapse of the central power and the ideological soviet empire. By that time, the population within the territory of the republic represented a very heterogeneous conglomerate, qualified by the communist power as the Moldovan socialist nation. The society<sup>1</sup> was lacking a conscious opposition against the communist ideology and regime, and *state independence was not a looked forward gain*, common with the active majority of society<sup>1</sup>.

The freedom of speech and pluralism of opinion, which became available and permitted in conditions of “perestroyka” policy, developed within the territory of SSRM a spectrum of radically opposed and even antagonist positions.

One of the political extremes was represented by the so-called “movement for national liberation”. That movement was active almost exclusively in all localities on the Right bank of the Nistru River (the central zone of Basarabia) but did not have the potential necessary to make itself conspicuous on the whole territory of the SSRM as a motive power for the democratization and state independence acquiring processes. In reality, that movement was trying its utmost not to lag behind the political processes launched by the union center, thus copying (behind time) the forms and not the contents of political processes that took place one year earlier in the Baltic States. Except that, the most active part of that movement saw the future of SSRM as part of Romania and not as an independent state.

For the other extreme, the USSR abolition was associated with the end of the world. Their motherland, USSR, was disappearing and they have found themselves on a territory to become a national state but rejected as a “motherland”. The new political realities, the claims of local population regarding the state language issue and the perspective of SSRM’s transformation into an independent state were realized by them, in accordance with the motivational pyramid of Abraham Maslow<sup>2</sup>, as an attempt upon personal security. That collectivity, facing a total confusion and unprecedented political realities, fell under the easy manipulation of demagogic and extremist message promoters, and was brought to a collective psychosis, when its members were not capable to perceive anymore any rational argument.

As far as interethnic relationships issue is concerned, we have to make a digression. There is a very popular opinion, according with which Basarabia for centuries did not have any precedents of ethnic conflicts, that interethnic tolerance is an intrinsic value for the Basarabian population, and that at the background of East zone (or Transnistrian) conflict lay the nationalistic manifestations of Moldovans (Romanians). But the reality was different. The so-called Basarabian “tolerance” for about two centuries was based on the fact that the local population did not protest and used to humbly accept the imposed rules of interethnic relations, linguistic policy, etc. Obviously, within the period 1988-1991, in a society with a dominant mentality of *homo sovieticus*, many cases of street nationalism were registered. Such regrettable incidents took place in all zones of SSRM and did not constitute the monopoly of right bank. Still, those incidents do not change the essence of what had happened. Within the period 1988-89, following almost a half-century policy of Russian conversion, and eradication of any

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<sup>1</sup> In the case of SSRM the term “society” is not correctly used. Better to use the notion of a small part of “soviet society” on the territory of SSRM.

<sup>2</sup> Psychology, Zick Rubin, 1993

memory of national culture, the attempt was made to restore the rights of population majority.

In the industrial centers of Transnistria this attempt provoked an extremely negative and aggressive reaction. While the discussions emerged on the Right bank of the Nistru River, within the frame of which many people pleaded for the unification of the Republic of Moldova with Romania, and the lack of attention and even ignorance of the new leadership from Chisinau towards the specifics and phobias of Transnistrian population had offered enough arguments for new political organizations to appear, such as OSTK (the Unified Council of Labor Collectives), which used to promote an evident extremist policy with clear elements of fascism. That reaction of the population from the industrial centers of Transnistria was determined by the policy of “socialist internationalism”, promoted and popular for tens of years in the USSR and by the fact that under the umbrella of “socialist internationalism” was hiding the tough Russian chauvinism.

The tension apology was reached in August-September 1989, after the adoption of laws that defined the juridical framework for the functioning of languages on the territory of SSRM, and following the strikes against these laws. The SSRM’s population divided into two blocks, which treated each other suspiciously and were manipulated by extremist political formations, especially in Transnistria. The post-totalitarian society was lacking any kind of dialog. The *enemy image* became a key element to those who were looking for explanations to justify what had happened. The situation became even more propitious to separatist manifestations due to the fact that *those two main antagonist centers of public opinion manipulation were located in different places*, one in Chisinau and the second one in Tiraspol.

The adoption of laws on state language has “developed” the real degree of democracy in society, and divided the population into two different camps. Still, those confrontations could have been characterized as rather emotional, even theatrical. But those were not the kind of confrontations to lead to a bloody-armed conflict with lost lives and usurpation of state sovereignty on a large territory. More than that, following the adoption of the aforementioned laws many Romanian language clubs were established in this part of the country, at Tiraspol and Bender plants and enterprises inclusively. The number of those who accepted the idea that the residents of “a national republic” must speak the language of the local population was increasing.

It could be stated that during this very interval of time the *conflict preconditions developed*.

As a result of first democratic elections in February 1990 the Soviet Supreme (the legislative organ) of XIII legislature was elected. Its activity coincided with the acceleration of centrifuge processes in the USSR. Taking advantage of the created conjunction, that body, elected on all territory of SSRM, started to adopt legislative acts that were preparing the legal framework for the transformation of SSRM into an independent state. The abolition of a huge ideological empire like USSR could not be possible without upheavals and political confrontations. Many bloody conflicts happened that could be stated as provocations of Moscow secret intelligence. Similar scenarios had been carried out in Tbilisy, Bacu, Sumgait, Vilnus, Riga, etc.

