

**EUROPEAN UNION'S  
FOREIGN POLICY CHANGE  
TOWARDS MOLDOVA**

Director Editor for *Strategic Issues Review*:

Prof.univ.dr. Mihail IONESCU

## **EUROPEAN UNION'S FOREIGN POLICY CHANGE TOWARDS MOLDOVA**

By

Nicu POPESCU

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**NATO STUDIES CENTER**

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## Table of content

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*INTRODUCTION /7*

1. Conceptualising European Union's foreign policy change towards Moldova /12

2. Wider Europe – EU's Neighbourhood Policy and Moldova /18

*2.1 The Emerging Wider Europe? /20*

*2.2 The New Neighbourhood Policy /22*

*2.3 Wider Europe Neighbourhood: a feeling of déjà-vu? /24*

*2.3.1 A “two way street” with small traffic /26*

*2.4 European integration beyond the EU /28*

*2.5 The constraints of the new neighbourhood policy on Moldova /29*

3. The European Union's approach to the Transnistria settlement /33

*3.1 The international context of the Transnistria settlement /35*

*3.2 Moving away from the EU's “traditional” approach on the Transnistria settlement /38*

*3.2.1 EU's changing political discourse on Transnistria /39*

*3.2.2. EU action in the Transnistria settlement /42*

*3.3. What shapes the EU's new approach on the Transnistria conflict? /47*

Conclusion /50

*BIBLIOGRAPHY /53*

*NOTES /59*

*LIST OF ABBREVIATIONS /60*

1

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## *INTRODUCTION*

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The geographical, as well as the functional enlargements of the European Union pose a number of challenges to the EU. One of the challenges is the necessity to re-evaluate the EU's role in international affairs, particularly when it comes to the Union's relations with its post-enlargement neighbours. The challenge for the EU is to develop effective policy instruments for problematic countries towards which it does not have a clear long-term strategy. The present paper will address the issue of how and why EU institutions have changed their perceptions and policies on Moldova, a future Eastern neighbour of the EU, in the context of the Union's enlargement. The hypothesis of the paper is that the EU reassesses its policies towards Moldova, both at a rhetorical and at a practical level. In different spheres and with different policy-makers promoting a certain kind of policy, the assumptions behind EU actions are different.

The aim of this research is to identify the specific mechanisms of the way EU enlargement affects the policy dynamics of the EU in relation to its future neighbours. It will address three questions: firstly, how the EU is changing its policies towards Moldova, from the perspective of having Moldova as a neighbour in the mid-term; secondly, what the assumptions are for developing a new kind of policy, or adjusting previous policies; and thirdly, who the actors are behind certain policy changes. The present research focuses on two examples of foreign policy change in the EU's approach to Moldova. The first development is related to the broader context of EU's relations with its neighbours and the elaboration of a Neighbourhood policy for the so-called Wider Europe (Light et al. 2000,

Lowenhardt 2001, Emerson 2002, European Commission 11.03.2003). The second development is the changing EU policy towards the Transnistria conflict. The Union has embarked on a more pro-active policy which aims at supporting the efforts to put an end to the division of Moldova resulted from a short war with the Transnistria region in 1992. The main driving force for this policy change is the fact that after Romania joins the EU, Transnistria will find itself in the immediate proximity of the enlarged Union, thus having a destabilising effect on the EU periphery.

The relevance of such research is suggested by the fact that, compared to the study of EU relations with Ukraine (Lewis 2002a; Pavliuk 2002), or even Belarus (Lewis, 2002b), the study of Moldova – EU relations has been rather sporadic and quite limited. Moreover, the existing research focuses mostly on the internal situation in Moldova, Ukraine and Belarus, as EU future neighbours (Light et al. 2000; Lowenhardt et al. 2001), without clearly differentiating the distinct dilemmas posed by each of these countries to the EU. A number of studies have made attempts to outline the mid-term interests of the EU in its future Eastern neighbourhood (Weidenfeld 2001; Guicherd 2002a) and have suggested a number of policy recommendations (Guicherd 2002b; Emerson 2002), however none of them have focused on the EU policy change on Moldova. This is due to two reasons. Firstly, the biggest part of the study of future EU neighbours is focused primarily on Ukraine due to its importance (Lewis 2002a; Pavliuk 2002). Secondly, the emerging change in the EU's policy on its Eastern neighbours is a recent development, and still an ongoing process. In addition, the case of Moldova is different from other EU eastern neighbours, due to the existence of the Transnistria conflict, which makes the EU develop an additional set of policy mechanisms as compared to other European countries included in the Wider Europe concept.

In the context of the EU enlargement process, the Union has to address the problem of managing its relations with European non-candidate countries. While the EU is about to include 12 new members by

the end of the decade, the issue of future European perspectives for Turkey, South East Europe, Moldova, Ukraine and Belarus is still a challenge to be addressed by the EU. Moreover, both the EU and the countries concerned are also subjects to certain adaptation pressures, since they have to revise their relations, and develop new ways of interaction which would facilitate a joint problem solving approach.

The present research will focus on the way the EU embarked on the revision of some of its policies towards Moldova, in the context of the debates on the EU's Wider Europe Policy and the ongoing development of the EU's Common Foreign and Security Policy (CFSP). In this respect, one of the questions that arises from the observance of the EU's changing discourse, with concrete implications for certain policies towards Moldova is whether the "new approach" is a change *in* discourse and policy, or a change *of* discourse and policy. A change in discourse is a limited change, at a concrete level of discourse, and does not affect the governing statements or the rest of the discourse (Larsen 1997:17). A change of discourse is a more comprehensive process that affects the discourse in depth (*ibid.*) and presupposes, to a certain extent, the abandonment of the fundamentals of the previous discourse.

The present research on the changing EU policy on Moldova concentrates on two cases – the Wider Europe Neighbourhood policy and the EU's policy on the Transnistria conflict in Moldova. In the case of the Wider Europe concept, the policy change is quite limited, and rather conservative in its approach to the EU's new neighbours, including Moldova. The Wider Europe would better fit the "change *in* policy" definition. On the other hand, the EU's approach on Transnistria has been more a "change *of* policy", since it was marked by an increasingly proactive strategy of discursive policy backed with credible action.

The fact that the two distinct EU policies are conditioned by diverse underlying assumptions can be explained by the scope of the policies and the actors that are behind the two policies. The current ideas on the emerging Wider Europe policy are mostly economically centred, and are mostly driven by the European Commission, which is rather conservative

in its approach to EU's future neighbours. At the same time, the changing EU policy on the Transnistria settlement is mostly a security-related issue, which is dealt with by the EU's High Representative for CFSP (HR), Javier Solana, with the backing of the Council of the EU.

The paper will refer to the fact that the Wider Europe policy is based on the same principles as the previous framework of relations between the EU and Moldova, namely the conditionality and focus on economic, rather than political cooperation. This may create certain problems since the new neighbourhood policy may not overcome the conceptual problems which made previous policies unsustainable.

Then the paper will analyse the way the EU raised its profile in the settlement of the Transnistria conflict in Moldova. In this case, the EU declared its readiness, and undertook certain steps aimed at a greater involvement in the political settlement of the conflict. This is certainly a departure from the previous EU approach which gave priority to the OSCE and Russia in the Transnistria settlement. The aim of my research would be to assess the concrete mechanisms of greater EU involvement in the conflict, and the reasons for them.

While the EU is reassessing its policies towards Moldova, the emerging policy changes are different in dependence of the scope and the policy-makers promoting certain kinds of policies. On the one hand, the emerging new EU policy on the Transnistria settlement is more a change in essence and represents a change in policy, which is driven by security-related motives. On the other hand, the EU's policy change in the framework of the new neighbourhood policy is more a change of (previous) policies, rather than a fundamental change of policies.

The findings of the research were collected from primary sources, interviews with decision-makers and experts conducted in Brussels and Paris, and constant monitoring of political developments which are the object of the research. The research has also used the political discourse analysis technique as a tool to identify the EU's policy change on Moldova. The political discourse has been identified in written

contributions put forward in the political public sphere by EU decision-makers (Larsen, 1997:26).

