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**Research Report**

## Romania and the Republic of Moldova: Between the European neighbourhood policy and the prospect of EU enlargement

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**Study no. 5**

**ROMANIA AND THE REPUBLIC OF  
MOLDOVA -  
BETWEEN THE EUROPEAN  
NEIGHBOURHOOD POLICY AND THE  
PROSPECT OF  
EU ENLARGEMENT**

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## **ABBREVIATIONS**

- AINA** – Automatic Identification National Agency (Republic of Moldova)
- AP** – Action Plans
- ADP** – Agrarian Democratic Party (The Republic of Moldova)
- BSEC** – Black Sea Economic Cooperation
- BSECO** – Black Sea Economic Cooperation Organization
- CBC** – Cross-Border Cooperation
- CPA** – Cooperation and Partnership Agreements
- CE** – Council of Europe
- EU** – European Union
- CEI** – Central European Initiative
- CFE** – Treaty on European Conventional Armed Forces in Europe
- CFSP** – Common Foreign and Security Policy
- CIS** – Commonwealth of Independent States
- DMR** – Dnestr Moldovan Republic
- EIB** – European Investment Bank
- EBRD** – European Bank for Reconstruction and Development
- EUROMESCO** – Committee for Euro-Mediterranean Studies
- EMFIP** – Euro-Mediterranean Facility for Investments and Partnership
- EMFESI** - Euro-Mediterranean Forum of the Economic Science Institutes
- ESDP** – European Security and Defence Policy
- ENP** – European Neighbourhood Policy
- EUSR** – European Union Special Representative
- GD** – Government Decision (Romania)
- GED** – Government Emergency Decision (Romania)
- GIRMIFS** – Romanian Interdepartmental Group for the State Frontier Integrated Management
- GUUAM** – Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova Group
- GUAM** – Georgia, Ukraine, Azerbaijan and Moldova Group
- JHA** – Justice and Home Affairs
- IAP** – Individual Action Plan
- ISD** – “Ovidiu Șincai” Social-Democratic Institute (Romania)

*European Institute of Romania – Pre-accession impact studies III*

**OSCE** – Organization for Security and Cooperation in Europe

**RM** – Republic of Moldova

**RAOG** – Russian Army Operative Group

**MAI** – Ministry of Administration and Interior (Romania)

**MFA** – Ministry of Foreign Affairs (Romania)

**NNPI** – New Neighbourhood and Partnership Instrument

**PCDP** – Popular Christian-Democratic Party (the Republic of Moldova)

**PSD** – Social-Democratic Party (Romania)

**SAR** – Romanian Academic Society (Romania)

**SEA** – Single Economic Area

**SECI** – Southeast European Cooperative Initiative

**SISF** – Integrated System for the Security of Romania's State Frontier

**SPSEE** – Stability Pact for South Eastern Europe

**SSR** – Security Sector Reform

**UNDP** – United Nations Development Program

**TARIC** – Common Integrated Tariff

**WTO** – World Trade Organization

**EU** - European Union

## CHAPTER I

### THE “WIDER EUROPE – NEW NEIGHBOURHOOD” PROJECT

The most recent European Union enlargement wave, called *the «big bang» enlargement*, fundamentally changed the geopolitical context in Europe and created the conditions for the Union external vocation. Included in the founding projects, but marginalized by adopting the neo-functionalist integration method, the external dimension of the integration process had difficulty in being visible and remained in the field of inter-governmental cooperation. Nowadays the Union is organized enough and can become strong by strengthening its political dimension, in order to actively contribute to world peace and prosperity. Consequently, aware of and interested in increasing its role on the external level, the European Union initiated a more and more coherent process of regional cooperation and openness within its geographic proximity during the last decade, defined by three interest areas: Central and Eastern Europe, the Western Balkans and the Mediterranean Sea. The common elements of the different regional approaches were the following: peace, stability, promotion of shared values (especially democracy and fundamental liberties), commercial development and integration.

The most successful component of the foreign policy was clearly the enlargement process. Yet, the Union enlargement cannot continue forever; at least, not concerning the option to maintain the present integration structures and the political unifying perspective. Consequently, forced from the outside to include new members and from the inside to stabilize its structures and make its action levers more efficient, the Union developed a new approach in the external relations with its neighbouring countries, at the border between cooperation and integration.

The Copenhagen European Council of December 2002, stating that *“the present enlargement creates the conditions for a Union with strong perspectives for sustainable development and for taking over an important role in consolidating stability, peace and democracy in Europe and abroad”*, mentioned that the European Union *is interested in strengthening the regional and cross-border cooperation relations with its neighbouring countries, “ in order to fully develop the regional potential” [...] and to “avoid the risk of new European division lines”*<sup>1</sup>. The European Council underlined thus the Union’s intention, shown by the Council for General Affairs and External Relations of November 2002, to develop new relations with its Eastern neighbouring countries, depending on the level of their economic and political development, in order to work up a **“Wider Europe”**.

The solution advanced by the European Commission came in March 2003, within the Communication **„Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”**<sup>2</sup> – for short, the project

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<sup>1</sup> The Copenhagen European Council, 12–13 December 2002, The Presidency Conclusions, p. 7, [http://Ue.Eu.Int/Uedocs/Cms\\_Data/Docs/Pressdata/En/Ec/73842.Pdf](http://Ue.Eu.Int/Uedocs/Cms_Data/Docs/Pressdata/En/Ec/73842.Pdf).

<sup>2</sup> COM(2003)104 final, Brussels, 11 March 2003.

“**Wider Europe – The New Neighbourhood**”. In its essence, the Communication offered new perspectives of political and economic integration for the countries that cannot be accepted, for the time being, as members of the EU<sup>3</sup>, in order to create a security, prosperity, sustainable development and good neighbourhood area, a «ring of friends» at the Union external frontiers, characterized by close and pacifist relations based on cooperation”. The new set of foreign policy measures was subsequently grouped under the name of the „**European Neighbourhood Policy**” (ENP), in the Commission Communication of June 2004<sup>4</sup>, which is a framework-document of the ENP, together with the Communication concerning the creation of the New Neighbourhood Instrument of July 2003. The year 2004 also meant the beginning of implementing the ENP (The Country Report and Action Plan adoption<sup>5</sup>), aiming at clarifying and structuring the EU commitment through the Contribution of the General Affairs and External Relation Council, of the European Parliament and of the European Council (see Appendix 1).

By its new policy, the Union commits itself, conditioned by the achievement of certain criteria, to support the neighbour partner efforts to „*diminish poverty and create a prosperity and common value area, based on high economic integration, more powerful political and cultural relations, strong cross-border cooperation and common conflict prevention*”<sup>6</sup>. For the most advanced countries, the Union „advances” even *the perspective to participate in the internal market, as well as the possibility to join progressively certain community programmes in the cultural, educational, environmental, technical and scientific fields*.<sup>7</sup> The European „generosity” can be explained by the fact that, in the absence of an accession motivation (like in the case of the enlargement strategy), the offer had to be attractive enough, on the one hand, to limit the pressure from the EU neighbour countries to accede to it and, on the other hand, to make them undertake the necessary measures to develop a security and stability area on the European continent. During the closing session of the ECSA-World Conference on 5–6 December 2002, Romano Prodi<sup>8</sup> made a synthesis, in the most successful way, of the EU strategy essence towards the new neighbours: “*sharing everything with the Union but institutions*” (see Appendix 2).

Within such an approach of the neighbourhood relations, the ENP can be considered a compromise between the desire of the new neighbour countries to become members of the Union and the EU limits to accept new enlargements. Its enforcement will lead to the outline of a **pan-European and Mediterranean region, organized according to the concentric circle pattern**: a hard nucleus made of the European Union (which is during a high integration stage), operating as a pole of spreading transformative processes towards its Eastern and Southern neighbourhood in order to develop a large

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<sup>3</sup> The Mediterranean South (Algeria, Egypt, Israel, Jordan, Libyan, Libya, Morocco, The Palestinian Authority, Syria, Tunisia), the New Western Independent States (Belarus, the Republic of Moldova, Ukraine) and Russia. The Commission Communication of 2004 completed the list to include the Southern Caucasus countries (Armenia, Azerbaijan, Georgia).

<sup>4</sup> COM(2004)373 final, Brussels, 12 May 2004.

<sup>5</sup> See 1.1.

<sup>6</sup> COM(2003)104 final, p. 9.

<sup>7</sup> COM(2004) 373 final, p. 9.

<sup>8</sup> President of the European Commission at that time.



stability, security and prosperity area; a number of third countries, the most developed, taking part in the *internal market*; and, the last group, taking part only in the *free exchange area*. The idea, advanced by Jacques Delors within the proposal to create a nation-state federation, was seen as a solution to the deepening – enlargement dilemma within the EU integration strategy during the 90's, and later on as a solution to the Constitutional Treaty failure.

The concentric circle method corresponding to the different integration degrees would allow the minimization of the contradiction between enlargement and reinforcement and can be taken into account in the organization of the neighbourhood relations. It still includes discrimination by omitting the states belonging to the outer circle, to participate in policies and actions that are allowed for the states within the middle circle. A compromise solution would be that of the “*variable geometry hard nucleus*”, namely the participation of all the states to a number of common policies and actions corresponding to the highest level of integration and their differentiation, where there is no common denominator. The major fields for the variable geometry implementation could be: internal market, education, R&D, industrial policies, the environment policy, the social policy, justice and internal affairs, and the external relations.

### **§ 1.1 The Strategy and Methodology of the European Neighbourhood Policy**

The ENP was conceived as a reference framework for the relations between the European Union and the member states, on the one hand, and the Eastern and Southern neighbourhood countries, on the other hand. It doesn't create new structures and obligations, but aims at providing more motivation, concentration on priority objectives and added value for the regional cooperation relations run within the Association Agreements<sup>9</sup> or the Partnership and Cooperation Agreements.<sup>10</sup>

#### **A. The defining elements of the European Neighbourhood Policy are:**

- a) *The Strategy Paper;*
- b) *The Action Plans;*
- c) *The Monitoring Reports;*
- d) *The New Instrument for Neighbourhood and Partnership (NINP).*

a) The Commission Communication „**The European Neighbourhood Policy – Orientation Paper**” is considered the **ENP Strategy Paper**. It establishes *the objectives, key elements, method, principles, financial instruments, geographic coverage, action fields and integration way of the neighbourhood policy within the cross-border and trans-national regional cooperation relations*. According to the Commission Communication, the ENP strategic objective is “*sharing with the neighbouring countries the benefits of the EU enlargement towards Central and Eastern Europe, in order to strengthen stability, security and welfare for all concerned*”. The ENP will try to prevent

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<sup>9</sup> For the countries participating in the Euro-Mediterranean Partnership.

<sup>10</sup> For the countries of Eastern Europe.

*the emergence of new division lines between the Wider Union and its new neighbours and to give them the possibility to take part in different EU activities through close cooperation in the political, economic, security and cultural field.”<sup>11</sup> The privileged relations with the neighbours are conditioned by the commitment towards promoting and respecting the “**shared values**” (especially in the field of rule of law, good governance, human rights, including the minority rights, promotion of good neighbourhood relations, adoption of market economy and sustainable development principles) and undertaking certain essential objectives of the EU Common Foreign and Security Policy, especially: mass destruction and weapon proliferation prevention, terrorism, responsibility in preventing conflicts and solving crises, observance of the international law provisions.*

**b)** The ENP central element is represented by the **Action Plans (AP)**. They establish the key priorities, namely: *shared values respect; political dialogue; economic and social development* (including the promotion of a favourable environment for business and foreign investments); *trade, internal market and legislative reforms* (promote trade and support the integration of the partner countries in the international trade system, encourage the adoption of the European legislation and the internal market standards); *cooperation in the field of justice, freedom and security* (the justice reform and the migration and border traffic control); *integration in the infrastructure networks* (energy, transport and telecommunications, informational society and new technologies); *cooperation for environment protection; social policy and „people-to- people” contacts.*

The Action Plans will differ from country to country, in order to reflect the real situation within the relations with the EU, as well as the partner specific needs and capacity to undertake different reform measures towards the joint objective achievement. They will be drawn by the Commission, in cooperation with the partner country, for 3 - 5 years, and will be approved within the Association or Cooperation Council. The AP will not create structures, but will support the achievement of the existing agreement objectives. Action Plans for Israel, Jordan, the Republic of Moldova, Morocco, Palestinian Authority, Tunisia and Ukraine have been undertaken so far, and another five will be undertaken by the end of 2005, for Armenia, Azerbaijan, Egypt, Georgia and Lebanon. The European Union intends to provide a new partnership framework under the shape of certain **European Neighbourhood Agreements**, which will replace the present generation of bilateral agreements.

**c) The Monitoring Reports** are analysis papers of the bilateral relations, political, institutional, economic and social situation of the partner country and of its progress in the priority domains established through Action Plans.<sup>12</sup> The reports are periodically drawn by the Commission, together with the cooperation structures of the partner or association agreements, and will be the basis for action plan re-examination and adaptation.

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<sup>11</sup> COM(2004)373 final, p. 3.

<sup>12</sup> The first Monitoring Reports were drawn in order to undertake the Action Plans.

#### **d) The New Instrument for Neighbourhood and Partnership**

Taking into account the short-term constraints related to the financial instrument coordination of cross-border cooperation, the Commission Communication as of 1 July 2003 – “*Paving the Way for a New Neighbourhood Instrument*” proposed the adoption of the new financial instrument through a phase approach:

- **The 2004-2006 phase: The Introduction of the Neighbourhood Programmes (NP)**

The main NP objective is the coordination of different existing financial instruments, both within the foreign policies and in the internal ones, through the integration of the current regional and cross-border cooperation instruments: INTERREG, PHARE - CBC, TACIS – CBC, CARDS and MEDA.<sup>13</sup> The main instruments will be TACIS and MEDA, together with other Union programmes (especially the European Initiative for Democracy and Human Rights and the Macro-financial Assistance) and the loans from the European Investment Bank. The first programmes were already adopted in 2004.

- **The post-2006 phase: The New Neighbourhood and Partnership Instrument**

Beginning with 2007, within the financial perspectives for 2007-2013, the ENP will benefit from a new instrument, called the **European Neighbourhood and Partnership Instrument - ENPI**<sup>14</sup>. This will belong to the category of “*general instruments to support directly the European foreign policies*”, together with the “*Pre-Accession Instrument*” (PAI)<sup>15</sup> and the “*Development Cooperation and Economic Cooperation Instrument (DCECI)*”<sup>16</sup>.

According to the present point of view, the **New Neighbourhood and Partnership Instrument (NNPI)** will complete the existing instruments (TACIS, MEDA) and will function based on the neighbourhood programme experience undertaken for the period between 2004 and 2006. The financing will go towards the following key objectives: *promote the sustainable development in the border regions; the cooperation in the field of environment, public security, conflict and organised crime prevention; border management; promotion of cross-border cooperation at the local level and “people-to-people contacts”*<sup>17</sup>.

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<sup>13</sup> The **INTERREG Community Initiative**, as a financial instrument of the regional policy; **PHARE**, a financial instrument of the pre-accession strategy, whose **PHARE-CBC** component supports the cross-border cooperation programmes between the EU and the candidate countries; **TACIS-CBC**, as a financial instrument for Eastern Europe and Central Asia; **MEDA**, promotes regional cooperation within the Euro-Med partnership; **CARDS**, as a main instrument for the Balkans within the Stabilization and Association Process.

<sup>14</sup> The Commission Communication to the Council and the European Parliament, *Financial Perspectives 2007 – 2013*, COM(2004) 487 final, Brussels, 14 July 2004.

<sup>15</sup> PAI will address the candidate countries (Turkey, Croatia) and those which are potential candidates (the Western Balkans); it will replace the existing elements (PHARE, ISPA, SAPARD, the Regulation for Turkey’s pre-accession and CARDS).

<sup>16</sup> DCECI will be used for supporting the development efforts of the countries uncovered by PAI and NIVP.

<sup>17</sup> COM(2004) 373 final, Brussels, 12 May 2004, p. 29.

In this respect, the European Neighbourhood and Partnership Instrument will finance joint projects, proposed by and for the benefit of both the EU member countries and the neighbouring countries. Its implementation will require mainly the combination of the ENP objectives within the cross-border and trans-national cooperation programmes with the economic and social cohesion policy objectives. Moreover, the ENPI resources will be provided through financial instruments specific for the different community policies (education, research, environment, etc.) and through EIB and EBRD grants.

## **B. The ENP method and principles**

The strategy of the European Neighbourhood Policy was drawn so as to lead to the tracing of a „ring of friends” at the EU borders which **share the EU objectives and fundamental values, countries which are under strong cooperation with the member states, also including a high level of economic and political integration.**<sup>18</sup> The method put forward in the strategy paper requires:

- The definition of a *shared set of principles and values*, as well as *joint commitment to observing them*;
- *A bilateral framework*, integrated in the cooperation regional dimension, mainly aiming at the stability and security at the EU external borders;
- The definition, by mutual agreement with the partners, of some *objectives and priorities in key domains*, depending on each country realities;
- The ENP *periodical evaluation* and adaptation depending on the evolutions of the partner country;
- *To establish certain reference economic and political criteria*, in order to allow for a clear and transparent evaluation of each country’s progress in meeting the undertaken requirements derived from the Action Plans;
- *The EU progressive engagement, subordinated to meeting the objectives of the Action Plans*; the Union will not provide new advantages if the partner country lacks progress;
- *To ensure coherence between the ENP instruments and the complementary policy instruments*<sup>19</sup>; the ENP will be thus a reference framework;
- *The ENP integration into the European security strategy*, by the help of its contribution to strengthening the regional cooperation aspects and the mutual promotion of the EU objectives in the field of the Common Foreign and Security Policy;
- *To generate added value*: clearer emphasis on the regional and bilateral adapted objectives; new territories; the passage from simple cooperation and trade mutual liberalization, in the short run, to the integration in the internal market, in the long run; strengthening political cooperation and even opening progressively certain community programmes; new financial instruments; new contractual relations by adopting the European Neighbourhood Agreements.

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<sup>18</sup> *Ibid.*, p. 5.

<sup>19</sup> See 1.3.

To sum up, the ENP method consists of developing the cooperation relations within a new reference framework, defined in relation to key objectives related to stability, security and sustainable development, based on the three EU current pillars: internal market, justice and home affairs, foreign and security policy. The following **principles** will be adopted so that the method will be in force: *cooperation based on certain shared values; emphasis on priorities; differentiation; positive conditionality based on certain reference criteria; periodical evaluation; progressiveness* by introducing the distinction short term/long term. Consequently, we may say that the neighbourhood policy is at the border between the European security strategy and the enlargement strategy; it combines in fact elements of the two strategies, by adjusting the instruments used in the enlargement process (priorities, evaluation criteria, country reports, specific financial instruments) to the regional cooperation relations.

### § 1.2. Regions and Countries included in the European Neighbourhood Policy

The European Neighbourhood Policy currently includes 17 countries which can be grouped within **three geographic areas**: *the Mediterranean Region* (10 countries), *Eastern Europe* (4 countries) and *Southern Caucasus* (3 countries).

**The Mediterranean Region** includes the countries participating in the “**Euro-Mediterranean Partnership**” (**Euro-Med**), also called “**The Barcelona Process**”: **Algeria, Egypt, Israel, Jordan, Lebanon, Libya**<sup>20</sup>, **Morocco, Syria, Tunisia and the Palestinian Authority**.<sup>21</sup> The Partnership began in 1995 and goes on, nowadays, based on the “Common Strategy for the Mediterranean region”,<sup>22</sup> the Regional Strategy Document<sup>23</sup> of 2002-2006 and the Regional Indicative Programme of 2005-2006<sup>24</sup>. **As a method, Euro-Med combines the regional and the bilateral approach.** *At the multilateral level*, the cooperation takes place through regional programmes<sup>25</sup>, politically (the high representative reunions, the Ministerial conferences) and officially (Euro-Med Committee) established bodies, as well as within certain cooperation networks, such as EUROMESCO (the Euro-Mediterranean Study Committee) or MFESI (the Mediterranean Forum of the Economic Science Institutes). *At the bilateral level*, the partnership exists through the **Association Agreements** and the **National Indicative Programmes**, negotiated each time with each of the partner countries, depending on the

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<sup>20</sup> Within the Barcelona Process, Libya enjoys just an observer status.

<sup>21</sup> Cyprus and Malta, Euro-Med partners, have lately become Union members, while Turkey is included in the pre-accession strategy.

<sup>22</sup> Adopted by the European Council of June 2000 from Santa Maria da Feira, (*Common Strategy of the European Council on the Mediterranean Region*), Doc.2000/458/CFSP, published in OJCE L 183 as of 22 July 2000, p. 5.

<sup>23</sup> Adopted by the Commission on 18 December 2001, following the favourable notice from the MEDA Committee as of 5 December 2001.

<sup>24</sup> The Regional Indicative Programme of 2005-2006, adopted by the Commission in 2004, following the MEDA Committee favourable agreement.

<sup>25</sup> For example: “Justice and Home Affairs Programme” (€ 6 million), “Support to the Water Information System” (€ 2 million), “Training of Public Administrations” (€ 6 million), “Euro-Med Heritage III” (€ 10 million).

specific priorities. The agreements aim at the progressive achievement of a free trade area for the industrial products, agricultural products and services, political and economic cooperation, social and migration cooperation, as well as cultural cooperation.

**The ENP implementation for the Euro-Med countries** meant strengthening the bilateral approach, by *drawing the national reports* for Israel, Jordan, Morocco, Tunisia, the Palestinian Authority, Egypt and Lebanon, and by *adopting the Action Plans* for the most developed countries in meeting the political conditionality (Israel, Jordan, Morocco, Syria, Tunisia and the Palestinian Authority). For the near future, some Action Plans for Egypt and Lebanon, and accession for Libya to the Barcelona Process are expected.

- **The Eastern Europe Area** includes the so-called “**New Western Independent States**” – **Moldova, Ukraine, and Belarus** – and **Russia**.

Contrary to the Mediterranean area, the Eastern Europe does not benefit from a regional approach.<sup>26</sup> The relations are mainly bilateral, through **Partnership and Cooperation Agreements (PCA)**. The PCA are based on respecting the democratic principles and the human rights and set the legal frame for the economic, political and commercial relations between the EU and the partner countries. There are also cooperation measures in the field of justice and home affairs (especially illegal activity prevention, combating drug trafficking and money laundering), environment, science and culture. As a specific element, unlike the contractual relations with other neighbourly countries, the PCA do not take into account a framework for the preferential commercial relations with the EU.

The relationship with Russia, the Union’s most important partner in its Eastern neighbourhood, develops within the strategic partnership<sup>27</sup> concerning the creation of four common areas: *an economic area* (including special provisions concerning environment and energy); *a common space of liberty, security and justice*; *a cooperation area in the security field* and *an area of research, education and culture*. Practically speaking, Russia takes part in the ENP only through association; the bilateral relations take place parallel to the neighbourhood policy, but separately and the joining elements are provided by the objective similarity and the common financing through the NNPI. The situation is mainly the result of the issues raised by the EU influence in the area, leading to a dynamics of the EU-Russia relations based on certain procedures and mechanisms different from those adopted within the relations with other countries of the ENP.

The Partnership and Cooperation Agreement with **Belarus**, although negotiated beginning with 1995, has not come into force yet. The Union will start the ENP implementation procedures if there are favourable evolutions towards democratization and commitment to observe the shared values promoted by the EU.

**Moldova and Ukraine are already integrated in the ENP** and have already adopted **Action Plans**. Besides the specific elements, the plans comprise a set of general

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<sup>26</sup> The only regional framework can be considered the “Northern Dimension”, in which only Russia takes part.

<sup>27</sup> Adopted at the Petersburg Summit of May 2003.

priorities in areas covered by the Partnership and Cooperation Agreements: *strengthen stability and improve the efficiency of the rule of law and democratic institutions; guarantee the respect of the media and expression freedom; strengthen cooperation in the field of regional security and good neighbourhood relations, and find a solution for the Transnistrian conflict; border management; join the WTO in the case of Ukraine and fully implement the WTO agreement in the case of the Republic of Moldova (RM); improve the business climate and attract foreign investments; establish a constructive dialogue and efficient cooperation concerning migration and visa policy in providing free circulation between the EU, on the one hand, and the RM and Ukraine, on the other hand; gradually approach legislation, norms and standards to the community acquis; strengthen the juridical and administrative capacity.*

Nowadays, the main assistance instrument in the Eastern Europe is the **TACIS programme**, which includes both national and multilateral programs in the field of nuclear security, cross-border cooperation and regional cooperation. Moreover, there are other specific instruments to be taken into consideration: the Macro-Financial Assistance, ECHO human help, the Food Safety Program.

- **The South Caucasus (Georgia, Armenia, Azerbaijan).** The area hasn't been included in the first Commission Communication on the Wider Europe. But the Report of the European Parliament on the Commission proposal (November 2003) and the Security Strategy adopted by the European Council of December 2003 set the South Caucasus area as an EU interest area in preventing regional conflicts, taking into account the fact that the three countries are members of the Europe Council and the OSCE. The Parliament Resolution as of 26 February 2004 – **“EU policy towards South Caucasus”**<sup>28</sup> – played an important part because it recommended that the area get a *“final status within the neighbourhood policy, according to the principle of avoiding new dividing lines in Europe, both to stimulate the region countries to develop by adopting the economic and political reforms, and to answer the EU interest to increase its political role in the region and in solving conflicts”*<sup>29</sup>.

Consequently, in its June 2004 Communication on the European Neighbourhood Policy, the Commission advanced the proposal to include Georgia, Armenia and Azerbaijan in the ENP system, depending on each country progress in the field of democracy, rule of law, human rights observance and market economy development. The first step towards implementing the ENP in the three countries was taken in March 2005 by **publishing the Country Reports**, together with the Commission advice to draw the Action Plans. The reports describe the current situation in the important fields of the neighbourhood policy (democracy, rule of law, human rights observance, justice and home affairs cooperation, economic and social reforms, free trade, contribution to regional stability) and set the key points for the Action Plans.

In conclusion, the ENP geographic coverage, through the integration and regional cooperation context, is able to stimulate the beginning of a large area of stability, peace, prosperity and free movement which could be called, according to the European Parliament proposal, **“the pan-European and Mediterranean region”**. Its identity

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<sup>28</sup> The P5\_TA(2004)0122 reference.

<sup>29</sup> The European Parliament Resolution no. 2003/2225(INI), p. 5.

elements would be *the joint action areas*– political, economic and security areas, based on sharing certain *values*: the rule of law, democracy, the fundamental freedoms and the human rights.<sup>30</sup>

### **§ 1.3. The European Neighbourhood Policy Action Fields**

Based on the objectives and priorities included in the Action Plans, **three ENP action fields** could be circumscribed, also called “areas” or “dimensions”:

- *The political, human and cultural dimension;*
- *The economic dimension;*
- *The security dimension.*

#### **The political, human and cultural dimension**

The ENP will act mainly to promote **democracy, rule of law, the fundamental rights and freedoms** in the interest areas, as well as to increase the **dialogue and cultural cooperation** between the countries of the member states and the neighbour countries.

According to the bilateral Action Plans, the Union **priorities** in all the partner countries will be: *the strengthening of democracy and the rule of law, the observance of the human rights and the fundamental freedoms (especially the press freedom and the freedom of expression), the minority and children rights, the equal rights between men and women, and the civil society development.*

In this respect, an important part will be played by the partner country integration in the European education area, as well as by the promotion of inter-cultural dialogue, considering that a “Europeanization” sustainable process cannot be conceived outside a real contact between the peoples of the partner countries as it facilitates mutual relations and respect, tolerance, solidarity, non-discrimination, development of the civil society. The neighbourhood policy will consequently promote *cooperation in the field of education, research, culture and human capital development.*

#### **The economic dimension**

There are **three major axes** of the neighbourhood policy in the economic field:

- a) Trade and internal market;*
- b) Energy, transport and telecommunication networks;*
- c) Economic and social development.*

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<sup>30</sup> European Parliament Report on „Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours” (COM(2003) 104-203/2018 (INI)), Final A5-0378/2003, 5 November 2003, p. 20.



a) The Action Plans will promote and create the conditions for **free trade**, according to the provisions of the Association Agreements or the Partnership and Cooperation Agreements. The result could turn into a large pan-European and Mediterranean free trade area (*pan-European and Mediterranean Free Trade Area*).

In the long run, although the official documents do not provide clear statements and do not establish terms, the ENP provides the opportunity for **the partner countries to join the internal market**. In this respect, the Action Plans will support a process of legislative harmonization by adopting the different *acquis* components depending on each country evolution.

b) As the main importer and world second **energy** consumer, the European Union is interested in ensuring the energy security. Considering the fact that its western and southern neighbourhood owns important oil and natural gas reserves, it is very clear why the strategic energy partnership is a priority axis within the neighbourhood policy. The Action Plans will aim at developing networks and interconnecting the EU and the partner countries, forging cooperation in the field of energy, the energy policy convergence and their correlation with the sustainable development objectives.

The **transport and telecommunication networks** also play a key role in promoting the commercial and economic integration at the regional level. The Action Plans will aim at developing and interconnecting the networks at the pan-European level, improving the transport system efficacy and safety, as well as the legislative harmonization.

c) The ENP has high potential concerning the improvement of **economic and social development** conditions in the neighbour countries. First of all, *the liberalization of commercial flows* will lead to trade effects, scale economies and competition improvement. Then, *the legislative harmonization, the increase of stability and security, the technical and financial assistance from the EU, the strengthening of the dialogue and cooperation in the social and environment protection field, the promotion of the information and communication technologies* will improve the business environment, will attract flows of direct foreign investments and will provide the conditions for sustainable economic and social development. The benefits are conditioned by the adoption of the complementary policies necessary to ensure the macro-stability and operation of the market economy mechanisms, as well as to minimize the short-term social impact determined by the economic reorganization.

### **The security dimension**

The priority axes of the ENP action plans in the **security field** are:

- a) *Justice and home affairs;*
- b) *Foreign and security policy.*

a) The main problem concerning **justice and home affairs** is related to finding solutions suitable for each region and country in order to meet, on the one hand, the objective to open borders and, on the other hand, the need for regional security and stability. Consequently, the border management is seen as a priority in most of the Action

Plans. They put forward measures concerning cooperation in the field of migration, visas and asylum conditions, terrorism, crime and money laundering prevention, drug and weapon traffic prevention. Moreover, the AP identifies the possibilities to strengthen cooperation in the field of justice and police, including the cooperation with European specialized bodies such as EUROPOL and EUROJUST. In this respect, special care will be paid to the ratification and implementation of certain international key conventions.

b) The ENP, as an element of the **European Security Strategy**, strengthens the Union participation in conflict prevention and crisis management. Consequently, the Action Plans will define both the bilateral dialogue areas and the multilateral cooperation framework concerning global government and preventing menaces towards world security and stability. The European Union aims at integrating the partner countries in certain aspects of the Common Foreign and Security Policy and of the European Security and Defence Policy and establishing a framework for shared responsibilities in the field of regional security and stability.

#### **§ 1.4. Complementarities between the European Neighbourhood Policy and other EU Policies**

Considering the information above, we can draw the conclusion that the European Neighbourhood Policy, by its much extended action areas, is correlated with a great part of the Union policies. Depending on the progress, which the ENP will favour in the field of political and economic integration, the partner countries will probably participate in a system of variable geometry, in the set of community policies and programmes. On the short and medium term, we can identify **five complementarities** with a significant impact on the ENP efficacy and evolution perspectives:

- *Regional policy;*
- *Justice and home affairs;*
- *Education, culture and research;*
- *Sustainable, social and environment development policies;*
- *Foreign and security policy.*

#### **Regional policy**

The regions at the Union external borders, which bear the borderline effects, besides those due to former development discrepancies, are “privileged” beneficiaries of the regional policy. Through the programmes which intensify the development of endogenous factors and through the connection to the trans-European transport, communication and energy networks, the regional policy minimizes the borderline character of these regions, making possible the over border transfer of their economic stability and prosperity. Moreover, the INTERREG initiative, applied within the regional policy, supports three programmes (related to cross-border, trans-national and interregional cooperation, energy network development and region arrangement) which can be correlated with the objectives put forward through the ENP Action Plans. The

regional policy reform of 2004 strengthens complementarity with the ENP by including the cross-border cooperation within the cohesion objectives for the period 2007-2013.

### **Justice and home affairs**

The EU strategic objective in the field of JHA is to create „ *a freedom, security and justice area within the internal borders*”. Justice and home affairs are a prevailing area of the security field within the European Neighbourhood Policy, leading to important changes in the community acquis, in order to adapt it to the specificity of the neighbour countries and the cooperation relations to be developed. In fact, through the ENP, there will be a transfer of the weight centre concerning the security problems (asylum, migration, visas, measures to prevent terrorism and organized crime, etc) at the external “borders” of what is taking shape as a “pan-European region”. The Action Plans already include major JHA actions (migration, border management, crime prevention, money laundering prevention and crime prevention in the economic and financial field) and anticipate the possibility for the neighbour countries to take part in different European and international programmes. Justice and home affairs have, in the short run, the highest degree of complementarity with the ENP objectives and provide various possibilities of political integration.

### **Education, culture and research**

The community programmes in the field of education, culture and research can be connected, without any difficulty, to the European Neighbourhood Policy, considering the EU experience in developing international cooperation programmes concerning professional training, mobility, R&D and the formation of research and expertise networks, joint acknowledgement of diplomas and qualifications, the use of new information and communication technologies, as well as the integration of the cultural and European dimension within the education policies. The intensification of cooperation and integration of the neighbour countries in the European area of education and research will create premises both to develop the human resources and to create a stability and security area, by shaping and strengthening the feeling of belonging to an area of shared values and interests. The Commission is already developing programmes in the cultural and education field through TACIS and MEDA within the bilateral agreements while, through the Action Plans, the Commission wishes for the participation of the partner countries to the Community R&D Framework Programmes, Culture 2000, Tempus III, Erasmus Mundus and Youth.

