

Confidence Building in the Shadow of War: Moldova, Transdniestria, and the Uncertain Future of the 5+2 Process

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Abstract

Prior to the start of the full-scale war in Ukraine in February 2022, the Transdniestrian conflict was stable, with no serious risk of violent escalation. Since the invasion of Ukraine, however, the situation has become more volatile, both in Moldova itself and in relations between Chisinau and Tiraspol. While it has always been important to work on maintaining confidence in this highly volatile situation, we argue that opportunities for intensified confidence building have arisen, including the exploration of new formats in the context of Moldova's EU accession process. Crucially, the OSCE's experience in confidence building remains relevant in this regard, and the Organization has retained its importance as a facilitator of the settlement process.

Keywords

OSCE, Moldova, Transdniestrian conflict, confidence building

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Introduction¹

Although Moldova and Transdniestria² have received an unusual amount of attention of late,³ the Transdniestrian con-

flict remains in the shadow of the war in Ukraine. However, geographical proximity alone suggests that the latter will have far-reaching implications for the former. Since February 2022, almost half a million Ukrainian refugees have crossed the Moldovan border, and some 100,000 have remained in Moldova.⁴ The Russian military presence in Transdniestria has been a source of insecurity and uncertainty for both Ukraine and Moldova. The same goes for the de facto authorities in Tiraspol, who are under increasing pressure from Russia, their belligerent patron, whose ultimate intentions

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remain opaque and unpredictable. What is more, Tiraspol is increasingly at odds with its direct neighbors in Chisinau and Kyiv, both of which have moved with great speed and determination towards the European Union since June 2022.

In light of this, since July 2022 the Transnistrian leadership has sought to obtain formal security guarantees from international partners in the OSCE-guided “5+2 format.”⁵ These efforts on the part of the *de facto* leader of Transnistria, Vadim Krasnoselsky, were met with astonishment by local and international observers.⁶ Chisinau refrained from responding to Tiraspol’s approach, which reflects a general hardening of Moldova’s and its allies’ positions in the 5+2 format and raises important questions about the prospects of further confidence-building measures (CBMs) in this conflict.⁷

While Moldovan President Maia Sandu and the government’s Bureau of Reintegration have officially stated that negotiations that touch on the status question are impossible at this stage, discussions among Moldovan stakeholders have continued behind the scenes.⁸ With a view to preventing Moldova’s and Transnistria’s being dragged into the Russian aggression against Ukraine, the Transnistrian dossier has been placed higher on the Moldovan agenda: the Bureau of Reintegration has been restructured,⁹ and Deputy Prime Minister for Reintegration Oleg Serebrian has publicly announced the preparation of a new reintegration plan for Transnistria. Moreover, government officials have avoided using the term “special status,” and neither it nor the 5+2 format was mentioned

in the government program presented by Prime Minister Dorin Recean on February 16, 2023.¹⁰ Instead, the 2005 law on Transnistria’s special legal status, which treats Transnistria as a sum of localities and does not oblige the government to negotiate a special status for the region in its entirety, has become a more frequent reference point.¹¹ Along the same lines, in early February 2023 the Moldovan parliament passed a bill prohibiting actions aimed at separating any part of the territory of the Republic of Moldova or the distribution of information inciting such an offence.¹² One month later, it also passed a law requiring that the country’s language be referred to as Romanian rather than Moldovan in all legislative texts.¹³ In March, in a move ostensibly meant to criticize Moldova for its hesitant implementation of policies, the secretary of the Ukrainian national Security Council revealed that the Moldovan government was pursuing a seven-year plan to reintegrate Transnistria.¹⁴

At the same time, the direct and indirect consequences of the war have meant that socio-economic aspects also remain important. Refugees, the rising cost of food and energy, energy insecurity, the potential disruption of trade with the EU (Transnistria’s largest export destination), and uncertainty about the continuation of Russian subsidies for Transnistria have increased fears that a worsening humanitarian crisis could further exacerbate political tensions both within Moldova and between Moldova and Transnistria.

The 5+2 settlement process has stagnated, continuously stabilizing a status quo

that was effectively established three decades ago and has served the interests of political and business elites, organized crime networks, and many ordinary people on both sides of the Dniester River. The Russian invasion of Ukraine has made this status quo less feasible and desirable. With two participants now openly at war with each other, the OSCE-facilitated 5+2 format (and with it the 3+2 format) is now dysfunctional. Lines of communication—and thus incident prevention and management—have mostly been reduced to informal 1+1 contacts.¹⁵

The developments since the end of February 2022 thus highlight the risks associated with an unresolved conflict. While a permanent negotiated political settlement of the Transdniestrian conflict will remain unlikely as long as the war in Ukraine continues, this does not mean that efforts to reach a settlement cannot begin before then. Past experience has shown that agreement on numerous issues has been possible for both sides. What enabled such agreements, and why have they not led to a political status settlement? We address these two questions in the remainder of this paper, following a brief discussion of how the different stakeholders in the conflict have understood and used confidence building in the past to further their respective interests. This will help to illustrate how these divergent understandings of and approaches to CBMs have led to agreements that have stabilized the status quo, albeit without effecting a negotiated conflict settlement. We then use these lessons learned to consider other relevant but

thus far underappreciated factors that are needed for a potential settlement.

