

Ukrainian Role in the Transnistrian Conflict Settlement in the Framework of the OSCE Chairmanship*

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In 2013 Ukraine holds the chair at the Organization for Security and Co-operation in Europe (OSCE), which is one of the highest profile roles in the international arena the country took since the declaration of its independence. Ukrainian Chairmanship of the OSCE can become an instrument and a chance for Ukraine to advance its international standings and to promote its status in international relations. However, OSCE Chairmanship is not only a great honor but a challenge too. For Ukraine one of such challenges is a settlement of the Transnistrian conflict, as it stays the key question for the regional security policy. As far as it has always been a part of the mediation and peacekeeping activities of Ukraine as Transnistrian region bordering only Ukraine and Moldova could not stay out of the Ukrainian concern, this very issue was announced as one of the priorities for the Ukrainian Chairmanship in January 2013.¹

OSCE and the settlement of the Transnistrian Conflict

In 1993, the OSCE (then the CSCE) established a Mission in Moldova to support efforts to find a peaceful solution to this conflict. The main objectives of the Mission are to assist in negotiating a lasting political settlement of the Transnistrian conflict, to consolidate the independence and sovereignty of the Republic of Moldova, and to reach an understanding on a special status for the Transnistrian region.² OSCE is one of the official mediators in the resolution of the Transnistrian conflict. Mission in Moldova has constantly facilitated direct negotiations between Chisinau and Tiraspol and actively cooperated with all mediators and observers. This is the very organization which reached the biggest success in confidence-building measures and agreements on basic principles of the relations between the two conflicting parties. Despite the interruption of the official talks in the “5+2” format in 2006, OSCE Mission directed its efforts on organization of the informal meetings, the goal of which were renewal of the

* The following text has been submitted in Summer 2013 and therefore it analyses only the first half of the Ukrainian presidency in the OSCE.

¹ *Protracted conflicts, human trafficking and media freedom amongst Ukraine's OSCE 2013 priorities*, <http://www.osce.org/cio/98763>, (Accessed 1 February 2013).

² *OSCE Mission to Moldova*, <http://www.osce.org/moldova/43356>, (Accessed 15 March 2013).

official format. During 2008-2009 the process of informal negotiations was intensified. Furthermore, confidence-building measures between two parties were expanded in 2008, when the experts meetings in the groups of common interests in social and economic spheres have been started.

OSCE actions in this direction have been intensified in 2011, among others, by organization of the conference under the auspices of the OSCE and support of the German government, which took place in September 2011 in Bad Reichenhall, and by the revival of the official talks in the "5+2" format, which took place during another round of consultations in Moscow on the 22nd of September 2011. Last years this conflict got a new attention due to the increased interest to this question on the side of the international community, renewing regular negotiations in the "5+2" format, as well as the progress in resolution of some "technical" issues and confidence-building measures.

In all conflicts at the post-soviet space the OSCE as a mediator tried to be a link between the conflicting parties, but also between the different mediation and peacekeeping efforts in the region. At the same time it is necessary to point out that OSCE actions in the peace process are concentrated in two tracks: confidence building measures, people to people contacts and political settlement. Problem of the Transnistrian conflict settlement is one of the key ones at every annual OSCE Ministerial Meeting, and with a certain periodicity the chairing state proposes a new initiative on peaceful settlement of this conflict. Stepping-up of the negotiating process due to the Lithuanian and Irish Chairmanships' priorities set in this sphere is a good background for continuation of this trend from the Ukrainian side.

The role of Ukraine

Ukrainian Chairmanship in the OSCE in 2013 is not only an important basis to enhance Ukrainian role in the negotiating process, but also to achieve a progress in a resolution of this conflict. This possibility is due to the fact that Ukraine has a high level of awareness and understanding of reasons of the Transnistrian conflict, its course of events during all the time of the existence, as well as a new context which has appeared after the change of power in Moldova in 2009 and in Transnistria in December 2011.

Ukraine is perceived by the conflicting parties not only as a peaceful and impartial partner, who is interested in a regional stability, but also as an adequate interlocutor, who understands problems of the post-communist states. Moreover, it is perceived as the less interested in territorial claims and claims of other character to the parties to conflict. From the very beginning Kyiv has officially supported the territorial integrity and sovereignty of Moldova and stand for conflict settlement by peaceful means only on the terms mutually acceptable for conflicting parties. It is important to emphasize that once Moldova and Transnistria