### **The sustainable development policies**

The sustainable development is an objective of the European integration process, turned into conditionality criteria for adopting and implementing the Union and the member state policies. The Union is not clear and categorical in relation to using the sustainability principle in the neighbourhood policy, although the strategy refers to sustainable development, and many of the Action Plans priorities support such an approach. Considering this somewhat dramatic situation of the countries integrated in the

ENP concerning the environment aspects, the degree of poverty and social exclusion and the lack of balance on the labour market, the result might be the strengthening of the social and environment dimensions within the cooperation relations and the programmes to be developed. Sustainability will surely become a conditionality criterion in implementing the ENP, while the community legislation towards sustainable development will also include the pan-European external component.

### **The foreign and security policy**

Although the ENP is an individualized component within the EU external relations (through objectives, methods, instruments and the geographic covered area), one of its implicit functions is to attract new privileged partners in promoting the priorities of the Common Foreign and Security Policy and the European Security and Defence Policy. According to the Strategy Paper, the partner countries are called to involve in taking the responsibility concerning security and stability, not only at the level of the region they belong to, but also at the international level. Consequently, the cooperation relations will go beyond the regional framework, and the Action Plans will include objectives of the two policies in the field of global security. Moreover, the observance of the international commitments by the partner countries related to security is a conditionality criterion.

### **1. 5. Opportunities and Limitations of the ENP; Romania's Role as a Future Border Country**

The analysis of the European Neighbourhood Policy clearly reflects the fact that it provides important elements of added value from the general perspective of the European integration process. **The ENP opportunities** are mainly related to:

- *The clearer structuring of the EU policies and actions, by insisting on priority objectives* within a unitary strategy which correlates the foreign policy objectives with the internal policy objectives;
- *Minimizing the borderline effects* in the EU border countries and regions, as well as *externalizing the integration benefits* upon the new neighbours, by setting the EU external limits, at least from the current point of view;
- *Strengthening the EU position on the international level* and increase the Union potential to contribute to peace and security on the continent and beyond;
- *Minimizing the risk for certain dividing lines between the EU and the neighbour countries*, which generates instability and insecurity effects in the area, with a negative impact on the member states;
- *Deepening the economic dimension of the existing agreements* by intensifying the preferential character of the commercial relations, the perspective to join the internal market, the connection to the trans-European networks, the participation to different EU actions and programmes;

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- *Improving the technical and financial assistance from the EU, together with the neighbour country emphasis on priorities through a progressive and differentiated approach established within bilateral agreements;*
- *Stimulating the economic and administrative reforms in the neighbour countries, promoting the European pattern of the social market economy and supporting the implementation of a sustainable democracy system based on the European shared values;*
- *Creating a favourable framework for sustainable development, through the commercial flow liberalization, investment environment improvement, macroeconomic stabilization, competitiveness improvement, technology and know-how transfer;*
- *Strengthening cooperation in the cultural, education, professional training and youth mobility fields;* in the neighbour countries, the ENP will support the development of human resources and the Bologna process implementation and will extend the participation of these countries to the community programmes;
- *Promoting solidarity, the feeling of belonging to an area of shared values and interests, knowledge and mutual respect for the specific systems of values;*
- *Organizing a political and cooperation framework in the field of justice and home affairs and foreign policy;* even though, for the time being, the ENP does not provide instruments to develop this dialogue, they will come out of the cooperation process necessary to implement the Action Plans, providing thus important elements of added value in relation to the political “integration”;
- *Managing more efficiently the common borders* (by improving the cooperation conditions related to migration, asylum, visa policies, border traffic, terrorism and organised crime prevention) and the association of the partner countries to certain aspects of the CFSP and ESDP (conflict prevention, crisis management, and so on);
- *Stimulating the ENP countries in adopting the standards of good government and the European shared values, especially: freedom, democracy, human rights and fundamental freedoms observance, the rule of law.*

Consequently, we may appreciate that the ENP provides a favourable context for the EU external relations and has potential especially to support the economic development processes of the neighbour countries as well as the regional stability and security strengthening through cooperation in the JHA and CFSP fields, to minimize the discrepancies between the EU and the neighbour countries, to promote the European values in the region and abroad and increase the Union role as a global actor. At the same time, the European Neighbourhood Policy has certain **limitations** whose impact can go from the “simple” reduction of the EU efficiency of action, to the deep reconsideration of the whole ENP strategy. One can point out the following aspects as limitations:

- *The ENP reflects the European Union prevailing position on the regional level, without providing the neighbour countries with a political cooperation structure attractive and powerful enough to make them accelerate the “Europeanization” process;* unlike the enlargement strategy, the ENP does not take into account the

institutionalization of the periphery relations, thus lacking the incentive of the political integration; from this perspective, we will see whether the ENP will develop an efficient context to achieve the necessary reforms in the partner countries for an efficient participation in the three pillars of the integration process – the internal market, JHA and the CFSP – or it will limit itself to deepening the cooperation relations with the neighbour countries, based on the financial and technical extra support from the EU;

- *The beginning of the ENP takes place under the circumstances of a lack of balance between commitments and conditionality, minimizing the Union chance to act not only as directional and instrumental leadership, but also as structural leadership*<sup>31</sup> (by attracting periphery in a cumulative process of development and integration). Even though the Union financial support increases to € 14 million for the 2007-2013 financing period only through the NNPI, and the conditionality is positive, the ENP offer may be under the neighbour country expectations, if we consider that: the EMU access is blocked; the trade freedom is not attractive enough, on the one hand, because, at least for the time being, it does not extend to services and agriculture – important share fields in achieving the GDP of the partner countries – and, on the other hand, because, as a WTO member, the Union must provide any trade preference set through bilateral agreements to all the WTO countries, according to the „most favoured-nation clause” (the preference advantages are thus much diminished); the perspective of the internal market is removed and has little interest for the low competitive countries in the absence of redistributive processes resulting from certain community policy implementation; the offer to participate in the Union programmes is vague and barely represented in the Action Plans, except for the education and research fields. In exchange, throughout the evolution of their relations to the EU, the neighbour countries are conditioned by the achievement of an extremely large set of criteria, comparable with those implemented in the enlargement process;

- Although the political dialogue is meant for the cooperation in the JHA and CFSP fields, *they do not mention clearly the dialogue mechanisms and instruments*, risking to deprive the mutual actions of the efficiency and coherence necessary to achieve the ENP multiple objectives;

- *The difficult coordination of instruments and actions*; the multiple complementarities of the ENP with different Union policies and actions mean the development of mechanisms to correlate the specific instruments in order to coordinate over 300 actions mentioned in the action plans; the EU strategy has not developed yet such mechanisms, except perhaps, for a NNPI, hence the risk of overlapping and inefficiency in using the resources.

In conclusion, taking into account the potential role played by the European Neighbourhood Policy in the European integration strategy, as well as its limitations in the present conception in relation to the Union perspectives, the following **conditionality elements of the ENP objective achievement** can be established:

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<sup>31</sup> Vitaliy Denysyuk, “Politique de voisinage de l’Union Européenne, quelles transformations sur le régime commercial régional en Europe”, in *Revue du Marché commun et de l’Union européenne*, no. 485, Février 2005, p. 114.

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- *Improve the Union offer, especially by: deepening the political dimension; improving the Action Plans pragmatism and focusing on a small number of key objectives; increasing the ENP role in creating conditions so that the free trade and gradual integration in the internal market do not generate asymmetric shocks and discrepancies; promoting the freedom of people circulation; defining more clearly the internal market minimum acquis which must be implemented in the ENP countries; simplifying the agenda for the implementation of a sustainable democracy system;*

- *Ensure the ENP action and instrument complementarity with actions and programmes of the various international and regional cooperation organizations, in order to get a higher added value and save resources;*

- *Considering the ENP very wide action area and the high inter-conditionality with many community policies, the EU strategy success will also depend on the way in which it will be able to ensure the coherence of the different instruments and programmes, through an approach of the internal and external objectives of the integration process;*

- *Find some complementary financing resources and develop certain patterns to analyze the impact of the adopted programmes and improve the efficiency of the financial effort;*

- *Integrate agriculture and services in the process of free trade, otherwise the commercial integration will have limited effects upon the restructuring processes;*

- *The integration of the Lisbon Strategy objectives in the economic development national strategies; the commitment to the Lisbon objectives and the European social pattern, channelling the economic development process towards the sustainable development principles is a catalyst in the Europeanization process and creates the premises to minimize the discrepancies between the member states and the EU neighbourhood;*

- *Strengthen the administrative and legal capacity of the bordering countries to implement the neighbourhood policy, as well as ensure the coherence of the adopted actions at the community, national, regional and local level, within a process of decentralization and promotion of the cross-border cooperation;*

- *Establish a favourable framework for the development and galvanizing the Euro-regions;*

- *Lay greater emphasis upon the human resource development, as a key element in achieving the ENP objectives;*

- *The responsible management of the shared neighbourhood so as to avoid conflicts of interests with the strategic partners and/or the emergence of new dividing lines in the relations with countries which are not included in the ENP.*

On the whole, it comes out that the ENP provides the opportunity of stabilizing the EU external borders, but it remains to talk about its capacity to promote efficiently a development and cooperation pattern on the regional level which do away with the accession temptation and ensures a large pan-European area of prosperity, stability and security.

A solution for the political management of such a large area, working in a system of variable geometry concentric circles, could be the **adoption of the functionalist method** to integrate the neighbour countries: the step by step economy integration on the common market within a cooperation pattern which allows the interdependency emphasis and solidarity development, in other words, „surrounding the political aspect through an economic strategy of functional increase”<sup>32</sup> based on an integration cumulative logic. However, the functionalism’s successful implementation asks for:

- *The adoption of a sustainable development strategy* by the partner countries and the setting of a reform-making calendar towards implementing the market economy mechanisms, improving competitiveness, adopting a mixture of political policies to ensure the macroeconomic stabilization and the necessary context to increase stimulus within an open economy;

- *Pattern pliability, by keeping the internal market wholeness*; the necessary pliability must be strictly made in correlation with the neighbour countries evolution rhythm and requires the clear determination of the fields where the legislative harmonization must be implemented (including the definition of the minimum acquis elements that must be adopted), without adapting the internal market legislation to the neighbour country peculiarities. The ENP shouldn’t contribute to increasing the risks of the integration process dilution through market fragmentation or legislative constraint diminution of the common market (policies concerning consumer protection, social and environment constraints, competition, and so on), attempting to facilitate the neighbour partner access;

- *The careful management of the cost-benefits balance, taking special care of the economic integration impact upon the life standards of the vulnerable groups* (the social-professional areas affected by the restructuring processes brought about by the market liberalization and business internationalization);

- *Anticipate shocks*, especially those related to capital market and labour market liberalization and the adoption of the necessary policies for their management under low economic and social costs (the experience of the Central and Eastern European countries’ accession can be extremely useful in this respect);

- *Create the premises to adopt the neo-functionalist method*, implemented in the member country integration process, if the Union evolution imposes the enlargement towards the ENP countries.

In implementing the ENP, the border countries and regions will play an important part. As a future border country of the EU, Romania will have both the opportunity and responsibility of developing strengthened cross-border cooperation relations with the Republic of Moldova and Ukraine, aiming at achieving the priorities set through the Action Plans. Considering the fact that the ENP strategy provides a new context for the methodology implemented within the UE enlargement process towards Central and Eastern Europe, the two future neighbour countries of the EU can use not only Romania’s

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<sup>32</sup> Octav Bibere, *Uniunea Europeană între real și virtual* (The European Union between actual and virtual), All Educational Publishing House, Bucharest, 1999, p. 113.



status as a EU member in implementing the Action Plans and integrating the European policies and programs, but also the experience acquired while meeting the accession criteria and achieving the transformative processes towards Europeanization. In this respect, we can mention some key strategy elements of the relations between Romania as a future member country, on the one hand, and the Republic of Moldova and Ukraine as ENP countries, on the other hand:

**1. manage the bilateral and multilateral cooperation relations within the different regional structures to which the three countries belong towards the priorities included in the Action Plans;** taking into account the cooperation potential and the involvement requirements as a future border country, as well as the experience gathered during the pre-accession process to the European Union, Romania (out of the 80 priorities established through the Action Plan for Moldova and 71 for Ukraine) could have an essential contribution to:

- *Institutionalize a sustainable democracy system, by strengthening democracy and the rule of law, observing the human rights and the fundamental freedoms (especially press and expression freedom), the administrative and justice reform;*

- *Develop the civil society and integrate the neighbour countries within the education and research European area; support the Bologna Process implementation and the accession of the two countries to the European programs related to culture, education, professional training where young people could play an important part;*

- *Implement the economic and administrative reforms, improve the export potential, implement the European legislation related to tariff union and standards; prepare to participate in the internal market and adopt the community acquis necessary to ensure freedom of circulation and administrative cooperation; Romania will be able to use in this respect both the possibilities to correlate the internal community policy instruments which are complementary to the ENP and the expertise acquired during the pre-accession period;*

- *Strengthen the cooperation and political dialogue in the field of foreign and security policy, as well as justice and home affairs, especially to implement the European Security Strategy, prevent terrorism, organised crime, drugs and human beings trafficking, migration control and frontier management;*

- **2. the commercial and economic integration,** according to the functionalist method implementation (in accordance with the above analysis);

- **3. strengthen the cross-border and trans-national regional cooperation,** with structural objectives: *promote the sustainable economic and social development, improve the business environment, promote the public-private partnership, minimize discrepancies, develop the transport infrastructures, telecommunications, environment, energy, research-development, develop the informational society, information, communication, transfer of competences.* In this respect too, Romania will have the opportunity to correlate the programmes and funds of the internal policies with those of the neighbourhood policy;

- **4. create certain structures and mechanisms for communication, information, advice and institutional dialogue**, both at the central level and at the level of the local and regional communities;
- **5. promote „people-to-people” contacts**, especially through *cooperation in the field of education, international mobility, culture and audio-visual*;
- **6. Strengthen the Euro-regions’ role**; in this respect, it is imperative to create the conditions for the current implementation, both in Romania and in the Republic of Moldova and Ukraine, of *the Madrid Convention, of the two adjacent Protocols and the Local Government Charter*.

In order that Romania takes advantage most efficiently of the ENP context in its relations with the Republic of Moldova and Ukraine, it would be necessary to elaborate a strategy to implement the neighbourhood policy oriented towards the ENP fields and the Action Plans objectives, by taking into account the internal complementary policies and the European Security Strategy. If it were based on the functionalism method, the ENP implementation could actively contribute to a much higher degree of integration of the two countries in the European system; functionalism would not only give the advantage of flexibility by integrating the interest fields for the involved actors, without significant constraints, but would also give the opportunity of progressive integration by creating the training and convergence mechanisms necessary for a possible, even remote prospect of the accession of the two countries to the European Union.

## **CHAPTER 2**

### **ROMANIA – THE FUTURE EASTERN BORDER OF THE EUROPEAN UNION**

The efficient and systematic control and the permanent surveillance of the 3,147 km of borderland, especially of those sectors that are going to be the future external border of the European Union, totalizing around 2,050 km, represent priorities of foremost importance for Romania. The future eastern border of EU, on the river Prut, on the Danube and at the Black Sea, does not have to represent a new curtain – not even one made of silk. To avoid the transformation of the new enlargement wave in a generator of new fault lines and to transform this region into a field of cooperation, not confrontation, represent major challenges in the period of Romania's pre- and post-accession to the European Union.

In this context, the Ministry of Administration and Interior (MAI) has established as a priority objective the integrated management of border security for the future external border of EU, an objective that includes not just issues regarding border control, but also aspects related to political asylum, migration and conformation to human rights in general. For a more efficient border security management, Romania intends to intensify the cooperation with the EU member states and neighbouring countries, at the future internal borders (Bulgaria, Hungary) and external borders (Republic of Moldova, Ukraine) of the Union.

#### **§ 2.1 Premises of Romania's Alignment to the EU Border Standards**

The *acquis* for Chapter 25 – Customs Union – includes the EU customs code and its application norms, the common customs tariff, including commercial preferences, tariff contingents and suspensions, as well as connected legislation, which overshoots the customs code's realm, such as the legislation on counterfeit or pirated goods, drugs trafficking and cultural products. The *acquis* consists mainly in a set of instruments ensuring the functioning of the customs union and the effective protection and control of the external borders of the EU.

Romania, as well as the other candidate states, provided information regarding the set up of a corresponding operational capacity of their customs administration, in such matters as: customs services reform and improvement; full and rapid installation and implementation of IT applications for customs services, in view of an adequate transposition of the *acquis*; implementing measures aimed at reducing waiting times at the border, guaranteeing copyright and industrial property rights, fighting economic and organised crime, strengthening customs ethics, fighting fraud and corruption, and continuing developing and implementing efficient training systems; improving internal coordination within a customs administration and between customs administrations and other institutions in charge with applying and controlling legislation observation, including police and judicial authorities; the legal and institutional measures necessary

for ensuring collection and control of EU's future own resources, and for efficiently managing the common agricultural policy.

Customs administrations must guarantee that the development and application of a strategy for collecting and managing revenues will allow both internal and community revenues to be collected, registered, used, reported and audited in an appropriate way, both at a national level and within the Union. For this reason, candidate states must develop policies, systems, procedures, technologies and instruments compatible with EU requirements and standards.<sup>33</sup>

Customs administrations of the candidate countries should have all the facilities necessary for the appropriate development of customs control in ports, airports and terrestrial border points and for ensuring a fluent traffic of persons and goods, the collection of revenues at a national and community level. This desideratum involves, among others: the existence of quality control equipment and units, control and investigation units, radio and telecommunications units, instruments and equipment allowing for a better control of transport vehicles and their freight, special equipment for detecting illegal goods and, in some cases, equipment for night time use and heat detectors; introducing controls after customs clearance procedures; the development of cooperation between various agencies functioning at border points and inside the country; promoting international cooperation between customs services; setting up, improving, using and checking periodically the information systems capable to support control units located at border points and inside the country; setting up, developing using and checking periodically the risk profiles, which take into account the economic situation of the region in question for each place where a customs control is performed.

Moreover, the systems and procedures for legislation analysis and implementation must be computerised. This process involves the setting up of the following systems: IT systems capable to create the interface with EU systems (TARIC, NCTS, EU Import Quota and CIS/SCENT, etc.); adequate information systems able to accept EDI (*Electronic Data Interchange*) messages; IT systems capable to use EU's standards/CCN/CSI transmission system; a computerised system for customs declarations processing; a computerised system for revenues collection and registration; a computerised system for transit control, integrated with the system for customs declarations processing; one or several computerised information systems; providing statistic data on foreign trade within preset deadlines.

In the position paper for Chapter 25 of negotiation - Customs Union - Romania declared that „accepts the *acquis communautaire* in force as of 31 December 1999, does not request transition periods or derogations and declares that it will be able to entirely implement it upon accession”.<sup>34</sup>

The provisions of the Customs Code (Law No. 141/1997) and of the Rules of Application of the Customs Code (Government's Decision No. 626/1997) are to a great

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<sup>33</sup> See the description of Chapter 25 - Customs Union,  
<http://www.infoeuropa.ro/ieweb/jsp/print.jsp?cid=194&lid=1&id=199>

<sup>34</sup> See Romania's position paper for Chapter 25 – Customs Union,  
[http://www.mie.ro/Negocieri/Romana/Documente\\_pozitie/Rom/CAP25-DP.pdf](http://www.mie.ro/Negocieri/Romana/Documente_pozitie/Rom/CAP25-DP.pdf)

extent harmonised with the community customs legislation, its implementation being accomplished in a unitary way. There are no differences of enforcement compared to the community legislation in the use of the tariff nomenclature, binding tariff information, rules of origin, customs valuation, customs procedures and regimes on import and export, transit, customs warehouses, single administrative documents, customs duties.

In September 1999, Romania started the drawing up of the national integrated customs tariff, having the same principles and the same format as the Common Integrated Tariff (TARIC). At the same time, Romania took several actions meant to prepare, logistically and technically, its customs services for an effective implementation of its tasks as a member state of the EU. In this context, a main priority would be the improvement in the security of its Northern and Eastern borders which will be endowed with modern detection and control equipment (fixed and mobile X-rays systems for the carrying out of the non-destructive physical control, administration systems of the black lists etc.). In order to fulfil these objectives, Romania will provide important domestic financial resources, as well as resources stemming from EU funds.

Simultaneously with the taking over and the implementation of the community acquis, Romania aims to fulfil its obligations as a contracting party to several international multilateral conventions, recommendations of the World Customs Organisation, as well as the obligations flowing from the bilateral agreements on co-operation and mutual assistance in customs matters.

The strengthening of the institutional capacity to undertake the community acquis, as a main concern for the Romanian Customs Administration during the period until the accession, will be achieved through diversifying the training actions of its own personnel. Romania will take the necessary measures for the preparation of the Romanian Customs Administration in order to assume all prerogatives arising from specific community customs activity (administration of tariff quotas, collection of indirect taxes, administration of the free zones etc.).

Starting from 30 June 2001, the Romanian state border is administrated in conformity with a new normative act<sup>35</sup> which, taking over the relevant concepts of management and border control from the *acquis communautaire* extended the border area with 30 km inwards from the border line. The premises of separating the flows on the both crossing ways at the state border crossing points, for Romanian citizens and the citizens of the countries with which Romania has concluded agreements concerning the abolishment of visas or of the control at the border crossing, on one hand, and for the citizens of the others countries, on the other hand, have thus been created. The regime of the common border crossing points, the alignment with the European standards established through the FAL Convention regarding the control of crossing the blue border in maritime and fluvial harbours, and the mechanisms for the protection of personal data stored by the police have also been settled.

At the same time, it was created the legal framework for the Romanian border police's institutional reform through the adoption, at the same date, of the normative act<sup>36</sup> regarding the organization and function of the Romanian border police, which introduced

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<sup>35</sup> GED no. 105/2001.

<sup>36</sup> GED no. 104/2001.

a set of new conceptual elements, such as the definition of the area of border police competence and even the border policeman concept itself.

The new structure of the Romanian border police created – after the model of border police from EU member states – on regional directions at the level of border with each neighbouring state and at the Black Sea, is functional since 1 June 2001.

At the same time, it was elaborated a career guide for the border policeman and the relationships between the different categories of personnel and staff tasks were re-evaluated. On the other hand, new study programmes were adopted in the educational institutions for officers and non-commissioned officers, with emphasis on the judicial training of policemen.

For the eastern border, modern equipments were acquired (equipments for night time use, portable heat detector equipments, automobiles of surveillance and control).

In the area of communications, it was set up from domestic funds a modern system which allows the voice and data transfer between Bucharest and county towns and also between county towns and border crossing points. At the same time, it was created an information system concerning the movement of goods and persons across the border, similar with the Schengen Information System, which keeps the evidence, processes and exploits information about cross-border crimes and crimes at the border, about aliens and goods put under surveillance. The system is accessible for state authorities which have responsibilities concerning border crossing and for other public interested public institutions, the border police being just one of its many beneficiaries.

As a consequence of signing an *aide-memoire* between the commanders of the Coast Guard of the border police structures of the Black Sea countries, the cooperation between these structures was improved, regarding especially the development of the co-operation networks in the field of maritime search and rescue, the combating of the maritime pollution, illegal trafficking in some goods and smuggling. At the same time, an operative document has been agreed upon (a form comprising data on suspect ships), used by all maritime border authorities.

The cooperation with border authorities from EU member states is presently accomplished, mostly, through liaison officers of these countries in Bucharest. An important role in the border police's process of achieving the European standards was played by the twinning convention with Germany.

During 2001-2005 Romania has accelerated the measures of alignment to the EU standards in the field, measures that included: the legislative harmonization in conformity with Schengen space requirements; the establishment of flexible institutional structures, after EU models, capable to efficiently accomplish the missions instated by law; the improvement of training and specialization of border policemen, through workshops and experience exchanges within the framework of twinning conventions; intensification of national and international cooperation; proper endowment, through PHARE programmes, governmental assurances and donations; starting up the establishment of unique offices for the payment of border taxes; the creation of mixed control teams formed by border policemen and customs employees; the separation of EU and non-EU passenger flows in the "Henri Coandă" International Airport (București-Otopeni); starting up actions for

creating the integrated system of border security. These measures were finalized by the adoption, in June 2005, of an updated Schengen Action Plan, which is being implemented by and large in accordance with the deadlines, and by the entering into force, in July 2005, of an Agreement on border cooperation between Romania and Bulgaria.<sup>37</sup>

MAI intention of hiring in 2006 a number of 7,500 policemen, out of which 4,000 border policemen, denotes, through the important budgetary efforts engaged, the seriousness of Romania's engagement of transposing in reality an essential ENP objective – the control of migration and of all forms of illegal traffic.

At present and especially in the post-accession period, a real support in the realm of border management and the fight against organized crime, that represent objectives of ENP, could offer the SECI Regional Centre for Combating Cross-border Crime and the International Centre for Police Cooperation that function at the 10<sup>th</sup> and the 9<sup>th</sup> floors of the Romanian Parliament building. The former gathers the efforts of twelve South East European countries on fighting organized crime, and the latter, created as general directorate subordinated to MAI, facilitates the cooperation, in the police area, of all major structures with responsibilities in the domain, including EUROPOL and INTERPOL, assuring, on this basis, the premises for the adoption of a common strategy in the field.

## **§ 2.2 Romania's Strategy of Integrated Border Management**

The integrated management of state border represents a system of unitary coordination of actions and procedures developed in the institutions which have the duty to guarantee the maintenance of a state of normality at the state border, the cooperation concerning the border regime with other states and similar institutions from neighbouring countries, as well as supporting the permanent compatibility with the norms and practices of surveillance and control of state border applied in EU countries.<sup>38</sup>

With this strategy of integrated management of state border, Romania seeks for the unitary coordination at central and territorial level, by structures with responsibilities at the borders, of actions and measures conducted for the security of the state border, the monitoring and fighting against trans-national crime, and a compatibility with the community norms and procedures regarding the surveillance and control of the state border in order to ensure the conditions for Romania's accession to the EU.<sup>39</sup>

The necessity of securing Romania's state borders, especially the northern and eastern ones, is determined by the growth in dimension and complexity of the cross border criminality, mostly on the east-west main direction, by the internationalization of organized crime phenomena, by the proliferation of weapons of mass destruction and of terrorist actions around the world, as well as by generating favourable conditions for such

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<sup>37</sup> *Romania 2005 Comprehensive Monitoring Report*, European Commission, SEC (2005) 1354, Brussels, 25 October 2005, COM (2005) 534 final, p. 67, <http://delegatie.infoeuropa.ro/ROMR2005.pdf>.

<sup>38</sup> See GD no. 471/1 April 2004 concerning the National Strategy of Integrated Border Management.

<sup>39</sup> *Coordonare Strategică, GIRMIFS* (Strategic Coordination, GIRMIFS), <http://proiectsisf.mai.gov.ro/index01.htm>.

phenomena through the persistence of economic crisis, of social, ethnic and religious conflicts in some states near Romania's borders.

For guaranteeing at the central level the coordination of national authorities attributions with responsibilities at Romania's state border, it was established, on 21 June 2001, by GD no. 943/2001<sup>40</sup> the Romanian Inter-ministerial Group for the Integrated Management of State Border (GIRMIFS).

This group is a consultative body without juridical personality, having the role of making more efficient the communication and cooperation between MAI and the other central and local public authorities with border responsibilities, as well as contributing to the elaboration of dispositions or orders regarding the adopted measures and correlated actions, that are going to be conducted for the security of state border and for an integrated and functional border management.

GIRMIFS determines the general view and provides the unitary coordination, on the strength of the Strategy, of the integrated border management, of measures and actions for the security of state border, conducted by the Romanian authorities with border responsibilities, centralizes and monitors the results of the cooperation between them and their external partners with attributions in the field.

GIRMIFS conducts its activity under the authority and direct governance of Romanian Government's Prime-Minister, as President, and it is composed of leaders of ministries and institutions of defence, public order and national security, apt to conduct activities in the area of state border security.<sup>41</sup>

In the structure of GIRMIFS, there are inter-ministerial commissions of expertise in the following areas: external borders, migration, cross border organized crime, police cooperation, IT cooperation, Schengen acquis implementation.

The main accomplishment of GIRMIFS is represented by the elaboration of the National Strategy of Integrated State Border Management 2004-2006 that represents a development of the National Strategy of Integrated State Border Management approved by GD no. 482/2003<sup>42</sup>. The elaboration of the Strategy was determined both by the necessity of transposing in practice the observations, recommendations and conclusions formulated by EU organs, regarding the processes registered in Romania in the area of justice and internal affairs, as well as by the adaptation to the dynamics of cross border criminality, in order to increase the degree of national border security and by the intensification of accession process to the European structures.

The principles that guide the Strategy are the following:

- *The principle of legality.* All the circumscribed actions of integrated border management take place with the conformation to the fundamental human rights and liberties, to the international documents' prescriptions in which Romania is part of, to the *acquis communautaire*, the Schengen *acquis* and the national legislation in the area.

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<sup>40</sup> Published in the *Official Monitor* no. 618/1 October 2001.

<sup>41</sup> *Coordonare Strategică – Activități GIRMIFS – 2004* (Strategic Coordination– GIRMIFS Activities– 2004), <http://proiectsisf.mai.gov.ro/index02.htm>.

<sup>42</sup> Published in the *Official Monitor* no. 309/8 May 2003.



- *The principle of unitary coordination and cooperation.* The state border management is coordinated in a unitary manner by the Romanian Inter-Ministerial Group for the Integrated Border Management and has at its basis the cooperation between national institutions with border prerogatives, the information exchange between them and the dissemination of good practices in the field.
- *The principle of complementarity.* Within the integrated border management the cooperation between institutions with specific prerogatives take place in such a way as to avoid the competence vacuum, parallelisms and disputes regarding exertion of responsibilities.
- *The principle of autonomous decision-making.* The inter-institutional cooperation in the area of border management takes place with the conformation to the autonomy of each involved structures.
- *The principle of growth in efficiency and effectiveness.* In achieving the objectives of integrated border management one seeks for the increase in efficiency and effectiveness in the use of institutions' own resources (human, technical, technological, informational, financial, logistical, etc.)
- *The principle of continuity.* The activities performed for the border management have to take place in a sustained rhythm and to be characterized by coherence.
- *The principle of professionalism and personnel motivation.* The integrated border management presupposes the professional training of personnel in conformity with the new requirements, the design and use of adequate motivational levers, in order to set up specific activities at the level of European standards.
- *The principle of finality.* In order to achieve the effectiveness of the assessed objectives there are used combinations of different resources and actions, without the generalization of one single alternative.

The main objective of the Strategy is the creation of an integrated system of management for all Romanian borders, aligned to the European standards, that would ensure: a high degree of border security that will offer the protection of Romania's and EU's citizens, through the application of adequate measures concerning border control, the prevention and fight against cross border criminality and against international terrorism; the modernization of control procedures for the fluidization of free border circulation of persons and goods; adequate policies in the area of migration and asylum, aligned to the international law and *acquis communautaire*; starting up on schedule the actions meant to create the necessary framework for Romania to satisfy, as soon as possible after the accession to EU, the necessary conditions of Schengen *acquis* application and, implicitly, the accession to this space.

The Strategy's implementation instrument is called the Action Plan for the Implementation of Romania's National Strategy of Integrated State Border Management 2004-2006, and it determines the actual actions and responsibilities that fall upon each ministry/institution with prerogatives in the field.

For a unitary coordination of border management and constant monitoring of the cooperation between the institutions with border prerogatives, it has been created the Group of Monitoring the Border Security Management.

In October 2005, a Concept for the Implementation of the Integrated Border Security System was adopted and overall this shows good progress has been made in developing a clearer strategic vision on the steps to be taken in the field.

### **2.3 The Transparency Problem in Assigning Acquisitions Contracts in the Security Domain**

The community directives in the public acquisitions domain<sup>43</sup> impose the following measures in case of a public auction: the intensive advertising of the auction announcement both locally and internationally; the advertising on the public auctions website of the EU “Tenders Electronic Daily”; the advertising of all data regarding the auction, including the financial ones; the publication of the attendance requirements and of the conditions of contract. In case a state feels injustice in the assignation of a public auction contract, it can address itself to the qualified forums of the EU.

GIRMIFS has designated the Ministry of Administration and Interior through the Management Unit of the Project, under the Decision no. 2, to attribute the framework-contract of implementing the Integrated System for the Security of Romania’s State Frontier to a general systems integrator, according to the stipulations of the article 9 letter C, line 2 of the GD no. 60/2001, approved by the Law no. 212/2002 and to coordinate the implementation of the part financed from community funds, within the projects of financial assistance non-reimbursable from the EU, as well as budget funds for the co-financing, which is assured by the Romanian state.

The attribution of the public acquisitions contract has been done by applying the single source negotiation procedure.<sup>44</sup> MAI has offered the integrated management contract of the state border to a European consortium, EADS, with whom negotiated directly, refusing to make essential information public, regarding the conditions that were established when this business was made.

Classified as “working secret” by MAI while during the PSD government, the contract has been declassified by the new government, which was formed after the autumn elections of 2004, under no. 956449/16 February 2005.