Divergent understandings of CBMs

Although there is consensus among stakeholders in the Transdniestrian conflict that the benefits of CBMs outweigh their potential costs,¹⁶ there remains (at times significant) disagreement concerning the purposes and objectives of CBMs.¹⁷ The term CBM covers a wide range of donor activities, including many that are geared more towards development cooperation than conflict settlement. The mediators/guarantors and observers in the 5+2 format initially had long-term goals in mind, but due to a difficult negotiation climate they now view CBMs as a chance to prepare the ground for further progress towards a final status settlement.¹⁸ The EU has pursued a well-established policy of “engagement without recognition,” using CBMs to manage the situation on the ground and to improve their image vis-à-vis the conflict parties.¹⁹ What is called “confidence building” has become disconnected from the political endgame of the negotiation process: the once promising “small steps approach,”²⁰ for example, has become a box-ticking exercise for donors.²¹

Moldova’s main motivation for engaging in CBMs is to maintain political, economic, and social links with the Transdniestrian population and authorities and to keep Transdniestria “in the Moldovan reality.”²² Moldovan public opinion is generally more skeptical about CBMs, dismissing them as unwanted

and unwarranted concessions²³ and thus tainting the public image of those who agreed to them.²⁴ In addition, these concessions are perceived as a future vulnerability for Moldova.²⁵

From Transdniestria's point of view, CBMs are an important element of maintaining a system of stability and security that includes both economic and humanitarian aspects.²⁶ While Tiraspol welcomes EU-sponsored assistance and development projects in particular, it shares the opinion that CBMs are often used for image cultivation and that certain measures are falsely labeled as CBMs. For example, the Transdniestrian authorities view many EU-supported initiatives, notably the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM),²⁷ as making economic processes and border activities more transparent rather than as CBMs.²⁸

The impact that CBMs have had on the conduct (if not necessarily the outcome) of negotiations has not been negligible.²⁹ Much of the progress achieved in the 5+2 was based on the preparatory work of the working groups,³⁰ which are considered the essence of CBMs in the Transdniestrian context.³¹

Situational autonomy: The key lesson from past CBMs

It has long been maintained that constructive and productive negotiations in the Transdniestrian settlement process depend on the state of Russian-Western relations. While tensions in these relations have prevented an actual settlement

to date, they have at the same time necessitated CBMs as a means of stabilizing a potentially volatile situation. After the war in Georgia in 2008, for example, the Meseberg process,³² though ultimately unsuccessful, laid the ground for the resurfacing of CBMs in the economic arena by the mid-2010s. This occurred despite the deterioration of the relationship between Russia and the West after Moscow's annexation of Crimea and proxy occupation of parts of the Donbas. It suggests that factors beyond the state of Russian-Western relations may play a role in determining whether negotiations will be successful in the Transdniestrian context.

Some notable albeit relative successes were achieved in the period after 2012. These include the agreement on the agenda and on the principles and procedures of the 5+2 talks in April 2012 under the Irish OSCE Chairpersonship,³³ the inclusion of Transdniestria in the Deep and Comprehensive Free Trade Agreement (DCFTA) as of January 1, 2016,³⁴ the Berlin Protocol of June 2016 under the German Chairpersonship,³⁵ and the "package of eight"/Berlin+ process that began in 2017 during the Austrian Chairpersonship.³⁶ In our view, what accounts for these successes is the degree of situational autonomy³⁷ that both sides enjoy in negotiations, as well as their will to use it. Conversely, a lack of situational autonomy (or a diminishing will to use it) accounts for the absence or non-implementation of similar agreements, especially from 2019 onwards.

