

Transnistrian lessons for Ukraine

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Transnistria & Donbas crises: Common Features

Those two are characterised by a number of resemblances:

1. Unlike in many other separatist conflicts in the “post-Soviet space” and in Balkans, the populations on both banks of the Nistru river of the Republic of Moldova and its separatist Transnistrian region (the self-proclaimed Transnistrian Moldovan Republic), as well as on the occupied territory of Donbas and the rest of Ukraine, consist of people belonging to the same ethnic groups and religious denominations. Therefore, underlying causes of violent conflict based on ethnic or religious animosities and mistrust, are absent in both cases.
2. However, there is a kind of “civilisation gap” exhibited in social psychology, perceptions, and geopolitical preferences shaping quite different social climate, mentality, set of values and mindset of people.
3. First and foremost, these attitudes keep alive a number of soviet-era stereotypes and therefore, have a deep impact on a positive perception of Russia, on the one side, and quite negative – of the “West” in the widest sense of the word, especially of NATO as a dangerous enemy, on the other.
4. Basic human rights and freedoms are brutally violated on the occupied territories.
5. In both cases, Russian military presence and political influence have played a decisive role in fomenting violent conflict and providing support for separatists.
6. Remaining questions: Transnistria-1992 and Donbas-2014 and up to date: interstate military conflicts or “civil wars”?¹

The main differences consist in the duration, scope, and the number of victims of the two conflicts. Transnistrian conflict soon acquired a “frozen” nature following bloody but short-lived war: the first violent clashes occurred in November 1990, sharply escalated by the end of 1991 – beginning of 1992 due to active involvement of the Russian/Soviet 14th Army; it was terminated on 21 July 1992 by a cease-fire agreement signed by the Moldovan President Mirca Snegur and Russian President Boris Yeltsin (that means undeniable role of Russia as a party of this military conflict, and afterwards – as an “occupying power” according to the ECHR decisions of 2004 and 2019). That war claimed the lives of approximately 1.000 people. While Donbas war has already lasted for almost six years with continued but still denied Russian military aggression, and death toll on Ukraine’s side amounting to over

¹ See, in particular, <https://newsmaker.md/rus/novosti/vy-chuzhak-dlya-etogo-klochka-zemli-kak-v-sotssetyah-obsuzhdali-slova-glavy-midei-44684?fbclid=IwAR33kj7Ej0KtUDWI3Ye6ZEX9Gze051B8NmSYe3RnLRw1a2TSpg97oeNGiEE>

14.000 people including civilians, and over 1.5 million having fled from the conflict zone to become either IDPs or refugees.

In this context, a major question arises:

What Russia now means for our countries? How it is perceived by national authorities, expert communities and societies at large? Is it:

- A great power to be reckoned with by all means?
- A “peacekeeper” in conflict zones?
- A “mediator” between the “two conflicting sides”?
- A trade partner?
- A “friendly nation” and/or “senior brother” firmly linking our populations as belonging to either “Slavic brotherhood” or “Russian World” (in case of Ukraine), or, at least, because of common history, in particular, over Soviet times?
- Or is it **aggressor state** that occupied parts of our territories and is posing an **imminent threat** to our future development or even the very existence as genuine independent states?

Answers to these crucial questions determine practically all domestic and foreign policies concerning security risks and challenges for both Ukraine and Moldova.

In the Ukrainian context, let’s look for possible scenarios of Ukraine-Russia relations in the Draft National Security Strategy. It claims to deal with a human development, military security, public and defence security, development of defence-industrial complex, economic, environmental, information security, cybersecurity, national intelligence programme, foreign policy, counter-intelligence and counter-terrorism etc.

Moreover, Director of the National Institute for Strategic Studies Oleksandr Litvinenko informed that this draft, prepared by a working group, was presented last December at NATO Headquarters in Brussels and received there a commendable evaluation. It was also declared that among the three main principles of the Draft there is development of strategic relations with key foreign partners, first of all – with the European Union and its member states, NATO, the United States, while maintaining “pragmatic cooperation” with other countries and international organisations based on the national interests of Ukraine. Among the priority areas of national security policy, European and Euro-Atlantic integration, i.e. creation of necessary conditions for full membership in the EU and NATO are named, as well as restoration of territorial integrity of Ukraine within its internationally recognised borders.