Invoking the community directive 2004/18/EC of the European Parliament and European Council as of the 31 May 2004, regarding the coordination of the procedures for the attribution of a public acquisitions contract in the domains of services, goods or of the public contracts, where at the column *exclusions from commitments* states: “contracts that are declared as “secret” or affect the essential interests of the Member States, can be

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<sup>43</sup> Particularly 92/50/CE regarding public acquisitions in the services domain, 93/36/CE regarding public acquisitions in the products domain, 93/37/CE regarding public acquisitions in the engineering domain, 93/38/CE regarding public acquisitions in the special branches domain.

<sup>44</sup> *Contractul cu EADS - Atribuire contract* (The Contract with EADS – Contract attribution), <http://proiectsisf.mai.gov.ro/index16.htm>.

excluded from these commitments”, MAI argued that the way this contract had been attributed was in accordance with the community acquis<sup>45</sup>, because it was declared a “working secret”. But the community directives mentioned above at the transparency column, demand at least the publication of every auction ad on a national level, which did not happen in the case of EADS. The disclosure of the details of this auction wouldn’t have been of such nature as to affect the national security. MAI had the obligation to give some information to the public regarding the project, because the funds that were used in the contract were coming in a 15 per cent ratio from community funds and the rest from the state budget. The community norms in the case of this auction were not observed. In addition, the contract was concluded in unfavourable conditions for the Romanian state. Among the clauses of the contract is the subsection 4.1.1 that states the fact that “the seller will be the only interface for the buyer and will autonomously decide on the subcontractors” and that “in the event the seller subcontract works... the buyer shall not have the right to formulate objections regarding the provisions of such contracts”.

Signed on 12 August 2004, the acquisitions contract for the implementation of the Integrated System for the Security of Romania’s State Frontier (SISF) will keep going until 2009 and will cost at least 650 million euros (with a subcontracting option of 350 million euros more). In an initial phase of the project, which will go on until 31 December 2006, the efforts for the modernization of the security system of the frontier will be channelled towards the future external border of the EU.<sup>46</sup>

Based on the contract the following issues will be provided: the acquisition and installation of high-tech surveillance systems, the implementation of modern command and control centres, the outfitting of more than 180 headquarters and training centres of the Romanian frontier police. Simultaneously, the project will assure the expansion and development of the IT and communications infrastructure, which is needed for the cooperation between all the institutions with frontier expertise. The contract covers the purveyance of surveillance systems, command and control facilities, including all the necessary hardware and software, an IT and communications infrastructure plus engineering works, intended to ameliorate the frontier policemen’s work conditions. EADS acts as a prime contractor and system integrator and coordinates the modernization process of the helicopters, ships, technical training centres and work gears of the agents in the Romanian frontier police.

The European Commission has pointed out a succession of overlaps with projects financed with PHARE programmes and those provided by the contract concluded with the EADS Corporation. In February 2005, the government has announced that it will renegotiate the terms of the contract concluded in August 2004, in order to avoid the overlaps and pay the correct price for this project. In a short time, the Administration and Interior minister declared, on his turn, that a review of the contract is necessary, because, on one hand, it contains overlaps with the security programmes of the frontier financed

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<sup>45</sup> For the EU legislation regarding public acquisitions see *Public works contracts, public supply contracts and public service contracts*, <http://europa.eu.int/scadplus/leg/en/lvb/l22009.htm>.

<sup>46</sup> *Obiective prevăzute a se realiza în prima fază de derulare a contractului, pentru asigurarea unui înalt nivel de control și supraveghere la frontieră la 31.12.2006* (Objectives to be attained in the first phase of the contract in order to secure a high level of control and surveillance by 31.12.2006 ), <http://www.mai.gov.ro/Documente/Prima%20Pagina/Obiective.pdf>.

from European non-reimbursable funds, and on the other hand, it doesn't cover but 6 districts of plains, instead of 9, from the future external frontier and the seaside of the Black Sea, while the most important area is not covered, more precisely the north frontier with Ukraine (the districts of Satu Mare, Maramures, and Suceava).<sup>47</sup>

On 15 June 2005 the MAI has concurrently published two bulletins: the first one announced the continuous cooperation with EADS for the execution of the contract concluded in August 2004,<sup>48</sup> and the second one informed the public opinion about the results of the inspections done in 2005 by the supervisory body of the Administration and Interior Ministry for establishing the circumstances in which the acquisition contracts were concluded in relation to the achievement of the SISF - the acquisition contract of the feasibility study concluded with BEARING POINT firm and the framework-contract for its implementation concluded with the multinational consortium EADS.

In the first case, the verifications established that after the assignment of the contract, the BEARING POINT firm has notified the Romanian side, that it cannot achieve but the feasibility study and cannot do the technical project anymore like it had been earlier settled and BEARING POINT agreed to pay the German firm the equivalent of 430,000 euro in Lei, although the negotiation warrant had foreseen the amount of 500,000 euros for the feasibility study and the technical project. Furthermore, the feasibility study done by the BEARING POINT firm had been in reality a synthesis of some prior studies with the same object, which had been done by other companies in the benefit of the Romanian frontier police.

Regarding the contract concluded with the firm EADS, the verifications have evinced the fact that a steady price has not been negotiated, but a minimal one, and that at the establishment of the value 650 million euros, not all goods and services to be purchased, nor their minimum price, had been taken into consideration. The description of the appending systems and the goods and services to be purchased, had not been mentioned in the framework-contract. The appendix of the contracts had been negotiated later on, after the conclusion of the framework-contract, and by means of the first appendix, signed on 8 October 2004, the nature of the contract was changed, from a goods acquisition contract into an integrated systems acquisition contract, without mentioning, who will be the owner of the source codes of the soft, implemented by EADS. Taking into consideration all these, the verifications have established that the persons who participated at the negotiations have severely violated the principle of the efficient use of public funds.<sup>49</sup>

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<sup>47</sup> Emil Popescu, „Contractul de securizare a frontierei este la prețul pieței, spune EADS” (The Contract of frontier security is at market price, says EADS), in *Ziarul Financiar*, 11 March 2005.

<sup>48</sup> „MAI și EADS GmbH – Parteneriat pentru securitatea frontierei României” (MAI and EADS GmbH – Partnership for the security of Romania's frontier), in *Buletin Informativ*, 13-19 June 2005, <http://www.mai.gov.ro/Documente/Arhiva%20comunicate/Buletin%20informativ%2013-19%20iunie%202005.pdf>

<sup>49</sup> “Ministerul Administrației și Internelor a sesizat Parchetul în legătură cu unele aspecte ale încheierii contractelor cu BEARING POINT și EADS” (The Ministry of Administration and Interior has announced the Prosecutor's Office regarding some aspects of the contract conclusions with BEARING POINT and EADS), in *Buletin Informativ*, 13-19 June 2005, <http://www.mai.gov.ro/Documente/Arhiva%20comunicate/Buletin%20informativ%2013-19%20iunie%202005.pdf>.

In its renegotiated version as of 9 November 2005, materialized in the form of an Addendum<sup>50</sup>, the contract stipulates a reduction of the price – from 650 million euros to 524.5 million euros – due to the removal of the overlaps with projects financed by the EU with PHARE Programmes and the Schengen Facility, estimated by the MAI at over 450 million euros. The new provisions of the contract are meant to secure a qualitative and quantitative improvement of the SISF. It was introduced the EADS' obligation to achieve and implement the mobile communications subsystem within the SISF in TETRA standard technology, utilized in EU Member States and which was already implemented in the projects of modernization of frontier security funded by PHARE Programmes. The source code of software, as well as the development license of it shall be handed over to the MAI, at the end of the warranty period. It was revised also the provision of the contract regarding the subcontractors in order to observe the principle of securing the transparency in the acquisitions of goods and services. Last but not least, the provisions regarding the warranty provided by EADS for its goods and services and the resolution of any dispute between the parts were modified in Romanian state's advantage.<sup>51</sup>

Besides the “lesson” of the EADS case, as was mentioned in the European Commission's *Romania 2005 Comprehensive Monitoring Report*, Romania's preparation for implementing the *acquis* in the fields of Schengen and the EU external border should be done in a harmonised and more consistent manner. Among other, this will ask for: the modernization of the equipment and infrastructure along the green and blue borders so that a uniform high level of control is reached; the acceleration of the preparations for the future participation in the Schengen Information System (SIS II); the filling of all remaining vacancies in the border police until the end of 2009; the professional training of the contractual agents and the new staff to be recruited in the border police, in accordance with the Police Status Law; the strengthening of the risk analysis capacity of the border police; and the enhancing of the surveillance capacity along the Black Sea coast and the Danube, in close cooperation with Bulgaria in the latter case.<sup>52</sup>

#### **2.4 The Transfrontier Relations between Romania and the Republic of Moldova**

The debut of the accession negotiations of Romania to the European Union (February 2000) has compelled Bucharest to devise an implementation strategy of the EU standards regarding the frontiers with the Republic of Moldova. This has affected the following domains: the frontier traffic; the granting of the Romanian citizenship; and the signing of the bilateral treaty.

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<sup>50</sup> *Act adițional nr. 1 din 09.11.2005 la Contractul nr. S/980352 din 12.08.2004, declassificat sub nr. 95649 din 16.02.2005* (Addendum no.1 as of 09.11.2005 to the Contract no. S/980352 as of 12.08.2004, declassified under no. 95649 as of 16.02.2005), [http://www.mai.gov.ro/Documente/Prima%20Pagina/act\\_aditional.pdf](http://www.mai.gov.ro/Documente/Prima%20Pagina/act_aditional.pdf).

<sup>51</sup> „Ministerul Administrației și Internelor a încheiat, miercuri, negocierea cu concernul EADS pe marginea contractului privind securizarea frontierelor” (The Ministry of Administration and Interior concluded Wednesday the negotiation with EADS over the contract for border security), in *Buletin Informativ*, 11 November 2005, [http://www.mai.gov.ro/Documente/Prima%20Pagina/BI\\_contract\\_EADS.pdf](http://www.mai.gov.ro/Documente/Prima%20Pagina/BI_contract_EADS.pdf).

<sup>52</sup> *Romania 2005 Comprehensive Monitoring Report*, European Commission, SEC (2005) 1354, Brussels, 25 October 2005, COM (2005) 534 final, pp. 67-68, <http://delegatie.infoeuropa.ro/ROMR2005.pdf>.

- *The frontier traffic*

After a round of consultations between the legal departments of the foreign affairs ministries of the Republic of Moldova and Romania, which took place in Chisinau on 11-12 April 2001, Romania has forwarded to the Republic of Moldova the project of a bilateral agreement, which proposed the introduction of the obligation of using passports, as well as a document regarding the settlement of the double citizenship regime. The agreement project between the Government of Romania and the Government of the Republic of Moldova regarding mutual travels of the citizens of both states aimed at the admission, exit, transiting or standing on the territories of the two states. The Romanian side proposed that the entry procedures of this agreement should be finalized on 1 July at the latest, according to Romania's commitments to the EU. Therewith, Romania has declared the will to conclude as soon as possible agreements regarding the readmission of the foreigners, the regulation of the small frontier traffic, the verification at frontier passing and the verification of the travel documents.

Consequently, starting with 1 July 2001 Romania introduced the requirement of having passports for the citizens of the Republic of Moldova, who up to then could enter on Romanian territory only by presenting their ID card.

As far as the visas regime is concerned, although on 1 July 2001 Romania introduced visas for all ex-Soviet states, for the citizens of the Republic of Moldova it managed to postpone its introduction and eventually to get a more favourable regime. In October 2005 there were finalized the provisions of the bilateral agreement regulating the visas regime. In accordance with them, the Moldovan citizens are going to get multiple-entry visas for a longer period.<sup>53</sup>

- *The granting of the Romanian citizenship*

In 2000, Romania offered the citizens of the Republic of Moldova the possibility to obtain Romanian citizenship without any residence compulsion. A few thousands of Moldovan citizens took advantage of that opportunity at the end of 2000 and the beginning of 2001, that generating the discontentment of the authorities in Chisinau.

In March 2001, during the presidential elections campaign, in order to disconcert the charge of Romanianness phobia, generated by the announcement of the intention to put to a referendum after the elections the admission of the Republic of Moldova to the Russian-Belarus Union and the granting of the second official language status to the Russian language, Vladimir Voronin declared that he will propose the amendment of the Constitution, hereby the holding of the double citizenship to become possible. The initiative would have allowed the citizens of the Republic of Moldova who desire, to ask for and obtain the Romanian citizenship. According to some unofficial info, more than 200,000 citizens of the Republic of Moldova hold the citizenship of Romania and more than 50,000 hold that of Russia. The procedure for the granting of the citizenship, based on the confirmation of the fact that a successor of the solicitor was a Romanian citizen, produced a diplomatic scandal between Bucharest and

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<sup>53</sup> Cosmin Popa „România vrea să resusciteze Organizația de Cooperare la Marea Neagră” (Romania wants to resuscitate the Black Sea Cooperation Organization), in *Adevărul*, 29 October 2005, [http://www.adevarulonline.ro/index.jsp?page=articol&article\\_id=159781](http://www.adevarulonline.ro/index.jsp?page=articol&article_id=159781).

Chisinau. The ambassador of the Republic of Moldova in Bucharest, Emil Ciobu, sent a letter to a Romanian newspaper, accusing the Romanian government that it wishes to grant the citizenship to as many citizens of the Republic of Moldova for discrediting the official institutions of the Republic of Moldova, thus facilitating a progressive takeover of the Republic.

- *The signing of the bilateral treaty*

Although Romania was the first country to recognize the Republic of Moldova, at a few hours after the proclamation of its state independence, on 27 August 1991, the political treaty between Romania and the Republic of Moldova, whose negotiation started in February 1992, hasn't been signed up till now, because of some clauses, that Chisinau has considered disadvantageous.<sup>54</sup> At present, the Republic of Moldova is the only neighbouring state that Romania hasn't concluded a bilateral treaty with.<sup>55</sup> There are real prospects, though, for this major deficiency in the bilateral relations to be adjusted soon. Following the meeting between the Presidents Traian Băsescu and Vladimir Voronin in Iasi on 25 September 2005, President Băsescu declared that Romania and the Republic of Moldova have set up the common goal to finalize the political treaty. From Romania's standpoint, the treaty should take the form of a bilateral European partnership agreement, as a concrete means for assisting Chisinau in its EU accession endeavour.

After President Băsescu's visit in Chisinau, in January 2005, and particularly the counterpart visit of President Voronin in Iași, in September 2005, the relations between Romania and the Republic of Moldova have become more pragmatically-oriented, substantiated in assistance provided in all international forums to the Republic of Moldova for its European integration and standpoint in relation to the Transnistrian issue, the rebuilding of the economic collaboration and the enhancement of the commercial exchanges between the two countries, and the backing of the Republic of Moldova to become a member with full rights in the distribution system of electric energy in South-East Europe.<sup>56</sup>

Within the scope of its policy to protect the rights of Romanians from abroad, the Romanian state will continue to support in the relation with the Republic of Moldova, the promotion of democracy, the market economy, the principles of stability and good neighbourliness, the rights and fundamental liberties of the citizens, including the ethnic identity assertion of the Romanians from the Republic of Moldova.

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<sup>54</sup> *Romania after 2000: Threats and Challenges*, Annual Early Warning Report Romania 2001, Romanian Academic Society, Bucharest, 2002, p. 168.

<sup>55</sup> *Noua frontieră Schengen și impactul asupra relațiilor dintre România și Republica Moldova: Implicații ale securizării frontierei la nivel politic, social, economic și operațional* (The new Schengen frontier and the impact on the relations between Romania and the Republic of Moldova: Implications of frontier security at political, social, economical and operational level), the Institute for Public Policy and the International Studies Centre, Bucharest, October 2002, p. 33

<sup>56</sup> The Press Communique from 25 September 2005 on Basescu-Voronin meeting in Iasi, [http://www.presidency.ro/?\\_RID=det&tb=date&id=6618&\\_PRID=ag](http://www.presidency.ro/?_RID=det&tb=date&id=6618&_PRID=ag).

## **2.5 The Transfrontier relations between Romania and Ukraine**

Romania was one of the first states that recognized the independence of Ukraine, eventually having winding bilateral relations, with several syncopes, but also cooperation moments in the economic and trade, and cultural and scientific domains.

On 2 June 1997, in Constanta, the *Treaty regarding the relations of good neighbourhood and cooperation* between Romania and Ukraine was signed, the document being ratified by the Romanian Parliament by means of the Law 129/16 July 1997.<sup>57</sup>

Under article 2, line 1, of this Treaty, Romania not only recognizes the present frontiers with Ukraine, but also gives up any territorial claims in the future: “*The Contracting Parts reaffirm, in correspondence with the principles and international law norms and with the principles of the Helsinki Final Act, that the frontier between them is inviolable and therefore they will forbear, in present and in the future, from any attempt against this frontier, as well as from any demand or action oriented to forestall and to usurp a part or the entire territory of the other Contracting Part*”.<sup>58</sup>

In the treaty with Ukraine the Romanian government has asked for the inclusion of a reference to the Ribbentrop-Molotov pact, a demand which has also been reiterated into the negotiations for the treaty with Russia. This attitude has been perceived in the respective countries, especially in Ukraine, as a revisionist attitude. The treaty stipulated the commitment of Bucharest and Kyiv to implement the international norms and standards regarding the protection of national minorities, including the Recommendation 1201 (1993) of the Parliamentary Assembly of the European Council, and to support, in accordance with the European Framework-agreement on transfrontier cooperation, the collaboration between territorial-administrative units from the two states in the current and the two recently established euro-regions, in the north and south of Bessarabia. Although supposedly very important, taking into consideration the fact that Ukraine is a country where there are half a million Romanians living - in the north of Bucovina, south of Bessarabia, in the district of Herta and the historical Maramures county<sup>59</sup> -, these provisions of the treaty weren't applied, but to a small extent, by the Ukrainian part.

The PHARE Programme-The Initiative on Transfrontier Cooperation 2003 has played a certain role in quickening the Romanian-Ukrainian relations. The purpose of the Programme was the amelioration of the transfrontier cooperation on a local level between Romania and the neighbour states, which aren't candidates at the integration into the EU, with the aim to create the premises for future PHARE Programmes on Transfrontier Cooperation and Good Neighbourhood (2004-2006). This programme has funded a series of common projects of small sizes with transfrontier impact, which encouraged the establishing of some connections between communities / organizations / institutions on

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<sup>57</sup> Nicolae Ecobescu (eds.), *Tratatetele politice de bază* (The political base treaties), Romanian Institute of International Studies “Nicolae Titulescu”, Bucharest, 2003, p. 189.

<sup>58</sup> „Tratat cu privire la relațiile de bună vecinătate și cooperare între România și Ucraina” (Treaty regarding the relations of good neighbourhood and cooperation between Romania and Ukraine), in *Politica Externă*, Vol. II, No. 3-4, Autumn 1997, p. 210.

<sup>59</sup> Adrian Severin, *Locurile unde se construiește Europa* (Places where Europe is being built), Polirom, Iasi, 2000, p.52.



both sides of the frontier; technical support for the multi-annual programming and the implementation of future projects for transfrontier cooperation with Serbia and Montenegro, Ukraine and Moldova; and the support for the future development of the frontier regions.

On 17 June 2003 *the Treaty regarding the Romanian-Ukrainian state frontier regime, the collaboration and mutual support in frontier problems* was signed in Cernauti (Chernovtsy) which laid ground the modern type frontier regime between Romania and Ukraine, according to the European standards and requirements. The treaty offered the two states the legal framework necessary for eventual corrections of the frontier route, according to the evolutions in the frontier, fluvial and maritime areas. For this purpose a joint frontier commission was formed by way of this treaty, having among its attributions the periodical verification of the fluvial frontier route, in case of natural morphologic evolutions. At the same time, by means of this treaty, guarantees were offered about the territorial sea of both states to have permanently a width of 12 marine miles, in accordance with the international law.

If the negotiations regarding the state frontier regime were successful, those following in parallel, starting with 1998, regarding the continental plateau and its demarcation, have stagnated. Ultimately, in September 2004, Romania had to put forth to the International Court of Justice in The Hague a request for the arbitration of the dispute regarding the Serpent Island, the determination of the continental plateau and of the exclusive economic areas of Romania and Ukraine in the Black Sea.<sup>60</sup>

On 11 May 2004 Ukraine has started engineering a large depth Danube-Black Sea channel on the Bastroe arm of the Danube Delta, by violating paragraph 6 of art. 12 of the treaty regarding the frontier regime, which stipulated that the achievement of any construction engineering, on frontier waters or on its shores, which can induce the alteration of the riverbeds of these waters or of their flow regime, should be done according to the bilateral agreements. The Bastroe channel affected the Reservation of the Biosphere of Danube Delta (included in the world natural patrimony and situated under the exclusive protection of UNESCO), as well as the navigation regime on the Lower Danube Delta side, and therefore the state frontier regime of Romania.

Ukraine continued its engineering works on the channel, without taking into consideration the negative reactions and the suspension appeals, expressed by the Romanian side, the European states and the European Commission, the international organizations working in the environment protection domain, and several non-governmental organizations.

The Romanian diplomacy has undertaken numerous bilateral and multilateral intercessions, with the purpose to determine an attitude from Ukraine according to international law. This included the attempt to bring the Bastroe subject in the discussion of the informal meeting of the North-Atlantic Council at the level of defence ministers in Poiana Brasov (October 2004). The reaction of the western powers was rather cold,

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<sup>60</sup> „România a cerut Curții de Justiție de la Haga tranșarea problemei Insulei Șerpilor” (Romania has demanded from the Court of Justice in The Hague a solution to the Serpent Island problem”) in *Adevărul*, 17 September 2004, <http://www.adevarulonline.ro/arhiva/2004/Septembrie/900/97429/>.

although at that moment the Ukraine of the Kucima regime was submitted to a considerable political embargo by the West.

In September 2005, the new administration of Kyiv made a first step towards the normalization of the transfrontier relations between the two states, by means of the decision to stop engineering the Bâstroe channel,<sup>61</sup> although the final decision is to be taken after a consultative meeting between the Romanian and Ukrainian ministries of environment.

On the occasion of its November 2005 visit in Bucharest, the Ukrainian minister of Foreign Affairs Boris Tarasiuk signed with his counterpart Mihai-Răzvan Ungureanu joint letters addressed to the OSCE High Representative for Minorities and the Secretary-General of the Council of Europe asking the involvement of the two organizations in the „depoliticized” monitoring of the rights of Romanian minority in Ukraine and the Ukrainian minority in Romania. On the same occasion, it was announced the intention of setting up minority languages departments in state universities in Romania and Ukraine, of a Romanian cultural centre in Kyiv and of a Ukrainian cultural centre in Bucharest, as well as the intent of simplifying the visas system for the Ukrainian citizens. As far as the determination of the continental plateau and of the exclusive economic areas of Romania and Ukraine in the Black Sea and the problem of the Serpent Island, Boris Tarasiuk declared that Ukraine could take a decision until May 2006 and most probably it would put forth a counter-memorandum to the International Court of Justice.<sup>62</sup>

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<sup>61</sup> See the MFA communiqué, quoted by *Gardianul* newspaper, 23 September 2005, “Ukraine, obliged to take the European pressures into consideration, forsakes Bastroe”, <http://www.gardianul.ro/index.php?a=primapagina2005092305.xml>.

<sup>62</sup> Magda Crișan, „România și Ucraina continuă tatonările” („Romania and Ukraine continue the probings”), in *Adevărul*, 11 November 2005, p. 7.

## **CHAPTER 3**

### **THE EUROPEAN ASPIRATION AND ORIENTATION OF THE REPUBLIC OF MOLDOVA**

#### **§ 3.1 From Russia's “Near Abroad” to EU's “New Neighbourhood”**

##### **§ 3.1.1 Geopolitical Perspectives**

The Republic of Moldova (RM) was called a “buffer state” between Romania and Ukraine, but in fact, it is a buffer state between two major geopolitical projects: the Euro-Atlantic project (under NATO and EU aegis), and the Euro-Asian one (under the aegis of Russia).

The success of the first project – in 2004, RM became a state neighbouring NATO and in the near future, it will become a state neighbouring the EU – has greatly determined the current pro-European orientation of Chisinau.

This is the result of the changes that have been taking place since 2003 in the ex-Soviet area. The event that shook the communist government in Chisinau was the CIS summit in Yalta on 18-19 September 2003, during which the presidents of the Russian Federation, Ukraine, Kazakhstan and Belarus signed an agreement on the establishment of a Common Economic Space (CES). CES was supposed to become a replica of the EU, including joint taxes, free circulation of goods, services, capitals and workforce, as well as the commercial legislation harmonization in order to remove the border barriers. Chisinau was excluded from this arrangement, which triggered Vladimir Voronin's protests who said the RM will subsequently take more decisive actions targeting the European Union. Another crucial event took place on 24 November 2003, when Chisinau rejected the Russian plan to solve the Transnistrian conflict. The visit of the Russian president Vladimir Putin, scheduled on the occasion of signing up the Kozak Memorandum, was annulled on the last minute, marking the deterioration of the relationships between the two countries. Voronin's decision was made under the pressure of the street protests, as well as following the consultations with the western officials. The truth of the matter is that the Moldovan communists, rejected by Kremlin, were forced to reorient towards the West.<sup>63</sup>

Altogether, the “Rose Revolution” in Georgia, at the end of 2003, and the “Orange Revolution” in Ukraine, at the end of 2004 were real political earthquakes whose impact was felt as far as Chisinau, which seriously feared that similar processes might be experienced by the Republic Moldova.<sup>64</sup>

Within this complicated context, Voronin discovered the European accession as an “anti-revolutions shield”. As long as it was not an internal choice grounded in the

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<sup>63</sup>See “Interview given by the President of the Republic of Moldova Vladimir Voronin to the magazine Trud-Moldova, 30 January 2004”, <http://presedinte.md/press.php?p=1&s=1584&lang=rom>.

<sup>64</sup>Vladimir Voronin himself admitted that the “refreshing waves of the European revolutions, the decisive revolutions in Georgia and Ukraine, are boosting the Moldovan democracy”. See “The appointment speech of Mr. Vladimir Voronin, President of the Republic of Moldova (Chisinau, 7 April 2005)”, <http://www.prm.md/press.php?p=1&s=2786&lang=rom>.

evolution of the Moldovan society but an option imposed by foreign events, the current political development is rather fragile. Moreover, the European accession is viewed only as a geopolitical priority, which hinders the EU's acknowledgement and undertaking as a community of values.<sup>65</sup>

These recent evolutions are the result of persistent and long-lasting phenomena. The dissolution of the Soviet Union, the end of the Cold War, the US offensive against terrorism, following the attacks on 11 September 2001, brought about the reconsideration of some fundamental aspects of world geopolitics. These successive events triggered the redefinition of the *Heartland*. Currently, *axis mundi* is crossing an area made up of Caucasus, Central Asia, Afghanistan and the enlarged Middle East.<sup>66</sup> Zbigniew Brzezinski calls this area the "Global Balkans", because of the "explosive potential to throw the world into chaos".<sup>67</sup>

Within this context, the Black Sea region, neighbouring NATO, the EU and the Middle East altogether, was "rediscovered"<sup>68</sup> by Washington as well as by Brussels and acquired complex geopolitical aspects; it subsequently became a "springboard" for the export of democracy as well as a centre of operations for the fight against terrorism. The region therefore encompasses for the western states opportunities as well as risks, such as frozen conflicts, cross-border criminality and democratic deficits.

Out of the position of a NATO state and future member of the EU, Romania has a privileged and yet difficult condition of Western border. In turn, the EU increased the diplomatic activities in the former Soviet area, especially in the states to become or that that already became neighbours of the Union, subsequent to the enlargement of the European community at 25 member states, in May 2004. While Moscow is treating the former Soviet Republics as "near abroad", the officials in Brussels considers them as "common neighbours" of Russia and of the EU.

The geopolitical development of the West was accomplished by limiting the traditional sphere of influence of Moscow. After 1991, Russia saw its influence limited to its own territory. The shock of the downfall into the "western cul-de-sac" was reinforced by the entry of the former communist countries in Central and Eastern Europe in the range of action of the West. By the NATO accession of the Baltic States, Poland and Romania, Russia was isolated in the west by a "sanitary belt" to be totally closed once Ukraine's option as far as its accession to the Euro-Atlantic structures is definitive.

Moreover, in Central Asia and Caucasus, the USA tried to take advantage of the political vacuum created following the USSR dissolution – event that president Putin

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<sup>65</sup> Nicu Popescu, "The Revolutionary Evolution in Moldova", in *CEPS Neighborhood Watch*, Issue 3, April 2005, p. 3.

<sup>66</sup> Ionel Nicu Sava, *Geopolitical Patterns of Euro-Atlanticism. A Perspective from South Eastern Europe*, Conflict Studies Research Centre, Central & Eastern Europe Series 04/16 June 2004, pp. 9-10. The article was also published in *Euro-Atlantic Studies*, no. 8, University of Bucharest, Publishing House of the Bucharest University, 2005.

<sup>67</sup> Zbigniew Brzezinski, "Hegemonic Quicksand", in *The National Interest*, Winter 2003/2004, p. 5.

<sup>68</sup> Ronald D. Asmus, Bruce P. Jackson, "The Black Sea and the Frontiers of Freedom", in *Policy Review*, June-July 2004, pp. 17-18.

deems as being a “geopolitical catastrophe”<sup>69</sup> – in order to substitute the Russian influence with its own influence.

Within the context of the recent evolutions, the region of the Black Sea might acquire a higher value for Washington and Brussels, taking into consideration the fact that Moscow has not given up dominating some areas perceived as being in its exclusive area of influence until not long ago.

Thus, in the context of a decline of the “orange revolutions” that marked the 2003-2004 years, Kremlin looks to articulate coalitions that counterbalance the American presence in the Central Asia and in the region of the Caspian Sea, and draws up projects on setting up a Euro-Asian Union made up of Russia, Kazakhstan and Belarus.<sup>70</sup> Within the meeting of Shanghai Cooperation Organization on 5 July 2005, Moscow managed to co-interest the other member states (China, Uzbekistan, Kirghiz Republic, Tajikistan and Kazakhstan) to adopt a common declaration asking Washington to settle precise deadlines to leave the bases in Kirghiz and Uzbekistan, used for the transit connected to the military operations in Afghanistan.

Within this global puzzle, the Republic of Moldova starts to be less anonymous, even if for the West the real stake is Ukraine’s anchoring in the West.<sup>71</sup>

The Republic of Moldova is relevant for Russia, which explains its constant attitude towards Tiraspol. On 17 November 1995, the State Duma enacted a decision by means of which it requested President Boris Yeltsin to acknowledge Transnistria as an area of strategic interest for Moscow, “taking into account NATO’s enlargement trend to the East”.<sup>72</sup> Nowadays, the importance of Transnistria does not reside in its Russian-speaking population, but in the fact that with its help, Moscow “can keep the Republic of Moldova under its tutelage, Ukraine under control and the Balkans under surveillance”.<sup>73</sup>

Hence, it is likely that Moscow is continuing to play the Transnistrian card, in its efforts to impede the crisis regulation on a definite period of time, forcing RM to remain prisoner in a grey area under Russian influence.

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<sup>69</sup> “Putin: Collapse of USSR Could Have Been Avoided”, message of Agency *RIA Novosti* on 6 May 2005.

<sup>70</sup> “The CIS and Baltic press on Russia”, message of Agency *RIA Novosti*, 22 July 2005.

<sup>71</sup> As for the importance that USA gives Ukraine, see *Ukraine’s Future and U.S. Interests*. Hearing Before the Subcommittee on Europe of the Committee on International Relations, House of Representatives, U.S. Government Printing Office, Washington, 2004, <http://www.house.gov/international—relations>. Also, Testimony of Bruce Pitcairn Jackson Before the Committee on Foreign Relations Subcommittee on European Affairs “The Future of Democracy in the Black Sea Region”, March 8, 2005.

<sup>72</sup> “Decision draft of the State Duma of the Russian Federation on some issues of the collaboration between the Russian Federation and Transnistria”, in Marian Enache, Dorin Cimpoeșu, *Misiune diplomatică în Republica Moldova 1993-1997* (Diplomatic mission in the Republic of Moldova, 1993-1997), Polirom, Iasi, 2000, p. 379.

<sup>73</sup> Petre Deică, *Rusia imperială. Recidiva sau visul unui geopolitician rus* (Imperial Russia. Relapse or the dream of a Russian politician), at <http://www.geopolitica.ro>. Also see Dmitri Trenin, *The End of Eurasia: Russia on the Border Between Geopolitics and Globalization*, Moscow, Carnegie Moscow Center, 2001, p. 171.

### § 3.1.2 Geo-economic Perspectives

The meaning of the “Global Balkans” does not only reside in their destabilizing potential for the world, but in their wide energy resources. About 68 per cent of the world oil reserves and 41 per cent of the gas ones are currently found in this region.<sup>74</sup>

On its turn, the extended area of the Black Sea is more than the West’s access gate to the new *Heartland*;<sup>75</sup> it provides a meaningful percentage of the necessary energy of the EU’s member states, and it is most likely to grow in the following decade.<sup>76</sup> The demand will be partly covered through some pipelines towards the energy sources in the Caspian Sea and in the Near and Middle East, which would minimize the EU dependency on Russian supplies.<sup>77</sup> Moscow is aware of this fact and president Putin constantly says the “Black Sea enables Russia the direct access to the most important global transport routes”.<sup>78</sup>

The region of the Black Sea always had simultaneous or successive roles of connection and border.<sup>79</sup> The fact it used to be the terminus station of the Silk Route, and taking into account it is going to be transited by the energy transport corridors to the Western Europe, will render it more visible, Brussels being directly interested in keeping the safety and constant supply of this region.