The first part of the paper outlines the conceptual trends of discourse and foreign policy change of EU actors in relation to Moldova. The second part focuses on the emerging neighbourhood policy, the driving forces and the conceptual motivations behind it. The third part elaborates on the changing role of the EU in the Transnistria settlement, and the rationale behind the discourse and policy change in this particular sphere. Finally, the conclusion addresses the question of what the policy changes are, how substantial they are and who are promoting them.

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## **1. Conceptualising European Union's foreign policy change towards Moldova**

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Foreign policy is a complex process, subject to influence by a large number of variables. In order to comprehensively theorise international politics one should clearly take into account the existence of many levels of analysis of foreign policy. While answering the question what determines international politics, it has been suggested that one of the main dimensions of analysis is related to the impact of the international environment (Muller and Risse-Kappen, 1993:25-6) on foreign policy formulation. The relationship between foreign policy and the international environment is two-sided. It includes the impact of actors on environments and the impact of environments on actors (Jepperson et al. 1996:40). This paper will focus on the latter dimension, *i.e.* on the impact of the post-enlargement international environment of the EU on its policies. Namely, it will address the particular problem of the changing EU policies on Moldova from the perspective of having this country as a neighbour. The problem of developing new policies is closely related to the role of identity and discourse (Checkel 1998:327) which affect the policy choices of the EU.

One of the effects of the enlargement of the EU is that the Union will find itself operating in a new and often challenging international environment. This strengthens the necessity for the EU to develop a greater sense of actorness in its Eastern neighbourhood. One of the elements of actorness in international relations is the “possession of various structural prerequisites for action at the international level” (Rosamond 2000:176). Among these specific prerequisites are specific

policy frameworks, such as the changing EU approach on Transnistria and the emerging neighbourhood policy in the case of Moldova. Moreover, actorness is not only about the objective existence of dimensions of external presence, but also about the subjective aspects embodied in the validation of a collective self by significant others, since the EU is perceived to be important by other international actors (ibid:177).

The enlarged EU will operate in a new external environment – an environment that has cultural, institutional as well as material dimensions (Jepperson et al. 1996:33). This has implications for the process of the EU's identity change in relation to the external world. The development of the new EU policy mechanism for its new neighbourhood is one of the manifestations of the EU's changing identity in the context of the Union's enlargement. Now, more than ever before, the EU is more than the sum of its member states and it can act on behalf of Europe (Wæver 2000:257). This means that the EU has more international responsibilities and a new dimension of interests in its new neighbourhood. In this context, the EU has to re-evaluate its role, since in the context of enlargement the EU has to reassess some of the features of domestic and international environments, which will affect particular interests and policies (Jepperson et al. 1996:37) of the enlarged EU.

The understanding of the EU's new interests in its Eastern neighbourhood is part of the process of a new identity construction (Hopf 1998:177), where identity is understood as:

... an image of individuality and distinctiveness (“selfhood”) held and projected by an actor and formed (and modified over time) through relations with [...] “others” (Jepperson et al. 1996:59).

The fact that the EU acquires a new dimension of identity, that of an almost truly pan-European structure implies a logic of new policy preferences and consequent action (Hopf 1998:174). One of the manifestations of this particular identity change is the development of the Wider Europe concept, where the EU is projected as the centre in a system

of concentric circles with countries which will form the so-called Wider Europe. The role of the EU in this international system will be that of employing its silent disciplining power in its “near abroad” (Wæver 2000:261), where the EU acquires the potential role as a direct intervenor in specific conflicts (European Commission 11.03.03). Moreover, a second, parallel development of identity change in the EU is related to its construction as a security actor through the ongoing development of a Common Foreign and Security Policy and a European Security and Defence Policy (ESDP), which create a set of emerging norms and rules of the game, or a particular governance regime of CFSP (Rosamond 2000:174). Consequently, the identity reconstruction of the EU as a greater security actor reinforces its capabilities and the scope of its potential action in the Wider Europe.

The shifts in the identity of the EU resulted from the enlargement process, and the development of CFSP instruments should not be underestimated since it was acknowledged that environments affect not only the incentives for different kinds of behaviour, but also the basic character of political entities, *i.e.* their identity (Jepperson et al. 1996:33). Within such a framework of analysis, the EU policy change is marked by shifts in the identity of EU institutions who are shaping, if not formulating, the external policy preferences of the EU as a collective actor. The policy preferences of the EU, characterised as being “more than an international organisation and less than a state” (Wæver 2000:257), are marked by the identity of the EU as: (a) the organisation at the centre of the institutionalised Europe; (b) the actor possessing the material and discursive power (Hopf 1998:175) to act as a stabiliser in the Wider Europe; and (c) the normative power that establishes the framework of relations with the Wider Europe, based on EU understanding of values, norms and political practices, which are collective understandings that make behavioural claims on actors (Checkel 1998:327-8).

The study of the new EU policy instruments towards Moldova should take into account not only the changing identity of the EU in the context of enlargement and CFSP developments, but also the previous record of

EU–Moldova relations. Identity change and the previous policy framework are closely interrelated, since the shape of traditional EU policies on Moldova has implications, often as a constraining factor, for the policy manifestations of the EU’s identity change. The extent to which the EU, as an actor, can deviate from its previous approach on Moldova is marked by the extent to which the EU’s previous identity acts as a constraint for its current action. This means that if the EU had had a traditionally low profile and a reactive policy on Moldova in the previous decade, despite the enlargement and the development of the Wider Europe concept, the “new” EU approach on Moldova may be constrained by the character of the previous policy. In such a case we would have two somehow contradictory manifestations of the EU’s identity – that of a cautious player in the post-Soviet space with that of the “heart” of the concentrically structured Wider Europe, where the former approach acts as a constraint for the latter. An empirical manifestation of such contradictory trends in identity development is the way the European Commission formulated its approach to the development of a new neighbourhood policy (analysed in Part 2). The main characteristic of the Commission’s approach is that it has put forward mostly old policy instruments in a new rhetorical shape. The discursive aspect of the Commission’s approach on the EU’s neighbours paid tribute to the necessity to reflect the increased responsibility, if not centrality, of the EU in pan-European affairs. But, despite the discursive change, the essence of the “new” approach has been very much affected by the character of the “old” approach. However, this does not mean that things have not changed at all. The political discourse, as well as other factors affecting the identity of EU institutions has implications for concrete policy outcomes, since the construction of a discursive identity (Wæver 2000:268) creates a favorable environment for particular actions.

While the Commission’s approach to the Wider Europe policy has been rather conservative, the approach of the High Representative for CFSP and the General Secretariat of the Council towards Moldova has been increasingly different from the traditional approach. This means that

while the Commission has mostly chosen the conservative path of “change in policy”, the HR has embarked on a more ambitious policy change, manifested in a more pro-active approach on the problem of the Transnistria dispute (analysed in Part 3). The change of identity of the HR, as a foreign policy actor on Moldova, has been reinforced by other factors, when compared to that of the Commission. As in the case of the Commission, the policy outcomes of the Secretariat General had to take into account the conflicting nature of the traditionally reactive and low-profile EU approach on Moldova, and that of necessity for greater involvement in the “near abroad”. However, unlike the case of the Commission, a factor reinforcing the “greater involvement” choice was the self-perception/identity of the HR as a security actor, which inclined the balance of choice in favour of a more pro-active approach on Moldova, not only in the discursive realm, but also in essence. Moreover, the political discourse on the Wider Europe concept, including the Commission’s contribution, created the necessary background to reinforce the HR’s policy choice, since its action followed, to a large extent, the discursive path outlined by other EU policy setters, including the Commission.

In the case of the Commission’s policy choice on Moldova, and that of the HR there is a certain difference in tendencies. Despite a pro-active rhetoric, the Commission has maintained a rather conservative approach, considerably constrained by its previous EU policy on Moldova and following a “logic of consequences” (Checkel 1998:330). Meanwhile, the HR has adopted a more pro-active approach on Moldova, abandoning the traditionally reluctant policy on the Transnistria settlement.

The policy choice of the Commission was rather conditioned by its previous discourse and action, reluctant towards Moldova, where the character of previous practices and precedents defines to a large extent emerging patterns of behaviour. On the contrary, the policy choice of the HR was conditioned to a large extent by the Wider Europe pro-active rhetoric and its own self-perception as an actor in the security field, rather than by previous policy precedents in relation to Moldova. In this case the

HR's action is marked by "the role of ideas, [...] the effects of dominant discourses and the processes of communicative action" (Risse-Kappen, 1996 in Rosamond 2000:173) which was also marked by the political debates on Wider Europe, which presupposed the necessity for a greater EU role in its neighbourhood.