But the Draft Strategy also proposes to “reduce the likelihood of escalation of the conflict with the Russian Federation and tension in bilateral relations”. This particular point raises doubts about its compatibility with other priorities and principles, including full membership in NATO. And if NATO is indeed regarded as a major Ukraine’s strategic partner, then NATO’s current position and standpoint on Russia-related issues should be taken into full consideration. Among other important sources of information, a recent research on **“Strengthening NATO’s Eastern Flank: A Strategy for Baltic-Black Sea Coherence”**,

issued in November 2019 by a prominent think-tank Centre for European Policy Analysis,² is highly recommended.

This document warns that *“without a clear, coherent, robust, and implementable plan for addressing vulnerabilities in these additional regions, the United States and Europe expose themselves to continued aggressive probing from Russia.”* It also regards the RM as a maritime country and stressed that The Black Sea region *“has three NATO Allies (Turkey, Romania, and Bulgaria) and three Partners (Ukraine, Georgia, and Moldova – by extension of its port on the Danube River).”* In terms of national and regional security, it is noted that *“NATO’s “tailored Forward Presence” in the Black Sea region falls well short of the “enhanced Forward Presence” for the Baltic- Polish region – **an imbalance that needs to be rectified.**”*

Moldova’s separatist region of Transnistria is regarded as a military platform for Russia that can be used against neighbouring states, and in particular, to precipitate a conflict within Moldova or with Ukraine or Romania. In addition, *“Moscow’s disinformation attacks have claimed that Kyiv threatens Transnistria’s existence by preparing to assist Romania in absorbing Moldova. Concurrently, Russia’s anti-Romanian propaganda claims that Bucharest seeks to annex Moldova together with pockets of territory in Ukraine, including northern Bukovina, southern Bessarabia, and several islands in the Danube delta. Moscow’s purpose is to stir uncertainty and conflict between Moldova, Romania, and Ukraine...”*

At the same time, Romania is seen as the centre of gravity of NATO deterrence in the Black Sea, although its military capabilities need significant reinforcement. Moreover, the authors suggest that a ROM-UKR brigade, modelled on the POL-UKR-LIT brigade, could be established to enhance military cooperation between the two countries, and that a Joint Allied intelligence-gathering hub for the wider Black Sea region should be developed in Romania. Wouldn’t it be logical and advantageous for Moldova to support such an initiative and express interest in “joining the club”?

Coming back to the protracted Transnistrian conflict and yet unsuccessful attempts to settle it and reintegrate Transnistrian region into the Republic of Moldova, those developments (or, rather, stagnation) provide important lessons for Ukraine, in particular, revealing the traps and threats that should be recognised in order to be avoided.

In short, these include:

1. **Federalisation scenario** – rejected by both countries, but indirectly, surfacing time and again.³
2. **Autonomy for the separatist region** – still “on the table” in the RM, and under discussion in Ukraine. Mediators and observers – first and foremost, the OSCE – promote this scenario for the re-integrated RM and see it as a possible model for Ukraine.⁴ But what legal (apart from political) arguments can be provided in favour of such a solution?

² <https://www.cepa.org/strengthening-nato-eastern-flank>

³ <https://www.eurointegration.com.ua/articles/2020/01/31/7105801/>

⁴ <https://jamestown.org/program/de-sovereignization-testing-a-conflict-resolution-model-at-moldovas-expense-in-transnistria-part-one/>

3. **“Special status”** – is it a disguised version of autonomy? How can it be substantiated and, if implemented, affect the re-integrated states?
4. **A role of external actors:** Who and on what terms represent “Peacekeepers”, Mediators, Observers, and Guarantors? How effective are their endeavours (if any)? What lessons could be drawn by Ukraine from this negotiation format and its proceedings?