As for Moldova, the situation is much more delicate. The import of energy from the Russian Federation and Ukraine covers about 97 per cent of the domestic need, placing Chisinau in a position of economic dependency towards Moscow.<sup>80</sup> This is amplified by the disproportionate orientation of the Moldovan trade towards the Russian market, which makes that the Republic of Moldova almost totally belongs to the Euro-Asian area, geo-economically speaking.

Therefore, for Chisinau to efficiently diminish the economic vulnerability is to gradually but firmly re-orientate towards the EU.

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<sup>74</sup> Zbigniew Brzezinski, “Hegemonic Quicksand”, p. 6.

<sup>75</sup> Testimony of Bruce Pitcairn Jackson Before the Committee on Foreign Relations Subcommittee on European Affairs “The Future of Democracy in the Black Sea Region”, 8 March 2005.

<sup>76</sup> According to President Traian Băsescu, “the enlarged area of the Black Sea is currently providing 50% of the necessary energy of the EU and it is aimed that 70 per cent of the necessary energy of the EU’s countries is provided from this area in the upcoming ten years”. See the transcript of the debate on “New directions of the Romanian foreign policy” on 14 June 2005, attended by President Băsescu, <http://www.ziua.ro/b.html>. The figures mentioned by the president are accurate, but they represent the aggregate imports of energy of the EU coming from the Gulf area, Russia and North Africa. See “European security strategy”, in Alexandru-Radu Timofte, *Marea provocare a începutului de mileniu – securitatea în societatea globalizată* (Big challenge of the millennium-security in the globalized society), Publishing House of the National Information Academy, 2005, Bucharest, p. 228.

<sup>77</sup> Alexandra Sarcinchi, Cristian Băhnăreanu, *Redimensionări și configurări ale mediului de securitate regional - zona Mării Negre și Balcani* (Changes and configuration of the regional security environment - the area of the Black Sea and the Balkans), Publishing House of the National Defense University, Bucharest, 2005, p. 18.

<sup>78</sup> CDI Russia Weekly, 18 September 2003.

<sup>79</sup> Alexandra Sarcinchi, Cristian Băhnăreanu, *Redimensionări și configurări ale mediului de securitate regional - zona Mării Negre și Balcani* (Changes and configuration of the regional security environment - the area of the Black Sea and the Balkans), p. 7.

<sup>80</sup> Oleg Serebrian, *Politică și geopolitică* (Politics and Geopolitics), Cartier, Chisinau, 2004, p. 24.

### § 3.2 Moldovan Perceptions of EU, Romania and European Integration

The European accession is an issue that has recently been included on the public agenda of the RM. Despite of the vague references on the European appurtenance of Chisinau in the speeches of some officials,<sup>81</sup> the option of the accession was nothing but a hypothesis or “a sort of hobby for some young diplomats”.<sup>82</sup>

As in geopolitics the perception incorporates the interest,<sup>83</sup> in other words the perception of an actor upon the geographic area and upon its own part in the power equation is also influenced by its interests, it is obvious the lack of any reference on the EU is a consequence of Chisinau’s lack of interest in following a European way.

In fact, since acquiring the independence, RM has vacillated between choosing the CIS or the EU. This fundamental indecision brought about, at the political as well as the collective representation levels, the contradiction “of the concomitant accession in CIS and in the EU”. At a declarative level, this ambiguous attitude was explained by the ex-President Lucinschi, back in 1997: “We are taught in black and white. Or – or. On one of the two sides. But Moldova will be a part of CIS. It will also be a part of the European Union. In time, of course”.<sup>84</sup>

The option is a symptom of the identity crisis faced by the RM. Interesting is the fact that the split-up between East and West was presented by the political elite in Chisinau as a means to toughen the state, the simultaneously favouring of the two irreconcilable options ensuring the country’s independence.<sup>85</sup>

Thus, according to Vasile Stati, the ideologist and official historian of the communists in Moldova, Chisinau can both aim to Moscow and Brussels (or Bucharest), as this policy brings about the freedom of movement of the Republic: “By acknowledging the double suzerainty – of Poland and Ukraine (**sic!**) – Moldova **just as now (our emphasis)** is under protection of both countries, as the pretences of both countries, namely of Poland and Hungary, were mutually annulling one another. Thus, through Ștefan’s diplomatic skills, in 1475, Moldova was de facto independent, its «vassalage» being much more decorative”.<sup>86</sup>

The same idea of “double vassalage” was more metaphorically conveyed by the president in charge Vladimir Voronin in the thesis “the calf eating from two cows”.<sup>87</sup> His

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<sup>81</sup> In his appointment speech, President Petru Lucinski stated on 15 January 1997, the “Chance of the Republic of Moldova relies in (sic!) the modernity and the European horizon”. See “The appointment speech”, in Marian Enache, Dorin Cimpoșu, *Misiune diplomatică în Republica Moldova 1993-1997* (Diplomatic mission in the Republic of Moldova, 1993-1997), p. 392.

<sup>82</sup> Oleg Serebrian, *Politică și geopolitică* (Politics and Geopolitics), p. 9.

<sup>83</sup> Constantin Hlihor, *Istorie și geopolitică în Europa secolului XX. Considerații teoretice și metodologice* (History and geopolitics in the 20<sup>th</sup> Europe. Theoretical and methodological aspects), Publishing House of the Academy of High Military Studies, Bucharest, 1999, p. 174.

<sup>84</sup> Iulian Frunțașu, *O istorie etnopolitică a Basarabiei (1812-2002)* (An Ethno-political history of Bessarabia, 1812-2002), Cartier, Chisinau, 2002, p. 405.

<sup>85</sup> Despite of the fact that there is no juridical incompatibility between the appurtenance to CIS and the accession to the EU, the formula “East and West altogether” is politically bankrupt.

<sup>86</sup> Vasile Stati, *Istoria Moldovei* (History of Moldova), Vivar-Editor, Chisinau, 2002, p. 81.

<sup>87</sup> Nestor Rateș, “Moldova: communists rule”,

opinion overlaps, being almost identical, to that of his predecessor. Thus, in June 2002, he said that “the European integration is not built on an alternative basis, it is no longer opposed to the integration of the CIS countries”.<sup>88</sup> In May 2005, the President of Moldova reiterated the same stand,<sup>89</sup> which proves that the officials in Chisinau continue to be the prisoners of duplicity.<sup>90</sup>

According to suggestive remark of a journalist in Moldova, the policy of the leaders in Chisinau is very simple: “when they leave to the West, they brag the Republic of Moldova heads to one direction – to the gates of IMF and of the European Union, but making a halt at the Kremlin palaces, they claim the locomotive of the Republic of Moldova train has one terminus station - Russia-Belarus Union”.<sup>91</sup>

It may seem ironic but president Voronin himself was incriminating this indecisive attitude, in Washington, in 2002. “But Moldova – he said – was kept aside of those positive integration processes that took place in Europe. We particularly talk about the European accession. Years in a row the political class in Moldova has tried to vacillate between West and East, between Europe and Russia, primitively translating the global interests of Russia and of the West”.<sup>92</sup>

This ambivalence was a feature of the leaders in the Republic of Moldova and of most of the population as well. Even though during 1998-2001, we could witness an increase of the preferences for the European accession, under the circumstances that the costs were not fully acknowledged,<sup>93</sup> a survey back in 2002 indicated that 38% of the interviewed persons felt inclined towards the European Union and an identical percentage towards the CIS.<sup>94</sup>

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<http://www.observatorcultural.ro/informatii/articol.phtml?xid=3490>.

<sup>88</sup> Anatol Guđm, *Republica Moldova și Uniunea Europeană ca parteneri* (Republic of Moldova and the European Union as partners), Center for Strategic Investigations and Reforms, Chisinau, 2002, p. 21.

<sup>89</sup> “Voronin: Relations between Moldova citizens and the Russian entered the genetic code”, message of news agency *Russia nowadays*, 15 May 2005.

<sup>90</sup> “Despite of the fact that RM boosted the accession process to NATO structures, the foreign policy of Moldova continues to be vacillating and lacking a well-defined western vector. The participation of Moldova within CIS is continuing, though lacking a future. The European accession and the implementation of the bilateral plan of the EU-RM is considered to be the number one priority of the administration in Chisinau. The continuation of such a vacillating policy will stagnate even more the solving of the disagreement in Transnistria, the Ukrainian party justifying the illegal and profitable trade with Transnistria based on the treaties signed within CIS. Out of this point of view, the continuation of the participation within an organization undermining the economic and political interests of the RM seems abnormal.” *Political & Security Stewatch*, Monthly Bulletin on Moldova issued by Idis Viitorul, no. 3, May-June 2005, p. 5.

<sup>91</sup> Nicolae Rusu, “Țara liliiecilor” (Bats’ country), in *Contrafort*, issue 7-8 (81-82), July-August 2001, <http://www.contrafort.md/2001/81-82/169.html>.

<sup>92</sup> “The Speech of the President of the Republic of Moldova Vladimir Voronin at the Center for Strategic and International Studies, Washington, USA”, 18 December 2002, <http://www.prm.md/press.php?p=1&s=797&lang=rom>

<sup>93</sup> Ala Belostecinic, *Analiza Barometrului de Opinie Publică (Analysis of the Public Opinion Barometer 1998, 2000, 2001)*, research drawn up within the Program of the Public Opinion Barometer in Moldova of the Institute for Public Policy, Chisinau, 2001, p. 16.

<sup>94</sup> *Barometrul de Opinie Publică - noiembrie 2002 (Public Opinion Barometer- November 2002)*, drawn up by the Center of Analysis and Sociological, Political and Psychological Investigations CIVIS in Chisinau at the request of the Institute for Public Policy, <http://www.ipp.md>.



We could notice a more definite situation in the last period. According to the Barometer of Public Opinion during 26 October-10 November 2004, on a sample of 1,446 persons, two thirds of the people in Moldova (66.4 per cent) voted in favour of RM's accession to the EU, while only 5.4 per cent were against, and 24 per cent abstained. About 64.6 per cent of the polled persons said their living standard will improve with RM's accession to the EU, while 3.2 per cent believed their living standard will get worse.<sup>95</sup>

Surprising are the results of a Gallup poll (2003-2004), according to which half of the respondents claimed that the EU is partner of Moldova and 77 per cent said their country should join the EU. Moreover, the EU ranked the top position in a classification of the trust the citizens of Moldova have in institutions, immediately after the Russian Orthodox Church and right before the Bessarabian Orthodox Church.<sup>96</sup>

We must cautiously consider these data, because of the "individuals' psychological duality"<sup>97</sup> on the left bank of Prut. Another poll in 2000 shows that 69 per cent of the polled persons supported the EU accession, despite of the fact that 55.6 per cent said they have never felt Europeans.<sup>98</sup>

As for Romania, a public poll in 2004 accounts that 19 per cent and respectively 24 per cent (in case of the sample for the public local administration in the Republic of Moldova) of the people polled, believe this is the country which Chisinau should develop relations with priority, while Russia enjoys 41 per cent and 42 per cent. We must stress out that USA ranked the third position in their preferences, with 8 per cent, while countries of the EU such as Germany, Great Britain or France hardly got each 6 per cent.<sup>99</sup>

According to the same poll, 24 per cent of the polled people said the main effect of Romania's accession to the EU will be, out of their perspective, the settlement of visa restriction for the free circulation, and only 10 per cent and respectively 20 per cent (in case of the sample for the public local administration in RM) said that this way, the Republic of Moldova will subsequently have "a strategic reliable partner among the full-right members of the EU".<sup>100</sup>

We have to see the degree in which the preferences of the population and of the political elite on the international accession of the Republic of Moldova are firmly and constantly developing to the European direction or this is only a trend of conjuncture. On medium and long-term, the perception on the European Union might develop according to various factors, including the EU success, Romania's EU accession and Ukraine's firm

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<sup>95</sup> *Barometrul de Opinie Publică – octombrie-noiembrie 2004 (Public Opinion Barometer-October-November 2004)*, made by the Institute of Marketing and Surveys IMAS-INC Chisinau, upon the request of the Institute for Public Policy, <http://www.ipp.md>.

<sup>96</sup> Magda Barascu, "26 per cent of the people in Moldova fear Romania", in *Evenimentul Zilei*, 21 May 2005.

<sup>97</sup> Iulian Frunțașu, *O istorie etnopolitică a Basarabiei (1812-2002)* (An Ethno-political history of Bessarabia, 1812-2002), p. 404.

<sup>98</sup> *Ibid.*, p. 404.

<sup>99</sup> *Social Monitor*, Public opinion survey, Institute for Development and Social Initiatives (IDSI) Viitorul, Chisinau, October 2004, p. 81.

<sup>100</sup> *Ibid.*, p. 87.

option towards the same direction, notwithstanding the transformations underwent by the society of Moldova or in the CIS space. Also, in time, Romania's role as main advocate of Chisinau in relation to the EU is likely to be more intensively acknowledged, eliminating the impression that "Romania turned its face to the West and its back to Moldova".<sup>101</sup>

### **§3.3 The Impact of Domestic Policy Developments in the Republic of Moldova and Ukraine**

#### **§ 3.3.1 The Impact of Voronin Factor in the Republic of Moldova**

Vladimir Voronin, the re-elected President of the RM, has underwent a spectacular evolution in the field of foreign policy from the support of the accession to Russia-Belarus Union to the unconditioned undertaking, rhetorically at least, of the European integration. As strange as it might seem, this metamorphosis is not the result of an inconvenience, but the evidence of the availability of the communist leader in Chisinau to adhere to any cause that guarantees his political survival.

The good faith of his commitment is questioned because of this very reason. Without eliminating *ab initio* the possibility of a real change of the former *apparatchik* and former general in the Russian militia structures into a convinced democrat and supporter of the European values,<sup>102</sup> the variant of a change based on conjuncture is much more likely. As Voronin's "pragmatism" is expressed through the slogan "we must be where it is convenient for us to be", his current facelift is questioned.

However, if we ignore the issue of political honesty of the President of Moldova, we must stress out that in a way, he became the prisoner of his own rhetoric. By waging on the European accession, out of strictly electoral reasons on the internal plan, or to avoid the isolation on the external plan, Voronin created into the Moldovan society a huge horizon of expectation, any major diverging from the current political strategy being most likely to bring about frustrations that can originate a crisis. Moreover, we must not overlook that Voronin was designated in the supreme position in the state by the Parliament in Chisinau following a "Political partnership to reach the goals of European integration" that included the forces of the opposition, subsequently included in a Declaration.

Also, as much as he had tried, at a declarative level, to tactfully deal with Moscow's susceptibility, Voronin is now in the bad graces of "the big brother from the East", which relies now on the "Patria-Rodina" party to promote his interests in Chisinau.<sup>103</sup>

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<sup>101</sup> Iurie Roșca's telephonic conversation in Vartan Arachelian's talk show "Politica" (Politics), *Realitatea TV*, 18 January 2003.

<sup>102</sup> Lately, Voronin is even speaking about an ideological reorientation of the communist party in Moldova to the social-democracy. See the interview with Vladimir Voronin made by Eugen Tomiuc for "Radio Free Europe", 8 February 2005, [http://www.contrafort.md/2005/123-124/795\\_2.html](http://www.contrafort.md/2005/123-124/795_2.html).

<sup>103</sup> Michael Emerson, "The Black Sea as Epicentre of the Aftershocks of the EU's Earthquake", Centre for European Policy Studies, *Policy Brief*, No. 79/July 2005, p. 2.

The political scene left of Prut will most likely be dominated by Voronin and by the communists who, with 56 mandates, have a parliamentary majority. The Coalition of the Democratic Moldova Block, which adjudicated 34 positions in the Parliament, has already entered a process of dissolution, after the elections on 6 March 2005, process that was boosted by its heterogeneous and incoherent nature; this is implicitly favouring the stability prospects of the communist governance. The Popular Christian-Democratic Party has only 11 mandates and holds a negative reduced impact in the electorate, the more so that its anti-Russian and pro-Western message is monopolized by Voronin.

A formula a political consensus has apparently been reached. The three parliamentary parties support as main priorities, despite of the ideological differences, the European accession, the unconditioned pullout of the Russian troops and the resolution of the Transnistrian crisis.

The importance of the Voronin factor is augmented by the lack of a motivated and powerful opposition as well as by the absence of an enough dynamic civil society. Hence, we should not fear a new radical strategy-change of the communist leader in Chisinau leading to a realignment to the position of the Russian Federation (though this possibility cannot be totally ruled out), but we should fear that he might be tempted to endorse and to perpetuate the democratic deficit in the RM behind a sterile pro-European rhetoric.

### **§ 3.3.2 The Impact of Yuschenko Factor in Ukraine**

The success of the “Orange Revolution” in Kyiv was applauded by the West, which hoped the political change will be an inside catalyst of the democratization process, ensuring the country’s Euro-Atlantic orientation.

The new President, Viktor Yuschenko, inherited an oligarchic state<sup>104</sup> from his predecessor Leonid Kuchma, that is politically, ethnically and culturally split-up, Dnepr being the delimitation between a pro-Western and a Russian-speaking Ukraine.<sup>105</sup>

The people’s confidence in Yuschenko is diminishing, the rhythm of the reform not matching the population’s expectation, which might turn the initial enthusiasm into disappointment. Under these circumstances, the artisans of “the orange revolution” might be defeated in the parliamentary elections scheduled for March 2006, which might have an even more serious impact as Ukraine is going to turn from a presidential republic into a semi-parliamentarian one.<sup>106</sup>

Even if the government in Kyiv receives a new confirmation following the legislative voting in 2006, subsequent frustrations can be originated by an indefinite

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<sup>104</sup> About the oligarchic groups in Ukraine, see Hiski Haukkala, Arkady Moshes, *Beyond “Big Bang”: The Challenges of the EU’s Neighborhood Policy in the East*, The Finnish Institute of International Affairs, Report 9/2004, p. 41.

<sup>105</sup> See Jean-Pierre Masseret, Rapporteur and Abdülkadir Ateş, co-Rapporteur, Report submitted on behalf of the Political Committee, “Security cooperation between the EU and its eastern neighbors”, Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, Fifty-First Session, Document A/1895, 14 June 2005, p.7.

<sup>106</sup> James Sherr, *Realism About Ukraine, Part I – Internal Conditions*, Conflict Studies Research Centre, UK Defence Academy, 28 June 2005, p. 1.

expectation in the anti-chamber of the Euro-Atlantic institutions, which might cause Kyiv to lean towards Moscow once again.

The accession to NATO is currently hard to achieve. Despite of the new government seen as a reformist one, Ukraine is qualified for the accession only if the Euro-Atlantic decision-makers aim at the dissolution of the Alliance. USA and its European allies need an intensified political and economic partnership with Ukraine, but the integration of this fragile colossus within the Alliance would bring high risks: the Russian fleet is still in Sevastopol, and Kyiv has to solve the territorial dispute with Moscow connected to the Kerch Strait and the juridical regime of the Azov Sea. Internally, a counterrevolution of pro-Moscow forces might take place, due to the large Russophile and Russian-speaking community in Donetsk region, for example. We must also add the incapacity to adopt a *like-minded* behaviour – emphasized by the unfriendly attitude toward Romania –, the too-slow and superficial reform of the Ukrainian armed forces, the recent accession waves that must be suitably integrated and last but not least, the considerable opposition of Russia. Unable to achieve Ukraine's short-term<sup>107</sup> accession to NATO, and considering that the perspective of EU accession is even more remote, president Yuschenko could become the victim of powerful popular resentments.

### **§ 3.4 The Role of Regional Cooperation**

During the development of the processes of multilateral cooperation in Europe, it was noticed that the participation to the projects promoted through various regional initiatives is a logical prerequisite for the European accession.<sup>108</sup> Hence, targeting the accession to the Euro-Atlantic structures, the overcoming of the marginalization effects within the context of Romania's accession to the EU, as well as the propagation in the region of the effects of stability, security and prosperity from its Western neighbourhood, RM has politically enforced a strategy to get involved in various initiatives and bodies of regional cooperation, as well as of development of the Euro-regions, together with membership in international bodies.

#### **3.4.1 The Participation of the Republic of Moldova in the Regional Cooperation Structures**

The Republic of Moldova is member of the United Nations, of the International Monetary Fund, of World Bank, of World Trade Organization, of the European Bank for Reconstruction and Development, of the Council of Europe and of the Organization for Security and Cooperation in Europe. Its accession to the world multilateral cooperation was completed after 1991 through the more obvious shaping of the regional dimension, by taking part in: the Central European Initiative, the Stability Pact for South Eastern Europe, the South Eastern Europe Cooperation Process, the Southeastern European Cooperative Initiative, the Danubian Cooperation Process, the Black Sea Economic Cooperation Organization and GUAM/ GUUAM.

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<sup>107</sup> Namely, during the presumed period of two constitutional mandates.

<sup>108</sup> See *Europe and the Transition Process in the Republic of Moldova*, Südosteuropag Gesellschaft Conference Report, Berlin, 2-3 July 2004, p. 7.

**The Central European Initiative (CEI)** is a flexible form of regional cooperation comprising 17 states: Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Italy, Macedonia, Republic of Moldova, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia and Ukraine. The initiative was set up in 1989 and aims to promote the political, economic and cultural cooperation between the member states, in order to support the reforms from the countries in transition and to contribute to the further cohesion in Europe with a view of setting up a continent with no delimitation lines resulting out of the differences of economic development or strategies of European and Euro-Atlantic enlargement.<sup>109</sup> CEI aims to cooperate with organizations and European institutions, especially with the EU, the Council of Europe, the OSCE, as well as with other cooperation initiatives, in mutual interest areas. As a member state, Moldova benefits from programmes of know-how transfer, technology transfer, promotion of investments and scientific research, development of the transport, energy and telecommunications infrastructure, education and professional training. An important role is assigned to the cooperation in the field of control of migration and border security, minorities' rights, energy and SMEs. Since 2002, CEI has established a specialized working group on the cross-border cooperation – *CEI Working Group on Interregional and Cross-Border Cooperation*, aiming to support projects aiming at good neighbourhood relations, stability, security and prosperity. In relation to the ENP goals, the CEI actions could focus on the bilateral cooperation EU–RM on all the three fields: political/human/cultural, economic and security.

**The Stability Pact for South Eastern Europe (SPSEE)** is a major attempt of the international community to implement in South Eastern Europe a long-term conflicts prevention strategy, stressing upon the economic reconstruction, political development and social security. SPSEE has gradually become an additional key instrument meant to enable the accession of South Eastern states to the European Union.<sup>110</sup>

The Republic of Moldova joined the SPSEE on 6 June 2001, subsequent to an intense diplomatic offensive supported by Romania. Since then, RM has tried to establish an efficient national collaboration mechanism with the Stability Pact and to take part in most of its initiatives. The wide range of fields and of geographical coverage of the Pact favoured the rapid familiarization with the dynamics and the mechanisms of regional cooperation and brought RM closer to the Euro-Atlantic structures. The participation to SPSEE, besides the support to the direction of macro-stability, infrastructure development, democracy and security consolidation, meant the inclusion of the Republic of Moldova in the range of interests of the EU and the prospect of Euro-Atlantic accession. The political incoherence of Chisinau and the modest financial resources limited the impact of the actions of the Pact upon the economic recovery, internal democratization and stability and security of RM. Moreover, RM does not take part in the main mechanism initiated by the EU in collaboration with the Stability Pact – the Accession and Stabilization Process–, which confers it a rather marginal status.

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<sup>109</sup> Vasile Popa, Mihai-Stefan Dinu, *România și procesul de stabilizare regională* (Romania and the process of regional stabilization), Publishing House of National Defense University, Bucharest, 2004, p. 17.

<sup>110</sup> Adrian Pop, *Strategii de integrare europeană* (Strategies of European integration), Sylvi Publishing House, Bucharest, 2003, p. 142.

**The South Eastern European Cooperation Process** is a non-institutionalized regional cooperation structure established in 1996, grouping 9 states: Albania, Bulgaria, Greece, Macedonia, Romania, Serbia and Montenegro, Turkey, Bosnia and Herzegovina and Croatia. Its defining feature is the fact that it represents the sole forum in Europe exclusively established and managed by the participant states according to the “regional ownership” principle, meant to encourage the political dialogue and the consultation in the accession process of the area to the European and Euro-Atlantic structures. The main goal is to promote the relations of good neighbourhood, the stability and security in the region, according to the Charter enacted in Bucharest in February 2000. Moldova enjoys an observer status and its major goal is the accession to the regional energy market, which represents one of the two main initiatives of the Process, next to the action plan for regional economic cooperation.

**The Southeastern European Cooperative Initiative** is a sub-regional structure encouraging the cooperation and the facilitation of the accession to the European and Euro-Atlantic structures. The initiative was launched in December 1996, by the American ambassador Richard Schifter, after the signing of the Dayton peace agreements, and aims to develop a viable economic and environment strategy within the area. The initiative currently comprises 12 states – Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Greece, Hungary, the Republic of Moldova, Romania, Slovenia, Turkey and Serbia and Montenegro – and enjoys the support of Austria, Italy, Switzerland, USA and the Czech Republic, as well as of a tight cooperation with the EU and OSCE. The initiative monitors the coordination of the plans of regional development, ensures a better presence of the private sector within the economic sector of the area, and encourages the know-how transfer and the carrying out of investments in the private sector.

**The Danubian Cooperation Process** is a political initiative of Romania and Austria, joined by the European Commission and the Stability Pact. Launched in Vienna, on 27 May 2002, the Danubian Cooperation Process is a non-institutionalized structure, a political framework of cooperation and promotion of the joint preoccupation and interests of the states in the Danubian region: economic development, navigation and the sustainable transport, management of the environment and of the fluvial basin, the tourism, the cultural and sub-regional cooperation. All the Danube riparian states were invited to join the Process, targeting the co-involvement of all the states in the region for developing the cooperation in view of a more efficient management of their own resources. Currently, besides the European Commission and the Stability Pact, the activity of the Danubian Cooperation Process involves 13 states: Austria, Bosnia and Herzegovina, Bulgaria, the Czech Republic, Croatia, Germany, Hungary, the Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia and Ukraine. Beginning the conference launching the initiative, Romania was hopeful that this initiative would become a political platform by means of which Romania’s eastern neighbours, namely Ukraine and the Republic of Moldova, could access financing programmes allotted by the European Bank for Investments for regional projects. The second ministerial conference of the Process held in Bucharest, on 14 July 2004, took into account the idea that by giving special attention to the Danubian problems, within the context of launching and implementing ENP, the EU could contribute at consolidating the connections between all

the Danubian countries, bringing closer the member states of the Union to non-member ones.<sup>111</sup>

**The Black Sea Economic Cooperation (BSEC)** was launched as a consultation forum and as a flexible mechanism of political coordination on 25 June 1992, through signing the Declaration in Istanbul by Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Republic of Moldova, Romania, Russian Federation, Turkey and Ukraine. Serbia and Montenegro and Macedonia subsequently asked to become members, and Austria, Egypt, France, Germany, Israel, Italy, Poland and Tunisia enjoy observer status.<sup>112</sup> On the occasion of the meeting in Chisinau on Romania's takeover of the acting presidency of this organization, from the Republic of Moldova, as of 1 November 2005, the USA and Belarus were also assigned observer status.<sup>113</sup> On its turn, the European Union might also receive an invitation in that respect.<sup>114</sup> Subsequent to the coming into force of the "Charter for Black Sea Economic Cooperation",<sup>115</sup> on 30 April 1999, BSEC became a regional organization with international identity – the **Black Sea Economic Cooperation Organization (BSECO)**. The same year, after enacting the Resolution A/54/5, BSECO acquired the status of an UN observer.

By its large number of member states and the high institutionalization degree, BSECO is the most important multilateral collaboration framework in the region. The organization abides by the principles "cooperation, not confrontation" and "involvement, not alienation" and aims to promote the stability and economic growth in the region.<sup>116</sup> BSECO has 15 working groups, the most important being those on cooperation in the fields of transports, energy and fighting organized crime.<sup>117</sup> The financial pillar of the organization is the Black Sea Trade and Development Bank, which financed over 60 projects.

Until not long ago, the EU has been reluctant in taking seriously the organization, in setting up cooperation relations with it and in efficiently getting involved in its

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<sup>111</sup> *Final Document of the Second Ministerial Conference of the Danube Co-operation Process (Bucharest, 14<sup>th</sup> of July 2004).*

<sup>112</sup> Mustafa Aydin, *Europe's Next Shore: the Black Sea Region after EU Enlargement*, Occasional Paper, no. 53, European Union Institute for Security Studies, Paris, June 2004, p. 22.

<sup>113</sup> Cosmin Popa, „România vrea să resusciteze Organizația de Cooperare la Marea Neagră” (Romania wants to resuscitate the Black Sea Cooperation Organization), in *Adevărul*, 29 October 2005, [http://www.adevarulonline.ro/index.jsp?page=articol&article\\_id=159781](http://www.adevarulonline.ro/index.jsp?page=articol&article_id=159781). Also, see Testimony by Ambassador John F. Tefft Deputy Assistant Secretary of State for European and Eurasian Affairs "The Future of Democracy in the Black Sea Area", Senate Foreign Relations Committee, Subcommittee on European Affairs, 8 March 2005.

<sup>114</sup> Mustafa Aydin, *Europe's Next Shore: the Black Sea Region after EU Enlargement*, p 17.

<sup>115</sup> The Charter was signed during the Yalta meeting, on 5 June 1998.

<sup>116</sup> Alexandra Sarcinschi, Cristian Băhnăreanu, *Redimensionări și configurări ale mediului de securitate regional-zona Mării Negre și Balcani (Changes and configuration of the regional security environment - the area of the Black Sea and the Balkans)*, p. 20.

<sup>117</sup> As for the efficiency and results of this organization, different evaluations have been made, sometimes even antagonistic ones. Thus, according to Bruce Pitcairn Jackson, BSECO is a "dying" forum. For Aleksandr Iakovenko, deputy of the Russian Minister of Foreign Affairs, the organization has a great potential. See Testimony of Bruce Pitcairn Jackson Before the Committee on Foreign Relations Subcommittee on European Affairs "The Future of Democracy in the Black Sea Region", 8 March 2005 and "Russian policy in the Black Sea region", message of *Agency Ria Novosti*, 18 August 2005.

projects. In fact, grouping countries coming from 3 geographical areas (Southern Europe, Eastern Europe and South Caucasus), divided into 4 categories from the viewpoint of the relations with the EU (member states, associated countries to become member states, states undergoing the pre-accession period and states covered by the neighbourhood policy), BSECO is a structure of regional cooperation whose experience can be used to ensure the coherence and unity of approach within the ENP. The diversity of the participant countries, the existence of historic conflicts, the low level of the financial resources and the economic difficulties urged the establishment of the “lowest common denominator”, and a flexible attitude in enacting the projects of cooperation, strategy required by the neighbourhood relations of the EU as well. Also, through its projects (in the field of energy, trade liberalization, development of the networks of transport, communication and their connection to the trans-European networks, attracting foreign investments, the development of SMEs), its established mechanisms (the Black Sea Trade and Development Bank, the Data Bank, the International Centre for Black Sea Studies), BSECO can support the accomplishment of the goals of the ENP and implicitly the priorities of the Action Plan for Moldova.

However, BSECO has some limitations mainly connected to the different agendas of each member state. If the Russian Federation for example, insists upon the economic aspect, the Republic of Moldova (that fulfilled the presidency of organization during May-October 2005) would have aimed to settle “new collaboration domains within BSECO, namely the security and stability in the region”.<sup>118</sup> As acting president of BSECO (November 2005-April 2006), Romania announced to promote projects in the field of the fight against the organized crime and to propose in that respect the signing of a collaboration memorandum between BSECO and SECI Regional Center. In fact, the setting up of a security area has always been a target undertaken by BSECO, but no concrete and distinct policies have been drafted, at least for now, because of the reticence of some member states to “mix up” the security field with the economic one. As for the member states, the regional cooperation can be nothing but useful, provided that BSECO would not fail in an alternative to the EU and would become an instrument for promoting the policies of Brussels in the area. In that respect, the document to settle the principles and the collaboration modalities between BSECO and EU will be extremely important, whose settlement is a priority for the Romanian presidency of BSECO, next to fields such as the transport, energy and the domestic affairs.<sup>119</sup>

Another cooperation group in the enlarged region of the Black Sea is **GUAM/GUAM** (the acronym of Georgia, Ukraine, Azerbaijan and Moldova), established back in 1997. Two years later, Uzbekistan became a member of this structure that aimed to be an alternative to CIS. In time, Ukraine’s attitude towards this structure has been rather ambiguous.

Neither the Republic of Moldova has showed a constant enthusiasm towards GUAM. In 2001, Vladimir Voronin refused to sign, within the meeting in Yalta, the

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<sup>118</sup> “Președinția Republicii Moldova în cadrul OCEMN” (The Presidency of the Republic of Moldova within BSECO), <http://www.mfa.md/Ro/BSECOhome.html>.

<sup>119</sup> “România preia Președinția în Exercițiu a Organizației Economice a Mării Negre (OCEMN)” (Romania takes over the Acting Presidency of the Black Sea Economic Cooperation Organization, BSECO), <http://www.mae.ro/index.php?unde=doc&id=27435&idlnk=2&cat=4>



agreement on setting up a free-trade area between the member states or the Charter of this organization. One year later, he said the perspectives of the activities within GUUAM are “obscure and illegible”.<sup>120</sup>

Subsequent to the political changes in 2003-2004, GUAM acquired further popularity and during the summit in Chisinau in 2005, it was settled the reform of the group, the intensification of the collaboration – including in the political-military field – and its transformation into a regional group for the democratization and development of the member states, Romania being invited to take part with observer status. When everybody thought that GUAM is revitalizing after a confuse period, following the summit in Chisinau, Uzbekistan announced its withdrawal, within the context of changing its geopolitical priorities (the interest for the Shanghai Cooperation Organization), out of the desire to improve the relations with Russia (from which the Uzbek president expects support during the 2006 elections) and fearing a possible domino effect of the political changes underwent in recent years in some of GUAM countries.