In the Republic of Moldova, taking advantage of the existing preconditions, within the period 1990-1992 was brought into being the following scenario:

- *The anti-constitutional separatism was provoked in a zone with armed troops subordinated to Moscow;*
- *Intelligence services provoked an armed conflict between the anti-constitutional separatist regime and the constitutional power;*
- *The troops subordinated to Moscow got involved into an armed conflict on the territory of another state and supported the separatist regime, thus securing the political, military, and moral defeat of the constitutional power;*
- *The Russian Federation got involved as a conflict mediator and imposed the formula of peace-keeping troops, and a negotiations process favorable to the separatist regime;*
- *The Russian Federation managed to get efficient influence levers over the political processes both in the separatist zone and Republic of Moldova.*

Of course, a whole survey could be carried out to analyze the mistakes, inconsequence, corruption, immorality, etc. of the central power in Chisinau. But more important is to analyze those aspects regarding the Transnistrian separatism, which have not been yet elucidated. First of all we have to elucidate the ***political essence of the separatist regime and the interests materialized with its help***. Because these are the two factors that determine the stability and sustainability of the separatist regime for a period of over ten years.

But before that we have to quote the separatist ideologists from Tiraspol who said, “Tiraspol was never in the constituent of Moldovan State (or Romania)” and that is a justification for their separatism. Indeed, the territory of the Republic of Moldova includes two component parts, Basarabia and Transnistria, with different historical background. The legitimacy of the Republic of Moldova sovereignty over this territory results from the principle stated in the USSR Constitution from 1977. According to that Constitution, the USSR was a federative state that united fifteen “union republics”. Inside USSR there is a complex hierarchy, which includes “union republics”, “autonomous republics”, “autonomous regions”, etc. But only “union republics” had the right to sovereignty and self-determination, before the creation of the independent state. *In this respect of significant importance is the example of Abhasia. Within the period 1921-1931 this region enjoyed the statute of “a union republic within the USSR”. But in 1931 it became an “autonomous republic” and a constituent of the “union republic of Georgia”. As a consequence, today Abhasia has no chance to be recognized as an independent state.*

Following the break up of the USSR, the international Community recognized the independence of the fifteen former “union republics”. The problems of other USSR subdivisions ought to be solved with the help of methods well known from the experience of democratic states (federative organization, autonomy, decentralization, etc.). Adding to all this that Basarabia did neither colonize nor occupy in a war Transnistria as did for instance the Russian Empire in the case of Chechnya, then it is more clear, that from the juridical point of view there are no reasons to justify the Transnistrian separatism. The full and unconditioned sovereignty of the Republic of Moldova over the entire territory of the former SSRM is as legitimate as the Crimean peninsula being part of Ukraine or the Kaliningrad region belonging to the Russian Federation.

## II. The essence of the separatist regime

At the moment of break out of the armed conflict the Transnistrian population was intimidated and manipulated by making use of two main scarecrow – the so-called danger of overnight unification with Romania and the alleged ethnic or linguistic discrimination.

In order to understand the essence of the separatist regime from the East zone of the Republic of Moldova it is important to bring to the forefront the methods used to take the control over this part of the Republic of Moldova.

At present it is clear that the Transnistrian population has been manipulated through a demagogic speculation on some *imagined dangers*. These manipulations became possible due to the stereotype exploitation, characteristic to the *homo sovieticus* and with certain moments (Romanian phobia) specific to the SSRM's population. As a result of those actions worsened by the consequences of the informational war unleashed by the Moscow mass media, part of the population from Transnistria supported the idea of the separatism. ("My republic will protect me!"). At the same time, in order to understand the essence of the problem *it is not admissible to ignore the fact that the so-called "rmn" (the Nistrian Moldovan Republic) was never a homogeneous political monolith*, as the Tiraspol leaders try to present the situation starting with 1990. Part of the Transnistrian population fought with arms against the separatist regime. On the Left bank of the River Nistru, near the Dubasari town, there are several settlements, which remained under the jurisdiction of the Republic of Moldova. And the lands of one village (Vasileuca) extend as far as the official borders of Moldova with Ukraine, separating the secessionist zone in two non-communicating parts.

The separatist regime, profiting by the weakness of the young Moldovan State, asserted itself through violence, physical and psychological terror, and by destroying any kind of opposition against separatism and clan power regime headed by Igor Smirnov<sup>3</sup>. The ethnic survey of people who suffered because of these atrocities proves that separatist regime has resorted to ethnic purge just to eradicate the opposition.