Addressing the points 2 and 3, it should be emphasised that in both cases, the subjects of the right for self-determination are absent. In those regions there are no specific groups, possessing collective rights under international law, and whose identity – be it in terms of ethnicity, religion, language or any other feature – needs some special measures to be safeguarded and developed. All attempts to artificially create a separate “Transnistrian nation/people” with its “unique Transnistrian identity” have been ungrounded and actually failed – as well as those concerning the faked “Donbas people” or “Crimean people”. Therefore, such a solution would be based not on the legal norms and standards but proceeding from the assumption of “political expediency”. In other words, additional rights or privileges acquired with such a status can be regarded as a “reward” for the separatism/irredentism. But what means accepting autonomy or a special status of the separatist regions for both of our countries? Is it a suitable price for reunification? A viable solution or, rather, a major challenge and risk?

Not delving into the possible consequences for the RM if reintegrated on such terms, let’s consider the problem in the Ukrainian context, in particular, what could be done in view of the heated debates during and around the Minsk negotiations. Their results are mostly not yet realised, and after initial agreements – when Ukraine was in the extremely vulnerable situation and thus forced to accept rather unfavourable conditions – much has changed over the time passed, providing opportunities to revise certain points, especially concerning political part of those agreements.

Indeed, on eve of the last “Normandy summit” taking place in Paris on December 9, 2019, it was declared that Ukraine’s presidency and government call for the revision of the Minsk agreements imposed in 2014 and 2015, and strongly insist on the “security first” imperative (precluding, in particular, any kind of local elections to be conducted already in 2020). Despite the assurances in the final summit’s document “Common Agreed Conclusions” that *“The Minsk agreements continue to be the basis of the work of the Normandy format, whose member states are committed to their full implementation”*, the hints on such a possibility did arrive. It was German Chancellor Angela Merkel who argued at a press-conference: *“The question arises, whether the Minsk agreements are to become “fossilized” ... Zelensky’s actions make it possible for us to lend some elasticity to these documents and bring them back to life.”* It is also important that in the context of “elasticity,” Merkel conceded that the Steinmeier Formula itself was not in line with the Minsk documents but went beyond their framework.⁵

In light of the recent developments, Ukraine should do its best to use the opening slot – if not yet an opened door – to avoid the trap of a “special status” for the occupied regions of Donbas by re-interpreting the very meaning and essence of the notion. New version of a

⁵ <https://jamestown.org/program/ukraine-working-out-revisions-to-the-minsk-accords-part-one/>;
<https://jamestown.org/program/ukraine-working-out-revisions-to-the-minsk-accords-part-two/>

special status may well include certain “transitional period” preceding the full enjoyment by residents of the “ORDLO” of their civil and political rights. For this, a document once developed by the expert community of Moldova and named the “Three D Strategy” can serve as a model.⁶ The document proposes, *inter alia*, substitution of the “5 + 2” negotiation format by a new conflict resolution format.

That strategy plan for settling the Transnistrian conflict had defined as the necessary conditions “democratisation, decriminalisation and demilitarisation.” Taking into account the still “hot phase” of the Donbas war, for Ukraine the demilitarisation component is an absolute priority. Another two “D” might include decommunisation (“de-Sovietisation”), and de-Russification. Decommunisation (in a wide sense) is needed to engage those parts of Donbas now uncontrolled by central authorities into the common space with shared values and geopolitical preferences. Promotion of the third point seems inevitable in view of the ongoing processes concerning citizenship problems (active providing Russian passports to the inhabitants of the ORDLO), implementation of Russian system of education and language policy, widespread use of Russian currency, Russia-dominated information space, seizure of Ukrainian enterprises, economic expansion etc. During this period, a wider use of the already gained experience of establishing civil-military administrations (CIMIC-Ukraine), temporarily functioning instead of bodies of self-government to be elected after the end of transition period, looks quite reasonable.

Of course, all this would require a lot of time, and a more detailed elaboration of a transition period strategy and of an action plan for its implementation, aimed at preparing the currently occupied Donbas regions for a genuine, full-fledged and not premature reunion with Ukraine, is still ahead. But this aspiration might – and should – become an important ambitious task for civil society and expert community of Ukraine.

⁶ http://old.ad-astra.ro/library/papers/moldova_3d_strategy.pdf