In the field of regional cooperation and of the ENP perspectives, the participation of the Republic of Moldova to the **Community of Independent States (CIS)** will have an important role. RM joined the CIS in 1994, mostly because of Russia’s pressures, and has only a status of a participant state (it has not ratified the charter). The regional cooperation has not been a priority of this organization, as RM refuses to take any action on the political cooperation ground, which would involve supranational type structures. This explains why in spite of the fact that its economic interests with the CIS member states are high, Moldova does not take part in the Common Economic Space.<sup>121</sup> The relations are bilateral and they concern mainly the development of trade and economic relations, due to the high level of foreign dependency towards Russia and Ukraine rather than an active accession strategy on the part of RM. However, the participation to CIS can be complementary to ENP for what we call “shared neighbourhood”, taking into consideration Russia’s major interests in maintaining the influence in the region. The current crisis underwent by CIS, mirrored by Ukraine’s willingness to get out the Common Economic Space, the initiative of the Community of Democratic Choice,<sup>122</sup> the higher interest for GUAM’s sub-regional initiative are the consequences of the fact the current structure of CIS, developed around Russia as its gravitation centre, does not match the current geopolitical context. Hence, the role of CIS in the region will depend on the organization’s reform.

Despite of its status as an international organization, the **Council of Europe (CE)** has a major impact upon the development of regional cooperation. Set up to promote the observance of democracy, rule of law, human rights and the European

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<sup>120</sup> “Moldova considers GUUAM perspectives obscure”, message of the Agency *RIA Novosti*, 18 July 2002.

<sup>121</sup> The participant countries are Russia, Ukraine, Belarus and Kazakhstan.

<sup>122</sup> The fact that Washington and Brussels sent positive signals towards some initiatives of the new Ukrainian diplomacy, encouraged Kyiv to aim at the role of regional leader and agent of democratization. On 12 August 2005, the Ukrainian President Viktor Yushchenko and his Georgian counterpart Mikhail Saakashvili signed in Borjomi a joint declaration legalizing the intention to establish a community of democracy in the Baltic–Black–Caspian Sea region. Subsequently, the two Presidents, joined by the Presidents of Poland and Lithuania, had a new meeting during which they decided to set up a Community of Democratic Choice.

identity, after 1989 CE undertook specific goals for Central and East European countries: support to consolidate reforms, know-how transfer in the fields of democracy, education, culture and environment, human rights observance, cross-border cooperation promotion. The most important instruments established to support the Council are the *European Outline Convention on Transfrontier Cooperation* (Madrid, 1980), with the two additional protocols and the Standing Committee of the Local and Regional Authorities of the Council of Europe (established in 1975 and turned in 1994 into the Congress of the Local and Regional Authorities in Europe). Moldova became a member of the Council of Europe on 13 July 1995 and ratified the European Convention on Human Rights and Fundamental Liberties in 1997; also, it signed the *European Outline Convention on Transfrontier Cooperation* and the two additional protocols on the right of the local and regional authorities to develop cross-border relations (*Additional Protocol No. 1 and No. 2 to European Outline Convention on Transfrontier Cooperation between territorial communities and authorities*), as well as the *European Charter of Local Self Government*. Thus, it benefits from the international legislative framework to promote democracy and cross-border cooperation, as well as from the Council of Europe programmes on promoting democracy at local and regional level, media assistance and technical cooperation, Euro-regions development and the support of the European Commission and Stability Pact in the legislative and institutions democratization fields. The relationship between the status of a member state of the Council of Europe and that of an ENP state is direct and involves a high level of political complementarity and inter-conditionality. On one hand, the compliance with the commitments undertaken as a member of the Council of Europe is a prerequisite for the support of the European Union and the progressiveness in enforcing the neighbourhood policy and, on the other hand, the RM-EU Action Plan includes priorities supporting RM in enacting the measures and recommendations of the CE: the democracy and the rule of law, the human rights and fundamental liberties observance, the political dialogue and the cooperation in the fields of foreign and security policy and conflict prevention and crisis management. Also, the Council of Europe will get involved, next to other bodies and regional or universal structures, in defining the priorities of the Action Plan as well as in the periodical evaluation by the Commission of the progress achieved by the Republic of Moldova in reaching the goals of the ENP.

### **§ 3.4.2 The Role of Euro-regions**

According to the Council of Europe and to the European Union, a key element in the economic growth and political stability of South Eastern Europe is the cross-border cooperation. Hence, many programmes and initiatives were enacted, in order to encourage and support cross-border cooperation projects, one of the most widely spread frameworks of cross-border cooperation in Central and Eastern Europe being the **Euro-regions**.

The Euro-regions are considered to be *frameworks of structured cooperation between local and regional authorities in neighbouring countries, in order to meet joint goals and to improve the conditions of development and security in the adjacent regions*. The Euro-regions are materializing specific solidarities, beyond state borders and strengthen the process of decentralization and integration into the European area. Hence, the term of Euro-region covers a wide range of cooperation structures, from the simple

association without juridical personality up to bodies of private or even public law. In Central and Eastern Europe, most of the established Euro-regions are non-institutionalized structures of information and cooperation.

The Republic of Moldova takes part in three cross-border initiatives of Euro-regions type:

- **Lower Danube (1998)**, made up of Cahul county (Republic of Moldova), Brăila, Galați and Tulcea counties (Romania) and Odessa region (Ukraine);
- **Upper Prut (2000)**: Bălți and Edineț counties (Republic of Moldova), Botoșani and Suceava counties (Romania) and Cernăuți region (Ukraine); and
- **Siret-Prut-Nistru (2002)**: Ungheni, Chisinau, Lăpușna, Soroca and Orhei counties (Republic of Moldova) and Iași, Piatra Neamț and Vaslui counties (Romania).

The three countries involved in these Euro-regions concluded many economic and cooperation agreements, most of which are stimulated by the trilateral -Romania-Republic of Moldova-Ukraine, established within the context of Romania's activism in the field of regional and sub-regional cooperation starting the second half of the '90s.<sup>123</sup>

About 70 per cent of the territory and 80 per cent of the population of RM is currently taking part in cross-border activities in the framework of Euro-regions.

Beyond elements of specificity, the three Euro-regions settle **cooperation relations in the following fields**: environment, agriculture and land planning; sustainable development and workforce; transport and telecommunications; tourism; civil society; media; development and implementation of new technologies; education, research and culture; "people-to-people" contacts; border securitization. There were many programmes of cross-border cooperation, but their impact was rather low. The most important factors limiting the efficiency of the Euro-regions are: the lack of an integrated approach towards the Euro-regions as an instrument of the foreign policies of the three countries and their strategies of sustainable development; the lack of action plans with clearly defined goals and priorities; the relatively low economic potential of the involved regions; the lack of experience and the relatively weak competence of the local and regional administrative structures; the excessive emphasis on information and consultation programmes, rather than development programmes; and the limited financing resources.

However, the Euro-regions promoted relations of good neighbourliness and favoured the accumulation of experience in the field of cross-border cooperation, experience that can be an important support in the ENP implementation. In addition, in view of Romania's accession to the EU, the instruments of the regional policy could be

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<sup>123</sup> For details see Adrian Pop, *At the Crossroads of Interlocking Subregional Arrangements : Romania's Pivotal Role in East Central Europe*, NATO Defense College Monograph Series, Fall 1999; idem, "Subregionalism and Security in Central and South East Europe", in Răzvan Theodorescu and Leland Conley Barrows (eds.), *South East Europe – The Ambiguous Definitions of a Space/L'Europe du Sud-Est – Les définitions ambiguës d'un espace*, UNESCO-CEPES, Enciclopedica Publishing House, Bucharest, 2002, pp. 177-198.

used together with the new European Neighbourhood and Partnership Instrument, to boost the activities of the three Euro-regions.

In order to turn the Euro-regions in efficient structures to accomplish the goals of the ENP, Romania and RM should:

- adopt a general legislative framework to promote cross-border cooperation, according to the principles of the Madrid Convention and its additional Protocols;
- develop structures of information, consultation and institutional dialogue supporting the various initiatives of the Euro-regions and ensuring the vertical (between the national, regional and local levels of decision) and horizontal (between the Euro-regions) coherence;
- adopt specific measures on the development of cross-border cooperation: decentralization, territorial planning and favourable administrative organization for increasing the role of the regional and local regions, budgetary policies supporting the initiatives of the regional and local communities, more flexible border policies, etc;
- promote a specialized offer on human resources development, according to the necessary competencies to toughen the capability of the communities and territorial authorities to develop cross-border cooperation.

As a pragmatic document to direct the measures on promoting the cooperation within the Euro-regions, it might be used the Recommendation (2005)<sup>2</sup> of the Ministerial Committee of the member states of the Council of Europe, on the good practices and the diminishing of obstacles in the field of cross-border and inter-territorial cooperation of communities or territorial authorities.<sup>124</sup>

To conclude with, RM benefits from a multilateral framework favourable to the cross-border and transnational cooperation, the implementation of the ENP and the accomplishment of the priorities of the Action Plan. Although the ENP is bilaterally focused, the EU aims also to directly develop, through the policy of neighbourhood, the multilateral approach, due to the internationalization of the security problems as well as of the sustainable economic and social development. According to the Strategy Document, the ENP will support the initiatives of regional cooperation in the following main fields:

- economy, business environment, recruitment and social policy, infrastructure, sustainable development, the fight against poverty and social exclusion, transnational networks of energy and transport;
- environment, nuclear security and natural resources;
- justice and home affairs, mainly: border management, control of migration, the fight against organized crime, money laundering, and the trafficking in drugs and human beings;

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<sup>124</sup> Enacted on 19 January 2005.

- the development of civil society, the promotion of good governance and the compliance with the fundamental rights, the promotion of exchanges and cooperation in the cultural, education and public health fields.

Further on, the toughening of the ENP multilateral dimension will contribute to the intensification of the bilateral actions and will ensure a favourable context for diminishing the risk of creating new divisive lines in the region.

Hence, ENP is able to contribute at toughening the existent cooperation frameworks and at providing an instrument of orientation in the subsequent developments of various arrangements of regional and sub-regional cooperation. Out of the analysis of the goals of the structures of multilateral cooperation involving the Republic of Moldova, we could notice they cover the whole range of action of the neighbourhood policy. For the various regional initiatives to be effectively correlated with the ENP and to become instruments of European accession, their targets need more coherence as well as a relative specialization.

### **§ 3.5 The Role of the EU Special Representative for the Republic of Moldova**

On 16 March 2005, the European Union designated Adriaan Jacobovits de Szeged on the newly created position of EU Special Representative (EUSR) for the Republic of Moldova.

The EU Special Representative is a Brussels diplomat for certain areas or states affected by conflicts,<sup>125</sup> having an important role in drawing up the policies of the EU towards them.<sup>126</sup> He is delegated by the Council of the European Union (the General Affairs and External Relations Council) and coordinates his actions with the EU High Representative for the CFSP, Javier Solana.

With a budget of EUR 278,000 for 2005,<sup>127</sup> Adriaan Jacobovits de Szeged's main responsibility consists in supporting the efforts the conflict resolution in Transnistria. Javier Solana said that "designating Ambassador Adriaan Jacobovits de Szeged on the position of European Union special representative in Moldova is a clear sign of the continuous commitment undertaken by the Union to regulate on long-term the conflict in Transnistria".<sup>128</sup>

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<sup>125</sup> EU currently has other 7 special representatives: for Bosnia (Lord Ashdown), Macedonia (Michael Sahlin), South Caucasus (Heikki Talvitie), Afghanistan (Francesc Vendrell), Middle East (Marc Otte), the region of the Great Lakes in Africa (Aldo Ajello) and for the coordination of the Stability Pact (Erhard Busek).

<sup>126</sup> Nicu Popescu, *EU's Special Representative for Moldova: from opportunity to actions*, <http://www.studiiidesecuritate.ro>.

<sup>127</sup> See Jean-Pierre Masseret, Rapporteur and Abdülkadir Ateş, co-Rapporteur, Report submitted on behalf of the Political Committee, "Security cooperation between the EU and its eastern neighbors", Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, Fifty-First Session, Document A/1895, 14 June 2005, p. 16.

<sup>128</sup> Diana Lungu, "Reformele interne vor consolida parteneriatul dintre Moldova și Uniunea Europeană", interviu cu Javier Solana, Înaltul Reprezentant al UE pentru PESC (The domestic reforms will consolidate the partnership between Moldova and the European Union", interview with Javier Solana, the EU High Representative for the CFSP), 15 April 2005, [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressdata/OT/sghr\\_int/84582.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/OT/sghr_int/84582.pdf)

Despite of the fact the EUSR is mainly dealing with security problems, Adriaan Jacobovits de Szeged's mandate is much more complex, including the contribution for promoting good relations between the Republic of Moldova and the EU, according to the Action Plan signed within the ENP, the regional cooperation development, the support granted to the fight against trafficking in weapons and human beings from and through Moldova or the contribution at strengthening the democracy, the rule of law and the compliance with the fundamental rights and liberties for all the citizens of RM.<sup>129</sup>

Adriaan Jacobovits de Szeged was talking about his mission as being “important”, as it establishes “the connection between the Republic of Moldova and the states of the European Union, which want tighter relations with this country but do not know much about it”.<sup>130</sup>

Despite of the fact that EUSR designation for the Republic of Moldova illustrates the increasing commitment of the EU, his tasks on strengthening democracy suggest the support of Brussels is conditioned upon the way Chisinau meets its commitments.

### **§3.6 Romania's Role**

#### **§3.6.1 Political and Diplomatic Aspects**

The relations between Romania and the Republic of Moldova are back on track now, after having undergone a real crisis for a long period. The leaders of Moldova have finally acknowledged the role that Bucharest can play in getting Chisinau closer to the European structures. However, Voronin implicitly conditioned the quality of the bilateral relations with the Bucharest giving up the paradigm of the “two Romanian states”, which, according to his view, is responsible for creating a tense environment. Even though the rhetoric claimed by the politicians left of Dnestr was pretence rather than the real cause of the relations deterioration, Chisinau susceptibilities must be spared in that respect.

In order to support the European aspiration of the Republic of Moldova, Romania can act on two distinct political levels: at the bilateral level, through providing a direct and constant aid to Chisinau and at European level, through the measures taken as future member of the EU.

As for the bilateral relations, no field is mirrored in the EU-RM Action Plan in which Bucharest cannot give pertinent and useful consultancy to the neighbour state, considering its experience on European accession.

The identification of the priorities and of the concrete support modalities can be best achieved within joint session of the Executives in the two countries, according to the model of the Romanian-Hungarian government session organized in October 2005. The organization of such an event, besides its symbolic value, might enable the enactment of

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<sup>129</sup> Javier Solana comments on the appointment of an EU Special Representative for Moldova, [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/declarations/84175.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/declarations/84175.pdf).

<sup>130</sup> Oana Popescu, “La negocierile transnistrene, doar prin intermediul UE, interviu cu Adriaan Jacobovits de Szeged” (At the Transnistrian negotiations, only through the EU, interview with Adriaan Jacobovits de Szeged), in *Cotidianul*, 6 June 2005, <http://moldovaworld.iatp.md/viewarticle.php?id=569>.

various joint measures in various chapters such as infrastructure, environmental protection, education and culture.

In addition, the Parliament of Romania might give the chance to its counterpart forum in the Republic of Moldova to send to Bucharest a parliamentarian with observer status in order to monitor the legislative process with impact in the field of European accession.

Romania might fully influence the ENP only when it becomes a full-fledged EU member. Finland and Poland are the best examples in that respect as after only their accession they asked Brussels for a much powerful commitment towards the non-member neighbourhood states.<sup>131</sup> Subsequent to the EU accession, Finland managed to promote a regional valuable cooperation initiative: the EU's Northern Dimension.

Finland's example can be inspiring for Romania on establishing a possible Black Sea European Dimension, which is currently missing on Brussels' agenda. Following the model settled by Helsinki through the Northern Dimension, Romania might have the initiative of organizing a Forum for Security and Democracy in the Black Sea region, inviting to take part the member states of BSECO, EU and USA.<sup>132</sup> The projects of the Forum might benefit from financing through the European Neighbourhood and Partnership Instrument, which is in the finalization stage. In that respect, Romania might coordinate the efforts with Bulgaria, Greece (the only member state to the EU present in BSECO) and Turkey, which started the accession negotiations.

The Republic of Moldova does not currently have any clear prospect for EU accession. Benita Ferrero-Waldner, European Commissioner for Foreign Affairs and European Neighbourhood Policy stated in May 2005 that the Republic of Moldova must abstain itself from submitting the application for joining the European Union, in order to prevent a refusal.<sup>133</sup> On medium and long term, if Chisinau is subsequently kept in an environment of incertitude, the political class and the population might be frustrated. The EU officials should send clear messages that the EU door remains open for RM. Such a vision involves support and communication as well as symbolic gestures, meant to encourage Chisinau that is on the right track. Such a signal might be the re-branding of the policy towards the states that target the EU accession, and the **European Integration Policy** is a name already proposed by some experts, according to whom this is this is the right way to send a positive signal.<sup>134</sup> Such a measure should benefit from the total support of Bucharest.

It is interesting to note that the public opinion in Romania maintains that the European track of Chisinau must be encouraged by Bucharest. Thus, according to a poll

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<sup>131</sup> Marius Vahl, *The EU and Black Sea Regional Cooperation: Some Challenges for BSEC*, April 2005, [http://www.ceps.be/wp.php?article\\_id=420](http://www.ceps.be/wp.php?article_id=420)

<sup>132</sup> The scenario of such an initiative is evoked by Michael Emerson, *The Black Sea as Epicentre of the After-Shocks of the EU's Earthquake*, Paper prepared for symposium of The German Marshall Fund of the United States, "The United States and the European Union: Shaping a Common Geo-Strategy", Washington DC, 29-30 June 2005, pp. 9-10.

<sup>133</sup> See "European commissioner - Ukraine, Moldova and Georgia must abstain from submitting the accession request to the EU, to avoid any subsequent refusal", message of Agency *Novosti Moldova* on 3 May 2005.

<sup>134</sup> Michael Emerson, *op. cit.*, p. 8.

emphasizing the Romanians' perceptions on Romanian foreign policy, a quarter of the respondents believe the relations with the Republic of Moldova should be given a special attention, saying that in the past 15 years, the policy towards the Republic of Moldova was "not too good" (49 per cent), "bad" (26 per cent) or "very bad" (4 per cent).<sup>135</sup>

Moreover, most of the Romanians believe the Republic of Moldova should be helped with student scholarships and supported in its efforts of Euro-Atlantic integration. Despite of these opinions, 42 per cent of the respondents believe that Romania should meet the demand of the EU to introduce visas for the Moldovan citizens, and 16 per cent of them believe this should happen even if the European officials do not request it.<sup>136</sup>

At the level of the Romanian public perception, we notice a certain "projection" into the Euro-Atlantic space, as Romanians assign themselves another identity, beyond that of nationality. Thus, only 16 per cent of the respondents recommend themselves as "Balkan" or "East European". The majority (51 per cent) of them prefers to consider themselves as "European" citizens and 23 per cent as "citizens of the world".<sup>137</sup>

### § 3.6.2 Cultural and Spiritual Aspects

At an official and institutionalized level, the cultural relations between Romania and the Republic of Moldova are in a bad shape, despite of the numerous possibilities offered by the common language or by the pantheon hosting the same tutelary figures, on both sides of Prut.

In order to give one pertinent example, in January 2005, month dedicated to the celebration of 155 years since Mihai Eminescu's birth (considered to be a national poet in Romania and in the Republic of Moldova as well), no single common event was organized in Chisinau.

The Moldovan officials are not the only ones to be blamed for this situation. At a time when 146 years since the Union of the Principalities were celebrated, the Romanian embassy in Chisinau distinguished itself by its absence, developing no cultural event during that period.<sup>138</sup>

The website of the institution says "Romania imagines its relation with the Republic of Moldova on two major coordinates:

- the affirmation of the special character of this relation, conferred by the community of language, history, culture, traditions – realities that can be neither denied nor ignored;
- the European level of the bilateral cooperation, grounded on the strategic objective of both states to join the European Union".<sup>139</sup>

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<sup>135</sup> *Perception of the public opinion in Romania upon the foreign policy and upon the international relations*, Institute for Public Policies, Bucharest, October 2005, p. 49.

<sup>136</sup> *Ibid.*, pp.50-51.

<sup>137</sup> *Ibid.*, pp .47-48.

<sup>138</sup> *Agenda of public diplomacy. Events organized by the diplomatic missions and by the Cultural Institutes in Romania, January 2005*. The source is represented by the documents of the diplomatic missions and of the Cultural Institutes in Romania during 1 January- 4 February 2005.

<sup>139</sup> Embassy of Romania in Chisinau, <http://chisinau.mae.ro/index.php?lang=ro&id=654>.



As long as the “special relations” have not materialized in the best and most significant moment, it is no wonder that “the European nature of the bilateral cooperation” was ignored in May, when celebrating the “Europe Day”. The slogan “the common European way” has not materialized. However, the embassy of Romania organized a concert for the memory of George Enescu, at the Academy of Music, Theatre and Plastic Arts in Chisinau.<sup>140</sup>

Unfortunately, this situation is not fortuitous but persistent. In 2004, after a short and precise evaluation of the activity of the Romanian diplomats who have been acting since 1991 in the neighbour state, the well-known critic and essayist in Moldova, Vitalie Ciobanu, was noticed “the diplomatic mission of Romania in Chisinau proves self-sufficiency and self-contentment”, “the quality” of the Romanian ambassadors acknowledging the Bucharest disinterest for the Republic of Moldova.<sup>141</sup>

In fact, the disinterest is matched by a chronic shortage of experts on the relations with the Republic of Moldova as well on the entire ex-Soviet area.<sup>142</sup>

On the same website of the embassy of Romania in Chisinau, the only issue mentioned in the “Cultural relations” column is the collaboration in the education field. It is true the education is a relevant field,<sup>143</sup> but the issue of granting scholarships for youngsters in the Republic of Moldova, to study in Romania, cannot cover the complex nature of some normal cultural relations, not to talk about that of “special” relations.

Moreover, the measures in the field of education are one-way channelled and Bucharest does nothing to convince the Romanian youngsters to choose university centres in the Republic of Moldova (the Russian Federation or Ukraine being in the same situation), which might subsequently provide experts on Eastern Europe policy.

Bucharest failed to build a cultural-informational area, accounted by the lack of distribution of the Romanian press in the Republic of Moldova where all the publications (and especially the cultural ones) from Romania are practically inaccessible.<sup>144</sup> The

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<sup>140</sup> *Agenda of the public diplomacy. Events organized by the diplomatic missions and by the Cultural Institutes in Romania, May 2005.*

<sup>141</sup> Vitalie Ciobanu, *Anatomia unui faliment geopolitic: Republica Moldova* (The Anatomy of a geopolitical failure: Republic of Moldova), Polirom, Iași, 2005, p. 395.

<sup>142</sup> Alina Mungiu-Pippidi, “Mândria bine temperată. Are politica externă resurse pentru ambițiile noului președinte?” (Well moderated proud. Has the foreign policy resources for the ambitions of the new president?), in *Dilema*, 10-16 June 2005, p. 11.

<sup>143</sup> Romania has annually received for studies a substantial number of youngsters from the Republic of Moldova. By GD 87/2005, the number of positions with total or partial financing from the budget of Ministry of Education and Research for the Romanians youngsters in the Republic of Moldova, neighbouring countries and the Diaspora is 1,650 for the academic education (out of which 1,000 are for the Republic of Moldova) and 600 for the pre-university education (150 for the Republic of Moldova). The figures for the academic year 2005/2006 are similar to those during the previous year. One should also add the training of young graduates of juridical higher education institutions from the Republic of Moldova at the National Magistrature Institute in Bucharest as well as the training of young Moldovan officers at the National Defence University “Carol I” in Bucharest.

<sup>144</sup> Vitalie Ciobanu, *Anatomia unui faliment geopolitic: Republica Moldova* (The Anatomy of a geopolitical failure: Republic of Moldova), p. 71.

media is dominated by publications in Russian language, “about 215 pages”<sup>145</sup> being available on a daily basis.

This is a counterpart phenomenon in Bucharest, where the press distribution units receive no cultural magazine from Chisinau. This proves a quasi-total miscommunication at the level of the cultural elite in the two countries as well as at the level of the population. The art and culture in the Republic of Moldova are a mystery for the Romanian citizens. The only exception worth mentioning is the Cartier Publishing House that managed to successfully promote the books on the Romanian market.

The television field undergoes the same situation. Despite of the fact the national TV station TVR1 has a good reception in the urban centres and sometimes even in the rural areas, it has a reduced impact as it does not broadcast any show meant for the Romanians abroad. According to Vitalie Ciobanu, “Romania has been disregarding the force of the audiovisual”,<sup>146</sup> and deprived the population in the Republic of Moldova of all alternative source of information. Unlike Romania, ORT (the state television of the Russian Federation) has a local studio in Chisinau.

Moreover, the anti-Romania propaganda has been constantly promoted through TVM, causing the journalists in Moldova to protest.<sup>147</sup>

Moreover, “TVM is censoring the TV appearance of persons, ideas as well as of some words, such as ‘Romanian citizen’, ‘of Romania’”; thus, the channel turns into an instrument of communist propaganda, anti-Romanian and anti-democratic, just like during the hardest years of Soviet totalitarianism.<sup>148</sup>

Another problem consists in the way the funds allotted by the Romanian state to support some cultural activities in the Republic of Moldova were managed. In September and October 2005, the Romanian press published excerpts from a report considered as authentic, analyzing the projects developed by the Department for the Romanians from Everywhere in 2004, in the neighbour state. According to the document, “most of the

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<sup>145</sup> See the transcript of the debate “New Directions for the Romanian Foreign Policy” on 14 June 2005, with the participation of president Băsescu, <http://www.ziua.ro/b.html>.

<sup>146</sup> Vitalie Ciobanu, *Anatomia unui faliment geopolitic: Republica Moldova* (The Anatomy of a geopolitical failure: Republic of Moldova), p. 186.

<sup>147</sup> During protests, the employees of the state company Teleradio Moldova requested in February 2002: “- To be annulled the political censure at the National Broadcast and TV Stations. To meet the freedom of expression of the journalists and with the right to fair information of the TV spectators and radio-listeners. The truth should not be mangled with because it does not like the powers-that-be (...) - To cancel the taboo on the words «Romanian», «Romanian language», «Bessarabia», «History of the Romanians», «totalitarian regime». - To lift the interdictions settled by the current government upon the different historic periods of our people, including on the inter-war and deportation-related ones, hunger caused by the Stalinist occupation regime, the period of national renaissance in 1989.” “Teleradio Moldova asks for the freedom of the Public Television and Radio Broadcast Stations in the Republic of Moldova”, *Mediafax* message on 27 February 2002.

<sup>148</sup> Nicolae Negru, *Mass-Media in Republica Moldova* (Media in the Republic of Moldova), paper presented at the international conference “Participation to the Stability Pact as booster of the social-economic reforms in the region”, Chisinau, 7-8 December 2001, p. 4.

contractors in the Republic of Moldova proved to be disloyal, dishonest, they irresponsibly spent public funds, and were, at best, lacking managerial skills”.<sup>149</sup>

Besides the charges against the partners in the Republic of Moldova, the document incriminates the very institution that performed the audit. The most important conclusion of this internal evaluation of the Department for the Romanians from Everywhere pertains to the lack of competence of this department, whose activity must promote and support the programmes of the Romanian communities everywhere, to meet its tasks.

This situation might bring about a very dangerous result. Firstly, it compromises the activity of our serious partners in the Republic of Moldova, even if they have not necessarily been accused in the lump, but some punctual references were made to some cases in which the beneficiaries over the Prut of some funds allotted by the Romanian state have not met their obligations. Secondly, the Romanian public opinion might be reluctant to the issue “Republic of Moldova”, as the report suggested that the money Bucharest sent to Chisinau was used against the Romanian interests.<sup>150</sup> Another potential risk consists in using, in Romania, the issue of the relations with the Republic of Moldova as a means to settle some internal political conflicts.

Another question mark is connected to the total lack of reaction of the Romanian officials. Thus, even though the report was sent to the Ministry of Foreign Affairs (MFA) and the Prime Minister’s Chancellery since April 2005 and subsequently published in the press, no investigation was launched and no official position was formulated.

This is reinforced by the lack of activity of the Department for the Romanians from Everywhere in 2005, because its transfer under the subordination of the MFA, which led to the initiation of “various specific activities connected to the handover and receipt of the data on the budgetary stipulations, of the afferent patrimony as well as of the other connected rights and obligations”.<sup>151</sup>

Instead of a conclusion, we prefer to cite Vitalie Ciobanu, who noticed that “all the strategies for Bessarabia are the scholarships granted to Moldovan youngsters and the support given to some magazines by the Romanian Cultural Institute (former Romanian Cultural Foundation).<sup>152</sup>

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<sup>149</sup> “Jaf la Românii de Pretutindeni” (Robbery to the Romanians from Everywhere), in *Ziua*, 30 September 2005, <http://www.ziua.net/display.php?id=185740&data=2005-09-30>. The same article was also published by the *Agency Romanian Global News*, [www.rgnpress.ro](http://www.rgnpress.ro).

<sup>150</sup> “Banii României în interesul Rusiei. Fondurile Departamentului pentru Românii de Pretutindeni au fost folosite pentru axa PSD-Chişinău-Moscova” (Romania’s money to the best interest of Russia. The funds of the Department for the Romanians from Everywhere were used for the axis PSD-Chisinau-Moscow), in *Ziua*, 1 October 2005, <http://www.ziua.net/display.php?id=185829&data=2005-10-01>.

<sup>151</sup> This is the explanation for the activity deadlock of the Department provided by the Romanian MFA. See “Răspunsul remis de Ministerul Afacerilor Externe la întrebarea formulată de doamna deputat Leonida Lari înregistrată la Camera Deputaţilor cu numărul 458A/2005” (Answer given by Ministry of Foreign Affairs at the question of Mrs. deputy Leonida Lari registered within the Chamber of Deputies with number 458A/2005), [www.cdep.ro](http://www.cdep.ro).

<sup>152</sup> Vitalie Ciobanu, *Anatomia unui faliment geopolitic: Republica Moldova* (The Anatomy of a geopolitical failure: Republic of Moldova), p. 390.

### § 3.6.3 Economic Aspects

The economic relations between Romania and the Republic of Moldova are far from the potential provided by the two states, the evolution of the trade exchanges having been influenced in time by the quality of political collaboration (see Annex 3).

Thus, in 2000, before Bucharest had totally resented the shock of the new communist government in Chisinau, Romania was the main exporter to the Republic of Moldova, before the Russian Federation and Ukraine.

The political relations' cooling off was subsequently felt in the field of the bilateral economic relations as well, even under these circumstances Romania continuing to be the main trade partner of the Republic of Moldova in Central and Eastern Europe.

The diminishing of the trade exchanges was also generated by the fact that Bucharest introduced the passports control at the Romanian-Moldova border, which rendered more difficult the traffic of persons and goods between the two countries.<sup>153</sup>

In 2003, the representative of Chisinau to the Council of Europe, Alexei Tulbure, accused Romania that it willingly brings prejudices to the economy of the Republic of Moldova by banning the import of meat and eggs, considered to be an unfriendly gesture.<sup>154</sup>

Subsequent to a period of retrogression, the situation improved during 2004-2005. In 2004, the total volume of Romania's trade exchanges with the Republic of Moldova registered USD 282.3 million,<sup>155</sup> and in the first 9 months of 2005, Romania's exports to the RM increased with 47 per cent, and those of RM to Romania, with 20 per cent.<sup>156</sup>

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<sup>153</sup> Valeriu Prohritsky, "Moldova-Ukraine-Romania: a regional portrayal of economy and trade", in *South-East Europe Review*, no. 2/2002, p. 41.

<sup>154</sup> See "Discursul reprezentantului permanent al Republicii Moldova pe lângă Consiliul Europei Alexei Tulbure, la ședința Comitetului de Miniștri al CE" (The speech of the standing representative of the Republic of Moldova to the Council of Europe Alexei Tulbure, at the session of the EC Committee of Ministers), in *Moldova Suverană*, 15 October 2003, <http://www.moldova-suverana.md/articol.php?id=1613>.

<sup>155</sup> Out of the total volume of commercial exchanges, the export was assigned USD205.2 mn, the import USD77.1 million, the balance being +USD128.1 million. See Annex 3.

<sup>156</sup> See the Press Communiqué from 25 September 2005 on the meeting between Presidents Traian Băsescu and Vladimir Voronin in Iași, [http://www.presidency.ro/?\\_RID=det&tb=date&id=6618&\\_PRID=ag](http://www.presidency.ro/?_RID=det&tb=date&id=6618&_PRID=ag).