To sum up, the enlargement of the EU creates new dimensions of interaction between the EU and Moldova, which reveals the necessity for a policy adaptation on the part of both actors. The emerging EU policy mechanisms, the new neighbourhood policy and the EU approach on the Transnistria settlement, are marked by the shaping identities of the EU policy actors. However, the approach of the Commission is somehow constrained by its previously constructed policy on Moldova, which conditioned a conservative approach, in practice, in the new changing circumstances. On the contrary, the approach of the HR and the General Secretariat have been conditioned to a larger extent by their identity of security actors, which made imperative a more pro-active policy on Moldova, particularly when it comes to the Transnistria Problem.

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## **2. Wider Europe - EU's Neighbourhood Policy and Moldova**

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The present chapter addresses the emerging framework of relations between the EU and one of its new Eastern neighbours, namely Moldova. While the emerging neighbourhood policy is a broader instrument, the chapter deals with the particularities of the EU policy towards Moldova, as well as the likely basic assumptions of the policy.

One of the effects of the enlargement of the European Union is that the EU will find itself in a totally new international environment. With the accession of a dozen new members into the EU, the Union will acquire even more diversity and complexity in internal politics and policies, as well as in its external relations. The enlargement of the EU will create adaptation pressures on its internal political processes, but the same is true for the Union's approach to relations with its future neighbours, including Moldova.

The EU has embarked on the development of a more comprehensive framework of relations with neighbouring countries that are not going to become EU members in the medium to long run. The new neighbours policy will aim at the countries conceptually included in the "Wider Europe", namely Russia, the Western Newly Independent States (WNIS) and the Southern Mediterranean<sup>1</sup> (European Commission 11.03.03).

The debate on the neighbourhood policy was launched in spring 2002, but until now the only EU institution that elaborated concrete public proposals about this policy is the European Commission which issued a Communication on 11 March 2003. Other contributions to the new neighbourhood policy debate from EU member states or other institutions have been either internal or very general. Consequently, a considerable part of this chapter dealing with the new neighbourhood policy will be

based on the analysis of the Commission's communication, as well as on the position of other policy actors in the EU, the position of which could be identified from the interviews conducted as part of this research.

An analysis of the conceptual basis of the Wider Europe initiative suggests that the way the Commission approaches its future eastern neighbours is very close to the conceptual framework of the already existing relations based on the Partnership and Cooperation Agreements (PCAs). The problem with PCAs is that they have proved to be unsatisfactory for the EU as well as for the new neighbours, since the conditionality clause of PCAs have not been reinforced with a credible commitment from the signatories. Another drawback of the PCAs, projected into the substance of the Commission's position on Wider Europe, is the insufficiently differentiated approach towards the subjects of these initiatives. Moreover, the new neighbourhood policy, as envisaged by the Commission, has not put enough emphasis on the need for clearer differentiation between the countries of the Wider Europe (interviews A, B, C, D; RFE/RL 14.04.03), which is also a drawback partly inherited from the PCA framework of relations. On the positive side is the fact that if the new neighbourhood policy is able to overcome the conceptual difficulties outlined in this chapter, this would constitute an innovative experiment on the way European integration can be perceived. The innovative dimension would be the application of the idea of "sectoral integration" outside the EU. Under this idea non-members would be given the possibility to integrate with the EU in certain areas, while not being considered as EU members.

This chapter begins with an outline of the conceptual background of the new neighbourhood policy. Then it proceeds with by analysing the similarities between this new initiative and the former framework of relations between the EU and Moldova, as well as identifying one of the key problems of PCAs, namely that of conditionality with weak commitment. The following part of the chapter deals with the positive implications of the neighbourhood policy, specifically with the fact that there are signs that this policy is likely to become a framework of extending the EU model of European integration beyond the borders of the EU. The last part of the chapter explains the character and the reasons

for the current constraints of EU policy on Moldova, which conditioned the emergence of a rather conservative view of the way the Wider Europe policy should work.

## *2.1 The Emerging Wider Europe?*

The conceptual evolution of the EU's attitude to what is referred to as the "Wider Europe" can be seen from the way the EU developed policy instruments to deal with the external environment. By the mid-90s the EU had signed Partnership and Cooperation Agreements with the Western Newly Independent States and Russia, and had launched the Barcelona process aimed at an enhanced partnership between the EU and the Southern Mediterranean countries. Furthermore, as a result of the Treaty of Amsterdam provisions, in 1999 the EU elaborated Common Strategies (CS) on Russia and Ukraine, signalling the need for an EU policy towards these countries which would go beyond the previously signed Partnership and Cooperation Agreements. The CSs of the EU declare strategic partnerships between the Union and each of the two countries (Common Strategy on Russia; Common Strategy on Ukraine; Lewis 2002a:215). In 2000, the EU made public its Common Strategy on the Mediterranean region. The strategy acknowledged the region's "strategic importance" to the EU (Common Strategy on the Mediterranean region).

However, the results of such steps have not been very fruitful. This was due to the still weak nature of the EU's foreign policy cohesiveness; the dominant nature of national foreign policy patterns and the low level of commitment to this kind of multilateral framework from EU member states and the countries which have been the subjects of the strategies. As mentioned by some authors:

...Geographical diversity created unavoidable differences of priorities in national capitals. The German government was most directly concerned about its eastern neighbours, about Ukraine and Russia... Relations with Algeria were acutely sensitive for France, not to be subordinated to consultations with its partners. The Greek government

focused on immediate problems in Albania and Macedonia, and sought to use its influence over EU-Turkey relations to provide support for Cyprus and for Greek security concerns in the eastern Aegean. Finland's concern was with its long land frontier with Russia and with broader EU-Russia relations. Spain was preoccupied with Morocco, and with stability of North Africa as a whole (Forster and Wallace, 2000:481).

The enlargement of the EU changes the external environment in which the Union operates. This leads to the reconsideration of its external role, as well as of its policy instruments. In the post-enlargement context, the problem of developing effective and coherent policy instruments is not dictated only by the desire to have a common foreign policy, but also by the necessity to effectively interact with its new neighbourhood, which is due to become a matter of direct interest for the EU.

The EU's primary interest in its Wider Europe neighbourhood is to have stable and economically well off neighbours (Guicherd 2002a), which would help reduce the challenges posed to the EU by the new vicinity. In addition the EU sees its enlargement as an opportunity to promote stability and prosperity beyond the borders of the Union (European Commission, 11 March 2003). However, one may argue that the opportunity referred to by the Commission is rather a necessity, since in the previous decade the EU was only concerned rhetorically, rather than at a practical level with developments in WNIS, which was not a neighbourhood at that time.

In the new international environment, the EU has to develop new policy instruments aimed at serving the Union's interests in an area of its "vital concern", which is defined in geographical and normative terms (Emerson 2002). This area of vital concern would include not only non-candidate East European states (Ukraine, Moldova and Belarus), but also South Mediterranean states. Currently a new vocabulary is being developed for the area of vital concern, which is referred to as the "Wider Europe"(Lowenhardt et al. 2001, Light et al. 2001, Emerson 2002), the "Wider Europe – Neighbourhood" or the "ring of friends" (European Commission, 11.03.2003; Patten and Prodi, 18.03.03).

Since the external environment of the EU is changing, and the former policy mechanisms no longer correspond anymore to the current necessities, the EU has embarked upon a policy of reconsideration and enhancement of its external capabilities in relation to the Wider Europe. The new policy framework for relations with the new neighbours is developed under the name of a new neighbourhood policy.

## *2.2 The New Neighbourhood Policy*

As the EU moves to the East it has found it necessary to reconsider its policy towards Belarus, Moldova and Ukraine. Moldova, a problematic country that once was of small interest for the EU, has been moving higher up on the EU agenda, as it becomes clear that its problem-generating potential may pose serious challenges to the enlarged EU. Moldova, as other WNIS, is highly vulnerable to challenges such as the increasing migrant and refugee flows, organised crime (Lewis 2002b: 375) and arms smuggling. The challenge for the EU in relation to Moldova is not only to contribute to the stabilisation of the country, and assist the reduction of economic asymmetries, but also to deal with the issue of the future frontiers of the European Union (Guicherd 2002b:683).