To illustrate this point, the period between the resumption of formal 5+2 negotiations in June 2016 and the

end of 2017 saw substantial progress. Not only was the negotiation process reinvigorated, but it also produced concrete outcomes. The more substantial progress in 2017 compared to 2016 suggests that both sides perceived and made use of significant situational autonomy. This change largely had to do with the fact that by the end of 2016, the political situation in both Chisinau and Tiraspol had turned in Moscow's favor. Long-time Moscow ally Igor Dodon had defeated pro-Western Maia Sandu in Moldova's presidential elections, and Vadim Krasnoselsky had won the *de facto* presidency in Transdniestria for Obnovlenie, a political party that was closely affiliated with the Sheriff business conglomerate.³⁸ The 2017 Austrian Chairpersonship emphasized both the full implementation of the unresolved issues of the June 2016 Berlin agreement and the inclusion of the other three issues that had long remained unresolved,³⁹ among them the re-opening of the Gura Bicului-Bychok Bridge after twenty-six years.⁴⁰

Despite a continuing high level of activity, progress was more modest in 2018 under the Italian OSCE Chairpersonship. Seventy-two Working Group meetings (including a revival of the Human Rights sub-Working Group, which had not met for almost five years) and a record number of direct meetings between the two Chief Negotiators reflected a new commitment to achieving viable agreements and following through on their implementation. Yet, two of the measures in the "package of eight" were still awaiting full implementation by the end of 2018.⁴¹

The negotiation process began to stall from 2019 onwards. The constitutional crisis in Moldova in the summer of 2019 led to the appointment of Maia Sandu as prime minister and to a brief period of cohabitation between Sandu and Dodon until November 2019, when Sandu lost a confidence vote in the Moldovan parliament. Both Russia and the West supported this arrangement, but Russian support significantly cooled when then Prime Minister Sandu announced that federalization as a solution to the conflict was unacceptable to the people of Moldova and vowed to co-operate more closely with Ukraine on interrupting the flow of illicit revenues into the Transdniestrian region. Against this background, the last meeting of the 5+2 took place in Bratislava on October 9 and 10, 2019, ending without the adoption of a new protocol.⁴² Not only had the situational autonomy of Transdniestria decreased as Russia was pondering the consequences of the cohabitation arrangement in Chisinau, but so had both sides' willingness to make the compromises necessary to conclude a Bratislava protocol.

The subsequent disruption caused by the pandemic in 2020 and 2021, the changing of the presidency (and subsequently the government) in Chisinau in the same period, the escalating crisis in and around Ukraine in the course of 2021, and the Russian invasion of February 2022 caused the 5+2 process to fall back into dormancy. No further official meetings have taken place since October 2019, and the prospects of resuming the 5+2 format remain bleak. This raises the question whether alternative formats for

status negotiations might find greater success.

Confidence building as a catalyst for conflict settlement?

One important lesson from the period from 2016 to 2018 was that a higher degree of situational autonomy brought more vigor to the negotiation process and allowed both sides not only to achieve negotiated outcomes but also to make progress towards their subsequent implementation.

For Transdniestria, the ability to exercise greater situational autonomy was essential to maintaining regime stability, which was at stake due to ever-decreasing Russian subsidies and the growing importance of the EU market (and the Moldovan and Ukrainian markets that were linked to it via the Association Agreements and associated DCFTAs). Russian signals that Moscow would accept a stabilization of the status quo provided an opportunity for the Transdniestrian leadership to negotiate and reach agreements on socio-economic issues while avoiding commitments on status issues.

Nonetheless, Russia's war against Ukraine has put the Transdniestrian leadership under renewed pressure from three directions. First, Transdniestria's patron state, Russia, is clearly in a weaker position, which raises questions regarding its ability to prop up the regime in Tiraspol. Second, some fear that Russia could use its remaining influence in the *de facto* state and with players in Moldova to widen the war in Ukraine. And third,

the Transdniestrian leadership is also concerned that Moldova and its Western allies could enforce a violent reintegration of Transdniestria.⁴³

Ultimately, Moldova's accession to the EU will depend on resolving the conflict, but the example of Cyprus is a vivid reminder of the weak position that *de facto* entities occupy in this process. Each step that Chisinau takes towards membership decreases Tiraspol's chances of achieving a meaningful special status arrangement. All of this explains Tiraspol's push for "official" negotiations—despite the war and, if need be, outside the 5+2 framework. This is likely to increase Transdniestria's willingness and ability to compromise. The Moldovan government could carefully explore this in the context of the current dialogue at the 1+1 and working group levels, especially in relation to whether the red lines that both sides have drawn regarding status issues—the 2005 law⁴⁴ and the 2006 independence referendum⁴⁵—have become more malleable.