## CHAPTER 4

### THE TRANSNISTRIAN CONFLICT FROM THE PERSPECTIVE OF EU ENLARGEMENT

#### § § 4.1 Transnistria – Geopolitical and Geo-economic Aspects

The process of dismantlement of the USSR (1990-1991) generated the re-ignition of historical tensions between the ethnic groups concentrated in the former Soviet empire. The frozen character of the Transnistrian conflict<sup>157</sup> fuelled the clash of geopolitical and geo-economic interests on the left bank of river Dniestr. Unable to reach consensus over keeping the Transnistrian region inside the newly independent Republic of Moldova, the belligerent factions -the Moldovan side (of Romanian ancestry) against the Slavic one (of Russian or Ukrainian origin)-, fought the 1991-1992 war during which the involvement of the 14<sup>th</sup> Russian Army under the command of general Aleksandr Lebed granted victory to the separatist leaders in Tiraspol. A Russian official explanation compliant to the international law's regulations of their support for a secessionist entity which Moscow does not even recognize is still missing. Moreover, despite the commitments taken by Russian Federation at the OSCE Summits in Istanbul (1999) and Porto (2002) to withdraw its 14<sup>th</sup> Army<sup>158</sup> from Transnistria, only a scant progress has been achieved until now.

Letting aside the serious blow inflicted to the relevance of the OSCE mission as a very ambitious collective security organization, this fact reveals a fundamental objective of the Russian strategy in Transnistria. It is all about keeping the control (or at least of a high degree of influence) over the most advanced stronghold to the West, near the common NATO-UE eastern border of the new comer Romania. Thus, the geopolitical concept of *Near Abroad*<sup>159</sup> concocted by the Kremlin power brokers in 1992-93<sup>160</sup> is still a favourite tool to try to stop the Western political, economical and military expansion in the area. The extraterritorial character of this concept based on the preservation of the rights of Russian citizens living abroad meant that CIS was designed to be a conglomerate of post-Soviet satellites. These satellites were supposed to stay under control, by force if necessary, by the help of the Russian military presence and frozen conflicts like those in Nagorno-Karabach, South Ossetia, Abkhazia and Adjaria.

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<sup>157</sup> For a comprehensive analysis of the origins and evolution of the Transnistrian conflict throughout the '90s see Adrian Pop, "The Conflict in the Transnistrian Region of the Republic of Moldova", in Rebecca Haynes (ed.), *Moldova, Bessarabia, Transnistria*, Occasional Papers in Romanian Studies No. 3, School of Slavonic and East European Studies, University College London, 2003, pp. 205-217.

<sup>158</sup> The current name of the 14<sup>th</sup> Army is the Operational Group of the Russian Army (OGRA). See "Moldova: The problem of small arms" in *South Eastern Europe SALW Monitor*, [www.seesac.org/target/Country%20Assessment%20Moldova.pdf](http://www.seesac.org/target/Country%20Assessment%20Moldova.pdf).

<sup>159</sup> *The Emergence of Russian Foreign Policy*, The Library of the Congress, <http://countrystudies.us/russia/77.htm>.

<sup>160</sup> See Alexei Pushkov, "Russia and the West. An endangered relationship?", in *NATO Review*, No.1, February 1994, Vol. 42, pp. 19-23.

The stake has a major geo-economic component as well<sup>161</sup> because the self-proclaimed authorities of the Dnestr Moldovan Republic (DMR), despite the fact that they are not recognized by any state or international organization, cover under the obsolete aegis of communism very profitable Mafia-type illicit activities. Meanwhile, the majority of Transnistrian region's inhabitants live in worse conditions – statistics that make the Republic of Moldova the poorest European state.<sup>162</sup> The economic interests overpass the level of Transnistrian leadership, the illegal off-shore named DMR focusing the attention of influential groups from Russia, Ukraine, Republic of Moldova<sup>163</sup> and even of some Western companies.

There is to be mentioned also the fact that the Mafia-type regime in Tiraspol has become integral part of a criminal network within CIS<sup>164</sup> and a catalyst for secessionist movements in the former Soviet republics. Even an alliance has been forged in 2004 between DMR, Abkhazia and South Ossetia. On 2 June 2004, the Transnistrian leader Igor Smirnov promised on the basis of the mutual security guarantees of that pact military support for the South Ossetia separatists in case of an attack by the Georgian troops.<sup>165</sup>

The basis of Igor Smirnov's power is the conjunction – under the security umbrella of the 14<sup>th</sup> Russian Army – between profits from illegal activities and systematic repression against the Romanian-speaking community living on the Eastern bank of river Dniestr.<sup>166</sup>

The condition of the agrarian communities from the so-called Security Zone, imposed by DMR after the war, has worsen, the Smirnov regime breaching the agreement

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<sup>161</sup> Initially 40 per cent of the Moldovan industrial potential was located in Transnistria but throughout the the transition years the importance of this geo-economic aspect has decreased due to the deindustrialization process. The privatization process of industrial facilities in Transnistria has been relaunched in 2003 as a pressure factor against Chisinau and is been done unilaterally under the umbrella and for the benefit of the separatist regime.

<sup>162</sup> See, for instance, the monthly “Country Report: Moldova” made by *The Economist Intelligence Unit*, [www.eiu.com](http://www.eiu.com).

<sup>163</sup> The privatization of the metalurgic factory Rabnita in 1999 would not have been possible without the approval of some officials in Chisinau, the beneficiary company the Russian Itera beeing expected to make big investments only with solid guarantees over their property rights. See Oazu Nantoi, *The East Zone Conflict in the Republic of Moldova – A New Approach*, Institute for Public Policy, Chisinau, 28 June 2002, pp. 6-7, [www.ipp.md/publications/en.html](http://www.ipp.md/publications/en.html).

<sup>164</sup> The Moscow prostitutes are provided in a 40 per cent ratio via the Transnistrian connection. At the same time, 90 per cent of tobacco and alcohol as well as 60 per cent of the oil imported in Transnistria represent a massive tax evasion and a regular breach of the Moldovan customs system. See Ceslav Ciobanu, *NATO/EU Enlargement: Moldova and the “Frozen and Forgotten” Conflicts in Post-Soviet States*, United States Institute of Peace, p. 30, [moldova.org/download/eng/67/](http://moldova.org/download/eng/67/).

<sup>165</sup> See Vladimir Socor, “Trans-Dniester offers military assistance to South Ossetia, Abkhazia”, The Jamestown Foundation, *Eurasia Daily Monitor*, 14 June 2004.

<sup>166</sup> The school crisis of 2004 is just one of the recent episodes of the sistematic violations by the separatist regime of the human rights standards. See *Severe Violations of Human Rights in the Transdnistrian Region of Moldova. Statement by the International Helsinki Federation for Human Rights (IHF) and the Moldovan Helsinki Committee, Vienna/Chisinau 11 August 2004*, [www.ihf.org](http://www.ihf.org). See also chapter 4 *Human rights in Transnistria* from the report made for UNHCR by Argentina Gribincea and Mihai Grecu, “Moldova: Situation Analysis and Trend Assessment”, *Writenet Papers*, October 2004, and the US Department of State's evaluation, *Moldova - Country Reports on Human Rights Practices - 2004*, Released by the Bureau of Democracy, Human Rights, and Labor, February 28, 2005, [www.state.gov/g/drl/rls/hrrpt/2004/41697.htm](http://www.state.gov/g/drl/rls/hrrpt/2004/41697.htm).

and introducing *de facto* border and militia points on the Tiraspol-Rabnita route. Thus, the farmers from Dorotcaia, Cosnita, Parata, Cocieri, Molovata Noua etc. have been harassed and forced to pay considerable tax “protection”<sup>167</sup> in return for their lawful right to make use of their land. Consequently, in 2004 and 2005 they lost their crops.<sup>168</sup>

The Moldovan official authorities are to be blamed, too, for the perpetuation of the Transnistrian illicit phenomenon because they have offered to the Smirnov regime during 1996-2001 attributes of state sovereignty in the productive and trade field. Thus, due to the *Decision for the resolution of problems between customs services of the Republic of Moldova and Transnistria* (bilateral document signed by the Moldovan President Mircea Snegur and Igor Smirnov), the separatists got the right to have and use their own customs stamp with the inscription “Republic of Moldova. Tiraspol Customs”. Since 1991, no economic agent from the area under Tiraspol’s control is paying taxes to the state budget. By signing this document, the Transnistrian illicit traffic was legalised for the overall economic endurance of the DMR<sup>169</sup>.

Alongside customs stamp, the Republic of Moldova granted to the Transnistrian economic agents all the conditions for legal business: Certificates type A (necessary of exporting textiles to EU), Certificates of Conformity, Standby Letters of Credit and Guarantees etc. The National Agency for Automatic Identification (EAN) issued linear codes to the Transnistrian economic agents, without which their exports would not have been possible.

Only after September 2001 when the strategy of Chisinau towards the Smirnov regime was changed and a new customs stamp was introduced, the negotiations formula reversed – first the elaboration of the legal status and only afterwards the issuing of new customs stamps for export. The separatist leaders<sup>170</sup> rejected this and started a provocative campaign against the communist authorities in Chisinau.

The energy dependence of the Republic of Moldova on the Cuciurgani electric plant held by the separatists is another critical aspect of the empowering of the Smirnov regime over the life means of the inhabitants on both banks of the river Dniestr. Also, independent reports outlined the fact that economic structures controlled by DMR (Tighina mechanic factory, Rabnita metallurgic factory and “Electromas” factory in

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<sup>167</sup> More than this, the farmers have been forced in 2005 to sign rent contracts with the separatist authorities on their own properties.

<sup>168</sup> See Ion Manole, *Dreptul la proprietate în regiunea de est a Republicii Moldova* (The Property Right in the Eastern Region of the Republic of Moldova), [www.politicom.moldova.org/](http://www.politicom.moldova.org/).

<sup>169</sup> Only the government of Prime-minister Ion Sturza has managed to introduce in April 1999 tax points alongside river Dniestr for a better control on exports and imports. But the illegal trafficking was already a very profitable business so the opponents like Eugen Grosu, the chief of Causeni Customs, had to be eliminated. He was killed on 2 July 1999 after capturing several illegal transports and refusing cooperation with some Moldovan corrupt officials. Of course, the perpetrators escaped. Moreover, the fall of Sturza government was soon to happen because of the opposition of power brokers in Chisinau and Tiraspol were displeased with the new customs policy (November 1999).

<sup>170</sup> Head of the Transnistrian Customs Committee was the son of Igor Smirnov, the 14<sup>th</sup> Army’s arsenal being an enormous source for illegal and uncontrolled arms exports.

Tiraspol) were producing trafficking arms for conflict areas. Three radioactive Alazan rockets, dating back from the USSR times, were recently available for sale.<sup>171</sup>

The effective control of the Moldovan-Ukrainian border (especially on its Transnistrian segment of 452 km) could represent a powerful coercion tool against the separatist regime. But the prerequisite for this is a change in attitude from the new Ukrainian administration in the sense of creating common<sup>172</sup> border posts on the Ukrainian soil and militarily monitoring the frontier by an international mission led by EU because the trafficking poses threats not only to Moldova but to Ukraine, too.

## **§ 4.2 The Management of the Transnistrian Conflict**

### **§4.2.1 The Conflict Resolution Efforts**

#### **The OSCE Plan**

The mandate of the OSCE Mission to the Republic of Moldova had (February 1993) and still has as fundamental objective the “consolidation of the independence and sovereignty of the Republic of Moldova within its current borders and reinforcement of the territorial integrity of the state along with an understanding about a special status for the Trans-Dnestr region”.<sup>173</sup>

But even at this moment, the OSCE mediation results are disappointing. It has been achieved the reduction of Russian armaments and troops but not their full withdrawal according to the obligations internationally assumed by Moscow within the OSCE framework. The Russian obstructions have often managed to hamper the mediation efforts and have fuelled Tiraspol’s intransigence for accepting nothing less than federalization as the starting point for negotiations.

In July 2002 during the negotiations in Kyiv between Chisinau and Tiraspol it was presented the OSCE Plan<sup>174</sup> for transformation of the Republic of Moldova in a federation of “state entities” with their own constitutions and laws. The Plan said nothing about their number but there were envisaged Transnistria and the so-called *Gagauz-Yeri*. The separation of powers would have meant for the federal authorities prerogatives in the areas of foreign policy, defence and security.

According to the Plan, the Moldovan Army and the Transnistrian military forces were supposed to be united in future, but without mentioning the time frame and modus operandi. The two entities had to reduce their troops and armaments, to promote confidence-building measures, to reciprocally inform on the military exercises and to delegate liaison officers for it. These provisions would have legalised the military forces

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<sup>171</sup> See recent investigations made by Brian Johnson Thomas and Mark Franchetti, “Radiation rockets on sale to ‘terrorists’” in *The Sunday Times*, May 8, 2005 and also the paper of Alex Kliment, “The Transnistrian Dilemma”, *SAIS Review*, Volume 25, Number 1, Winter-Spring 2005, The Johns Hopkins University Press, pp. 71-73.

<sup>172</sup> See *EU Border Guards Set to Ensure Moldova's Economic Reintegration*, <http://www.azi.md/news?ID=28594>, 8 April 2004.

<sup>173</sup> [www.osce.org/documents/mm/1993/02/4312\\_en.pdf](http://www.osce.org/documents/mm/1993/02/4312_en.pdf).

<sup>174</sup> *Draft Agreement on the Basis of Relations between the Republic of Moldova and Transdnistria*, 2 July 2002, [www.adept.md](http://www.adept.md).



of the Smirnov regime composed of many generals, officers and even NCOs transferred directly from the Russian Army.

The OSCE Plan envisaged a new federal parliament with two chambers and 101 seats: the *Chamber of Legislators* (71 seats in which the federal entities had to be proportionally represented according to the number of votes) and the *Chamber of Representatives* (30 seats on the basis of equal representation regardless of demographic weight).

The Federation was to have a single currency, the Moldovan leu, and the internal customs taxes were to be abolished.

On the international level, the Republic of Moldova had to be under the political and juridical “guarantees” of Russia, Ukraine and OSCE which would have had the power to monitor the constitutional and legislative matters, the institutions of the new federal state and to referee the disagreements among federal entities. Their decisions had the power to overpass those of state authorities.

The OSCE Plan was inapplicable and unacceptable due to several critical aspects. Firstly, it meant the breaching of the Moldovan Constitution, of the OSCE mandate and of the ruling party’s programme: the first article of the Constitution said that “The Republic of Moldova is a sovereign, independent, unitary and indivisible state”, the OSCE mandate said nothing about the changing of the political and juridical status of the Republic of Moldova internally or internationally and the Communist programme proclaimed the fact that the party was for “a sovereign, independent, unitarian and indivisible state”. Secondly, amending the constitution of a sovereign state and its division exclusively on ethnic grounds would have created a dangerous precedent for the international community in its strive to solve similar conflicts. The consequences would have been the facilitation of ethnic conflicts and regional instability with clear-cut impact on growing illicit human, drugs, arms and money trafficking and clandestine immigration towards Central and Western Europe. Thirdly, the OSCE Plan ignored the choice of Moldovan citizens who according to polls opposed federalisation.<sup>175</sup>

### **The Russian Plan**

A strange political phenomenon occurred in the last years on the Moldovan political stage due once again to the Transnistrian conflict. In 2001, the Communist Party had won the elections with a pro-Russian and anti-Western campaign having as main objective the joining by the Republic of Moldova of the Russia-Belarus Union.<sup>176</sup> The next elections were won by the same party but with a reversed electoral platform. What happened to change so radically the strategic vision of the ruling party was the so-called Kozak Memorandum<sup>177</sup> – the Russian plan for Transnistria.

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<sup>175</sup> The survey conducted by the Institute for Public Policies in Chisinau indicated in December 2003 that 37.8 per cent of Moldovan citizens were against federalization, 21.2 per cent deemed it to be an acceptable solution, 13.1 per cent thought this topic is not of their concern, 25.5 per cent were undecided, and 2.4 per cent gave no answer. See [www.azi.md/news?ID=27042](http://www.azi.md/news?ID=27042).

<sup>176</sup> <http://elections.parlament.md/candidates/parties/pcrm/>.

<sup>177</sup> Dmitri Kozak, the deputy chief of Russian presidential administration.

The *Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova* (17 November 2003)<sup>178</sup> re-launched the OSCE solution of federalization of the Republic of Moldova in its 1990 frontiers. The *Basic Principles* meant that this document was about the unitary, democratic, demilitarized and neutral character of the state. The federal state had to have 2 entities, DMR and the Gagauz autonomy, to which all the structures, prerogatives and official symbols were recognized. The Moldovan language was to become “state language”, with the Russian getting the status of “official language”. The two entities would have had the right of secession by referendum in the case of union between the federal Moldova and another state or if Moldova would have lost its status as subject of international law.

The main federal institutions were to be the Presidency, the Parliament and the Constitutional Court. The Parliament would have been a bicameral one: the *Senate* (26 seats – 9 for DMR, 4 for Gagauzia and 13 coming from the lower house) and the *Chamber of Representatives* (71 seats by federal vote). The Senate had extensive powers with the right to veto any piece of legislation regarding the federation. This was a very dangerous aspect<sup>179</sup> because the federal entities would have had an *a priori* 50 per cent of votes. The Constitutional Court preserved too excessive representation rights for the federal entities due to its misbalanced structure: 11 seats – 4 for DMR, 1 for Gagauzia and 6 for members coming from the Chamber of Representatives.

During transition, DMR had the right to keep its military forces, the legislation issued by the separatist regime since secession keeping its *de jure* status.

The Memorandum had unclear and incomplete security guarantees. A number of 2,000 Russian peacekeeping troops were supposed to watch over the implementation of the Memorandum but the withdrawal calendar was vague, sometime around the year 2030, following the progress in achieving the complete demilitarization of the federal territory.<sup>180</sup>

Initially, the Memorandum was welcomed by the Moldovan President Vladimir Voronin as “a realistic project, a compromise for overcoming the territorial, political and economic disunity of our state”; this characterization should be corroborated with the one made by the leader of the Communist parliamentary majority Victor Stepaniuc who considered that “the Russian proposal is a positive step...” because by proposing “an asymmetric federalization, Moscow has adopted the Chisinau stance”.<sup>181</sup>

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<sup>178</sup> <http://eurojournal.org/more.php?>

<sup>179</sup> Some authors have even characterized the Kozak Memorandum as a tool of “transnistrianization” of the Republic of Moldova because of the lack of clear-cut delimitation of powers and unfair political disproportion between the federal political center and the two overrepresented entities. See Dov Lynch, *Moldova and Transnistria*, in David Greenwood, Peter Volten (eds.), *Security-Sector Reform and Transparency-Building. Needs and Options for Ukraine and Moldova*, Harmony Papers No. 17, 2004, pp. 111-122.

<sup>180</sup> See the statement of the Russian Defense Minister Serghei Ivanov for *Itar-Tass*, 21 November 2003, [www.itar-tass.ru/different/hotnews/russian/507600.html](http://www.itar-tass.ru/different/hotnews/russian/507600.html).

<sup>181</sup> [www.e-democracy.md](http://www.e-democracy.md) Originalul: [e-journal/20031203/index.shtml](http://e-journal/20031203/index.shtml).

The Moldovan independent press proved to be an important unifying factor for strong popular opposition<sup>182</sup> both by criticizing the Kremlin proposals and by accusing the Moldovan President of accepting a luxury payoff (a private jet -Yak 40- belonging to the Russian presidential air fleet) in exchange for Moldova's federalization. The negotiations between the Moldovan and Transnistrian experts were facilitated by the amnesty granted for those people who in 1992 "have committed crimes against the participants to the fighting for defending the territorial integrity and independence of the Republic of Moldova or against civil population". Moreover, they even announced the reaching of consensus one night prior to the scheduled visit of Russian President Vladimir Putin (25 November 2003) with the occasion of the agreement's signing.

Eventually, the Moldovan President chose to reject the Russian Plan against the background of Moldovan public opinion's pressure and Western diplomatic messages of disapproval.<sup>183</sup> The Maastricht OSCE Summit in December 2003 also dismissed the Kremlin initiative due to the joint opposition of US and EU.<sup>184</sup>

### **The Ukrainian Plan**

The Transnistrian conflict equally depends on the strategy of the second state-guarantor, Ukraine. The success of the Orange Revolution meant the failure of the candidate backed-up by Kremlin and the electoral triumph, under street pressure, of the opposition's candidate, Viktor Yushenko. The Western diplomatic milieu welcomed the political change in Kyiv and sent positive signals towards the new Ukrainian foreign policy. This occurred in hope that the new Ukrainian leader would differ from his predecessor Vladimir Kucima not only in terms of domestic democratic reforms, but also in reorienting his country towards the West, after years of diplomatic isolation and strategic dependence on Russia.<sup>185</sup>

During the pentagonal summit in Vinnitsa, on 16-17 May 2005, the Ukrainian delegation presented "The Plan for Solving the Transnistrian Problem" (informally called *the Yushenko Plan*) on the basis of the "seven steps" presented by the new Ukrainian president on 22 April 2005 at the GUUAM Summit in Chisinau.

Without insisting on details<sup>186</sup>, the main provisions of the Ukrainian document have to be outlined in order to reveal the fact that this Plan and the Kozak Memorandum

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<sup>182</sup> See *Appeal of the National Assembly of Moldova's Citizens to the participants in the Meeting of Foreign Affairs Ministers of member states of the OSCE at Maastricht, Chisinau, 30 November 2003*, [www.e-democracy.md](http://www.e-democracy.md).

<sup>183</sup> Javier Solana, the EU High Representative for CFSP, recommended to president Voronin in November 2003 not to accept the Russian Plan. See Marius Vahl, "The Europeanisation of the Transnistrian Conflict", *CEPS Policy Briefs*, Centre for European Policy Studies, No. 73, May 2005.

<sup>184</sup> For a realist perspective over the Moldovan foreign and security policy during the first term of president Voronin, see Robert Weiner, "The Foreign Policy of the Voronin Administration", *Demokratizatsiya*, Fall 2004, Volume 12, Number 4, pp.541-556.

<sup>185</sup> See the favourable comments of the EU Special Representative for Transnistria Adriaan Jacobovits de Szeged in *Trimisul UE despre planul ucrainean pentru Transnistria* (The EU Representative on the Ukrainian Plan for Transnistria), 1 June 2005, <http://www.moldova-suverana.md>.

<sup>186</sup> The Moldovan experts have criticised the hidden agenda and the impracticability of the Ukrainian proposals. See Oazu Nantoi *Planul de reglementare a problemei transnistrene, propus de partea ucrainiană – pro și contra* (The Ukrainian Plan for Solving the Transnistrian Problem – Pros and Cons), Institutul de Politici Publice, Chisinau, 8 June 2005, <http://ipp.md/comentarii1.php?l=ro&id=38>.

are in fact similar. The first critical aspect is the fact that the Transnistrian *de facto* authority gets an implicit recognition because it has been proclaimed in the preamble as “part of the negotiation process”, entitled to sign and adopt the agreement. Moreover, the Yuschenko Plan (chapter II, art. 3) calls for mandatory and urgent elections for the *Supreme Soviet*, existing parliamentary body which would thus receive its legitimacy. Although the OSCE failed since 1993 to monitor and prevent the deterioration of daily life in Transnistria, the Ukrainian Plan (cap. IIIc, par. 2) wants to put under its supervision the elections for the Supreme Soviet. This is hardly to be considered a well-thought solution, the document saying nothing about the withdrawal of the 14<sup>th</sup> Russian Army and its arsenal either as a prerequisite for fair elections or as a consequence of a possible normalization of the situation in DMR.

The Moldovan authorities and public opinion opposed constantly to the federalization scenario as envisaged by the OSCE Plan and by the Kozak Memorandum. The Yuschenko Plan has no reference to this but proposes a status of special territorial-administrative entity “in the form of a republic within the Republic of Moldova” (cap. IIIa, art. 2). That should have its own constitution, symbols and official languages (Moldovan, Russian and Ukrainian) and the right to develop foreign relations in the economic, scientific, technological and humanitarian field, “according to the legislation of the Republic of Moldova”, which would have to be amended in a *federal* sense.

The fundamental law for this new legal order would have to be the one of “basic provisions on the status of Transnistria” which would have to be adopted by the Moldovan Parliament and include first of all the right of secession (by referendum) if the Republic of Moldova decides to unite with another state or if it loses its status as subject of international law (cap. IIIb).

But the biggest problem is the fact that the inefficient and non-representative triangle Russia-Ukraine-OSCE remains the guarantor for this process in which EU and US would have only to assist, without participating to the *International Agreement of Guarantees* and without having full rights in the *Conciliation Committee*. The latter is intended to solve the disputes of interpreting the Law on Transnistria’s status and is designed to two representatives of the Republic of Moldova and Transnistria and one of for each member of the triangle. This would favour the blocking of decisions, the hypothetical score being 3 to 4 (Moldova 2 + OSCE 1 *versus* Transnistria 2 + Russia 1 + Ukraine 1). Moreover, Romania is totally put aside in the Yuschenko Plan.

Officially, the Putin regime considers the Kozak Memorandum as the sole diplomatic solution for the Transnistrian conflict. The Ukrainian Plan is seen as unacceptable and characterized as a set of “coercive measures”.<sup>187</sup> But the Kozak Memorandum is an obsolete instrument, promoted unilaterally by Russia, while the

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<sup>187</sup> A comprehensive analysis of the two documents shows their equivalence based on similarity of perspective and the gradual instruments that should be used. Thus, both documents embrace the perspective of federalization, with Transnistria receiving a republican status and its own constitution. The Transnistrian inhabitants get the right to secession by referendum if Moldova joins another state (namely Romania) or loses its status of international law subject. The Russian troops should not withdraw and the new legal order should be under the same triangle Russia-Ukraine-OSCE. Of course, one may find discrepancies but these are rather about text size than different approaches. Their style is similarly laconic, with omissions and confuse.

Yuschenko Plan had a positive reception in the West and is often invoked as a landmark for conflict resolution.

### **The Statute Law**

The last developments in Moldovan political life generates more confusion over the capacity of the Voronin regime to solve peacefully the conflict. On 22 July 2005, the draft made by the Reunification Minister Vasile Sova<sup>188</sup>, at the request of President Voronin, was unanimously approved by the Moldovan Parliament. Its provisions are surprising due to the fact that it practically follows the lines of the Yuschenko Plan, document rejected by the Moldovan MPs on 10 June 2005 for lacking the so-called 3-D (demilitarization, decriminalization, democratization).<sup>189</sup> It is twice surprising the fact that the Moldovan Parliament has accepted the federalization (with Transnistria becoming “territorial administrative unit in form of a republic”) and the fact that the new regime of guarantees does not include the prerequisite of the Russian 14<sup>th</sup> Army withdrawal.

The reactions<sup>190</sup> of the mediation triangle were swift. The head of the OSCE Mission in the Republic of Moldova William Hill saluted the adoption of the law, adding that the most important thing is the fact that it guarantees a special status for Transnistria within the Republic of Moldova.

But the Russian diplomacy rejected the Moldovan initiative in a press communiqué on the grounds that the law breaches the rule of drafting and adopting it through the consultation of the Transnistrian side.

Ukraine reacted in a more nuanced manner, emphasising the fact that the law exceeded the limits of the Yuschenko Plan (accepted by the separatist leaders) and lacked consultation with DMR authorities. As for the Smirnov regime, it rejected categorically the Moldovan law.

### **§4.2.2 Moldovan Perceptions of the Causes of Conflict Resolution’s Failure**

From the point of view of IR theory, the issue of Moldovan official and NGO perceptions fit into the classic games of *Stag Hunt* and *Prisoner’s Dilemma* of the larger category of *Security Dilemma*.<sup>191</sup>

A review of the public phenomena related to the Transnistrian conflict for 1991-2005 reveals the constant balance between the wish for a positive resolution and the

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<sup>188</sup> “Lege cu privire la prevederile de bază ale statutului juridic special al localităților din stînga Nistrului (regiunii transnistrene a Republicii Moldova)” (Law on the Basic Provisions of the Special Juridical Statute of the Left Bank of River Dniestr’s Locations (The Transnistria Region of the Republic of Moldova)), No.173-XVI, 22 July 2005, published in *Monitorul Oficial al Republicii Moldova*, No. 101-103/478, 29 July 2005.

<sup>189</sup> See the reactions of the some Moldovan top politicians in *Yuschenko’s plan– the second Kozak?*, 21 June 2005, [www.reporter.md](http://www.reporter.md).

<sup>190</sup> See “Problema transnistreană” (The Transnistrian Problem), *e-journal*, 3<sup>rd</sup> year, No. 55, 4-29 July 2005, [www.e-democracy.md/e-journal/20050729/index.shtml](http://www.e-democracy.md/e-journal/20050729/index.shtml).

<sup>191</sup> See, for instance, Jill Steans & Lloyd Pettiford, *International Relations: Perspectives and Themes*, Longman, London, 2001, pp. 34-36.

incapacity to choose the right path. We encounter the dichotomy *internal problem of the Republic of Moldova* (with no foreign involvement) / *strategic incapacity to solve by own peaceful or military means the secession* (thus calling for foreign aid).

The *internal problem of the Republic of Moldova* option proved undoable even during the *hot* phase (1991-92) of the conflict, Russia recognizing *de jure* the independence of the Moldovan state, but using *de facto* the realist principle of *divide et impera* for preserving its geo-strategic interests. The uneven structure of the Moldovan society, the gap between its Romanian-speaking and Slavic components, generated opposite perceptions over the Russian role in conflict resolution. An important moment occurred in 2001, when the pro-Russian Communist Party won the elections using an electoral platform of rejecting Romania's perceived "big brother" behaviour and unconditionally joining Kremlin's vision – the sole effective guarantor for ending the conflict and reuniting the country.

The Moldovan political elite, as legitimate representative of the "Moldovan nation", perceived the strategic incapacity to solve by its own peaceful or military means the secession, but did not acknowledged the fact that was not even in the position to formulate and implement the solution. In the anarchic international arena<sup>192</sup>, the state-actor who does not have the power to solve its own domestic problems has to accept the solutions of those state-actors who can.

The fear for federalization<sup>193</sup>, the solution proposed in 2001 by the Russia-Ukraine-OSCE triangle, generated panic in the Moldovan society, incapable of "hunting" by itself the big prize of reunification (*the stag*) under the sovereign authority of Chisinau, but reluctant to be satisfied by the small prize (*the hare*)<sup>194</sup> of the others, more doable, but not so *meaty* on long term. Thus, the theoretical forecast shows the pre-eminence of hare's choice.

At the same time, taking into consideration the impact of the Transnistrian conflict over domestic political trends, no governing party ever risked the radical solution of conflict resolution at all costs. Instead, they omitted full and comprehensive dialog with DMR, by invoking the pretext of avoiding recognizing the Smirnov regime in this way. Thus, they *shut up*, in line with the terms of Prisoner's Dilemma.

The September 2003<sup>195</sup>-2005 period of time has been characterized by a growing Europhilia of the Voronin regime and of the Moldovan society with hopes that a perceived powerful and just actor as EU would grant the big prize to Chisinau. Consequently, the precedent of the Cypriot conflict aroused, Nicosia joining the EU being depicted by the official rhetoric<sup>196</sup> as the model to follow by Chisinau. Thus, *the*

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<sup>192</sup> So less fair and moral *per se*.

<sup>193</sup> See Oleh Protsyk, *Federalism and Democracy in Moldova*, European Centre for Minority Issues, [www.europarl.eu.int/meetdocs/2004\\_2009/documents/FD/DMD20050621\\_12/dmd20050621\\_12en.pdf](http://www.europarl.eu.int/meetdocs/2004_2009/documents/FD/DMD20050621_12/dmd20050621_12en.pdf).

<sup>194</sup> The small prize could be either the federalization of the Republic of Moldova (with a higher degree of autonomy for Transnistria and a limited central power) or the Transnistrian self-determination (by referendum).

<sup>195</sup> The year when President Voronin invited the EU to join the group of mediators.

<sup>196</sup> See the column of Vitalie Ciobanu, "Cine mai are nevoie de Republica Moldova?" (Who needs the Republic of Moldova anymore?), in *Contrafort*, No. 12 (110), December 2003, [www.contrafort.md/2003/110/638.html](http://www.contrafort.md/2003/110/638.html).

*myth of salvation* started to generate errors, the European integration's goal being too far and risking to produce the reverse phenomenon of Europhobia caused by rejection or long-term postponement of Moldova's candidacy.<sup>197</sup>

### **Ambassador William Hill's case**

The Moldovan perceptions issue could have as key study the activity of Ambassador William Hill.

In an article for *Helsinki Monitor*<sup>198</sup>, an OSCE official publication, Ambassador Hill declared that "Russia made progress toward building normal relations with this small neighbouring former republic of the Soviet Union. Local Transnistrian authorities demonstrated their willingness, albeit grudging at times, to observe general European norms and agreements". Follow-up reactions from the mass-media in Chisinau led to a conflict between the head of the OSCE Mission and the board managements of *Timpul* and *Flux* journals<sup>199</sup>, over the pro-Russian and pro-Transnistrian approach of Ambassador Hill, considered being a close friend of Evgheny Primakov, the mastermind of the federalization plan for Moldova.

Another episode took place in September 2003, when the acting OSCE chairman, the current Secretary-General of NATO, Jaap de Hoop Scheffer, in a message to the US Congress, promoted the necessity of EU participation to an international peacekeeping operation in Transnistria. In this context, Ambassador Hill was quoted on 5 September 2003 as pro-EU involvement, with the condition that this participation to take place under OSCE aegis. Later on, on 17 September he was quoted saying that the EU force of 500 troops should replace the Russian peace-keepers which should be "completely and immediately withdrawn".<sup>200</sup> But the next day, the OSCE official denied such a statement.

During the demonstrations organized by the Moldovan opposition forces against the intended adoption of the Kozak Memorandum by the Voronin regime, William Hill was again the focus of protesters' attention.<sup>201</sup>

In 2004, Vladimir Socor, senior editor for *Wall Street Journal Europe*, accused the OSCE Mission under Ambassador Hill's leadership to be on the KGB payroll.<sup>202</sup> Letting aside the true or false character of this allegation, the fact that William Hill continues to be the head of the Mission fuels, through his controversial image, the negative perceptions of the Moldovan society on the OSCE role in the conflict resolution.