Voices in the EU pushed for a debate on the future frontiers of the EU. The President of the European Commission, Romano Prodi, declared that he cannot imagine that the EU will share the same institutions with countries like Ukraine, Russia or Israel (Moldova Azi/Basa Press, 16.10.2002). And Chris Patten, the Commissioner for External Relations, stated that:

...Over the past decade, the Union's most successful foreign policy instrument has undeniably been the promise of EU membership. This is not sustainable. For the coming decade, we need to find new ways to export stability, security and prosperity we have created within the enlarged EU. We should begin by

agreeing on a clearer vision for relations with our neighbours (European Commission, 11.03.2003).

However, later on Romano Prodi reinterpreted his statement claiming that he has “never used the word “never” when speaking about the possibility of ... EU membership” for Ukraine and implicitly Moldova, and that “both sides are working to deepen the co-operation in all areas except for institutional questions” (EU Observer 19.03.03). To make the debate even more contradictory, EU’s enlargement Commissioner, Gunter Verheugen stated that:

... it is natural that the question of EU membership is always a topic whenever our ties with Moldova and Ukraine are discussed, and it is true that the door cannot remain closed in the long term (RFE/RL 14.04.2003).

For the EU the dilemma is not whether to engage or not with its new eastern neighbours, but to define the strategic goal of its engagement. Moreover, it was claimed that the issue is not whether Belarus, Ukraine and Moldova are or are not European, but whether they can join the EU without affecting the internal balance of the Union (Guicherd 2002b: 691; Interview E).

In such an ambiguous context there is a need to develop a more complex agenda of relations between the EU and its Eastern neighbours, but both sides have different visions of how this new framework should be developed, the EU institutions have been debating the essence of the new neighbourhood policy. The European Commission’s vision of the Union’s relations with its neighbours was expressed in the phrase:

... in return for concrete measures demonstrating shared values and effective implementation of political, economic and institutional reforms, all the neighbouring countries should be offered the prospect of a stake in the EU’s internal market. This should be

accompanied by further integration and liberalisation to promote the free movement of persons, goods, services and capital (European Commission 11.03.03).

Under this conceptual framework the Commission has identified a set of measures aimed at enhancing integration and liberalisation, which would be implemented gradually and progressively, as a response to neighbouring countries “positive action” (“two-way street” concept). Among these measures are: the extension of the free market and regulatory structures; preferential trading relations; perspectives for lawful migration and the free movement of persons; co-operation in the security field; greater EU involvement in conflict prevention; integration into transport, energy and telecommunications networks; and enhanced assistance and new sources of finance (ibid.). This neighbourhood policy would be taken forward via country or regional Action Plans developed by the Commission and the countries concerned. These action plans are supposed to supersede common strategies in order to become the Union’s main policy document for relations with the neighbouring countries. Moreover, it was suggested that new Neighbourhood agreements could be signed, which would provide a more complex framework of relations than the currently existing Partnership and Co-operation Agreements.

### *2.3 Wider Europe Neighbourhood: a feeling of déjà-vu?*

After having mentioned the instruments of the neighbourhood policy, one may notice that its main traits are: conditionality and focus on technical aspects, mostly related to trade and economic concerns. Conditionality refers to the fact that it depends upon the neighbouring countries, and not on the EU, how the former implement reforms which would be “awarded” by trade benefits from the EU. Moreover, the EU’s response to the effective implementation of reforms in its neighbouring countries will be predominantly of an economic nature. The problem is that, while not diminishing the importance of economic benefits for the countries concerned, it is important to say that the neighbourhood policy

reproduces the key assumptions of the PCAs – conditionality and centrality of economic issues (Lynch 2003:55), which have been judged as ineffective. In this respect the change between the two frameworks – from PCA to Neighbourhood agreements – is quantitative, rather than qualitative.

An analysis of the neighbourhood policy in a broader geographical context would support the argument that it falls short of constituting an entirely innovative approach towards relations with EU neighbours. One should keep in mind the fact that the Southern Mediterranean region is supposed to be incorporated into the same framework of the neighbourhood policy together with Russia, Ukraine, Belarus and Moldova. An analysis of the Euro-Mediterranean partnership (the Barcelona process) reveals that it is based on the same conceptual pillars as the PCAs and the suggested neighbourhood policy – conditionality and an economy-centred approach. One of the key aims of the Euro-Mediterranean partnership was to develop a common area of welfare through the creation of a Free Trade Area between the EU and its Mediterranean partners (the Barcelona Declaration). However, 8 years after the launch of the Euro-Mediterranean Partnership, the results of the process are rather modest. The hopes of a Euro-Mediterranean free trade area have been virtually abandoned. What is worse is that the mechanism of conditionality, as it was conceived by the EU in relation to North African states and the Middle East did not give any palpable results in terms of democratisation and reform in the Southern Mediterranean countries (Popescu 2002). Despite the declared readiness of the EU to support democratisation and reform through trade concessions, the countries have not engaged in any structural change of their political and economic systems. This suggests that the kind of EU conditionality provided by the Barcelona process lacked a chain which would link trade concessions to economic and political reforms. And until now there have been no clear signs that this kind of chain will exist in the neighbourhood policy.

Moreover, the neighbourhood policy proposal put forward by the European Commission has been received cautiously by EU's eastern neighbours and was not found entirely satisfactory by most member states (RFE/RL 14.04.2003) as well as the HR and the Council Secretariat (Interviews C and D). Even if the Commission's proposal suggests measures for greater economic integration, the fact that the EU's Eastern neighbours are treated in the same group as North African countries, provoked fears that this is an *a priori* exclusion from the possibility of full-fledged integration into the EU. Some member states and the HR have also pointed to the need for clearer differentiation between the Union's Eastern and Southern neighbours (RFE/RL 14.04.2003; Interviews C and D).

### **2.3.1 A “two way street” with small traffic**

Another problem with the conditionality consists in the fact that in the “two way street process” – self-supported reforms followed by trade concessions – the EU has not always been fully committed to this system. Or at least it has not always reacted encouragingly enough to motivate the neighbouring countries to pursue further reforms. One could argue that economic and political reforms are to the benefit of the respective societies, which would be perfectly justified. However, as the development of Central and East European countries have demonstrated, reforms are (better) implemented against the background of external support and a mobilizing political goal (EU membership). However, these are the two factors which are not present in the Commission's approach towards the EU's new neighbours. The presence of at least one of them could have a beneficial impact on the EU's commitment to the neighbourhood policy.

Furthermore, even with a lack of the above-mentioned two elements, the EU has not always been committed enough to the “two-way street” concept<sup>2</sup>. One of the examples where the concept did not work due to the EU's lack of commitment is the problem of the creation of a EU-Moldova free trade area. The PCAs provide for the possibility to create free trade

areas between the EU and the signatory states. An EU pre-condition for the creation of a free trade area with PCA signatories was the necessity for the countries to join the World Trade Organisation. Such a move would open the perspective of negotiations on a free trade area with the EU. This was supposed to be the EU's response to the conditionality clause. However, in the case of Moldova, which joined the WTO in 2001, the EU is still refusing to open negotiations on a free trade area. In contrast to that, the EU has been negotiating with Russia the creation of a Common European Economic Space, although Russia is not yet a member of the WTO. While this situation can be explained on political grounds, it undermines the EU's commitment to the "two-way street" concept, which in its turn diminishes the motivation of the neighbouring country's elites to pursue unpopular reforms. The problem that the EU decision-makers "do not practice what they preach" when it comes to free trade (Interview C) with neighbouring countries will not necessarily be eliminated with the launch of the neighbourhood policy. This negative background for the reforms is especially obvious in the absence of tangible external support, mobilizing political goals (such as EU membership) or even the hope of consistent trade concessions on the part of the EU.

It would be a mistake to claim that the EU's Eastern neighbours, including Moldova, have demonstrated a strategic commitment to reforms, and it is only because of the EU that the "two way street" concept has not worked. Both the EU and Moldova are responsible for the current dissatisfactory state of relations between them. None of the parts was committed enough to respond fully to the other's expectations and make conditionality work. And after each step taken as a move on the two-way street, the parts have been too concerned with waiting for the other part's move, rather than showing its commitment to further steps. This *quid pro quo* game lacked a strategic engagement on both sides and was highly dependent on political considerations of a tactical character. There is a danger that unless something is changed structurally in the Neighbourhood policy proposal the same kind of "two-way street with a small traffic" may persist.