The combination of these two factors, the dominant mentality of *homo sovieticus*, and the methods used, obviously led to the appearance of a political regime structured in accordance with the classical triad common with totalitarian regimes – a dictator (Igor Smirnov), an idea (independence of a "rmn" state), and a people (the Transnistrian multinational people). So, here we are with the main conclusion – "rmn" is a zone inside which, with the help of violence and manipulation of public opinion, a totalitarian political regime was set up. The leaders of this regime, using the outside support and the incompetence and lasting corruption that characterized the governments from Chisinau for many years, succeeded in consolidating it. They managed to set up all the structures proper to a state and to frame up periodical elections on different levels. Nevertheless, these facts cannot confirm the legitimacy of this regime. It is true that the leaders of this regime, making use of the means of a totalitarian state, have the control over this part of the Republic of Moldova. But that does not mean that Igor Smirnov has the right to speak

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<sup>3</sup> Report on the Problem of Internally Displaced Persons in the Republic of Moldova, Oazu Nantoi, Chisinau, 1999. [www.unhcr.md/reports.htm](http://www.unhcr.md/reports.htm)

on behalf of all the residents living on the territory controlled by him and to represent the position of the majority of the population from this zone.

It should be added here that in “rmn” mass media is drastically censored. Starting with 1989 the local population is living in an intoxicated informational environment, where on a daily basis everything that is connected to the Republic of Moldova is used to develop the *image of the enemy*. The separatist leaders persecute any attempt to organize diplomatic actions at the grass-roots level, meant to restore the trust among people on both sides of Nistru. Like any other totalitarian regime, “rmn” *will exist as long as it will be a closed regime. We have all the reasons to state that this regime will fall as soon as the local people will be free of fear of the repressive structures of this totalitarian regime.*

Although it is evident that “rmn” is a totalitarian regime, the Moldovan authorities, other states, OSCE, EU etc. make the following fundamental mistakes when characterizing it:

- *They recognize the right of Igor Smirnov to represent the whole population under the dominance of the separatist regime;*
- *Transnistria is regarded as a political monolith and Igor Smirnov is looked upon as a leader who represents the opinion of the majority;*
- *The facts that the separatist regime is a totalitarian one and that Igor Smirnov’s group is systematically, brutally, and massively violating the fundamental human rights are neglected.*
- *They accept the idea that, on the basis of totalitarian stereotypes, this separatist regime, which was set up through violence and by destroying the state structures of the Republic of Moldova with the help of Russian troops intervention, has the right to lay claim to “a special legal status” within the Republic of Moldova;*
- *The anti-constitutional regime is accepted at the negotiation process as an equal side sharing the same rights as the Republic of Moldova. It was also accepted that the decisions signed within the framework of the bargaining process to be adopted together with the leaders of the anti-constitutional regime.*

### **III. Interests carried out with the help of the separatist regime**

The totalitarian political structure of the separatist regime is also consolidated by the criminal one. There were registered cases during the critical and violent phase of the armed conflict when the created chaos was used for illicit economic activities. Later “rmn” turned into a political umbrella of an international network of organized crime. The mass smuggling carried on through “rmn” was possible because of the corruption of officials in Chisinau, Kiev, and Moscow. Moldovan top level politicians are to blame for the indolent character of negotiations, the infinite and unilateral surrenders that have led to the consolidation of the separatist regime positions as against the Republic of Moldova.

During the last years another phenomenon came into being in “rmn”, the so-called privatization, which also speaks for the corruption of Chisinau leadership. In 1999 it was announced the privatization<sup>4</sup> of the Moldovan Metallurgic Plant (UMM) from Ribnita.

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<sup>4</sup> The decision of the Supreme Committee of the Moldovan Transnistrian Republic No. 280 from 30/04/1999

One share stock was brought by the famous “ITERA” Company. It is clear that “rmn” cannot guarantee any property right to anybody. And “ITERA” Company could have decided to invest in UMM tens of millions of US\$ only after making certain arrangements with the central power in Chisinau and only if Chisinau guaranteed “ITERA” its property over UMM, regardless the political conjuncture.

The stability of the separatist regime for many years was determined also by the fact that it served as an instrument for carrying out the **geopolitical interests of other states**. The tergiversation of Russian troops evacuation, the political, economic and informational support provided by the Russian Federation speak for the intentions of the Russian Federation to use the Transnistrian separatism as a bridge head for the materialization of their geopolitical interests. Within the period 1989-2001, despite the political dismay occurred in Russia, Moscow showed continuity and a clear policy regarding Transnistria. This allows us to state that the above-mentioned continuity was assured by the Russian secret police, the policy of which both in the ex-USSR and later in the former union republics was never affected by the surface political shows. Significant is the situation of the “Memorandum on the bases for relationship improvement between the Republic of Moldova and Transnistria” from May 8, 1997. This document, drafted and presented by the Russian Federation was a trap for the Republic of Moldova. It imposed the negotiating formula, which in reality assures the protection of interests of the separatist regime to the detriment of the Republic of Moldova. It brings forward the notion of a “country guarantor” assuming the right to arbitrate the relationships between Chisinau and Tiraspol. It also includes the notion of a “common state”. The Memorandum implies that the so-called “common state” could be a symbolic confederation of two constituents with equal rights.