advocated Ukrainian involvement in the peace process as a state, which for their opinion has not been biased and has not have geostrategic interests in the region. Ukraine always presents its territory for meetings and consultations between the representatives of Chisinau and Transnistria. Despite the fact that Ukraine has had an official status of mediator together with Russia and OSCE since 1994, and guarantor of peace (together with Russia) since 1997, for 10 years Ukraine has been not actively involved in the Transnistrian peace process, just joining the discussion of some narrow issues of the confidence-building. In April 2005 the situation has changed, as Ukrainian authorities proposed a comprehensive peace plan, presented at the GUAM summit in Chisinau, named after then President of Ukraine – The Yuschenko Plan. Not all points of that plan have been implemented, among others because of a low-intensity of the Ukrainian diplomats work in this direction. However it brought several serious shifts – the EU and the USA was invited to join the peace process, so the “5+2” format (Moldova, Transnistria, Russia, Ukraine, OSCE + the EU and the USA) has been created, which is still perceived as a main negotiating format. Even more, the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) was created to facilitate border issues settlement. If at the beginning it was purely technical mission, right now the confidence-building and conflict-settlement elements has been incorporated. In 2013, Ukraine as a Chair, appears in a unique situation when it unites two “voices” (its own and OSCE) in the “5+2” format.

The settlement – risks & challenges

However, one cannot abstain from mentioning the risks that Ukraine faces as the OSCE Chair in the Transnistrian conflict settlement. First of all it's a competition of some international mediators. Then, it is a desire to play leading role without accommodation of the positions with other involved parties resulting in inability to concentrate attention of the conflicting parties on the concrete plan of the peace settlement and reduction the weight and authority of the OSCE as a mediator.

As far as the role of the Russian Federation is very well-known, one should not ignore positions of other interested parties. For the opinion of Vladimir Yastrebnik (former Minister of Foreign Affairs of Transnistria) fragmentation and lack of coordination in the activities of Moscow and Kyiv to a great extent lead to the wheelspin of talks, low level of performance of the undertaken political-diplomatic efforts, impeding the potential, which both states have.³ Back in 2001, when Romania was chairing in the OSCE, it was not “allowed” to

³ Владимир Ястребник: *Согласованные действия России, Украины и Приднестровья как средство от «заморозков»*, <http://www.regnum.ru/news/fd-abroad/transdnestria/1630710.html>, (Accessed 20 March 2013).

deal with the Transnistrian conflict, perceived by many as a partial actor. Some Romanian experts even predicted that Ukraine would also be not allowed to be very active in this direction so not to overtake leading roles of others involved. However it hasn't happened and Ukraine is still seen as a good broker to facilitate the process.

Yet on February 15, 2005 President of Romania T. Basescu during negotiations in Moscow raised a question of Bucharest involvement in the conflict resolution process in Transnistria, underlining that if that problem was important for Ukrainian security, so in that sense it was also important for Romania.⁴ Russian leadership has returned to this question in October 2010, when upon the results of the trilateral negotiations between leaders of France, Germany and Russia in Deauville (France), President D. Medvedev stated that success of the Moldovan-Transnistrian conflict settlement depended not only on Russia, Moldova, Transnistria and the European Union, but also on Romania. Active work of the Russian Federation on Romanian involvement can be seen as a desire to minimize the role of other mediators, including Ukraine. At the same time, for Romania, one of the main tasks is minimization the role of Russia in the region, especially in Moldova – so all this leads to a paradox. Within the years Romania has been balancing between desire to be an independent mediator and necessity to consider joint position of the EU. Despite some independent steps, in November 2010 Minister of Foreign Affairs of Romania T. Baconschi stated that Romania took part in the Moldovan-Transnistrian conflict settlement only as a member of the European Union.⁵ In some way it makes life of Ukraine easier as it takes away from the stage one of the competitors, but at the same time, Ukraine could have Romania as its ally contrary to the Russian position. Mutual interest in a quick settlement of the Transnistrian conflict makes these two states natural partners. Both countries can take responsibility for the security in the region, presenting additional arguments for Russian military withdrawal.

The second risk Ukraine might face as the OSCE Chair, is reluctance of the conflicting parties to revitalize the peace process and to compromise, what is backed by the unwillingness of the parties to accept Ukraine in particular, and the OSCE as a whole, as an influential mediator. Ukraine took a quick start in the negotiation process as the OSCE chair in January 2013 conducting first negotiations with the representatives of Moldovan and Transnistrian establishment during the visits of the Chair-in-office, Minister

⁴ *Мир в Приднестровье: Румыния хочет «приложить руку»*, http://news.bbc.co.uk/hi/russian/news/newsid_4268000/4268759.stm, (Accessed 15 February 2013).