For Moldova, things were and remain somewhat more complex. During the period from 2016 to 2018, the government took a largely pragmatic give-and-take approach to the Transdniestrian issue. However, domestic obstacles prevented greater and faster progress towards reasonable negotiation outcomes. Moldova is currently refusing to engage in negotiations due to the war and the impossibility of convening a 5+2 meeting. In view of current Russian setbacks in Ukraine, Chisinau feels empowered, claiming that, thanks to the war, it has come closer to the goal of reintegration than ever before,

having welded together populations on the left and the right bank.⁴⁶ Moldova's self-confidence can be explained by a combination of factors: 90 percent of the Transdnistrian population have supposedly attained Moldovan citizenship,⁴⁷ its EU candidate status has provided for a new foreign policy impetus, and the need to adopt the EU's *acquis communautaire* has given it an opportunity to pressure Transdnistria to do the same. This poses an existential threat to the survival of the current regime in Tiraspol, unless it manages to obtain some form of special status, for example something similar to the opt-out enjoyed by Greenland as part of the Kingdom of Denmark but not the EU.

Russia has officially adhered to its role as mediator and guarantor state in the conflict settlement process. However, it has become clear that its capacity to sustain Transdnistria, in particular in economic terms, will not last forever. Transdnistria nevertheless remains a strategic asset, especially for the projection of Russian interests in the region. In the context of the war in Ukraine, these interests appear to include the destabilization of Moldova, potentially by leveraging its influence in and over Transdnistria.⁴⁸ By vetoing the extension of the mandate of the OSCE Mission to Moldova and limiting it to six months, the Russian Federation deliberately put the long-term work of the Mission at risk in order to secure a bargaining chip for future negotiations.⁴⁹ The state of Russian-Western relations partly explains the failure to reach a sustainable political status settlement thus far.

However, there are other factors that made agreements and pragmatic solutions possible in the past whenever the circumstances required them and whenever the conflict parties enjoyed a reasonable degree of situational autonomy. In each case, confidence was a pivotal prerequisite. Equally important is the traditionally significant part played by Romania (often in its function as an extended arm of the EU) in Moldovan affairs, as well as the growing role played by Ukraine. As a result of the war, Moldova and Ukraine have witnessed a conflation of interests due to their common experience of Russian occupation and their shared goal of EU accession. With regard to Transdnistria and the negotiation process, Kyiv has recently become more vocal in pushing Moldova to accelerate the reintegration process. Given Ukraine's experience in the Donbas region, Kyiv remains skeptical of any solutions that would grant a high degree of autonomy to Transdnistria and has pressed for the withdrawal of Russian troops from the common border. From Ukraine's perspective, it is only a matter of time until Moscow uses its remaining forces in Transdnistria for further destabilization measures.⁵⁰

At the same time, confidence-building processes have been slow—in part due to the complexity of the issues at stake and the high degree of emotional investment on both sides. Overall progress notwithstanding, its slow pace and the significant outside assistance with which it has been achieved reflect a persistent volatility. Building confidence is a difficult undertaking that requires careful

management, including of expectations. With that said, the negotiations between the parties, however slow and minimal in terms of their actual contribution to a settlement, have helped negotiators on both sides to build mutual respect and, arguably, a certain level of trust. A good example of this is agreement on issues of mutual interest, for example in the sphere of ecology.

Confidence-maintaining measures are needed between Chisinau and Tiraspol and between both sides and their Western partners, including planning for a likely humanitarian crisis in Transdnistria and acceptance of the need for its joint mitigation. In addition, both sides and their Western partners need to start planning for when the war in Ukraine ends. They need to consider and prepare for alternatives to the current negotiation formats and settlement plans. What both sides (and the region as a whole) need most right now is stability, but effort must also be put into ensuring that the stabilization of the current situation—politically, economically, and militarily—will not create barriers to moving beyond the current status quo, towards a long-term sustainable settlement. There is no guarantee that confidence-maintaining and confidence-building measures will be an effective catalyst for a sustainable final status settlement, but the track record of such measures over the past decade leaves little doubt that without them a negotiated settlement will be impossible.

Recommendations: Moving towards a new phase of confidence building

Russia's war of aggression has opened up new possibilities for Moldova and Transdnistria. Moldova's EU candidate status has bolstered the government's pro-European course, giving rise to a different dynamic in the settlement process. On the Transdnistrian side, despite the public rhetoric, the interests of the region's elites are also likely to shift further towards the EU and away from a substantially weakened Russia. Thus, Moscow's veto power may become weaker in the long run, which could open a window of opportunity for renewed rapprochement. Even if this were to pave the way for status negotiations outside the 5+2, it would not eliminate the OSCE's importance as a facilitator and mediator—the Organization has the experience and, crucially, the network of contacts on both sides needed to facilitate constructive and meaningful re-engagement. Above all, the OSCE's continued efforts will be needed to prevent the destabilization of the current situation, which would only serve Russian interests. The projected EU Common Security and Defence Policy (CSDP) mission could contribute by working with Moldovan society to play a more constructive role with regard to a negotiated solution to the conflict and the ensuing reintegration process. Importantly, however, it should avoid duplicating OSCE efforts and competing with the long-standing local Mission.