The attempt of the Moldovan leadership to introduce from September 1, 2001 a new customs stamp has revealed the real position of the Republic of Ukraine. Its actions showed that Ukraine does not want the Republic of Moldova to control its borders with Ukraine (425 km.). It obviously could be explained by the corruption and involvement of certain Ukrainian politicians in economic crimes accomplished through this portion of border. At the same time it is obvious that regarding Transnistria Ukraine is promoting a policy of “mellow fruit”. It does not want either Republic of Moldova or Russian Federation to have control over Transnistria. Such a *status quo* suits Ukraine very well, because it will use all the possibilities to increase its influence in this zone. And when the international community realizes the incapacity of the Republic of Moldova to reintegrate Transnistria, then comes the turn of Ukraine to assert its “historic” rights over this territory. In this respect, Ukraine is also happy with the idea of the federalization of the Republic of Moldova under the pretext of conflict settlement. The evident and chronic incapacity of the Moldovan political elite to consolidate the Moldovan State will allow Ukraine to openly and legally “integrate” a certain part of “state territorial formations” of the federation to be. And the criminal economic interests, by the way, serve already as a binder for this “integration”. We do not have yet the opinion of the Ukrainian population from the Northeast zone of the Republic of Moldova on this issue. There exist another breeding ground of tension in the South of the Republic of Moldova where the Ukrainian border branches off the settlements preponderantly inhabited by Gagauzians.

This symbiosis of criminal and geopolitical interests, the totalitarian essence of the separatist regime, together with the pathological incompetence of the Moldovan

political elite have developed propitious conditions for this regime to consolidate. And that assures its stability and sustainability on a background of lost illusions regarding the chances of the Republic of Moldova to become a state of law and democracy. Speaking about interests, it is important to mention the following aspects. The interests of other states are the same *external factors* as against which the state structures of the Republic of Moldova have proved their own incapacity/unwillingness to oppose them the interests of Moldovan State and their citizens. The interests of other states, as for instance the USA, EU member states result in their willingness to put to an end the military presence of the Russian Federation in this zone of Europe. The separatism issue in the Republic of Moldova, its totalitarian essence, the brutal violation of human rights, are treated with indifference. The OCSE representatives for example, for a period of many years gave their notice on many documents (this is the case of the Memorandum signed on May 8, 1997), which obviously run counter to the Constitution of the Republic of Moldova and the international standards. So, we can draw the conclusion that during the last ten years, *the interests of other external actors did not counterbalance the interests of the Russian Federation and Ukraine, materialized thanks to the Transnistrian conflict, and due to the evident lack of internal potential of the Moldovan society to reunite Moldova with its own forces.*

#### IV. The structure of “Transnistrian people” and key elements of the conflict solution strategy

Behind the false unanimity of the Transnistrian “people”<sup>5</sup> hide several groups, the attitude which vis-à-vis the idea of territorial reintegration of the Republic of Moldova is very different. Any strategy of conflict resolution, aiming a real reunification of the Republic of Moldova, has to take into account this fact. Because, only the application of certain policies specific to each component of opinion spectrum in Transnistria (divide et impera) could be efficient and can constitute the most favorable way to an integral, democratic and sustainable state.

In the zone under the control of the separatist regime it is impossible to make representative polls of public opinion. It is because the separatist regime does not allow them and because the local population is intimidated. So, it is not possible to count on sincere answers. Without attributing exact figures to each category, we can structure the “rmn”’s population as it follows:

1. The **“interested”** – those who have personal profits from protecting and serving the aforementioned interests;
2. The **“shock detachments”** – elite troops, kauzaks, security services;
3. The **“fanatics”** – a large group of handicapped people used to mime the “iron will of the Transnistrian people”;
4. The **““rmn”’s citizens”** – persons, especially youth who do not know other realities but for the “rmn” – the final product of the system of forming a “Homo pridnestrovicus”;

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<sup>5</sup> According to the Statistics Department data, on January 1, 2001 the zone controlled by the separatist regime was inhabited by 651.800 persons.



5. The “**civil servants/functionaries**” – local bureaucracy, home affairs, judges, and other “state” structures;
6. The “**amorphous mass**” – the indifferent vis-à-vis the political processes and confrontations;
7. The “**conscious opposition**” – those who are still waiting and looking for the reintegration of the Republic of Moldova

From the very beginning of the negotiation process the separatist regime was represented at the round table by the “interested” (the 1st Category). Otherwise, people who are interested and support the existence and consolidation of this anti-constitutional regime and acquire personal profits from different criminal economic activities (smuggling first of all). *This category, together with the second category, which definitely unites not more than 1% of adult population in the zone, control the financial fluxes, manipulates the public opinion, and intimidates the rest of the population, using the repressive instruments characteristic to totalitarian states.*

The 4-th and 5-th Categories could easily be reasoned out of the idea of “rmn”’s state independence, providing that this is done taking into account their stereotypes and phobias (the transition period, and adaptation to international control), and they will be offered certain guarantees. Meaning, a financial support will be necessary to make this transition possible (retraining of public functionaries, judges, etc.)