## *2.4 European integration beyond the EU*

Despite certain conceptual insufficiencies, the new neighbourhood policy proposal put forward by the Commission brings about the possibility of developing the concept of European integration in the conditions when EU membership perspective as the main policy instrument is no longer sustainable. The dilemma for the EU is how to export stability without importing instability (Weidenfeld, 2001:12) and how to deal with the need for a functional inclusion of the Eastern neighbours (Interview B). The essence of the proposed Wider Europe initiative suggests that the EU tends to export the existing concepts of “multi-level” Europe and that of sectoral integration beyond the borders of the European Economic Area (EU and the European Free Trade Association/EFTA).

The proposals made by the Commission within the framework of the Wider Europe proposal suggest that the model of the new initiative should be quite similar to the way EU – EFTA relations operate, *i.e.* non-EU members are part of the single market and have the benefits of EU membership in certain areas while not being EU members. This model of limited integration (Sverdrup and Kux, 1997:31) applied in the purely economic field can be certainly extended to other areas, including some Justice and Home Affairs, or even foreign policy issues. The Communication of the Commission states that the long term aim of its proposal for the neighbourhood policy is “is to move towards an arrangement whereby the Union’s relations with the neighbouring countries ultimately resemble the close political and economic links currently enjoyed with the European Economic Area” (European Commission 11.03.03: 15). However, despite the fact that the European Economic Area (EEA) is declared as a model for the neighbourhood policy, the latter excludes the possibility of shared institutions. This differs in essence from the EEA arrangements where the EFTA countries have considerable possibilities for shaping the *acquis* at the pre-pipeline stage when the Commission is considering proposals (Emerson et al.

2002:29). Another problem is that the model of flexible integration outside the EU, as in the case of EEA, transforms the countries outside the EU into net decision-takers, as they barely have the capacity to participate in the decision-making process.

Furthermore, in the case of Moldova any efforts for sectoral integration with the EU should take into account not only the economic aspects of such a functional inclusion into the single market. A precondition for any progress towards the implementation of the Wider Europe's conceptual pillars in the EU-Moldova relations presupposes the necessity for Moldova to control fully its external borders, which is currently impossible because of the Transnistria problem. This implies the need for a strong coordination between the new neighbourhood economic dimension and its justice and home affairs (JHA) component. However, the Commission's Wider Europe proposal has not considered enough the need for a greater JHA dimension of the neighbourhood policy. This was also suggested in a reaction to the Commission's proposal signed by the HR Javier Solana, who emphasized the need for greater focus on JHA (Interviews C and D).

The policy proposals of the European Commission on the neighbourhood policy have been projected as an extension of the flexible integration beyond the borders of the EU and EFTA countries. While the idea in itself is quite innovative, the Commission fell short of suggesting an entirely comprehensive framework of relations, which would satisfactorily address the need for non-economic cooperation and the institutional aspects of the Wider Europe.

## ***2.5 The constraints of the new neighbourhood policy on Moldova***

The main points of criticism of the Wider Europe communication issued by the Commission were concentrated on the insufficient differentiation between the neighbours of the EU and the failure to provide for a really comprehensive model of relations with its neighbours.

In this respect the Commission's approach towards the new neighbourhood policy reflects to a large extent the realities of the Partnership and Cooperation Agreements signed with post-soviet states. Moreover, the neighbourhood policy would not replace, but develop the previous policy mechanisms based on PCAs. In this respect, the continuity between the "old" and "new" approaches is quite evident. This reinforces the perception that the Commission has mostly chosen a conservative path of policy-development towards WNIS.

The previous model of relations between the EU and WNIS, namely the PCA, and its derivative instruments have proved to be unsatisfactory for the actors involved. However, the problem is that the Wider Europe Policy inherits some of the conceptual elements of the PCAs, which is the "two way street" concept with an insufficient level of commitment. In the conditions of a low level of commitment, the problem with the "two way street" concept which forms the basis of the neighbourhood policy is that there is the danger that it will reproduce the same paradigm of relations as the previous framework, namely the PCA. And both the EU, and its neighbours may be locked in the same kind of "action-reaction" straightjacket which proved to be ineffective. EU membership may not be sustainable anymore as the most successful foreign policy instrument, but to use instruments which have already proved to be ineffective would be even less sustainable. Despite this, the current policy choice of the Commission towards Moldova continues to be constrained by previous policy instruments and discourses.

The pro-active rhetoric on Wider Europe has been considerably constrained by previous EU policies on East European non-candidate countries. The policy choice of the Commission was rather conditioned by its previous discourse and action, which were reluctant towards Moldova. This followed the foreign policy path outlined as a practice that depends on "the existence of intersubjective precedents and shared symbolic materials" (Hopf 1998:176), where the character of previous practices and precedents defines to a large extent emerging patterns of behaviour.

An additional constraining factor for applying to Moldova more ambitious policy instruments is the insufficient differentiation from Ukraine. Since 1999 Moldova has been requesting from the EU to be treated as an entirely Southeast European (SEE) state, different from other WNIS. In Moldova's perception a "Southeast European treatment" implied the inclusion of Moldova in the Stability Pact for Southeast Europe, the Stabilisation and Association Process (SAP) and other regional mechanisms, which will facilitate its integration into the EU. Moldova was accepted to the Stability pact as a full-fledged member in 2001 and joined other regional processes<sup>3</sup>. However the EU has been refusing to grant Moldova the perspective of signing a Stabilisation and Association Agreement. External Affairs Commissioner, Chris Patten stated that "Moldova was manifestly a part of Southeast Europe – and part of the Stability Pact for SEE – but that SAP was designed for the Western Balkans" and it is unlikely that Moldova will be included in the SAP (European Report 19.03.03). Moldova has been arguing that its problems (internal conflict, weak statehood and the small size of the state) makes it more logical to be treated in the same way as Macedonia or Albania which are formally acknowledged EU potential candidates and SAP subjects, rather than in the same category with Ukraine or Russia. However, the "Southeast European aspirations" of Moldova have not been fully met by the EU. This was partly due to the desire to avoid granting Moldova an EU associated member status, which would constitute a precedent in the EU-Ukraine relations (Interview D) at a stage when the EU is not ready to discuss with Ukraine the conclusion of a Europe agreement.

The main characteristic of the Commission's approach is that it has based its Wider Europe rhetoric on mostly old policy instruments. While there were clear expectations of the necessity to reflect the increased responsibility, if not centrality, of the EU in pan-European affairs, the proposed mechanisms for ensuring this centrality are quite limited. Despite the discursive change, the essence of the "new" approach has been very much affected by the character of the "old" approach. In other words the new neighbourhood policy is a change in policy, rather than a

change of policy. This is explained by the overwhelmingly internal preoccupations of the European Commission in the post-enlargement context. Moreover, until the conclusion of the Intergovernmental Conference (IGC) that will follow the Convention on the Future of Europe, drafting a new constitution for the EU, it will be quite difficult to define strategically the path of cooperation with the EU's new neighbours. It is not yet clear how a Union of 25 will function, and until the problems of day-to-day decision-making are settled, the concrete mechanisms for the implementation of the Wider Europe concept will not be elaborated fully.

Moreover, there is no urgency for the sectoral integration of the new neighbours into the single market within the Wider Europe framework of relations. While the political imperative of creating an area of "shared prosperity and stability" (European Commission 11.03.2003:6) exists, this is not an urgent matter for the EU, unlike in the case of EU involvement in the Transnistria conflict, which was judged to be "urgent" (High Representative for CFSP, Statement, 19.02.2003). This, along with the different institutional identities of the Commission and the HR have conditioned a different path of EU policy on the Transnistria settlement, which is analysed in the next chapter.

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### **3. The European Union's approach to the Transnistria settlement**

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The previous chapter looked at the emerging Wider Europe policy which aims at developing a new framework of relations between the EU and its neighbourhood. The present chapter will deal with another changing EU policy mechanism, namely that of the EU approach on the Transnistria problem. In the context of EU enlargement, the Transnistrian problem is coming up on the security agenda of European institutions. As noted by Chris Patten, EU Commissioner for External Relations, the EU does not want to have at its borders a country embedded in conflict (Infotag 19.03.03). Furthermore, the Transnistria problem poses security problems to the enlarged EU (Vahl, 2001) since after Romania joins the EU, Transnistria will find itself in the immediate proximity of the enlarged Union.