To make the most of this window of opportunity, Chisinau and Tiraspol should pursue the following strategies:

Consider alternative dialogue formats. Together with the OSCE Mission to Moldova, the parties should consider additional or alternative dialogue formats to bolster the current 1+1 engagement, for example between private sector actors.

Set up an additional working group. Both sides should participate in constructive dialogue, perhaps under the auspices of an additional working group set up within the Moldova Support Conference framework led by Germany, France, and Romania and supported by a further thirty-three countries, the EU, the European Investment Bank, the European Bank for Reconstruction and Development, the International Organization for Migration, the International Monetary Fund, the OSCE, the United Nations Development Programme, the United Nations High Commissioner for Refugees, and the World Bank.

Refrain from setting preconditions. Moldova and Transnistria should avoid putting preconditions on further engagement and should instead make use of the good offices of the OSCE Mission and/or the Chairperson-in-Office's Special Representative for the Transnistrian Settlement Process.

Revive past proposals. The OSCE should revive past proposals concerning confidence- and security-building measures, such as the organization of joint training sessions for Moldovan and Transnistrian civil protection contingents in the field of civilian emergency support and relief, as well as the introduction of ear-

ly warning and risk reduction measures that contain consultation, notification, and observation mechanisms with regard to emergencies in the region.

Create a system of guarantees. The parties should draw on the wider experience of the OSCE region to work out a system of guarantees to assure both sides that any future settlement agreement will be implemented, including by elaborating the roles played by, and rules of engagement for, external actors. Potential examples include the Åland Islands, South Tyrol, and Northern Ireland, as well as the many bilateral minority treaties concluded since the 1990s and the 2+4 treaty on German reunification.

Engage in technical consultations. Chisinau and Tiraspol should find ways to engage in more regular and productive consultations at the technical level (within and beyond the existing working groups), including regarding Moldova's progress in the EU accession process.

Establish communication channels. A further goal should be the establishment of clear and transparent communication channels through which Transnistrian officials can at least be kept informed of the legal and technical aspects of accession negotiations once they are underway.

Adopt an integrated approach to EU accession and conflict settlement negotiations. Both parties should gradually move towards synchronized EU accession negotiations and conflict settlement negotiations to avoid mutual blockages. This should include, at the appropriate time, direct high-level negotiations between the two sides.

Notes

- 1 Both authors are longtime observers of Moldova and the Transnistrian conflict settlement process. They used standard ethnographic methods of data collection (interviews, direct and participant observation, document analysis) and process tracing as their main method of data analysis. Qualitative interviews with various stakeholders involved in the negotiation process were conducted on the ground and via email/VoIP between 2012 and 2022. The authors gratefully acknowledge the assistance provided by Iulia Cozacenco and Iulia Panici in Chisinau and Tiraspol.
- 2 Although “Transnistria” is a common English spelling, we use “Transdnistria,” which is the spelling used by the OSCE.
- 3 This includes coverage in the *Financial Times* (Raphael Minder, “Moldova Urges Calm after Russian Threat over Breakaway Region,” *Financial Times*, February 23, 2023, <https://www.ft.com/content/1a73b07d-b5cb-45af-a056-00c5aa07c406>), the *New York Times* (Marc Santora, “Ukraine Prepares Itself for the Possibility of Russian Aggression via Moldova and Belarus,” *New York Times*, February 22, 2023, <https://www.nytimes.com/2023/02/22/world/europe/russia-moldova-ukraine.html>), the *Washington Post* (Claire Parker and Sammy Westfall, “What Is Transnistria, and Will Russia Destabilize Moldova?,” February 14, 2023, <https://www.washingtonpost.com/world/2022/04/22/ukraine-moldova-transnistria-russia/>), and the *Guardian* (Reuters, “Moldova Dismisses Russian Claims of Ukrainian Plot to Invade Breakaway Region,” *Guardian*, February 24, 2023, <https://www.theguardian.com/world/2023/feb/24/moldova-dismisses-russia-claims-of-ukraine-plot-to-invade-transnistria-region>), among others.
- 4 As of February 15, 2023, there were 109,410 Ukrainian refugees in Moldova.
- 5 See the list (“Estimated Number of Refugees from Ukraine Recorded in Europe and Asia since February 2022”) provided by Statista at: <https://www.statista.com/statistics/1312584/ukrainian-refugees-by-country/>
- 6 The format consists of the two conflict parties plus the OSCE, Russia, and Ukraine as mediators and guarantors of a settlement. The EU and the United States were added as observers (+2) to the existing five-sided format in 2005. The mediators/guarantors and observers previously met separately in the so-called 3+2 format. Bilateral meetings between the chief negotiators of the two sides are commonly called 1+1 meetings.
- 7 Evgenii Cheban, “Приднестровье хочет ‘гарантий мира’. В Тирасполе предложили участникам ‘5+2’ подписать совместную декларацию” [Transdnistria asks for “peace guarantees”: Tiraspol proposed that participants of the “5+2 format” sign a joint declaration] *News-Maker*, June 19, 2022, <https://newsmaker.md/rus/novosti/pridnestrovoe-hochet-garantiy-mira-v-tiraspole-predlozhili-uchastnikam-5-2-podpisat-sovmestnuyu-deklaratsiyu/>
- 8 For more background information on the origins of the conflict, see William H. Hill, *Russia, the Near Abroad and the West: Lessons from the Moldova-Transdnistria Conflict* (Washington, DC: Woodrow Wilson Center Press with Johns Hopkins University Press, 2012).
- 9 “Молдова рассматривает лишь мирный вариант урегулирования приднестровского конфликта – президент Майя Санду” [Moldova is considering only a peaceful settlement of the Transdnistrian conflict – President Maia Sandu] *Infotag*, December 16, 2022, <http://www.infotag.md/rebellion/303650/>. See also the dossier “Вернуть Приднестровье. Как объединить Молдову, пока Украина воюет с Россией?” [Return Transdnies-