Resolution of the Transnistrian conflict is incompatible with the presence of people belonging to the first two categories and not convicted on the territory of the Republic of Moldova. These persons represent the *criminal* and *totalitarian* components of “rmn”. Having these people free and trying to reintegrate the Republic of Moldova, would mean the “transnistriation” of the whole territory of the Republic of Moldova. A vigorous criminal and antidemocratic regime will mechanically be joined to the weak and unsustainable democracy on the Right bank.

This minority got consciously engaged into criminal activities, meant to destroy the state structures in 1990-1992. Many of them entered the Republic of Moldova as mercenaries and killed Moldovan citizens. Even Igor Smirnov came from outside. The Communist Party of the USSR sent him to Tiraspol in 1987 as an enterprise director. Together, they have set up a totalitarian regime. They are to bare the responsibility for the mass violation of human rights, complicity to illicit economic activities, and implementation of the ideology of aggressive Russian chauvinism. Taking into account the fact that the Russian Federation offered them the Russian citizenship, after their involvement into criminal anti-constitutional activities, it is logic and necessary that Russia assumes the responsibility for their future and decides their destiny within the limits of its national territory.

The direct contacts with the population from the zone controlled by the Smirnov regime, gives us the permission to state that the majority of people are tired of this state of incertitude and the gravity of social and economic problems. The collective psychosis present during the armed conflict, which determined people to get involved into it and fight for the separatist regime, is already impossible. There are data according to which the number of people who left Transnistria either for Russia or Moldova (the Right bank of the Nistru River) sharply increased. More and more residents of Transnistria realize

they have been caught in a trap. It becomes evident that *there is no conflict anymore at the interpersonal level, with the exception of an insignificant percent of population.*

## V. Federation –why not? What could be called a “conflict settlement”

From the formal point of view only the Parliament of the Republic of Moldova has the right to decide on what type of juridical status Transnistria may have within the framework of Moldovan State. Since the international community recognizes the Republic of Moldova as a sovereign state and nobody denies the principle of territorial integrity, the State of Moldova, from the juridical point of view, has the right to resort to the following solutions:

1. *Unconditioned reintegration of the territories of the Republic of Moldova by force (military operations);*
2. *Unconditioned reintegration of the territories of the Republic of Moldova making use of political means;*
3. *Autonomy of Transnistria within the framework of a unitary state (a non-homogeneous unitary state);*
4. *Republic of Moldova – a confederate state (“common state”). Transnistria – subject of the confederation sharing equal rights with the Republic of Moldova;*
5. *Republic of Moldova – a federative state; Transnistria – a constituent of the federation;*
6. *Republic of Moldova renounces to Transnistria*

If we exclude the extreme variants, then we have to formulate a whole range of additional demands to the eventual formula of conflict resolution. It was already mentioned before that the Republic of Moldova is an artificial state, lacking a “crucial mass” of citizens for whom the statehood of Moldova is a positive and indisputable value. The State of the Republic of Moldova has the chance to a sustainable development only if inside this state, thanks to a favorable conjunction of external factors, will develop propitious conditions for the transition of the old *Moldavian socialist nation* to a strong and consolidated *Moldovan political nation*.

As a warning in this respect could serve the case of the Administrative Territorial Unit (UTA) Gagauz Yeri. On December 23, 1994 the Parliament of the Republic of Moldova adopted the Law on Special legal status of the Administrative Territorial Unit Gagauz Yeri No. 344-XII. Representatives of many European institutions hurried to congratulate the Republic of Moldova with the happy and correct resolution, in their opinion, of the Gagauzian problem. But reality has proved that this autonomy, with a low level of competencies had become a mechanism of self-isolation, seclusion and even counter-proposal to the other part of Moldovan society. During all the election campaigns the population from this autonomy is manipulated by the antidemocratic, nostalgic and revanchist political forces, thus favoring their coming to power and opposing the interests of the local population. The Tiraspol separatists at their turn have constantly tried, and not without success, to use the UTA Gagauz Yeri as an instrument of pressure upon Chisinau. At the same time the freedom of self-determination, offered to Gagauzians, did not result in a revival of their national culture or affirmation of Gagauzian language. The

sessions of the Popular Assembly from Comrat are still held in the Russian language, and none of the autonomy leaders speaks the state language of the Republic of Moldova. This sad but concrete experience, realized in the concrete conditions of the Republic of Moldova, gives us the permission to state that granting the East zone of the Republic of Moldova a “special juridical status”, a “large autonomy”, or its transformation into a constituent of the eventual federation will lead to the conservatism of existing isolationist spirits, will make possible for this regime to be used as an instrument of political manipulation of the Republic of Moldova on the whole. ***The Moldovan political nation, as a community of citizens of different ethnic origins, has the chances to form and consolidate only in the framework of a unitary Moldovan State – a democratic, decentralized but unitary state*** \*.