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<sup>197</sup> See Nicu Popescu, *Opțiunea europeană a Moldovei nu trebuie să fie o alegere geopolitică, ci o alegere de politică internă* (The European choice of Moldova does not have to be a geopolitical choice but an option of domestic policy), 4 April 2005, <http://politicom.moldova.org/europa/rom/151/2/>.

<sup>198</sup> William Hill, "Making Istanbul a Reality: Moldova, Russia, and Withdrawal from Transnistria", in *Helsinki Monitor*, 13 (2), 2002, pp. 129-145.

<sup>199</sup> The director of "Timpul", Constantin Tănase, and the editor-in-chief of "Flux", Igor Burciu, will be joined by Nicolae Dabija (editor-in-chief, "Literatura și arta"), Val Butnaru (director, "Jurnal de Chisinau"), Ala Mandacanu (editor-in-chief, "Democratia") and Vasile Nastase (editor-in-chief, "Glasul Natiunii"). See *Open letter to ambassador William Hill, head of the OSCE Mission in Chisinau, Moldova* published in Romanian and English in "Timpul", "Flux", "Literatura și arta", "Jurnal de Chisinau", "Democratia", and "Glasul Natiunii" publications, 8-9 May 2003.

<sup>200</sup> <http://www.rferl.org/newsline/2003/09/180903.asp>.

<sup>201</sup> [www.lumeam.ro/nr1\\_2004/actualitate\\_chisinau.html](http://www.lumeam.ro/nr1_2004/actualitate_chisinau.html).

<sup>202</sup> <http://moldovaworld.iatp.md/stiri.php?p=72>,

#### **§ 4.3 Opportunities for Conflict Resolution Presented by the ENP and the ESDP**

The faulty management by OSCE generated big question marks about its capacity to play the leading role in solving the Transnistrian conflict.<sup>203</sup> Because of OSCE's lack of reform, especially in the field of unanimity voting procedure, only small positive steps are to be expected on short and medium-term.

Therefore, emphasis should go on EU and NATO, very different in scope and nature than OSCE. Besides their interlocking security nature, EU and NATO do not have Russia as member-state, so the issue of Kremlin's veto is eliminated. On the other hand, the two Western organizations risk to be confronted with Russia's fierce opposition to a possible decisive involvement of them in Transnistria.

In the general framework of EU-RM rapprochement, the ENP presents a series of opportunities for Chisinau worthy to be considered, the Transnistrian conflict included. The primary goal for ENP is to create a ring of friendly states at the periphery of EU, countries not included in the EU enlargement but partners in forging a space of peace, prosperity and stability.<sup>204</sup> But Transnistria is a security issue on the ENP map, a generator and facilitator of asymmetrical risks and threats primarily because of arms, drugs and human trafficking.

The EU-Moldova Cooperation Council approved on 22 February 2005 the Action Plan<sup>205</sup> which defines the relationship between Brussels and Chisinau on short-term, until 2008. The Transnistrian conflict gets a special attention, EU proclaiming its will to continue to be involved in the resolution process "respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognized borders, and guaranteeing respect for democracy, the rule of law and human rights" (chapter 2.2). The statement of this principle by the EU diplomacy it is very important especially when the federalization plans promoted by the official mediators Russia and OSCE seemed to be questioning the integrity of the Moldovan state. Also, it must be underlined the EU commitment to continue its efforts towards convincing Russia to withdraw its 14<sup>th</sup> Army from Transnistria. Concomitantly, by signing an Action Plan<sup>206</sup> with Ukraine, too, the EU puts an emphasis on the improvement of border cooperation especially on the Transnistrian segment in order to prevent illegal trafficking.

Of course, EU cannot act unilaterally, so consulting and coordinating its actions with those of OSCE and Council of Europe (on the critical issues of human rights violations by the separatist regime) is necessary as well as interacting bilaterally with the state-actors with vested interests in the area, namely Russia, Ukraine and Romania.

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<sup>203</sup> See the critical perspective on OSCE of the Russian Foreign Minister Serghei Lavrov, "The comparative advantages of OSCE are being eroded", in *International Affairs*, Vol. 51, No. 1, 2005, pp. 16-20.

<sup>204</sup> See *A Wider Europe - A Proximity Policy as the key to stability*, Speech by Romano Prodi, President of the European Commission, "Peace, Security And Stability International Dialogue and the Role of the EU" Sixth ECSA-World Conference, Jean Monnet Project, Brussels, 5-6 December 2002, SPEECH/02/619, [www.europa.eu.int/comm/external\\_relations/news/prodi/sp02\\_619.htm](http://www.europa.eu.int/comm/external_relations/news/prodi/sp02_619.htm).

<sup>205</sup> [http://ced.pca.md/menu1\\_5-1.html](http://ced.pca.md/menu1_5-1.html).

<sup>206</sup> See Chapter 2.1.14 of the *EU-Ukraine Action Plan*, [http://europa.eu.int/comm/world/enp/pdf/action\\_plans/Proposed\\_Action\\_Plan\\_EU-Ukraine.pdf](http://europa.eu.int/comm/world/enp/pdf/action_plans/Proposed_Action_Plan_EU-Ukraine.pdf).



Taking into account both the Russian predictable opposition against a 100 per cent Western settling of the Transnistrian conflict and Brussels' signals not encouraging a direct involvement of Bucharest in the mediation efforts, the key lies in the addition to the current group of the strategic triangle EU-NATO-US. The latter has the economic power, the military strength, the diplomatic assets and experience to implement a viable solution in Transnistria. *The lessons-learned* in managing similar crises in the former Yugoslavia could facilitate a positive result in Transnistria, too<sup>207</sup> but only after complying to several preconditions:

- The proclamation of US political will to be decisively involved in the region, but in such a manner as to accommodate Kremlin's feelings and not jeopardizing the American-Russian cooperation on key aspects like counter-terrorism and energy security.
- The common decision of EU, NATO and US to be decisively involved in solving this security issue in the near vicinity of Euro-Atlantic space because this black hole called Transnistria could help spread the terrorism.
- Bridging the different conceptual perspectives and strategic priorities of EU and NATO regarding the Black Sea region. Via the *Wider Europe-New Neighbourhood* concept, the EU emphasizes the idea of setting up a band of friendly countries at its periphery, which includes as a distinct component the Black Sea region, whereas NATO either points to the Caspian Sea-Black Sea energy corridor, via the *Wider Black Sea* concept, referring to the Black Sea and Southern Caucasus countries, or underlines the fact that the Black Sea region is a springboard towards the strategic and unsettled area of the Middle East, via the *Greater Middle East* concept.
- EU and NATO have to realize that cooperation in this area is not only a feasible, but desirable, too, considering the fact that the Transatlantic link would benefit due to such an initiative. A Petersberg mission, under the Berlin+ Agreement<sup>208</sup>, would give to the ESDP the opportunity to expand its area of action in the former Soviet space. Such a mission based on the lessons-learned in the previous Petersberg missions in the Balkans could start with the management of a single city (Tighina<sup>209</sup>, for instance – following the pattern of Mostar's administration by WEU) and could expand latter to the whole troubled area. Such a mission should be deployed prior to any form of political consultation in Transnistria and Russia could participate to it only after fulfilling the withdrawal of its 14<sup>th</sup> Army and arsenal. On the other hand, Ukraine should be encouraged to participate as a sign of acknowledging its strategic option

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<sup>207</sup> See Simon Duke, *The Elusive Quest for European Security. From EDC to PESC*, Macmillan, Basingtoke, 2000 or Elfriede Regelsberger, Phillipe de Schoutheete de Tervarent, Wolfgang Wessels (coord.), *Foreign Policy of the European Union. From EPC to CFSP and Beyond*, Lynne Rienner Publishers, Boulder, London, 1997.

<sup>208</sup> The EU-NATO Agreement concluded in December 2002, which offers to the EU the right to make use of NATO assets for Petersberg missions.

<sup>209</sup> Moldovan city, outside of Transnistria, captured by the separatists in 1992.

towards Euro-Atlantic community and its ability to fulfil its international commitments.<sup>210</sup>

- Because the Republic of Moldova is a neutral state, its Constitution has to be amended so that an international peace-keeping force to be legal to operate within.<sup>211</sup>

#### **§ 4.4 The Conflict and the Frontier Securitization**

The Moldovan authorities tried to add to their new tax and customs policy an improvement in border cooperation between Chisinau and Kyiv. In May 2003, under the mediation of Chris Patten, the EU Commissioner for Foreign Relations, they have brokered a border cooperation agreement on the Transnistrian segment of the Moldovan-Ukrainian frontier. The core provisions regarded the right solution of creating common customs posts on Ukrainian soil in order to avoid and annul the *de facto* customs operations of the separatist regime. But the Kucima regime did not implement the agreement, despite the fact that an additional document was adopted in January 2004. This contributed to the failure of the trade blockade on Transnistria ordered by the Moldovan government in August 2004, as a consequence of the forced closure of Romanian language schools by the secessionist leaders.

The Orange Revolution in Ukraine has produced until now the same rhetoric of good will unaccompanied by real steps meant to materialize it, the Yuschenko-Putin meeting on 19 March 2005 proving to be a catalyst for Ukrainian customs permissiveness on the Transnistrian segment, with the complicity of co-interested authorities in Odessa<sup>212</sup>. All these things took place in the initial context of the new measures taken by Kyiv to accept on the Ukrainian territory only that merchandise bearing the Moldovan official customs marks and to fight corruption in the customs apparatus.

The right solution for the Republic of Moldova lies in the two Action Plans concluded by Brussels with Chisinau and Kyiv, the pressure of EU diplomacy (possibly reinforced by that of US) being the last resort in persuading the Yuschenko regime to fulfil its international commitments. An important role could be played by the trilateral formula of consultation Moldova-EU Commission-Ukraine introduced by the two documents. The EU Commission has the power to generate provisional general reports on the status of the two countries' progress in meeting the priorities.

The answer to the generic question about how constructive the role played by Ukraine could be is elusive because the diplomatic behaviour of the new regime in Kyiv reflects merely a focus on replacing Kremlin from its pre-eminent position, excluding Romania and containing Western involvement in this issue.

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<sup>210</sup> See the provisions of the EU-Ukraine Action Plan on the basis of which the Yuschenko regime engaged itself to support actively the CFSP efforts to implement the European Security Strategy, the crisis management included.

<sup>211</sup> The Moldovan Constitution (Article 11.2 ) stipulates the fact that "The Republic of Moldova does not accept the deployment of foreign troops on its territory".

<sup>212</sup> Iulia Kirnitki, *Economic Sanctions and Security of the Border Between Moldova and Ukraine*, [www.azi.md/comment?ID=33794](http://www.azi.md/comment?ID=33794), April 12, 2005

In this line of arguments, it should be mentioned the negative reality of the continuation of *de facto* relations between Kyiv and Tiraspol, following the pattern of the former Kucima regime of protecting the Transnistrian communist authorities. On 27 February 2003, the EU and the US introduced travel bans for Igor Smirnov and other 16 Transnistrian officials. But these separatist leaders can continue to travel freely in Ukraine, and the Kyiv administration, despite its pro-European rhetoric, has done nothing in declaring them *persona non grata*.

The current joint monitoring of the Transnistrian segment, with OSCE participation, does not re-establish unconditionally the Moldovan customs sovereign space and does not remove from power the secessionist regime in Tiraspol. By invoking the sovereignty of the Republic of Moldova, the Ukrainian authorities contradict themselves due to the fact that only the joint Moldovan-Ukrainian customs posts, and not those illegal between Tiraspol and Odessa, could reinforce the Moldovan customs single space and stop the illicit trafficking which fuels the Smirnov regime.<sup>213</sup>

Ukraine allows also Russian military flights which land on the Tiraspol military airfield, ignoring the fact that these happen without the authorization from Chisinau. Considering that the Tiraspol military airfield is not under the control of the Moldovan authorities or of the OSCE Mission, these flights could be used for illicit trafficking. Kyiv could remedy this by imposing the precondition for these flights to land on the Chisinau airfield with a joint customs check provided by Moldovan authorities and OSCE personnel.

Acceding to international and primarily EU financial assistance should be an urgent priority for the Moldovan government, its capacity to assume and use such funds representing a relevant criterion for closer ties with the Western partners. The grant offered by EU and UNDP for the Moldovan frontier securitization project is such a test. The basic goal of this project is to reduce illegal migration and drug trafficking, to facilitate counter-terrorism and fight against organized crime. The project (1,942,500 euros) will be implemented for one year. Its main beneficiaries will be the Border Guard Department, the Customs Department, the Migration Department, the Foreign Affairs Ministry and the Home Affairs Ministry of the Republic of Moldova. This project is also intended to insure modern technology and infrastructure for 5 border crossing points: Criva-Mamaliga, Medveja-Zeliona, Larga-Kelmenti, Briceni-Rososeni și Giurgiulesti-Reni.<sup>214</sup>

#### **§ 4.5 The impact of the Transnistrian Conflict on the Moldovan Security Sector Reform**

The security sector reform (SSR) represents a mandatory component of the democratization process in view of the European and/or Euro-Atlantic integration. Every former communist state which aimed at joining the Western political and security community had to give priority to SSR, due to the fact that the *like-minded* strategic

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<sup>213</sup> For a positive perspective over the Moldovan-Ukrainian cooperation, see Alexander Rahr, "Moldova and Ukraine", in David Greenwood, Peter Volten (eds.), *Security-Sector Reform and Transparency-Building. Needs and Options for Ukraine and Moldova*, pp. 123-130.

<sup>214</sup> See *e-journal*, 3<sup>rd</sup> year, No. 47, 14 February- 6 March 2005, [www.e-democracy.md/e-journal/20050314/](http://www.e-democracy.md/e-journal/20050314/)

principle of NATO could not be applied without the civilian democratic control over the armed forces.

Defining SSR, it could be said that in the post-Cold War era this concept indicates both the relationship between the defence structures and the other governmental and nongovernmental organizations active in the security and defence area and the re-evaluation of international missions ranging from preventive diplomacy, peace-keeping or peace-making operations to humanitarian interventions and post-conflict rehabilitation.<sup>215</sup>

According to its constitution, the Republic of Moldova is a neutral country and the presence of foreign troops on its soil is forbidden. But proclaiming such a principle did not prove to be sufficient for securing Moldovan security. On the contrary, the Moldovan geopolitical and geostrategic realities are decisively influenced by the Transnistrian conflict, in such a way that the evolution of SSR in the Republic of Moldova differs radically from those of the other Eastern European states sharing similar integration objectives.

The Transnistrian conflict represents both the necessity and the opportunity for a viable SSR, because the phase of military confrontations (the end of 1991-June 1992, the battles of Tighina and Dubasari) coincides with the beginning of Moldovan statehood.

The victory of the secessionist forces over the Moldovan army and the agreement between Chisinau and Kremlin (July 1992) legitimized the continuation of Russian forces' presence in Transnistria<sup>216</sup> as peace-keepers, a demilitarized Security Zone under trilateral Russian-Moldovan-Transnistrian supervision being created. The impotence of Moldovan authorities to count in this power play showed off soon and the Security Zone was not demilitarized, but transformed in a *de facto* border full with troops, border guards units and customs posts of the separatist regime. Moreover, the Chisinau initiatives are constantly blocked in the Joint Control Commission<sup>217</sup> by the Transnistrian veto.<sup>218</sup>

Letting aside the more or less realistic objective of RM's European integration, SSR has become necessary in the frozen phase of the conflict because the separatism is based on a disproportionate balance of forces. Several databases<sup>219</sup> estimates the Moldovan strength at 6,800 troops and 2,300 civilian personnel organized in 3 infantry motorized brigades, 1 artillery brigade, 1 anti-missile brigade, special forces and

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<sup>215</sup> See Adrian Pop, "Romania: Reforming the security sector", in David Greenwood, Peter Volten (eds.), *Security-Sector Reform and Transparency-Building. Needs and Options for Ukraine and Moldova.*, pp. 49-58.

<sup>216</sup> In order to see how fair and balanced were the Russian peace-keeping forces, it is relevant to remember the statements of the 14<sup>th</sup> Army's former chief general Aleksandr Lebed (elected MP both in the Russian Duma and in the DMR Soviet) who used to characterize the Moldovan leaders as "war criminals", rulers of "a fascist state" and to threaten Bucharest with invasion in 24 hours. See Graeme P. Herd, *Moldova and the Dnestr Region: Contested past, frozen conflict, speculative futures*, Conflict Studies Research Centre, Central & Eastern Europe Series 05/07, February 2005.

<sup>217</sup> The body in charge with the peace-keeping mission.

<sup>218</sup> For an analysis of the Security Zone, see Dov Lynch, *Moldova and Transnistria*, in David Greenwood, Peter Volten (eds.), *Security-Sector Reform and Transparency-Building. Needs and Options for Ukraine and Moldova*, p. 113.

<sup>219</sup> See Michal Fizser, "Loose cannons in Eastern Europe, part 2: Belarus and Moldova", in *Journal of Electronic Defense*, March 2005, p. 18.

auxiliaries. The air forces count on 1,050 troops, but the 6 MIG-29 are out of service. The land forces do not have tanks, but possess 200 Romanian-made armoured transporters (TAB).

Fewer data are available for the separatist forces, which do not have the obligation to report to any international agency due to the fact that Smirnov regime is not recognized. According to the statistics of the Moldovan Defence Ministry, the Transnistrian army<sup>220</sup> has 4 infantry brigades (located strategically in Tiraspol, Tighina, Rabnita and Dubasari), one tank battalion (with 18 T-64Bs), one anti-tank battalion, one artillery unit and one engineer unit. The air forces consist of one active squadron in Tiraspol (6 Mi-8s, 2 Mi-2s and an An-26, for transport). It should be underlined the importance of the special forces (one “Delta” battalion) and of paramilitary troops (of Cossack volunteers, for instance) under the command of the State Security Ministry or Ministry of Internal Affairs. The total sum of Transnistrian troops is around 6,000-8,000-10,000 in strength<sup>221</sup>.

But the military effectiveness of the two sides do not pose great risks and threats to the neighbouring countries due to their obsolete and partially non-operational capabilities of Russian or Romanian origin. The huge 14<sup>th</sup> Army’s arsenal is a total different story, being not only a violation of the international law (the CFE Treaty<sup>222</sup>, the obligations took by Russia during the OSCE Istanbul and Porto Summits) but also a security umbrella for the secessionist regime, protector and beneficiary of the illicit arms trafficking.

By the end of 2003, the 14<sup>th</sup> Army strength was reduced to 1,300-1,500 troops, mostly officers, but the arsenal still counted for 25,000 t out of the initial 42,000 t.<sup>223</sup> Once the relations between Chisinau and Kremlin worsen because of Kozak Memorandum’s rejection, the withdrawal process stopped, the OSCE proving again to be not capable of solving key-aspects of the conflict.

It is worth mentioning also the fact that Russia managed to block during the OSCE Ministerial Summit in Sofia in December 2004 a draft resolution<sup>224</sup> calling for the 14<sup>th</sup> Army’s withdrawal, despite the fact that already one year had passed since the last deadline. Paradoxically, from Kremlin’s tactics benefit Chisinau, due to a clear-cut reaction from Washington<sup>225</sup>, State Secretary Colin Powell expressing the US commitment<sup>226</sup> to sign the CFE Treaty but only after the withdrawal of the Russian forces

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<sup>220</sup> Another source for Transnistrian force assesment is the official press agency *Olvia-press*. See [www.olvia.idknet.com/ENCYCLOPAEDIC%20INFORMATION.htm](http://www.olvia.idknet.com/ENCYCLOPAEDIC%20INFORMATION.htm).

<sup>221</sup> *Jane’s Sentinel Security Assessment*, 2003; *The Military Balance 2002-2003*, IISS, London, 2003.

<sup>222</sup> Treaty on European Conventional Armed Forces in Europe (1990) under OSCE aegis

<sup>223</sup> Dov Lynch, *Moldova and Transnistria*, in David Greenwood, Peter Volten (eds.), *Security-Sector Reform and Transparency-Building. Needs and Options for Ukraine and Moldova*, p. 115.

<sup>224</sup> Graeme P. Herd, *Moldova and the Dnestr Region: Contested past, frozen conflict, speculative futures*, p. 12.

<sup>225</sup> For an analysis of the Moldovan-American relations, see Steven Woehrel, *Moldova: Background and US Policy*, CRS Report for Congress, March 8, 2005.

<sup>226</sup> The US is a major contributor to Russian withdrawal by granting OSCE approximately 14 million USD until now.

and arsenal from Transnistria. On 10 March 2005, the US Senate passed a resolution which reiterated the same precondition.<sup>227</sup>

Coming back to the SSR perspectives in the Republic of Moldova<sup>228</sup>, it should be underlined the fact that besides insuring the civilian political control by the democratically elected authorities, framing the civilian-military cooperation within the general area of Moldovan democratic reforms, restructuring and modernizing the security forces and the specific ministries, employing young specialists to provide a fresh impetus to the strategic thinking in Chisinau, the reality must always prevail. The Republic of Moldova is not only a small state, but also a very poor one, which cannot compete with the Swiss pattern of achieving security by perpetual neutrality. The authorities in Chisinau, regardless of their political orientation, cannot create a super-army able to regain Transnistria by force. Taking into account the slow progress of the economic reform, they cannot even create a rapid reaction force, flexible and easy to sustain on the battlefield on the model of the NATO Response Force.<sup>229</sup>

“The Military Reform Concept”<sup>230</sup> (2002) had a financial prognosis of 0.5 to 2.5 per cent increase in GDP terms for the next 12 years, a level not reached throughout 2003-2005 due to the public deficit. Such a financial handicap raises big question marks over the capacity of the Republic of Moldova to improve its cooperation and interoperability with NATO, by going from the PfP phase (1994) to the upper level of the Individual Action Plan (IPAP), like Ukraine and Georgia have already done.

But the Moldovan authorities could prioritize feasible goals for SSR like consolidating the border guards or creating small units designed to participate in international operations,<sup>231</sup> thus improving the image of the Moldovan state especially in Western chancelleries. Alongside achieving military objectives, the overall reform of Moldovan diplomatic corps should be a priority for RM, the *soft* arsenal being the only viable tool for Chisinau in the regional power play. The establishment in September 2005 of an EU Commission Delegation’s office in Chisinau, according to the bilateral Action Plan, represents a test for the Moldovan authorities whose official representation in the West is meagre.<sup>232</sup>

The Republic of Moldova could portray itself both as a promoter of peaceful solutions and as a security provider for sensitive topics on the Euro-Atlantic security agenda like frontier securitization and the fight against all forms of illegal trafficking.

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<sup>227</sup> US Senate resolution on Russian troops in Georgia & Moldova, SRES 69 ATS, 109th CONGRESS, March 10, 2005, <http://frwebgate.access.gpo.gov>.

<sup>228</sup> For a comparative analysis see Nicolae Chirtoacă, “Moldova: reform requirements” and Vlad Lupan, “Moldova: implications of NATO/EU enlargement”, in David Greenwood, Peter Volten (eds.), *Security-Sector Reform and Transparency-Building. Needs and Options for Ukraine and Moldova*, pp. 93-110.

<sup>229</sup> [www.nato.int/issues/nrf/](http://www.nato.int/issues/nrf/).

<sup>230</sup> *Conceptia Reformei Militare* (The Concept of Military Reform), Monitorul Oficial al Republicii Moldova No. 117-119, 15 August 2002.

<sup>231</sup> During his visit to the Republic of Moldova (June 2004), the US Defence Secretary Donald Rumsfeld took the opportunity to thank Chisinau for its support in Irak. But in February 2005, the mine-removal unit of 12 soldiers was withdrawn, the Moldovan Parliament not approving until now a new mission despite Washington’s expectations. See *Secretary Rumsfeld and Moldovan Minister of Defense Press Availability 2nd Brigade Headquarters Chisinau Moldova, June 26, 2004*, [www.usembassy.md/en-rumsfeld.htm](http://www.usembassy.md/en-rumsfeld.htm)

<sup>232</sup> [www.ipp.md](http://www.ipp.md).

As far as the neutrality issue is concerned, the options imply a new security dilemma as long as promoting a successful SSR means getting financial assistance, expertise and training from EU and NATO. But this collides with the Moldovan constitutional limits.

#### **§ 4.6 Romania's Role in Conflict Resolution**

At the beginning of the '90s, Romania was unjustly excluded from the mediation group. Paradoxically, Bucharest authorities decided to adopt a passive attitude precisely when it had the power to influence the conflict resolution. In 2001, when Russia was supposed to withdraw its troops and armaments from Transnistria, in accordance with the OSCE Istanbul Summit commitments (1999), the acting Romanian presidency of OSCE, namely its former Foreign Minister Mircea Geoana, decided to transfer the Transnistrian issue on the agenda of the incoming Portuguese presidency by fear not to jeopardize the Romanian-Russian treaty negotiations.<sup>233</sup>

The power shift in Bucharest brought with it a renewed interest for Romania's involvement in the Transnistrian conflict resolution.

Romania has the interest and duty to contribute *together with* and *through* the EU to the Transnistrian conflict resolution, in order to ensure its own security and the security of the future wider Europe. But at the same time, it has to avoid trap choices which could block its accession to EU like the *quid pro quo* type of arrangement proposed by Russia in 2004, through Stanislav Belkovski, director of the Institute for National Strategy, in order to test Bucharest's reaction – the unification of Bessarabia with Romania in exchange for Transnistria's independence.<sup>234</sup>

Paradoxically, the scenario proposed by Belkovski echoed in Bucharest, in a Romanian Academic Society (SAR) policy brief. Using as starting point the case of Cyprus' accession to the EU, the paper recommended to Chisinau to abandon the priority of Transnistrian reintegration and to focus instead on its candidacy to EU “regardless of what Transnistria does, like the Greek Cyprus has done vis-à-vis the rest of the island occupied by Turkey”. Meanwhile, Romania should do nothing and wait for its accession moment in order to be involved in the conflict resolution.<sup>235</sup>

Another variant of Cyprus' case was afterwards launched by the “Ovidiu Sincai” Social-Democratic Institute (ISD) in a report that proposed the provisional separation of Transnistria from Moldova and the implementation of an international protectorate for a

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<sup>233</sup> But the same Romanian official stated in November 2003 that Romania does not want to sign a Treaty with the Republic of Moldova “because the period of time when this were needed in Europe is already over”. <http://www.azi.md/news>, 17 November 2003.

<sup>234</sup> Stanislav Belkovski, the promoter of this proposal, considered that “sooner or later, this artificial state will have to give Basarabia to Romania and the rest will join either Russia, or Ukraine, or will keep its sovereignty”. See „Moscova își schimbă strategia față de Transnistria” (Moscow changes its strategy for Transnistria), in *Ziua*, 21 May 2004. Anneli Ute Gabany, researcher at the German Institute for International and Security Affairs in Berlin, characterized this proposal as “the way to block Romania's accession to EU”.

<sup>235</sup> Alina Mungiu-Pippidi, Ion Naval, *Cum putem ajuta Moldova să se ajute pe sine* (How can we help Moldova to help itself), SAR Policy Brief No.16, Bucharest, August 2005.

minimum period of time of 5-7 years, following the model of Kosovo. Concomitantly, the rest of Moldova should advance from the current ENP member status to full EU membership (on the basis on an accession calendar of a maximum 3-5 years). After the completion of Transnistria's demilitarization, decriminalization and democratization, its final status should be settled either as an integral part of Moldova (already member of EU) or as an entity like Monaco or Liechtenstein which transfer partially their institutional management to some neighbouring countries (in this case, Russia and/or Ukraine).<sup>236</sup>

Even if, and on the contrary to the SAR scenario, the ISD scenario has the merit to underline the necessity of Romania's involvement towards achieving the internationalization of the Transnistrian issue and setting up, jointly with EU and NATO, an official plan for Transnistria, it has several implementation flaws.

First, the decision to put Transnistria under a UN protectorate would be most likely blocked by the Russian veto. Second, the peace-keeping troops should be provided by EU, Russia, Ukraine and other willing states, the presence of US troops being expedited by the authors in the "among others" category. But the missions in Bosnia and Herzegovina and Kosovo have essentially been based on the US contribution, via NATO. Meanwhile, the Russian peace-keeping forces have not been capable and interested to prevent the severe human rights violations in Transnistria. Third, a shift of RM's Western side to the Dnestr from ENP to EU enlargement is unrealistic because it cannot be done unilaterally only for RM, but for all the regions and states covered by the ENP, which is less likely taking into account the current context of the debut of EU accession negotiations with Turkey and Croatia. Fourth, is improbable that the Moldovan electorate would accept the scenario of giving up Transnistria in exchange for a very far away EU accession perspective of the rest of RM. Last but not least, Romania cannot play for the Republic of Moldova a similar role as Greece did for the Greek Cyprus considering that it is still not an EU member (not to talk about an old EU member, like Greece). Moreover, its entry moment is not yet clear and Chisinau denies constantly the Romanian origin of most of its citizens.

The replacement of the current pentagonal mediation framework with another in which EU and US would have full rights is in the best interest of Romania. The recent revised formula with EU and US as observers<sup>237</sup> is not enough taking into consideration the near vicinity of the frozen conflict area.

As a junior partner of great Western actors, Romania, whose political and security interest should remain the one of preserving Moldovan sovereignty and independence, can refrain itself from a direct and on an equal footing participation in the negotiation framework and to accept to act only through EU bodies.<sup>238</sup> But it cannot accept to be

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<sup>236</sup> *Transnistria. Evoluția unui conflict înghețat și perspective de soluționare* (Transnistria. The evolution of a frozen conflict and its resolution perspectives), Institutul Social-Democrat "Ovidiu Șincai", Bucharest, September 2005, p. 16.

<sup>237</sup> During the Odessa Summit (26-27 September 2005), Tiraspol and Kremlin have accepted EU and US as observers. <http://www.moldpres.md/default.asp?Lang=en&ID=25083>

<sup>238</sup> See the interview granted by the Romanian Foreign Minister Mihai-Răzvan Ungureanu, 11 October 2005, for the Russian radio station *Eho Moskvi* ("In any way, Romania is under the EU flag..."), at



present and to be involved in the conflict resolution process through an EU which has got only the observer status.

From its present position as NATO member and future EU member, Romania can act as a facilitator for the Western security vectors by providing a common denominator

- the joint action in Transnistria - on the trans-Atlantic reconciliation agenda. By forging a consensus between the EU and the US for a decisive involvement in Transnistria Romania could become more relevant in the regional power play. But at same time, in order to prevent unwanted risks and adversities, Romanian foreign policy should avoid statements capable of hurting Russia's sensitivity.<sup>239</sup>

Alongside proving support for the Republic of Moldova in the international bodies and introducing the Transnistrian conflict on its presidency's agenda of the Council of Europe's Ministerial Council,<sup>240</sup> Romania could act through EU, too. The Romanian involvement in the ENP security dimension could be both twinning and participation to the EU missions that Brussels is starting to deploy in the Republic of Moldova. On the basis of the trilateral Memorandum signed on 7 October 2005,<sup>241</sup> starting 1 December 2005 an EU monitoring mission will be deployed at the Moldovan-Ukrainian border (especially on its Transnistrian segment). It will consist of 65 persons (of which 50 are customs agents and border guards) with a renewable two-year mandate and a budget of 7 million euros. Its primary objective will be to combat cross-border organized crime and border violations. This mission represents an opportunity for Romania, but only after EU accession, a participation of its customs agents and border guards in the second phase of the mission being able to generate a good image for Bucharest in its efforts to contribute to conflict resolution.

Taking into consideration this window of opportunity, in the context of its future status as EU border state, Romania should produce as soon as possible a long-term strategy on Moldova – and implicitly on the Transnistrian conflict resolution – resultant from a bipartisan consultation and agreement.

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<http://www.mae.ro/index.php?unde=doc&id=27289&idlnk=2&cat=4>. His position matches the message of the EU Special Representative for the Republic of Moldova who declared in June 2005, after a meeting with the afore-mentioned Romanian official that "I do not see why Romania should be a separate member in the negotiation framework as long other EU member states are not there, too." See <http://www.9am.ro/revistapresei/International/12708/Provocarile-Romaniei-vin-de-la-Rasarit>.

<sup>239</sup> According to the jurisprudence of the International Court of Justice in The Hague, 3 officials can legally bind a state in the international system, namely the head of state, the prime-minister and the foreign minister. Statements like those of President Traian Băsescu (15 September 2005) – „The Russian Federation considers the Black Sea as a Russian lake because it does not want the internationalization of the problems of that area“ or "We do not have to accept anymore the Black Sea to be a Russian lake" – do not serve to the Romanian-Russian diplomatic rapprochement. See [http://www.hotnews.ro/articol\\_32071-Marea-Neagra-nu-e-lac-al-Federatiei-Ruse'.htm](http://www.hotnews.ro/articol_32071-Marea-Neagra-nu-e-lac-al-Federatiei-Ruse'.htm).

<sup>240</sup> See the Press Comunicue after the Basescu-Voronin meeting in Iasi on 25 September 2005 [http://www.presidency.ro/?\\_RID=det&tb=date&id=6618&\\_PRID=ag](http://www.presidency.ro/?_RID=det&tb=date&id=6618&_PRID=ag).

<sup>241</sup> *Strengthening the partnership between the EU and its neighbours - Signature of EU-Moldova-Ukraine Memorandum of Understanding, Palanca cross border point, 7 October 2005*, [http://europa.eu.int/comm/external\\_relations/moldova/intro/sp05\\_586.htm](http://europa.eu.int/comm/external_relations/moldova/intro/sp05_586.htm).