- tria: How to reunite Moldova while Ukraine is at war with Russia?"] *NewsMaker*, <https://newsmaker.md/rus/novosti/vernut-pridnestrovo-kak-obedinit-moldovu-pok-a-ukraina-voyuet-s-rossiej/>
- 9 "Biroul politici de reintegrare, restructurat: Vor fi patru subdiviziuni" [Bureau of reintegration restructured: There will be four sub-departments] *Stiri.md*, December 26, 2022, <https://stiri.md/article/social/biroul-politici-de-reintegrare-restructurat-vor-fi-patru-subdiviziuni>
 - 10 Stela Untila, "(DOC) Programul de activitate al guvernului Recean: 'Ordine publică, siguranța cetățenilor, păstrarea stabilității și a unității'" [(DOC) The government program of the Recean cabinet: "Public order, citizens, security, maintenance of stability and unity"] *NewsMaker*, February 15, 2023, <https://newsmaker.md/ro/doc-programul-de-activitate-al-guvernului-recean-vom-prioritiza-ordinea-publica-siguranța-cetățenilor-păstrarea-stabilității-si-a-unității/>
 - 11 The Law of the Republic of Moldova of July 22, 2005, No. 173-XVI, "About basic provisions of special legal status of settlements of left bank of Dniester (Transnistria)," provides for the region's reintegration into Moldova following its democratization and demilitarization. The law treats the territory as the sum of its local communities rather than an entity of its own. It provides for a "special status" compatible with the Moldovan constitution, with the competences of legislative and executive structures to be established through negotiations between the two sides and guaranteed internationally. For the text of the law, see <https://cis-legislation.com/document.fwx?rgn=18356>. See also Vladimir Socor, "Moldova Extricates from Russian-Dominated Process of Negotiations on Transnistria (Part Two)," Jamestown Foundation, *Eurasia Daily Monitor* 20, no. 34 (2023), <https://jamestown.org/program/moldova-extricate-s-from-russian-dominated-process-of-negotiations-on-transnistria-part-two/>
 - 12 "Bill on Criminal Punishment for Separatism Given Final Reading," *IPN*, February 2, 2023, https://www.ipn.md/en/bill-on-criminal-punishment-for-separatism-given-final-reading-7965_1095003.html
 - 13 "Moldovan President Promulgates Law Confirming that Romanian Language is Moldova's State Language," *MoldPres State News Agency*, March 22, 2023, <https://www.moldpres.md/en/news/2023/03/22/23002317>
 - 14 Anna Vypriiskikh, "Украинские власти: Молдова разработала план реинтеграции Приднестровья, рассчитанный на 7 лет" [Ukrainian government: Moldova has elaborated a plan to reintegrate Transdnistria scheduled for a period of 7 years] *NewsMaker*, March 22, 2023, https://newsmaker.md/rus/novosti/ukrainskie-vlasti-moldova-ra-zrabotala-plan-reintegratsii-pridnestrovyya-rasschitanny-na-7-let/?utm_source=substack&utm_medium=email
 - 15 On a government program that no longer refers to the 5+2 format, see Untila, cited above (Note 10).
 - 16 According to a senior Moldovan foreign ministry official, "CBMs prevent the situation from sliding apart, the conflict from deepening, and the gap between the sides from widening. Even if you don't see a visible rapprochement and build-up of hundreds of economic, social, and humanitarian ties, you don't allow the separation to deepen" (interview with senior official of the Moldovan foreign ministry, Chisinau, September 2019).
 - 17 According to the OSCE Guide on Non-military Confidence-Building Measures, "[t]here is no commonly accepted definition for CBMs in general and for non-military CBMs in particular." This notwithstanding, the Guide defines CBMs as "actions or processes undertaken in all phases of the conflict cycle and across the three dimensions of security in political, economic, environmental, social