Firstly, Transnistria is a threat on its own merits. Traffic of arms, humans and drugs, organised crime and smuggling have flourished in a region under the authoritarian rule of the Transnistrian leadership. Secondly, it poses a rather indirect, but no less important challenge to the EU. The Union acknowledged the fact that failure to resolve the Transnistria issue “is the single largest impediment to Moldova’s political and economic development and one of the root causes of poverty” (EU – Moldova Cooperation Council, 18 March 2003). In the present conditions, with Transnistria a separate entity, Moldova cannot emerge as a viable state, since it cannot even control its eastern border and a considerable part of its economic infrastructure. As noted in the EU’s Country Strategy Paper on Moldova:

The Transnistrian dispute heavily affects Moldova's foreign relations and economic development. Moldova can only make limited progress towards democratic consolidation and economic improvements as long as the Transnistrian issue continues (EU Country Strategy Paper, 2001:8).

Against the background of the mediators' – the OSCE, Russia and Ukraine – failure to contribute decisively to the settlement of the conflict, the European Union has been increasingly showing its interest in contributing to the Transnistria settlement. The present chapter shows how the EU has changed its cautious approach to the Transnistria conflict. By raising its profile in the Transnistria settlement, the EU aims at the stabilisation of a region which it will border in a few years. As stated in a Commission policy-paper:

Moldova's stability clearly matters to the EU. Within a few years, Moldova will be on the borders of an enlarged EU. It has been destabilised by weak government, armed conflict and secession, near economic collapse, organised crime and emigration... The EU needs to help Moldova address these problems (EU approach on Moldova, 2002).

Since the end of 2002 the EU has considerably changed its approach to the Transnistria conflict in Moldova. This change is manifested in a modified political discourse, which later turned into concrete action on behalf of the EU. The EU has undertaken a number of policy initiatives which had the effect of raising the Union's political profile in the Transnistria settlement. This process could be described as a construction of actorness of the EU in the Transnistria settlement, since its actions have exercised influence, shaped perceptions and expectations of the players (Bretherton and Vogler, 1999:5) currently involved in the Transnistria settlement. The idea of actorness has been defined as based on the

assumption that the actor should have a distinctive, high-profile and coherent identity (Hill 1993:307). The present chapter will analyze the dynamics, the implications, manifestations and the driving forces of the foreign policy change that aim at constructing the EU's actorness in the Transnistria settlement.

### ***3.1 The international context of the Transnistria settlement***

In 1992 the Moldovian government engaged in a short, but disastrous in its consequences, war with Moldova's eastern secessionist region of Transnistria. After a cease-fire imposed by the then 14<sup>th</sup> Russian army stationed in Transnistria, the parties to the conflict have been negotiating the status of Transnistria in an eventually unified Moldova. Russia, Ukraine and the OSCE<sup>4</sup> were mediators in the negotiating process, and they are supposed to be the guarantors of the eventually agreed status of Transnistria in a unified Moldova.

In more than a decade of negotiations few things have changed, except for the fact that Transnistria has managed to survive as a "de-facto state" (Lynch, 2001:4) with crucial support on the part of the Russian Federation and Ukraine, while the state-building project in Moldova has fallen short of success. The solution of the Transnistria problem is a precondition for the emergence of Moldova as a viable state, in security, economic and political terms.

From the perspective of the international community, the Transnistria problem can be divided into three interconnected issues. The first is the withdrawal of Russian troops from Transnistria. The second is the negotiation of a political settlement of the conflict. The third is the problem of guarantors of the political settlement, *i.e.* which countries or organisations will guarantee the implementation and the sustainability of the agreed status of Transnistria within a unified Moldova. The "guarantee" also implies the provision of peace support mechanisms.

The OSCE has been playing a key role in all the above mentioned issues, and was supposed to represent the interests of the international community in the settlement of the Transnistrian dispute. The OSCE Mission to Moldova has been mediating the negotiations and has been monitoring the withdrawal of Russian troops from eastern Moldova. However, it has been argued that it would be too much to say that the OSCE provides a “counter-balance” to Russian support for the separatist claims (Munteanu 1999: 142). Moreover, after a decade of fruitless negotiations the OSCE’s capacity to contribute to a positive outcome of negotiations has been coming under increasing doubt, if not outspoken skepticism. The problem of the OSCE in this respect is that it does not have the mechanisms for the implementation of its decisions. In addition, it is subject to the veto power of all its member states. Consequently, the rigidly consensual nature of the OSCE prevented the organisation from acting more coherently when it came to issues eventually affecting the interests of other member states, such as the withdrawal of Russian troops from Moldova, for example.

The current state of events in Moldova has increasingly worried the international community. Firstly, because in the context of the EU and NATO enlargements the Transnistrian conflict acquired a new “European dimension”, which it lacked before<sup>5</sup>, meaning that it will be too close to the EU and NATO’s border to be ignored<sup>6</sup>. Secondly, the failure of Russia to withdraw its troops by the end of year 2002 in accordance with the decisions of the OSCE summit in Istanbul in 1999 has played the role of an alarm bell for Western Europe, since Russia has been looking for pretexts to maintain its military presence in Moldova in defiance of the republic’s neutrality status<sup>7</sup> and the OSCE decisions.

According to the Istanbul commitments, Russia had to withdraw “completely and unconditionally” its troops and armament from Moldova by 31 December 2002. It was not able to comply with the terms of the Istanbul agreement, and the deadline was extended until 31<sup>st</sup> December 2003 (OSCE Statement, Porto, 7.12.2002). However, unlike the Istanbul

declaration, upon Russian insistence, the Statement of the OSCE Ministerial Council in Porto mentioned only a “complete” withdrawal, not an unconditional one. Moreover, the withdrawal should take place by 31 December 2003, at latest, “provided necessary conditions are in place” (ibid.). In addition, the Porto statement only acknowledged a Russian “intention” to withdraw, not a clear-cut “obligation” (Socor 27.01.03). This was perceived as a serious step back and an indication that Russia would be interested in maintaining its troops in Transnistria after the agreed deadline. The Russian Federation has a record of interpreting the deadlock in negotiations and the absence of a “final solution” as an argument for a continued military presence (Munteanu 1999:152, Nantoi 2002). And the continued Russian military presence is a guarantee of the interests of the Transnistrian regime, which will perpetuate the *status-quo*. Such a perspective is certainly worrying Moldova, as well as the EU.

In this context, the EU has adopted an increasingly pro-active stance towards the problem of secessionism in Moldova. As already mentioned, there are three issues related to the Transnistria problem, which are of particular interest to the international community: the withdrawal of Russian troops, the negotiations on a political settlement and the political and military guarantee of the outcome of the negotiations. The three issues are interrelated. The withdrawal of Russian troops will facilitate a political solution of the conflict. Such a solution, if and when it is achieved, will have to be guaranteed by international actors.

The Western states have always advocated, along with Moldova, the necessity of a Russian troop withdrawal. In this respect, the EU’s political discourse has been marked by a high degree of continuity, unlike in the case of the other two issues related to the Transnistria problem: the negotiations on the status of the breakaway region in a unified Moldova and the problem of guarantors of the political settlement. The last two issues the Union’s approach has been marked by considerable changes, from a traditionally formal interest to a recently growing concrete involvement.

### *3.2 Moving away from the EU's "traditional" approach on the Transnistria settlement*

The negotiations on the status of Transnistria are pursued in a five-sided format, consisting of Moldova and Transnistria with Russia, Ukraine and the OSCE as mediators and guarantors. Russia is the dominant actor in this format, as it, in fact, controls multiple seats at the negotiating table (Popescu 2003). In addition to being one of the mediators, Russia is able to veto OSCE initiatives and to influence Ukraine. Moreover, most of the separatist leaders, including the self-proclaimed "president of Transnistria," are citizens of Russia.