The ethnic criterion also cannot serve as a legal argument to justify the “special legal status”, because only in Chisinau, for instance live more ethnic Russians than in the whole “rnm”. If we come back to the statement that Transnistria is not a homogeneous political monolith, then the citizens of the Republic of Moldova, who live there and who did not destroy (with arms in their hands) the structures of the state, or did not kill peaceful human beings for sharing different political views (as the Kauzaks did and other mercenaries from Russia), ***are categorically against any “special juridical status”***. And strategizing the possible resolution for the Transnistrian conflict, it would be correct to take into account first of all the opinion of the population loyal to the Republic of Moldova.

The key condition for the resolution of this conflict is *democratization* and *demilitarization* of Transnistria, its purge of criminal elements, **before bringing to the forefront the issue of internal organization of Moldovan State.**

Starting from the aforementioned facts, we could accept as a solution for the Transnistrian conflict only that procedure and formula of internal structure of Moldovan State which would:

1. *Assure the democratization of the separatist zone and its purge of criminal elements;*
2. *Assure conditions for the consolidation and homogenization of heterogeneous groups of population on both sides of the Nistru River into a strong Moldovan political nation;*
3. *Not provide levers, motives, etc to conserve the stereotypes imposed by the separatist regime, and to encourage the external interference and separatism provocation in any zone of the reintegrated Moldovan state;*
4. *Not provoke the frustration feeling with majority of the population and would not transform Transnistria into an instrument of shutting off the European integration of the Republic of Moldova.*

At least for the moment it is obvious, that the leaders of the anti-constitutional regime would not accept even the federalization of the Republic of Moldova. Because any form of territorial integration of a legal state would shut off the materialization of the interests of international network of organized crime. And the *decriminalization* and

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\* There are no legal rights for any resident from the Left Bank of the River Nistru that could not be realized within the frame of the in force Constitution (July 2002) of the unitary Moldovan State. Art. 111 from the Constitution offers very large possibilities for the promotion of a flexible policy vis-à-vis the population from the East zone of the Republic of Moldova.

*democratization* of the separatist zone leaves behind the issue of the federalization of Republic of Moldova. The present Constitution of the Republic of Moldova offers all the possibilities to effect the fundamental human rights, taking into account also the specifics of the East zone of the Republic of Moldova. The federalization of the Republic of Moldova by acknowledging the legitimacy of the separatist regime and granting it the status of a founding subject of Moldovan State could be qualified as a new moral defeat for other citizens of the Republic of Moldova. That would conserve the antidemocratic, chauvinist, and anti-European spirits and might become an intermediate step in the process of disappearance of the Republic of Moldova as a state.

There exist also the theory according to which the Republic of Moldova could be transformed into a federative state with 10-11 subjects sharing equal rights (the German model for instance) and Transnistria divided into at least three segments. But again, it is obvious, the separatist leaders will not accept this variant, because that would leave them beyond the political process and such a transformation as a whole is senseless.

## **VI. Final suggestions**

For the consolidation of Moldovan political nation, without which the Moldovan statehood is impossible too, there should exist *patriotism*. But patriotism can appear only after the anti-state separatism *is defeated*. We need to have a *moral and political victory over the totalitarian, chauvinist, and criminal elements of the separatist regime*.

The objective of the present survey is not to substitute the state in drafting a program of concrete activities aiming to restore the territorial integration of the Republic of Moldova. Especially since there are no reasons to think that the present leadership of the Republic of Moldova, might accept the approaches forwarded in this survey, approaches regarding the separatist issue. At the same time the evident failure of attempts made by the Moldovan politicians to solve the problem of state territorial reintegration, starting with the interests of citizens of the Republic of Moldova on both sides of the Nistru River, offers free space for new approaches in this respect.

In general terms, the eventual program on Transnistrian conflict resolution, starting from the definitions and statements made before, could include the following elements:

1. *Adoption by the Parliament of the Republic of Moldova of a political document, which would give a clear and formal appreciation of the separatist regime (a totalitarian and criminal regime, which through violence and with the help of Russian troops illegal involvement has usurped the state sovereignty);*
2. *Unilateral cancellation by the Parliament of the Republic of Moldova of all documents signed by the Republic of Moldova, starting with the Agreement on principles of peaceful resolution of the armed conflict in the East zone of the Republic of Moldova from July 21, 1992;*
3. *Renunciation to the formula of five-sided negotiations and the move to the formula of a forced plan on reintegration of the Republic of Moldova, a formula in which the interests of the Russian Federation and Ukraine will be counterbalanced by the interests of other important subjects;*
4. *Presentation and large promotion of a time-stepped Program on territorial reintegration of the Republic of Moldova, monitored by the EU (for example),*

*offering certain guarantees to those residents of Transnistria who were not involved in anti-state crimes;*