## **Conclusions and Recommendations**

The ENP could be considered as a compromise between the desire of the new neighbour countries to become members of the Union and the EU limits to accept new enlargements. The ENP implementation will lead to the creation of a pan-European and Mediterranean region organized on the concentric circles pattern.

The ENP provides a favourable framework for the EU foreign relations and has the necessary potential to sustain the economic development processes in the neighbouring countries and the strengthening of stability and security on regional level.

The ENP presents a series of limitations as well whose impact could cause the reduction of efficiency of the EU action in its direct neighbourhood or even the overall revision of its strategy.

Due to its multiple dimensions – political, human and cultural, economic and security – the ENP interrelates with many EU policies (regional policy, justice and home affairs, education, culture and research, sustainable, social and environment development policies, foreign affairs and security).

The securitization of the future eastern border of EU on the river Prut, on the Danube and at the Black Sea, together with the avoidance of the transformation of the new enlargement wave in a generator of new fault lines, represents one of the major challenges which Romania has to face in the pre and post-EU accession period.

Several external factors have led to the recent pro-European orientation of the Republic of Moldova: the vicinity of the Euro-Atlantic *limes*; its exclusion from the Single Economic Space; the revolutions in Georgia and Ukraine; and the imperative of diminishing its economic dependency on Russia.

The pro-European orientation of the Republic of Moldova remains still anchored mostly at the official rhetorical level, the real attitude of the majority of political leaders and that of Moldovan society at large being characterized by ambivalence and permanent vacillation between EU and CIS.

The presence in Transnistria of large military and paramilitary forces blocks the economic and social development and the European aspiration of the Republic of Moldova. Hampered by the outbreak of the secessionist movement, the security sector reform has become a precondition of conflict resolution.

The ENP and the ESDP offer new opportunities for the Transnistrian conflict resolution. The EU monitoring mission will be the first display of the ENP security dimension in the Black Sea region. The securitization of the most vulnerable segment of the Moldovan-Ukrainian border might be completed by a future Petersberg mission, under the Berlin+ Agreement, which would have Transnistria as its first implementation ground in the former Soviet area.

The past emphasis of Bucharest in promoting “the two Romanian states” theory proved to be counterproductive for the bilateral relations because it was a barrier of communication between the citizens of the two neighbouring states and aggravated the legitimacy complex of the Moldovan political elites, which replicated by promoting a fake Moldovan identity and adopting an anti-Romanian attitude.

Romania does not need a privileged political relationship with the Republic of Moldova, but normal relations in order to generate deep and viable bonds with the Romanians from the left bank of river Dnestr.

Taking into consideration its vast working experience in the field of European integration, Bucharest can offer valuable expertise in any field of the EU-Republic of Moldova Action Plan.

The know-how transfer in the area of European integration might use both the governmental level, including the possibility for joint government meetings on the model of the Romanian-Hungarian government meeting in October 2005, and the nongovernmental one, by proving support and consultancy to NGOs involved in the Moldovan democratization.

In the wider framework of Moldovan-Romanian parliamentary exchanges, the Romanian Parliament could offer to the Moldovan Parliament the opportunity to send a MP to Bucharest as observer of the legislative process in the field of European integration.

The sub-regional cooperation structures and the Euro-regions open a large field of action to the implementation of the ENP goals in the relationship between Romania, as future EU eastern border, and the Republic of Moldova which should consequently feel less marginalized.

Joining the EU in 2007 could represent an important argument for Bucharest in its relations with Chisinau because it could help sooner from within the Moldovan pro-European orientation and contribute to the strengthening of the recent rapprochement.

Last but not least, several recommendations should be put forward in order to provide coherence to Romania's strategy on the ENP, the Black Sea region and the Transnistrian conflict:

1. Continue to implement the good neighbourhood policy and the peaceful tools of conflict resolution.
2. Optimize the management of the future EU eastern border. In the area of immigration control and fight against all forms of illegal trafficking -one of the ENP objectives- it is recommended a better use of the logistics and field experience of the SECI Regional Centre for Combating Cross-border Crime and of the International Centre for Police Cooperation. The procurement in the security field should be transparent and EU law compliant.
3. Produce a multidimensional strategy on Romania's relations with the Republic of Moldova and Ukraine. Such a strategy could include the support for Moldova's European integration with an emphasis on the economic dimension; the orientation of bilateral relations and multilateral cooperation in the regional structures to which all the three countries belong according to the priorities set forth in the Action Plans – transport, energy, justice and home affairs; the creation of structures and mechanisms for communication, information, consultation and institutional dialogue; the galvanization of cross-border cooperation especially at the level of the trilateral Romania-

Republic of Moldova-Ukraine and of the Euro-regions; the diversification of cultural exchanges; and the development of people-to-people contacts.

4. In the relations with NATO allies and EU partners, to promote Romania as a stability factor and a security provider in the region. This aspect could include the know-how transfer from Romania and Bulgaria to the Republic of Moldova and Ukraine in the areas of democratization and security sector reform. A 2+2 format (two states of the future NATO-EU eastern border together with two ENP countries) of know-how transfer might position Romania as a necessary and efficient partner of the West in the region.
5. Use its dual status as NATO member and future EU member to facilitate the forging of a consensus on the international strategy for the Black Sea region.
6. Support diplomatically the goal of joining by the EU-US-NATO strategic triangle of the current pentagonal framework of negotiations on Transnistria.
7. Promote, through EU structures, initiatives for the implementation of a European pattern of resolution of the conflict in Transnistria, considering that the reinsertion of Romania in the mediation group is, for the moment at least, unfeasible. In this respect, Romania should manifest its availability to participate, after EU accession, to the EU monitoring mission of the Moldovan-Ukrainian border and also to a possible future EU Petersberg mission in Transnistria.
8. Pay a special attention to the Romanian citizens living on the both banks of river Dniestr; their rights and liberties should become a strategic priority for Bucharest.
9. Revive the Romanian cultural, spiritual and identity involvement in the Republic of Moldova through measures such as: to create a Romanian Cultural Institute in Chisinau; to reinstate the Governmental Fund for the relations with Moldova, which could be used, after consultations and agreement with Chisinau, to create a Moldovan-Romanian television in order to rebroadcast TV shows of the two national televisions and to produce shows on cultural or European integration topics; and to generate in the Republic of Moldova a robust cultural and informational space in Romanian language.
10. Initiate the organization of a Forum for Security and Democracy in the Black Sea region to which the BSECO countries, the EU and the US should be invited to participate. The projects of this Forum could be financed by the incoming European Neighbourhood and Partnership Instrument.
11. Launch, after the EU accession, an EU Black Sea Dimension following the model instituted by Finland with its Northern Dimension.

## **Annex 1**

### **A Chronology of ENP**

- **15 April 2002 : The General Affairs Council (GAC).** The Council held an exchange of views on relations between the future enlarged EU and its eastern neighbours. It welcomed the intention of the Commission and the High Representative, Mr Javier Solana, to prepare contributions during the second half of 2002 on the possibilities for strengthening those relations, taking into account the state of relations between the EU and the various countries involved, as well as their level of political and economic development;

- **7 August 2002: Joint letter by EU Commissioner Chris Patten und the EU High Representative for the Common Foreign and Security Policy on Wider Europe.** It proposed the General Framework for the relations with the new neighbours: the geographical coverage; the method and the principles; the measures (the areas of action); and the instruments;

- **30 September 2002: The General Affairs and External Relations Council** re-confirmed its conviction that EU enlargement will provide a good opportunity to enhance relations between the European Union and the countries concerned with the objective of creating stability and narrowing the prosperity gap at the new borders of the Union. The Council tasked its relevant bodies to continue work on this issue with a view to the perspective of the European Council in Copenhagen. It was also underlined that, beyond the question of Eastern neighbours, the broader question of "wider Europe" deserved consideration.

- **12-13 December 2002: The Copenhagen European Council** declares that “The enlargement will bring about new dynamics in the European integration. This presents an important opportunity to take forward relations with neighbouring countries based on shared political and economic values. The Union remains determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union;

- **24 February 2003: The General Affairs and External Relations Council** discussed the "Wider Europe - New Neighbourhood" initiative as part of a reflection on the enlarged Union and its neighbours initiated by the Council in September 2002;

- **March 2003: Communication from the Commission to the Council and the European Parliament “Wider Europe— Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”;**

- **16 June 2003: The General Affairs and External Relations Council** welcomes the Communication of the Commission .Wider Europe - Neighbourhood: a new framework for relations with our Eastern and Southern Neighbours as well as contributions made by the High Representative, and considers that they provide a good basis for developing a new range of policies towards Ukraine, Moldova, Belarus, Algeria,

Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestinian Authority, Syria, Tunisia and, at the same time reinforcing EU-Russia strategic partnership. At a later stage, the Council envisages to examine whether the Southern Caucasus countries could also be covered within these policies.

- **16/17 October 2003: The Brussels European Council** welcomes progress made on the Commission's Wider Europe–New Neighbourhood Initiative. It urges the Council and the Commission to take forward work in implementing this initiative with a view to ensuring a comprehensive, balanced and proportionate approach, including a financial instrument, responding to the need to promote cross-border and regional/transnational cooperation on the external borders of the enlarged Union;

- **July 2003: European Commission published the Communication “Paving the Way for a New Neighbourhood Instrument”**. Proposal to create a single new Regulation to govern a Neighbourhood Instrument to fund activities both inside and outside the Union, which are to be based on a single budget line.

- **5 November 2003: The European Parliament Report** considers that the Wider Europe - Neighbourhood Policy and the New Neighbourhood Instrument must be implemented with all the EU's neighbours and that the geographical dimension of 'neighbourhood' must take account of all the areas that are essential to ensure real territorial continuity and political sustainability for the Union's strategy, while at the same time clearly differentiating between the regions and countries covered, in particular on the basis of the types of challenges involved, their level of respect for democracy, human rights and individual freedoms, and their interest and capacity to engage in closer cooperation;

- **12 May 2004: European Commission published the Communication “European Neighbourhood Policy. Strategy Paper” and the European Neighbourhood Policy Countries’ Reports for Palestinian Authority, Israel, Jordan, Morocco, Tunisia, Moldova and Ukraine;**

- **11 October 2004:** European Commission proposed the Regulation laying down general provisions establishing a European Neighbourhood and Partnership Instrument;

- **9 December 2004: Communication from the Commission to the Council** On The Commission Proposals For Action Plans Under The European Neighbourhood Policy (ENP) and the proposed plans for the Palestinian Authority, Israel, Jordan, Morocco, Tunisia, Republic of Moldova and Ukraine;

- **2 Mars 2005: Communication from the Commission to the Council “European Neighbourhood Policy. Recommendations for Armenia, Azerbaijan, Georgia and for Egypt and Lebanon” and Action Plans for those five countries;**

- **26 April 2005, The General Affairs and External Relations Council** “reaffirms the special role of the European Neighbourhood Policy this policy for the European Union's external relations, offering the possibility of increased political, security, economic and cultural cooperation between the European Union and its neighbours. The Council confirms its desire for the European Union's commitment in the Mediterranean, Eastern European and South Caucasus regions to be carried forward. The Council reaffirms the importance that the European Union attaches to Armenia, Azerbaijan,

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Egypt, Georgia and Lebanon as neighbours and partners. The EU hopes that these five countries will maintain close links with the Union, on the basis of common values of democracy, the rule of law, good governance, respect for human rights, including the freedom of the media, and common interests, as defined in the framework of the ENP.”

## **Annex 2**

### **Romano Prodi, President of the European Commission**

“Peace, Security And Stability – International Dialogue and the Role of EU”

Sixth ECSA-World Conference. Jean Monnet Project, Brussels, 5-6 December  
2002

### **The Wider Europe - A Proximity Policy as the key to stability**

#### **Ladies and gentlemen,**

Changing times impose greater responsibilities, and the responsibilities of the European Union at this time could not be weightier. We are striving to keep pace with a world in flux that is opening up new opportunities but also throwing up new threats.

The political map of Europe will be redrawn in less than two years. Next week, at Copenhagen, we shall take a historic step and invite ten new members to join our Union. This decision will give Europe a new dimension and impose on us new responsibilities.

This sixth World Conference of the European Community Studies Association has given us an opportunity to discuss in depth peace, security and stability-related issues. All the participants here are aware of the great responsibility represented by the half a billion people who will be living in the EU after 2007.

These 500 million people will not settle for less security than the citizens of the present Community of Fifteen. They want the same protection against organised crime and international terrorism as present members. And they want the benefits that led them to choose the EU as their political haven: stability, prosperity, solidarity, democracy and freedom.

If we are to keep pace with this changing world and shoulder our growing global responsibilities, we, as the Union, have to take the necessary measures. If we want to satisfy the rising expectations and hopes of countries abroad and the peoples of Europe, we have to become a real **global player**. We are only beginning to act as one.

The Balkans, Afghanistan and the Middle East are only three examples of the challenges facing the world community. The EU has to play its part in dealing with them.

The EU 's foreign policy must be brought up to speed. It must be expressed with one voice and vested with the necessary instruments. How else can we guarantee our security in the long term?

The Commission has just presented its second communication to the Convention. We made detailed proposals for reform of EU structures to make sure that they continue to work properly. And we also pleaded for a strong Commission, which, as the Commission is the guardian of the community interest, will strengthen the Union.



The Community method will be valuable in the field of foreign relations too, allowing us to broker special arrangements and ad hoc solutions

There is still much to be done by the EU if it wants to make an effective contribution to international **security**.

Let me now deal in more detail with the central item on this conference's agenda: **stability**. Lasting and sustainable stability in this region of the world we call Europe, has been the crowning achievement of the European Union. This is what we do best:

We are projecting stability even beyond the borders of the current candidate countries, which are already sharing in our prosperity. We should recognise that this success creates legitimate expectations in the EU's future neighbours that they in turn will reap benefits from the current enlargement.

Is our policy for these neighbouring countries well-defined enough to meet the challenges thrown up by enlargement? I want to focus on this issue because I think we have not yet got to grips with the underlying problem. Today I am going to talk about the need for a new political perspective on relations with our southern and eastern neighbours with the aim of giving them incentives, injecting a new dynamic in existing processes and developing an open and evolving partnership. This is what we call our proximity policy, a policy based on mutual benefits and obligations, which is a substantial contribution by the EU to global governance.

Let me reiterate. The current enlargement is the greatest contribution to **sustainable stability and security** on the European continent that the EU could make. It is one of the most successful and impressive political transformations of the twentieth century. And all this has been achieved in a single decade.

This achievement is the fruit of a decision taken by the EU in 1993 and the courageous efforts of the Union and the candidate countries ever since. The initial decision gave these countries hope for the future:

By holding up the goal of membership we enabled these governments to implement the necessary reforms. Only this prospect sustained the reformers in their efforts to overcome nationalist resistance and fears of change and modernisation.

Hope is a strange thing. It has much in common with a credit rating or the trust people have in you. It determines how we look at people or events. How does a country envision its future when it is lacking direction or confidence? Hope gives direction and so inspires confidence. But the future must be attractive to inspire hope.

The EU looks certain to remain a pole of attraction for its neighbours. For many of the countries in our future "backyard" the EU is the only prospect. Many of these countries have already received a formal undertaking from the Union:

The integration of the Balkans into the European Union will complete the unification of the continent, and we have held out this prospect to them. Although there is still a long way to go, the Balkans belong to Europe. The process of integrating them will create a sort of bridge between enlargement and neighbourhood policy.

Each enlargement brings us new neighbours. In the past many of these neighbours ended up becoming candidates for accession themselves.

I do not deny that this process has worked very well. But we cannot go on forever extending the area of security, stability and prosperity with just the enlargement instrument. We cannot water down the European political project and turn the European Union into just a free trade area on a continental scale.

We need a debate **in Europe** to decide where the limits of Europe lie and prevent these limits being determined elsewhere. We also have to admit that currently we could not convince our citizens of the need to extend the EU's borders still further east.

It is a question of responsibility: We have to develop a blueprint for future action to deal with a problem stemming directly from the success of enlargement.

What have we to offer our new neighbours in the near future? What prospects can we hold out to them? Where does Europe end? These are the questions we have to answer. The European public is calling for such a debate. I know: This debate will heat up after the accession of new members. Therefore it is our duty to start finding some answers.

I want to be perfectly clear on this point: Article 49 of the Treaty on European Union stipulates that any European state which respects the fundamental principles of the Union can apply for membership.

So whatever our proximity policy is or will be, no European state that complies with the Copenhagen criteria we established in 1993 will be denied this prospect.

But to clear up any doubt, let me also say this. Holding out such a prospect to a country does not mean promising this country that it will definitely accede.

Accession is not the only game in town. Remember that enlargement does not benefit only present and future members. Future neighbours will benefit too.

Being a neighbour of the EU means better market opportunities in a more stable economic and political environment. In many cases, for instance, future trade tariffs will be lower than the existing ones for the candidate countries.

But enlargement will also create new challenges for our neighbours. Repositioning existing markets may well pose problems. We need to find solutions that will allow us to share the advantages of enlargement with our neighbours. This calls for a comprehensive approach to our neighbours.

The geographical scope of this approach is our neighbourhood in the literal sense of the word, our backyard. It includes our future eastern neighbours and the whole Mediterranean area, as I recently explained in Louvain when I spoke on "Europe and the Mediterranean -- time for action."

I want to see a "**ring of friends**" surrounding the Union and its closest European neighbours, from Morocco to Russia and the Black Sea.

This encircling band of friendly countries will be a mixed bag. The quality of our relations with them will largely depend on their performance and the political will on either side. Of course, geography will play a role too.

It is the Commission's responsibility to come up with a way of improving relations with all these countries.

Let me try to explain what model we should follow. I admit that many of the elements which come to my mind are taken from the enlargement process. What struck me about that process is that just the prospect of accession has brought benefits to the central and eastern European countries.

You can improve the climate for direct investment without being a member of the EU. You can align your legislation on the EU's without being a member. You can have limited or even unlimited market access without being a member. You can tighten budget controls and boost economic growth without being a member.

But -- and this is an important but -- these benefits can only be obtained if and when the process is well structured, when the goals are well defined and the framework is legally and politically binding. And only if the two sides are clear about the mutual advantages and the mutual obligations.

The goal of accession is certainly the most powerful stimulus for reform we can think of. But why should a less ambitious goal not have some effect? A substantive and workable concept of proximity *would* have a positive effect.

The existing and well functioning instruments of the EU's policy for its neighbours are the foundations for any new approach. We should be able to combine this proposal with the variety of existing partnership, cooperation, association and stabilisation agreements. But we must also better exploit their potential and build on this basis.

I strongly feel we need a new political impetus to make full use of these instruments.

Let me concentrate on the question of what *political perspective* would best extend the area of stability without immediate enlargement of the Union. This is something that would benefit our neighbours and the Union itself, whether from the point of view of stability, security or prosperity.

We have to be prepared to offer more than partnership and less than membership, without excluding the latter categorically. So what would a proximity policy do for our old and new neighbours look like?

- It must be **attractive**. It must unlock new prospects and create an open and dynamic framework. If you embark on fundamental transformations of your country's society and economy, you want to know what the rewards will be.
- It must **motivate** our partners to cooperate more closely with the EU. The closer this cooperation, the better it will be for the EU and its neighbours in terms of stability, security and prosperity, and the greater the mutual benefits will be.
- It must be **dynamic** and process-oriented. It should therefore to be based on a structured, step-by-step approach. Progress is possible only on the basis of mutual obligations and the ability of each partner to carry out its commitments.

- We need to set benchmarks to measure what we expect our neighbours to do in order to advance from one stage to another. We might even consider some kind of “Copenhagen proximity criteria”. Progress cannot be made unless the countries concerned take adequate measures to adopt the relevant *acquis*. The benefits would be directly felt. As would absence of any progress.

- A proximity policy would ***not start with the promise of membership*** and it would ***not exclude eventual membership***. This would do away with the problem of having to say “yes” or “no” to a country applying for membership at too early a stage. Between a “no” today and a “yes” in a fairly distant future there is great scope for creating a virtuous circle, a win-win scenario.

I can imagine what might be the first question that comes to your mind. What is attractive about such an offer? Where’s the beef? The answer is simple. But to make it work will take time and effort.

On other occasions I have already referred to this concept, which I described as “**sharing everything with the Union but institutions**”. The aim is to extend to this neighbouring region a set of principles, values and standards which define the very essence of the European Union.

The centrepiece of this proposal is a common market embracing the EU and its partners: it would offer a single market, free trade, open investment regime, approximation of legislation, interconnection of networks and the use of the euro as a reserve and reference currency in our bilateral transactions.

As the Union is more than a common market there are other dimensions to be included, too:

- If we have common goals, we must also be ready to deal with common threats, such as crime, terrorism, illegal migration and environmental challenges.

- We must act together to put an end to the regional conflicts on our continent.

- We have to make sure that our common border is not a barrier to cultural exchanges or regional cooperation in the period when there cannot be completely free movement of people and labour.

Let me come back to the question as to whether we need new instruments or structures to create this new political impetus. I am normally cautious about setting up new structures if your aims can be achieved with existing ones.

The idea of “sharing everything but institutions” itself applies to existing EU institutions. But this does not exclude the possibility of developing a new structures with our neighbours at a later stage, if necessary.

I am thinking of innovative concepts such as institutions co-owned by the partners: The Euro-Mediterranean Bank and the Foundation for Dialogue between Cultures and Civilisations might be cited as examples here; both were conceived as tools to strengthen an existing process, not as an alternative to it.

I would also like to see the launching of a new political dialogue on the basis of “shared principles and values”, making full use of all the potential offered by our common external policies.

Consider, for instance, policies on the environment, transport, research, education and culture, to mention but a few. New forms of assistance and cooperation based on the social cohesion model. Or new joint measures to tackle problems we all have at our borders.

Let me try to explain how the concept of sharing everything but institutions should be understood: The example I have in mind is the proposal I made to Russia:

A **Common European Economic Space** could provide a framework in which we could ultimately share everything but institutions. Though it will obviously not be built in a day. Clearly each partner would need to consider whether they are ready and able to adopt our standards and legislative models. However, this is only a first, tentative attempt to build something new that we can shared with our neighbours to our mutual benefit.

A European-Russian High Level Group is exploring the possible building blocks of such a Common Economic Space: standards, customs, financial services, transport, industry and telecommunications are just a few.

And we can point to an example of a working economic area which has all this, and more.

The **European Economic Area**, based on the EEA Agreement, brings together the EFTA countries and the European Union under a single roof: We share one single market, which is governed by the same *acquis communautaire*. The single market entails four freedoms: the free movement of persons, goods, services and capital. If a country has reached this level, it has come as close to the EU as it is possible to be without being a member.

I know this might take decades for many countries. But it would help them to carry out the necessary reforms and take the right measures because they would have an objective to aim at. And it would clearly bring mutual benefits, and consequently mutual incentives, to both the Union and its neighbours.

The EEA model does not presuppose accession as an objective. But, as history shows, being member of the EEA does not exclude membership of the EU at a later date. To me this seems very attractive.

Of course, the situation of countries like Ukraine, Moldova and Belarus differs completely from that of Norway, say. Nevertheless, we should be prepared to offer them a reasonable degree of proximity that does predetermine the question of future membership in advance. Indeed, because their situation is very different and because much more time will be needed to reach a certain stage, it is worth seeing what we could learn from the way the EEA was set up and then using this experience as a model for integrated relations with our neighbours.

I feel that we need more time to develop this concept. We identified relations with our neighbours as a strategic objective of this Commission in February 2000. The

job of the Commission is to seize this opportunity to find **a comprehensive solution** to the question of the Union's relations with its neighbours.

**The more we share, the less easily we can be divided.** This applies to values, beliefs, ways of life, trade, markets, rules, laws, needs and ideas. Many of these things are shared only by individuals but many, and many important ones, can be provided by a Union which is aware of its responsibility for its neighbours.

That is what I meant with the idea of **“sharing everything but institutions.”** In this wider Europe we cannot confine our action to ad hoc, bilateral initiatives. We cannot simply ignore what is happening beyond our borders. But neither can we solve problems with our new neighbours simply by letting them join the Union.

We are tolerant and open to dialogue, to coexistence and to cooperation. We have to assume our role as a global player. The development of a substantive proximity policy should be one of the first steps.

We need to institute a new and inclusive regional approach that would help keep and promote peace and foster stability and security throughout the continent, ultimately promoting the emergence of better global governance.

Thank you for your attention.

### **Annex 3**

#### **The dynamics of trade exchanges between Romania and the Republic of Moldova (US \$ million)**

	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>*1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Total	186,4 5	180,49	191,08	190,40	141,4	183,6	150,2	159,89	220,7	282,3
Export	81,92	100,65	128,66	128,60	101,0	142,3	111,5	109,63	136,9	205,2
Import	104,5 3	79,84	62,42	61,80	40,4	41,3	38,7	50,26	83,8	77,1
Sold	- 22,61	+20,81	+66,24	+66,8	+60,6	+101	+72,8	+59,47	+53,1	+128,1

Source: [www.mae.ro](http://www.mae.ro)

## Annex 4

### The Breakdown of Moldovan Export by Country (US \$ million)

	CIS Countries	Russia	Ukraine	Belarus	Other Countries	CEE Countries	Romania	Bulgaria	Other Countries	EU Countries	Germany	Italy	Other EU Countries	Other Countries	TOTAL
1999	253.7	191.2	32.9	21.7	7.9	82.8	42.1	5.4	18.9	98.4	36.9	25.9	35.6	29.3	464.2
2000	276.1	212.5	36.5	21.8	5.3	63.3	39.1	3.2	18.1	102.2	36.3	36.6	30.4	25.9	471.5
2001	346.3	249.9	62.0	30.2	4.2	61.9	40.2	3.8	10.7	121.0	41.1	47.7	33.6	37.8	568.1
2002	350.5	250.2	63.4	39.5	-2.6	88.9	59.0	3.4	17.3	143.8	51.2	61.4	31.2	60.7	643.9
2003	423.7	308.5	56.2	41.1	17.9	123.7	90.2	6.2	27.3	184.6	56.2	82.4	46.0	62.9	790.3
2004	502.6	353.4	64.8	58.7	25.7	105.7	98.9	5.5	1.2	297.1	71.9	136.7	88.5	64.1	986.3
Q1, 2001	83.2	56.4	16.5	7.6	2.7	14.6	11.8	0.6	1.7	35.6	11.4	12.6	11.6	7.3	140.7
Q2, 2001	101.5	81.0	11.3	7.4	1.9	12.5	8.3	1.0	2.7	22.6	7.7	8.5	6.5	5.5	142.1
Q3, 2001	58.4	36.2	12.6	7.0	2.5	16.7	8.6	1.0	4.9	27.2	10.5	15.0	1.7	11.8	114.1
Q4, 2001	104.0	75.0	18.9	8.2	1.9	18.3	10.2	1.2	2.8	37.3	11.5	14.1	11.7	13.6	173.3
Q1, 2002	87.7	55.4	15.3	14.6	2.4	15.7	8.1	0.3	5.1	28.9	8.1	11.5	9.3	9.3	141.7
Q2, 2002	80.7	56.2	15.3	10.0	-0.9	15.9	11.7	0.5	2.8	29.6	10.6	12.8	6.3	7.3	133.5
Q3, 2002	80.3	59.6	15.8	6.9	-2.0	22.8	16.8	0.8	2.9	40.6	18.1	17.7	4.8	16.3	160.0
Q4, 2002	101.8	79.0	17.0	7.9	-2.1	34.5	22.4	1.8	6.4	44.7	14.4	19.5	10.8	27.8	208.8
Q1, 2003	84.8	63.0	11.5	10.5	-0.1	33.6	27.2	1.6	3.3	41.6	11.8	19.7	10.1	11.5	171.6
Q2, 2003	98.1	65.0	16.2	9.0	7.9	19.1	21.2	1.9	-4.7	48.1	12.2	15.7	20.3	8.5	173.8
Q3, 2003	111.8	84.6	13.8	8.6	4.8	23.6	16.1	1.6	4.0	47.9	15.6	23.2	9.0	14.6	197.9
Q4, 2003	128.9	96.0	14.6	13.0	5.3	37.4	25.7	1.1	10.6	57.7	16.6	23.8	17.3	23.0	247.0
Q1, 2004	117.4	80.0	17.3	15.9	4.2	24.1	22.4	1.6	0.1	75.9	19.9	30.4	25.6	16.0	233.4
Q2, 2004	114.5	82.0	13.1	13.1	6.4	15.5	22.4	1.7	-8.5	80.9	16.9	34.8	29.2	15.9	226.8
Q3, 2004	124.6	89.3	15.1	12.9	7.3	28.4	26.6	1.2	0.5	67.2	18.3	34.9	14.0	21.0	241.1
Q4, 2004	146.0	102.1	19.3	16.9	7.7	29.2	27.5	1.0	0.7	82.1	16.8	36.6	28.7	27.6	284.9
Q1, 2005	121.0	86.6	15.2	13.3	5.9	31.5	30.9	0.5	0.1	74.0	11.6	35.4	27.1	23.0	249.4
Q2, 2005	136.5	91.98	23.64	14.67	6.2	27.28	25.78	1.2	0.3	72.11	7.511	30.79	33.8	21.8	257.7

Source: *Moldova, tendințe în economie* (Moldova. Economic tendencies), June 2005, [www.met.dnt.md](http://www.met.dnt.md).





Annex 5

The Breakdown of Moldovan Import by Country (US \$ million)

	C/S Countries	Russia	Ukraine	Belarus	Other Countries	CEE Countries	Romania	Bulgaria	Other Countries	EU Countries	Germany	Italy	Other EU Countries	Other Countries	TOTAL
1999	242.2	118.8	79.2	22.7	21.5	143.1	90.1	9.7	33.1	156.6	66.2	34.2	56.2	44.8	586.7
2000	259.8	104.6	112.4	32.7	10.1	190.3	129.3	14.4	31.4	226.0	85.4	45.1	95.4	107.8	776.4
2001	340.3	136.3	164.2	38.7	1.2	189.7	107.1	23.5	38.4	245.6	93.6	61.1	90.9	123.1	892.7
2002	408.9	157.6	215.6	39.9	-4.1	197.7	119.2	27.3	30.8	274.3	99.6	83.3	91.4	91.7	1038.5
2003	593.4	183.0	309.3	50.6	50.5	133.6	98.2	30.1	5.3	505.5	135.6	116.6	253.3	74.9	1402.8
2004 prel	767.8	216.3	436.4	64.6	50.4	199.5	164.5	29.6	5.4	582.7	150.9	132.1	299.7	102.9	1774.2
Q1, 2001	80.2	48.3	25.4	8.7	-2.1	44.0	25.0	2.5	13.2	52.3	17.9	11.4	23.0	26.8	203.3
Q2, 2001	69.7	27.4	35.6	8.5	-1.8	48.1	21.4	5.9	15.4	61.3	21.0	17.1	23.2	25.5	204.6
Q3, 2001	80.6	25.5	49.7	9.9	-4.4	48.5	30.0	5.9	6.6	57.9	24.1	13.6	20.2	28.2	215.2
Q4, 2001	104.0	35.1	53.5	11.6	3.7	50.0	30.7	9.2	4.1	77.5	30.6	19.0	28.0	42.6	274.1
Q1, 2002	86.2	47.2	25.9	12.3	0.9	34.3	15.7	3.7	11.6	46.8	14.2	13.6	19.1	53.8	221.1
Q2, 2002	88.2	31.4	50.9	5.8	0.1	57.1	29.2	6.9	15.4	68.0	26.4	19.4	22.2	7.6	220.8
Q3, 2002	103.1	30.0	60.6	12.0	0.4	75.0	39.0	8.3	22.4	76.1	27.4	22.4	26.3	15.2	269.4
Q4, 2002	137.5	48.9	78.2	9.8	0.6	76.7	35.4	8.4	26.7	97.8	31.7	27.8	38.3	15.2	327.2
Q1, 2003	112.3	45.1	50.0	5.8	11.5	43.6	24.2	5.6	8.4	58.5	21.9	13.7	22.9	37.0	251.5
Q2, 2003	135.0	16.4	72.1	15.1	31.4	56.2	8.1	8.4	35.5	99.0	29.3	31.3	38.5	35.6	325.8
Q3, 2003	146.7	39.3	87.5	13.1	6.8	63.6	25.6	8.2	24.9	100.2	29.6	29.9	40.7	38.9	349.4
Q4, 2003	199.4	82.2	99.7	16.6	0.8	-29.9	40.4	7.9	-78.1	247.7	54.8	41.7	151.2	58.9	476.1
Q1, 2004	151.1	50.9	69.7	12.1	18.4	34.6	27.5	6.2	0.9	105.5	27.1	22.5	55.9	47.0	338.1
Q2, 2004	183.0	39.9	113.0	14.8	15.2	20.9	34.2	7.6	-20.9	176.2	40.4	38.8	97.0	53.0	433.0
Q3, 2004	193.8	47.4	120.1	17.6	8.7	53.8	44.9	7.3	1.5	145.3	38.5	31.6	75.2	49.3	442.1
Q4, 2004	237.9	71.2	133.4	20.1	13.2	67.7	57.6	8.6	1.5	178.2	44.9	39.3	94.0	74.8	558.6
Q1, 2005	187.5	58.3	98.8	12.9	17.6	39.6	32.9	5.3	1.4	137.7	36.0	26.4	75.4	70.9	435.7
Q2, 2005	218.2	53.3	130.0	19.8	15.1	67.8	58.8	7.6	1.4	199.4	49.0	41.7	108.6	85.5	570.8

Source: *Moldova, tendințe în economie* (Moldova. Economic tendencies), June 2005, [www.met.dnt.md](http://www.met.dnt.md).

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