Since the end of 2002, the change in the EU's position towards the issue of negotiations in the Transnistrian conflict and the role of the mediators in the settlement has undergone the most radical changes (Interviews A and D). The EU has embarked on a more pro-active policy hoping that its more active involvement in the Transnistria settlement will help to stabilise a region which otherwise will affect the security of the enlarged EU. A comparative analysis of EU's statements and actions until and after December 2002 will reveal a considerable change in the Union's approach towards the Transnistria settlement.

For example, at the beginning of 2002, in a policy paper on Moldova, the EU stated that it "should increase support within the OSCE in finding a solution to the Transnistria conflict" and that the "EU should keep Moldova high on the OSCE agenda" (EU Approach on Moldova, 2002). The EU was also raising the issue of Transnistria in its bilateral relations with Russia and Ukraine. Usually it stressed the importance of the OSCE and "encouraged" the mediators, Russia, Ukraine and OSCE in the peace process (EU-Russia Joint Statements of 3.10.2001 and 29.05.2002; EU-Ukraine Joint Statements of 11.09.2001 and 5.07.2002). The EU's approach was a reactive one, with a more or less clearly expressed desire to support any eventual progress, while not being ready to take decisive measures or directly intervene in order to push for such progress. It recognized as adequate the negotiating format and all its declarations

showed its intention to promote its views through the OSCE and to support this Organisation (EU approach on Moldova, 2002). One of the cases clearly showing the EU's reluctance, at that time, to deal even indirectly with the Transnistria problem is related to Moldova's acceptance into the Stability Pact for Southeast Europe in June 2001. At that time, one of the two EU conditions<sup>8</sup> for Moldova's admission into the Pact was that Chisinau would not request the inclusion of the Transnistria problem into the issues dealt within the Stability Pact framework.

### **3.2.1 EU's changing political discourse on Transnistria**

By the end of 2002 the EU quite brusquely changed its approach. It was realised that without new impetus the deadlock in the Transnistria settlement would last. Moreover, it was also realized that Russia's commitment to the settlement of the conflict was not enough to solve it. In addition, the EU's declared readiness to play a more pro-active role was supported by the emergence of the new neighbourhood policy, a new framework of relations with the EU's post-enlargement neighbours. The international context favoured a more active EU involvement in Moldova, since:

... despite ongoing instability, the wars in the Balkans have ended and a regional framework has been created for long-term stability. The circumstance provides the EU with more room to consider its security needs arising from new neighbours in the east. ... [T]he EU has recognised the need to develop a neighbourhood strategy towards the region. This strategy will include a particular focus on Moldova and its conflict (Lynch 2003:99).

The change in the EU's approach to the issue of Transnistria is both qualitative and quantitative. The Union, namely the Council of Ministers and the HR, issued an unprecedented series of statements dedicated to the Transnistria problem (4 December 2002; 29 January 2003; 18 February

2003; 27 February 2003). Moreover, on March 11, 2003, at the initiative of the European Commission, talks were held in Brussels between Ukraine and Moldova on the issue of joint border controls between the two countries on the portion of the border which is controlled by Transnistria. The EU supported Moldova's claims for the creation of a joint Moldova-Ukraine border control in the Ukrainian territory which would encircle Transnistria and would ensure control of Moldova's external borders. This problem could not be settled on a bilateral basis, or with the support of the OSCE, due to Ukraine's opposition, which has benefited from trade and transit of goods from Transnistria.

The qualitative change in the EU's discourse is even more evident. The traditional approach of the EU towards conflicts in the post-soviet space was quite reluctant and usually supportive of Russian attempts to intervene (Allen 1997:232; Munteanu 1999:143), although with formal references to OSCE principles and the necessity of a political settlement. This was also valid for the EU's attitude towards the Transnistria settlement process, which could be read through a series of EU statements. For example, in October 2001 the EU *agreed* that a settlement of the conflict should occur as soon as possible (EU-Russia Joint Statement, 3.10.01). In May 2002 the EU stated that it *will cooperate with the parties* involved in the Transnistria settlement (EU Russia summit, 29.05.2002). It also *encouraged* the efforts of *the mediators* and declared its commitment to increase EU's efforts to *support* the settlement of the conflict (EU – Ukraine Joint statement, 05.07.2002). These declarations still showed the EU's attachment to the existing negotiating mechanism which consisted of Moldova, Transnistria, the OSCE, Russia and Ukraine. Moreover, the EU's traditional position was marked by a rather abstract interest in the Transnistria settlement. The new EU approach was manifested in a considerable change of diplomatic language and the EU has undertaken some concrete actions, which indicates a clear distancing from the former mostly declarative and reactive policy.

In December 2002 the EU declared that it was “*ready* to examine measures contributing to the fulfillment of this aim *stopping* the illegal

activities linked to the conflicts, as well as helping to promote a political settlement” (EU Declarations of 4.12.2002 and 29.01.2003). In the January 2003 meeting between the EU Troika and Russian officials, EU diplomats stated that “it seems that Russia has more leverage on the issue of Transnistria, than it seems to use” (European Report 27.01.2003). Moreover, EU officials were reported as stating their concern on the “contrasting difference between the positive experience in the Balkans and Russia’s continuing unwillingness to influence developments in Moldova...” and that the EU is interested in “concrete cooperation” to resolve such issues (RFE/RL 05.02.2003). Later on, the EU reinforced its declaration by announcing its *intention*, not just *readiness*, “to play a more proactive role in facilitating negotiations between the concerned parties”, in a situation judged to be “*urgent*” (EU High Representative for CFSP, Statement, 19.02.2003). Finally, it is worth mentioning that the OSCE was not even mentioned in either of the above-mentioned contexts and declarations, which suggested an understanding of the fact that the OSCE framework was no longer judged as fully adequate. Moreover, the new EU political discourse on Transnistria suggested that the EU does not consider anymore that Russia should have a special role in crisis management in the Western part of the Newly Independent States (Interviews A and B). This is based on the emerging understanding that in the post-enlargement context “EU involvement in the CIS is inevitable” (Interview A) and that the EU should have a greater say in regional problems that affect the security interests of the enlarged Union.

In this context, the analysis of the EU’s political discourse suggests that since the end of 2002 the Union has embarked on a more pro-active policy on the Transnistria issue. This has also coincided with the conceptual developments related to the launch of the new neighbours initiative, which among other objectives, mentioned the necessity of “greater EU involvement in conflict prevention and crisis management” in the EU’s Eastern neighbours (European Commission, 11.03.03).

However, the change was not only rhetorical, but practical as well. The EU has adopted several steps aiming to support the Transnistria

settlement with respect to the territorial integrity and independence of Moldova. In this respect the EU has also acted as a separate actor, since its actions were not directed either through the OSCE, or in a bilateral framework with Russia or Ukraine who are mediators in the Transnistria settlement.

### **3.2.2. EU action in the Transnistria settlement**

In accordance with the EU declared readiness and intention to contribute to a positive outcome of negotiations on the status of Transnistria in a unified Moldova, the EU has undertaken several steps into this direction.

Firstly, the EU along with the US, and supported by the EU candidate countries, have imposed a travel ban on 17 Transnistrian leaders. It was declared that “In support of the EU’s more active involvement in the political process, the Council has decided to implement targeted sanctions in the form of travel ban... The EU reserves the right to consider additional targeted restrictive measures at a later date” (Council Common Position, 27.02.2003). The lifting of the travel ban on Transnistria’s leadership was conditioned by the adoption of a more constructive position of the latter in the negotiations with Moldova. Furthermore, the High Representative for CFSP declared that if the Transnistrian leaders delay the negotiating process, “the EU will be ready to examine additional measures, including economic and financial” ones, against them (Presidency of Moldova, 17.04.2003). Considering the EU’s increasingly categorical declarations, one could talk about the construction of a dynamic of greater involvement in the Transnistria settlement.