⁵ *Урегулирование приднестровского конфликта без Румынии*, <http://terra.md/ru/news/moldova/pridnestrovie2/default.aspx>, (Accessed 25 December 2012).

of Foreign Affairs of Ukraine Mr. Kozhara and the OSCE Chairperson's Special Representative for conflicts Amb. A. Deshchytsia. It brought some expectations, which were broken by the further denial of the Transnistrian side Mr. Kozhara's statement that they are ready to move to the political settlement issues⁶ and de-facto fail of the meeting in Lviv on the 19th of February 2013, when leaders of Transnistria rejected to participate. First round of negotiations in the "5+2" format, organized in 2013 under the Ukrainian Chairmanship "brought some disappointment for those, who believed in "magician" who united for the OSCE statuses of a mediator and a guarantor".⁷ Other experts perceived Lviv meeting as a failure of Ukraine, as neither the place had been selected properly (Chernivtsy or Odessa looked more logical) nor the agenda had been prepared carefully, when Ukrainian interests were not taken into account as well as previous agreements were not considered.⁸ Ukrainian Minister was quick in announcing the breakthrough in the negotiations, which some perceived as wishful thinking and others as unwise haste that resulted in a sharp reaction of both Transnistria and the Russian Federation and influenced further low level of negotiations in Lviv. For Ukraine, who is not a freshman in these negotiations, such mistakes cannot be excused. As a result a new round of negotiations in May 2013 in Odessa has to be started with the lower level of political representation and issues to be agreed.

In opinion of Artem Fylypenko (Head of the Odessa Branch of the National Institute for Strategic Studies) if the agreement on free movement of goods and people between Moldova and Transnistria has been signed in Lviv it would be perceived as a certain breakthrough and a success of the Ukrainian diplomacy. But this has not happened and it became clear that Tiraspol acts in the wake of Moscow policy, and the latter is not very interested in Ukraine getting certain benefits from the OSCE Chairmanship.⁹ For the next rounds of negotiations Ukraine should make additional efforts to ensure meetings of the leaders of Transnistria and Moldova to happen. However, an internal political crisis in Moldova and political instability in Transnistria can also disturb Ukrainian plans for dialogue's intensification.

⁶ Глава МИД Приднестровья вслед за президентом опровергла ложь главы МИД Украины, <http://www.regnum.ru/news/1616472.html>, (Accessed 23 January 2013).

⁷ Владимир Ястребчак: *Согласованные действия России, Украины и Приднестровья как средство от «заморозков»*, <http://www.regnum.ru/news/id-abroad/transdnestria/1630710.html>, (Accessed 28 February 2013).

⁸ Ю. Збитнев, *Львовский провал Кожары, «Хвиля»*, <http://hvylya.org/analytiks/politics/lvovskiy-proval-kozharyi.html>, (Accessed 21 February 2013)

⁹ А. Филипенко, *Приднестровье не торопится подыгрывать Украине ИА „Тирас”*, <http://176.9.53.83/jeksperty/37044-artem-filipenko-pridnestrovo-ne-toropitsya-podygryvat-ukraine.html>, (Accessed 21 February 2013).

Peacekeeping format – is it time for changes?

One of the problems that still exist is a current peacekeeping format in the region, which does not correspond with a current state of affairs. De facto this mission should transform from military into police one, have a mandate to observe and control the border, renovate the rule of law and monitor human rights, etc. But now its extra militarization just provokes fear in the region, which has a negative psychological effect not reflecting the real situation.

Back to 2006, during the Belgian OSCE Chairmanship this question was raised for the first time. The Belgian proposal would place the reformed peacekeeping operation under the OSCE's aegis. It would include troops from "many countries," but Russia would alone provide 30% to 40% of the troops (this is formulated as: "no single country should provide more than 30% to 40%"). Structurally, 75% of the manpower would consist of military troops and 25% of police and civilian observers.¹⁰ However it has not happened. Yet in November 2010 President of Romania T. Basescu proposed to change Russian military to European one – this proposition has not been realized either.

There are statements of the EU member-states and the USA on necessity to withdraw Russian military (except peacekeepers) and the rest of ammunition according to the commitments which Russia took at the Istanbul Summit of the OSCE in 1999, which will be logically if Ukraine joins. Nowadays there is a possibility to present such a position from the Ukrainian side as a position of the chairing of the OSCE state, which should promote compliance with the decisions adopted under auspices of this organization.

In four main conflicts at the post-soviet space – Nagorno-Karabakh, Abkhazia, South Ossetia and Transnistria - Ukraine and OSCE are on the different levels of inclusion. Transnistria conflict demonstrates the highest level of involvement for both. Thus Ukraine should correlate its initiatives and adjust its ambitions to realities of the resolution process. One of the positive elements of Ukraine as a mediator is its readiness not to monopolize the peace process, but to attract other mediators, minimizes risks of accusation in partiality. So for Ukraine, the OSCE is one of the main platforms for reaching political agreement between the conflicting parties, as represents an established and credible format for negotiations.

As for now Ukraine is more striving to the demonstration of activity, not having real propositions, so it can lead to the practice of "initiatives for initiatives". Therefore Ukraine needs to return to the practice of preliminary consultations

¹⁰ V. Socor, *OSCE'S Belgian Chair Proposes Reformed Peacekeeping In Moldova*, „Eurasia Daily Monitor”, Volume 3, Issue 195, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=32157, (Accessed 21 February 2013).

that will lead to the successful dynamics of its OSCE Chairmanship.¹¹ Moreover, as situation around Lviv meeting showed it is necessary to remain calm and silent about the preliminary agreements reached before their final implementation.