- or cultural fields with the aim of increasing transparency and the level of trust and confidence between two or more conflicting parties to prevent inter-State and/or intra-State conflicts from emerging, or (re-) escalating and to pave the way for lasting conflict settlement.” See OSCE, OSCE Guide on Non-military Confidence-Building Measures (Vienna: 2012), 9, <https://www.osce.org/files/f/documents/6/0/91082.pdf>
- 18 Telephone interview with Cord Meier-Klodt, former German OSCE Special Representative for the Transdnistrian Settlement Process, August 2019.
- 19 Interview with Moldovan think tank representative, Chisinau, October 2019.
- 20 An initially promising approach that has been applied in the Transdnistrian settlement process was the idea that small steps are a necessary means of fostering an improved political climate and of leading to further steps, agreements, and ultimately co-operative relations. As small steps, CBMs are undertaken to change the climate in which more complex and fundamental issues can be negotiated. They should come both from the bottom up and from the top down, and it is commonly thought that the former can stimulate the latter. See Walter Kemp, Ian Hrovatin, and David Muckenhuber, *From Confidence Tricks to Confidence Building: Resolving Conflict in the OSCE Area* (Vienna: International Peace Institute, May 2011), https://www.ipinst.org/wp-content/uploads/publications/ipi_e_pub_building_confidence.pdf
- 21 Interview with OSCE political officer, Chisinau, June 2019; interviews with senior OSCE official, Chisinau, September 2012, July and November 2013, and March 2014; interview with senior OSCE official, Chisinau, March 2014; interviews with senior OSCE official, Chisinau, November 2018 and August 2019.
- 22 Interview with senior Moldovan foreign ministry official, Chisinau, September 2019.
- 23 Interview with Moldovan presidential advisor, Chisinau, October 2019; interview with senior EU advisor, online, November 2022.
- 24 Interview with senior Moldovan government official, Vienna, February 2019.
- 25 Interview with Moldovan presidential advisor, Chisinau, October 2019.
- 26 Interview with former senior Transdnistrian official, Chisinau, November 2015; telephone interview with independent Transdnistrian expert, June 2016.
- 27 Since 2005, EUBAM has supported the Republic of Moldova and Ukraine in monitoring the joint border (<https://eubam.org/>).
- 28 Interview with former senior Transdnistrian official, Tiraspol, October 2019.
- 29 Interview with senior Moldovan foreign ministry official, Chisinau, September 2019.
- 30 The sectoral or expert working groups were established following the signing of a memorandum of understanding between Moldova and Transdnistria on social and economic co-operation in 1997 and were confirmed by Government Decision No. 1178 of October 2007. See Marius Spechea, “The Sectoral Working Groups: Innovation and Efficiency in Transnistrian Settlement,” *Studia Securitatis*, no. 2 (2017): 150. The working groups consist of sectoral specialists (usually five to eight from each side) working in the Moldovan government or its agencies on one side of the table and for the Tiraspol authorities on the other. They are usually co-chaired by deputy ministers from the Moldovan side and by “ministers” from the Transdnistrian side.
- 31 Interview with senior Moldovan foreign ministry official, Chisinau, September 2019.