5. *Adoption by the Parliament of the Republic of Moldova of a package of amendments to the Penal Code through which to assure a large and flexible scale of attitudes on behalf of Moldovan State vis-à-vis the persons involved in anti-constitutional activities (for instance life sentence to be changed with the capital punishment adjournment; amnesty on condition not to ever come back to the Republic of Moldova; temporary privation of the right to elect and be elected, etc.);*
6. *Institution of proceedings against the “heads”\* of the separatist regime and their international pursuit by the International Police;*
7. *Launch of a large informational campaign against the separatist regime and afterwards integration of East districts into the informational space of the Republic of Moldova;*
8. *Renunciation to the existing formula of peacekeeping forces and transition to the peacekeeping forces in accordance with the UN standards;*
9. *Liquidation of military presence of the Russian Federation in the East zone of the Republic of Moldova;*
10. *Submission to the Russian Federation of revendications to call off, (as recompense for the damages caused to the environment of the republic by the illegal stationing of Russian troops on the territory of the Republic of Moldova), the natural gas debts (790,3 million US\$). To Transnistria natural gases are provided free of charge;*
11. *Repatriation of Russian citizens (belonging to the Categories 1 and 2) on territories of the Russian Federation;*
12. *Liquidation of any results of illicit privatization carried out by the separatist anti-constitutional regime;*
13. *Implementation of a plan of post-conflict rehabilitation and economic revitalization of the Republic of Moldova;*
14. *Conclusion of a trilateral interstate Agreement between Republic of Moldova, Ukraine, and Romania that would assure the geopolitical stability, freedom of international communication amongst citizens of these states.*

**Materialization of the decisions of Istanbul Summit from November 1999 regarding the withdraw of the Russian Federation troops from the territory of the Republic of Moldova before the end of 2002 will be a very painful psychological blow for the chauvinist component of the separatist regime and will provoke consequently the demoralization of separatism’s supporters. This evacuation, coinciding with the insertion of a strict international customs control lengthwise the border between Ukraine and Republic of Moldova, thus making possible to pass the borders only for the goods of those economic agents who will pay taxes to the budget of the Republic of Moldova, will obviously provoke almost an immediate abolition of the anti-constitutional regime. But that requires the adoption and articulation of a**

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\* This measure does not imply that prisons will be filled up thousands of detainees. We are talking of political elimination of several symbol-persons. This step will cause the demoralization of separatism supporters and their voluntary exodus from the territory of the Republic of Moldova.

**firm political decision in this respect, rejecting any “five-sided” negotiations with the participation of the heads of anti-constitutional regime.**

This step would guarantee the achievement of the following goals:

- a) *The possibility to fulfil by contraband trade the interests of international networks of organized crime will be shut off;*
- b) *The so-called “state structures” of “rmn” will be deprived of the needed financial basis;*
- c) *A mass exodus from the zone of persons belonging to the first two categories and the regime heads will be shorted of any influence;*
- d) *The illegal immigration to Shenghen states, drugs and armament traffics will be stopped.*

It is clear that this efficient formula that does not require military operations of presumed proportions but a plenary engagement of such important countries like USA, Germany (*the German capital is already present in the separatist zone, and Germany’s involvement into the scenario of territorial reintegration of Moldova would be a logical step*) etc., capable to exercise sufficient pressure on Ukraine just to get its plenary implication into the realization of these activities. *The fundamental mistake made by Vladimir Voronin at the moment of introduction of new customs stamps on September 1 2001 was that he took the Ukrainian president Leonid Kucima at his word when Kucima verbally assured his support regarding the possibility of setting up mixed Moldo-Ukrainian customs check points on the territory of Ukraine. Reality has proved that Ukraine, without external pressure, will not accept this step. And consequently, this assures the survival of the separatist regime and the further on realization of interests of international structures of organized crime.*

It is important to mention that the setting up of international customs control could be in no way interpreted as an “economic blockade”. The economic agents, after having paid the established taxes to the budget of the Republic of Moldova, will be free to exercise any legal operations. And this will not provoke a “humanitarian catastrophe”, because, as I mentioned before, the anti-constitutional regime will ruin as soon as it is clear that the customary control is set up for good. Nobody will start a war, especially since the enterprise directors from the separatist zone after September 1, 2001 are already looking for ways and possibilities to assure their personal security and economic interests.

For the time being this block of recommendations looks like an unreal one due to many reasons. First of all the Republic of Moldova is governed by the Communist Party (PCRM), which, like its “democrats” predecessors does not have a coherent vision over the problem of separatism in the East zone of the Republic of Moldova. PCRM is not capable to adopt a firm and on principle position on Russian Federation’s involvement, and also unable to create, through a flexible and efficient foreign policy, a new configuration of external factors within which the interests of the Russian Federation and Ukraine counterbalanced and which could serve as a mechanism of forced reintegration of the Republic of Moldova. For the time being it is clear that PCRM is preoccupied with the “environment cleaning” and preparations, through means improper to the market economy inclusively, for acquiring massive capital from the Russian Federation. In a situation when financial resources in election campaigns determine the force ratio in

governing bodies, this looks more like a neo-colonist policy promoted by the Russian Federation with the help of PCRM.