As for now Ukraine should organize most of the next negotiations at its territory. Ukraine should facilitate continuation of negotiations between two sides simultaneously in two dimensions. On one side confidence-building measures should be discussed, which are connected with practical questions that can be resolved between the parties, as well as level of people to people contacts. On the other side, the political settlement and dialogue on the final resolution and status of Transnistria should take place. The initiative to launch a standing Civil Society Forum on Transnistrian conflict resolution has been being discussed within the Ukrainian civil society which also tries to be actively involved in the peace process.

If this year efforts succeed, Ukraine will have a chance to propose a new plan for Moldova and Transnistrian Moldovan Republic coexistence. It can be based on an idea of the self-governed region with a delegation of authorities (e.g. as a Scottish devolution). However, taking into account concerns of Tiraspol and Moscow some guarantees should be presented. For example that Moldova will not join another state, will continue being neutral and a guarantee of linguistic and humanitarian rights of the ethnic minorities, which inhabit the territory of the self-proclaimed TMR. As for now, none of the mediators is ready to present a new peace plan for the Transnistrian settlement. Nevertheless the search for the new formats of coexistence should be continued, as with the Moldovan and Ukrainian ways towards European integration, Transnistria should make a choice of its future, which is now hampered by the fears of possible Romanization.

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¹¹ Владимир Ястребчак: Согласованные действия России, Украины и Приднестровья как средство от «заморозков», <http://www.regnum.ru/news/fd-abroad/transdnistria/1630710.html>, (Accessed 28 February 2013).

**Rola Ukrainy
w procesie
uregulowania
konfliktu
w Naddniestrzu
w ramach ukraińskiego
przewodnictwa
w OBWE**

Hanna Szelest

W roku 2013 Ukraina pełni przewodnictwo w Organizacji Bezpieczeństwa i Współpracy w Europie. Jest to jedna z najbardziej prestiżowych pozycji zajmowanych przez to państwo od momentu deklaracji jego niepodległości. Jednak przewodnictwo w OBWE to nie jedynie zaszczyt i prestiż ale również wyzwanie. Jednym z wyzwań jest kwestia uregulowania konfliktu w Naddniestrzu, który od lat stanowi kluczową kwestię w zakresie bezpieczeństwa regionalnego.

Autorka przedstawia historię procesu pokojowego w ramach działalności Misji OBWE w Mołdawii, która powstała w 1993 r. W ostatnich latach obserwować można intensyfikację działań na rzecz uregulowania konfliktu – głównie dzięki większemu zainteresowaniu społeczności międzynarodowej, przywróceniu regularnych negocjacji w formacie „5+2” oraz osiągnięciu postępów w pewnych kwestiach technicznych.

**Роль Украины
в процессе
урегулирования кон-
фликта
в Приднестровье
в рамках украинского
председательства
в ОБСЕ**

Ханна Шелест

В 2013 году Украина председательствует в Организации по безопасности и сотрудничеству в Европе. Это одна из самых престижных позиций, занимаемых ею с момента провозглашения независимости. Тем не менее, председательство в ОБСЕ – это не только честь и престиж, но и вызов. Одна из проблем касается урегулирования конфликта в Приднестровье, который в течение многих лет остается одним из ключевых вопросов в области региональной безопасности.

Автор представляет историю мирного процесса в рамках деятельности, основанной в 1993 году, Миссии ОБСЕ в Молдове. В последние годы можно наблюдать активизацию усилий по урегулированию конфликта – в основном за счет увеличения интереса со стороны международного сообщества, восстановления регулярных переговоров в формате «5+2» и достижений прогресса в некоторых технических вопросах. Автор подчер-

Autorka podkreśla, iż Ukraina postrzegana jest przez obie strony konfliktu, jako partner nie tylko bezstronny i żywo zainteresowany regionalną stabilnością, ale również taki, który dobrze rozumie problemy państw post-sowieckich. Artykuł analizuje korzyści i zagrożenia dla Ukrainy, wynikające z zaangażowania w problem Naddniestrza. Wspomina, w tym kontekście również o zaangażowaniu Rosji i Rumunii w omawiany konflikt.

квивает, что Украина рассматривается обеими сторонами конфликта не только в качестве беспристрастного партнера, проявляющего живой интерес к региональной стабильности, но также, как партнер, понимающий проблемы постсоветских государств. В статье анализируются преимущества и риски для Украины, в результате ее участия в решении приднестровской проблемы. В данном контексте, автор напоминает о вовлечении России и Румынии в обсуждение конфликта.