- ber 2019; interview with former senior OSCE official, Vienna, July 2016; interviews with senior OSCE official, Chisinau, November 2018 and August 2019; interview with senior Austrian diplomat, Vienna, July 2018.
- 32 The Meseberg process and “Memorandum” initiated the establishment of an EU-Russian dialogue at the foreign minister level and of EU-Russian co-operation on crisis management.
- 33 In the framework of the 5+2 format, and as part of the Document on Principles and Procedures for the Conduct of Negotiations, it was agreed that issues related to the Transnistrian conflict would be grouped into three baskets: 1) socio-economic aspects, 2) humanitarian and human rights issues, and 3) political settlement of the conflict and security issues; see OSCE, “OSCE Chairmanship Welcomes Agreement on Principles and Procedures, Agenda in Transnistrian Settlement Talks,” April 18, 2012, <https://www.osce.org/cio/89752>
- 34 Decision No 1/2015 of the EU-Republic of Moldova Association Council of 18 December 2015 on the application of Title V of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, to the entire territory of the Republic of Moldova [2015/2445], 2015 OJ (L 336) 93, <http://data.europa.eu/eli/dec/2015/2445/oj>
- 35 OSCE, “Renewed Transnistrian Settlement Talks Provide Impetus for real Progress in the Coming Weeks, Says OSCE Special Representative,” June 3, 2016, <https://www.osce.org/cio/244651>; OSCE, Protocol of the Official Meeting of the Permanent Conference for Political Questions in the Framework of the Negotiating Process on the Transnistrian Settlement (Berlin: June 3, 2016), <https://www.osce.org/files/f/documents/d/f/244656.pdf>
- 36 OSCE, “Progress on ‘Package of Eight’ Will Advance Transnistrian Settlement Process and Improve People’s Lives, Says OSCE Special Representative,” March 24, 2017, <https://www.osce.org/chairmanship/307386>
- 37 Situational autonomy is the degree of freedom that the sides have (granted by their respective patrons) to conclude agreements with each other. This depends on several other factors, including how patrons judge their side’s reliability with regard to refraining from concluding agreements that would be detrimental to their own interests.
- 38 Interview with senior Austrian diplomat, July 2018. The oligarchic structures in both Tiraspol and Chisinau (where the notionally pro-European government coalition was “co-ordinated” by Vlad Plahotniuc) also enabled the kinds of transactional deals that stabilized the status quo without threatening their respective regimes. Online interview with senior EU advisor, November 2022.
- 39 OSCE, “Special Representative of the Austrian OSCE Chairmanship Reaffirms the Need for Results-Oriented Dialogue in the Transnistrian Settlement Process,” January 20, 2017, <https://www.osce.org/cio/294871>
- 40 OSCE, “OSCE Chairmanship Welcomes Ground-Breaking Decision to Open Bridge over Dniester/Nistru River,” November 3, 2017, <https://www.osce.org/chairmanship/354711>
- 41 For more background information, see OSCE, “Confidence-Building Measures,” <https://www.osce.org/mission-to-moldova/391502>
- 42 OSCE, “Two-Day 5+2 Talks on the Transnistrian Settlement Process Conclude in Bratislava,” October 10, 2019, <https://www.osce.org/chairmanship/435392>

- 43 “В МИД предостерегли НАТО от попытки вмешаться в приднестровский вопрос” [The Ministry of Foreign Affairs warned NATO against interfering in the Transdnistrian question] *Dnestr TV*, September 6, 2022, <http://dnestr.tv/18768-v-mid-predosteregli-nato-ot-popytki-vmeshatsya-v-pridnestrovskiy-vopros.html>
- 44 The Law of the Republic of Moldova of July 22, 2005, No. 173-XVI, cited above (Note 11).
- 45 On September 17, 2006, 98 percent of participants in the referendum answered “yes” to the question “Do you support the course for the independence of Transdnistria and subsequent free integration/association of Transdnistria with Russia?” See Marcin Kosienkowski, “The 2006 Sovereignty Referendum in Transnistria: A Device for Electoral Advantage,” *Ethnopolitics* 21, no. 5 (2022): 496–516.
- 46 Evgenii Cheban, “Мы будем говорить о статусе Приднестровья, а не о статусе Молдовы”. Интервью NM с Олегом Серебряном” [“We will talk about the status of Transdnistria, and not about the status of Moldova”: NM interview with Oleg Serebrian] *NewsMaker*, September 12, 2022, <https://newsmaker.md/ru/novosti/mybudem-govorit-ostatus-pri-dnestrovyya-aneostatus-moldovy-intervyu-nmsolegom-serebryanom/>
- 47 “Более 338 тысяч жителей приднестровского региона имеют гражданство Молдовы” [More than 338 thousand inhabitants of the Transdnistrian region possess Moldovan citizenship] *IPN*, January 3, 2022, https://www.ipn.md/ru/bole-338-tysyach-zhiteley-pri-dnestrovskogo-regiona-imeyut-grazhdans-tvo-moldovy-7967_1086941.html
- 48 Stefan Wolff, “Ukraine War: ‘Soccer Plot’ Raises Fears of Fresh Russian Attempts to Destabilise Neighbouring Moldova,” *The Conversation*, February 15, 2023, <https://theconversation.com/ukraine-war-soccer-plot-raises-fears-of-fresh-russian-attempts-to-destabilise-neighbouring-moldova-199942>; Nadja Douglas, “Expert”innenstimme: Rücktritt der Regierung in Moldau” [Expert voices: Resignation of the government in Moldova] *ZÖiS*, February 14, 2023, <https://www.zois-berlin.de/presse/expertinnenstimme/ruecktritt-der-regierung-in-moldau>
- 49 OSCE, Permanent Council Decision No. 1457, PC.DEC/1457 (December 22, 2022), <https://www.osce.org/permanent-council/535614>
- 50 Vypritskikh, cited above (Note 14).