We should mention here a new influence lever over Moldova already prepared by the Russian Federation. We are talking about the provisions of the Basic Treaty between the Russian Federation and Republic of Moldova, signed in Moscow on November 18, 2001, which allows (in Art. 16) the double citizenship, regulated by a separate Agreement. Logically we can presume that such an Agreement will be imposed to the actual leadership of the Republic of Moldova. Following that over 70-80 thousand of Russian citizens, politically strong and oriented, will get the right to the citizenship of the Republic of Moldova too, to participate in elections of all levels and to be elected/appointed in any state functions. If that happens then the survival perspective for the Republic of Moldova as a sovereign state becomes even more illusory.

Recently, in an interview offered to a Russian TV channel, the president of the Republic of Moldova said that the Russian Federation must take from the territory of Moldova the Russian citizen Igor Smirnov. So, we might assume that, through considerable political and economic surrendering to Russia, Vladimir Voronin wants to prove his fidelity and offer the Russian Federation levers of alternative control over the Republic of Moldova, and obtain in return for that the political elimination of Igor Smirnov by the Russian Federation. Liberation of the political detainee Ilie Ilascu in May 2001 was done against the will of Tiraspol leaders, exclusively thanks to the pressure put by the Russian Federation and proved that Russia has enough influence levers over the heads of the anti-constitutional regime. The nearest future (autumn of 2002) will show if Russian Federation is eager and ready to politically eliminate Igor Smirnov. Or, such moments might radically change the future development of the situation.

Still, Republic of Moldova has the potential for another behavior with regard to the Russian Federation. Really, the situation/position of the Republic of Moldova is not to be envied. At the same time the CEDO decision regarding the obligation to register the Metropolitan Church of Bassarabia has provoked a painful reaction in Russia, a fact that confirms the interest of Russia to maintain its control over the CIS member countries. If Republic of Moldova, despite other factors, would have had announced its firm intention to leave CIS because of the Russian Federation's policy of double standards with regard to the separatism issue in the East zone of the Republic of Moldova, then the Russian Federation might have become more receptive to the position of the Republic of Moldova.

On July 3, 2002, in Kiev, within the framework of the "Ordinary Conference on political issues regarding the negotiations process on Transnistrian regimentation", a draft Agreement<sup>6</sup> between the Republic of Moldova and Transnistria was proposed, which provides for the transformation of the Republic of Moldova into a federative state. According to this Agreement, *Republic of Moldova will be forced to recognize the separatist regime as legitimate political entity with the right of a founder of the future federation.*

Even if we do not negate from the very beginning the idea of transforming the Republic of Moldova into a federative state, it has to be mentioned that the Constitution in force of the Republic of Moldova (Art. 142 (1)) admits the revision of stipulations

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<sup>6</sup> Art. 6 of the Protocol defines this project as a "new draft document under the title Non-paper".

regarding the unitary character of the state, “only if these stipulations are approved by a referendum through the vote of the majority of citizens included in the election lists”. Evidently, one can talk about the legitimacy of the results of such a referendum, only if it is held on the whole territory of the Republic of Moldova, in accordance with the legislation of the Republic of Moldova in force and without the participation of those 70-80 thousand Transnistrian residents, who in the meantime became citizens of the Russian Federation. The attempts to federalize the Republic of Moldova by ignoring the Constitution in force will deprive the eventual federation of legitimacy. At the same time, it is hardly probable, for the parties in opposition to permit the organization of such a referendum with an indisputable and positive result in favor of the federation or to allow PCRM to modify the Constitution into operation, avoiding the referendum compulsoriness in the case of federalization. At its turn, the Popular Assembly of the UTA Gagauz Yeri from July 10, 2002 bundled off to adopt a decision in which it acknowledges its pretensions regarding its special status within the future federation.

Coming back to the Draft Agreement from Kiev, we could state that, in its published formula, it provides for the transformation of the Republic of Moldova into a “common state” in the formula stipulated by the Memorandum from May 8, 1997 – a symbolic confederation (that could be called also “federation”), with inoperative central governing bodies and easily manipulate from outside. The Kiev Agreement stipulates the legalization of the results of illicit privatization, carried out in the meantime on the Left Bank of the Nistru River by the underworld. Starting from the banal statement that the illegal financial resources in a corrupt society, as the Republic of Moldova, have a very strong impact on the election results, meaning that the underworld will dispose of a guaranteed share of people in the governing bodies of the pseudo-federative state.

From all said before results that the Kiev initiative risks provoking a long-lasting political destabilization on the Right Bank of Nistru River, in case PCRM tries to take repressive actions against opposition and coalition of the communists from Chisinau with the anti-constitutional regime from Tiraspol (with the possible involvement of security services of the Russian Federation) in order to annihilate the opposition through criminal means. From this perspective, the kidnapping of Vlad Cubreacov, MP, representing opposition – the Democratic Christian Popular Party, on March 21, 2002 could be explained if we admit that it was nothing else than a rehearsal for other similar actions.

So, the conclusion that follows from all the aforementioned facts is that, if behind the scenes no other scenarios are drafted (like for instance elimination of Igor Smirnov etc.) except for the ones made public by the press, then the Transnistrian conflict wont be solved for a long period of time ahead, and the chances of the Republic of Moldova to affirm itself as a sovereign and democratic state will face a constant decrease.

Chisinau, June 28, 2002