Secondly, the European Commissioner for External Relations, Chris Patten, supported Moldova-Ukraine negotiations on joint border control on the Transnistria segment of the Moldova-Ukraine border. Ukraine has been resistant to Moldova’s claims to establish joint border controls on Ukrainian territory which would help the government in Chisinau to manage better its frontiers, since it created serious problems for Moldova, such as illegal migration, smuggling, drugs and arms traffic. With the

support and under the aegis of the EU, which has insisted on the necessity of an “efficient border and customs regime at all Moldovan borders” (EU – Ukraine Joint Statement, 05.07.2002; EU Presidency Work Plan on Ukraine, 15.07.2002), such negotiations between Moldova and Ukraine with EU involvement began on March 11, 2003 (Infotag, 11.03.03). It is worth mentioning that at the initiative of Moldova and the EU, the negotiations are pursued in a “three-sided” format. This means that the EU is not just a mediator between Moldova and Ukraine, but a fully-fledged participant at the negotiating rounds, which is a reflection of the understanding that the EU has a stake in the way the border between Moldova and Ukraine is managed (Interview D). Moreover, the EU has stated its readiness to “assist border management and customs control along the portion of the border with Ukraine where Transnistria is situated” (EU- Moldova Cooperation Council, 18.03.03). In addition, Moldovan officials expressed their hope that the joint border and customs management would be installed as soon as possible with the participation of EU representatives (Press Office, Moldovan Government, 18.03.03). Taking into account the EU’s readiness to assume such responsibilities (EU Council report, 3.12.2002), the accomplishment of these intentions would constitute the first step of direct “physical” involvement of the EU in the resolution of one of the problems related to the Transnistria conflict.

A third development revealing EU’s greater involvement in the Transnistria settlement is the readiness of the EU’s High Representative for CFSP to send an observer to the Moldova-Transnistria Joint Constitutional Drafting Commission (EU-Moldova Cooperation Council, 18.03.03). This Commission was created at the proposal of the president of Moldova, and aims at the joint elaboration with Transnistrian experts of a new Constitution for a unified Moldova, which would be later approved by referendum in the whole of Moldova. Actually this Joint Commission replaces to a large extent the negotiating format. Consequently, the EU’s involvement, as an observer, in the workings of the Constitutional Commission would mean that the current “five-sided” negotiating format has been softly sidelined by a more flexible format,

where the EU is also represented by an observer. Furthermore, the Co-chair of Moldova-EU Parliamentary Committee, Jan Marinus Wiersma, MEP, insisted on the necessity “to consolidate the negotiating mechanism, and the European Union’s involvement in it will contribute to the achievement of this aim” (MFA, 19.02.2003).

Finally, an important development eventually leading to a greater EU role in the Transnistria settlement is the possibility for the EU to take part, in some form or other, in the further stabilisation of Moldova through some of its crisis management capabilities. The eventuality of an agreement between the Moldovan government and Transnistria on the terms of re-unification brings about the problem of guarantors of the observance of the provisions of the agreement. Currently, besides being mediators, the OSCE, Russia and Ukraine are also (political) guarantors. The international guarantee will also have a military dimension since it will presuppose the existence of a limited peacekeeping force in Transnistria. It was generally agreed that such a force would be under an OSCE mandate, and that Russia would be the main interested party in providing the core of this force. In this respect, at the beginning of 2002, the EU declared itself “ready to respond to an international peacekeeping force consisting *mainly* of Russian force” (EU Approach on Moldova, 2002). However, there are signs that the eventual dominance of Russia as the main political and military guarantor of the Transnistria settlement is no longer accepted. The reason for this may be the EU and Moldova’s increasing conviction that a settlement where Russia would play a dominant, even a quasi-monopolistic, role without any built-in counterbalance may not be sustainable. A Russia-dominated guarantee would not take into account such factors as: (1) the interests of the enlarged EU, which, unlike Russia, will border Moldova and will have to face the challenges arising from the region; (2) the imperative to ensure the real independence of Moldova; (3) and the necessity to achieve a “sustainable solution” to the conflict, to use the term suggested in the proceedings of the EU – Moldova Cooperation Council of 18 March

2003. Russia's record in the Transnistria settlement suggests that the importance of these factors may be marginalised.

Considering the above mentioned developments, the OSCE Head of Mission to Moldova has stated that he does not "exclude the participation of any OSCE member states in a peacekeeping operation, but this operation has to be a genuinely international one, it should be ensured by a really international contingent, which would be essentially different from the current formula" of peacekeepers (Basa Press 01.02.03), which consists mainly of Russian troops, along with Moldovan and Transnistrian military personnel. Moreover, the OSCE Chairman-in-Office representative to Moldova, who is also in charge of coordinating the Transnistria issue with the EU, has stated that "we have to think already today about the composition and the status of the future peacekeeping force in the region" (ibid.).

Against this background, at the EU-Moldova Cooperation Council in March 2003, the Moldovan government was reported as stating its interest in the eventuality of EU's use of its civil and crisis management capabilities for the post-conflict internal security arrangements in Moldova (EIS, EU/Moldova, 20.03.03). This was interpreted as a move to "initiate a discussion on whether the EU might take on a peacekeeping role after the eventual withdrawal of Russian troops from Transnistria" (ibid.). Moreover, it was suggested by the Moldovan side that EU's involvement in the post-conflict context could be based on models "tested" in Macedonia (EU peace keeping troops from April 2003) and Bosnia and Herzegovina (the EU Police Mission).

As described, the EU has undertaken a series of actions aimed at raising its profile in the Transnistria settlement. The nature of the policy change is best seen through a comparison between the old and the new approach to the problem of the Transnistria settlement. The contrast between the two approaches can be seen in the table comparing the EU political discourse and action or lack of it before and after December 2002.

**Table 1 – EU’s political discourse and actions regarding the Transnistria settlement**

| <i>The traditional approach (before 11.2002)</i>   | <i>The new approach (starting 12.2002)</i>  |
|--|---|
| The Transnistria conflict is a post-soviet, not a European one. Russia has some special rights in conflict-management in the Commonwealth of Independent States. | The Transnistria conflict, unlike other post-soviet conflicts (Abkhazia, Karabakh, South Ossetia) will be at the border of the enlarged EU, affecting primarily the EU’s security, not Russia’s.  |
| The EU recognizes the negotiating format in the Transnistria settlement as adequate.   | The EU announces its intention to send observers to the Moldova-Transnistria Constitutional Drafting Commission.<br><br>“It is necessary to consolidate the negotiating mechanism, and the European Union’s involvement in it will contribute to the achievement of this aim” (Wiersma, 19.02.2003).<br><br>The EU is worried about the “contrasting positive experiences in the Balkans with Russia’s continuing unwillingness to influence developments in Moldova” (05.02.2003). |
| The EU encourages Russia and Ukraine to contribute to the settlement of the Transnistria conflict.   | The EU is “ready to examine measures contributing to a settlement of the conflict” (4.12.2002).   |
| The EU encourages the mediators – Russia, Ukraine and the OSCE – in the negotiating process.   | The EU remarks that “Russia has more leverage on the question of the Transnistrian conflict than it seems to be using” (27.01.2003).  |
| The EU stresses the importance of the OSCE in the Transnistria settlement. The EU should “keep Moldova high on the OSCE agenda”.                                 | The OSCE is not mentioned in the EU’s declarations on the Transnistria conflict.  |
| The EU blocks the possibility to discuss Transnistria-related problems in the workings of the Stability Pact for Southeast Europe.                               | “The EU recalls its readiness to consider measures” contributing to a progress in negotiations on Transnistria settlement (29.01.2003).<br><br>It is necessary to promote “a greater EU role in crisis management” at its future borders (11.03.03).  |

| <i>The traditional approach (before 11.2002)</i>  | <i>The new approach (starting 12.2002)</i>  |
|---|---|
| The EU agrees that a solution to the conflict should be achieved as soon as possible.   | The situation with Transnistria is urgent (19.02.2003).   |
| The EU insists on the necessity of an “efficient border and customs regime at all Moldovan borders” (05.07.2002; 15.07.2002). | The EU announces its readiness to assist the border management on the Transnistria sector of Moldova-Ukraine border.<br>The EU launches a negotiating round on the border and customs controls at the Moldova-Ukraine border. |
| “The EU will cooperate with parties involved in the settlement of the Transnistria conflict” (29.05.2002).                    | The EU is interested in “concrete cooperation” which would facilitate a final solution to the conflict.   |

As shown in the Table 1, there is a considerable difference between the EU political discourse and action towards the Transnistria problem before and after December 2002. The change has happened at both discursive and practical levels.

### ***3.3. What shapes the EU's new approach on the Transnistria conflict?***

Since the end of 2002 the EU has considerably changed its approach to the Transnistria conflict in Moldova. This change is manifested in a modified political discourse, which has later turned into concrete action on behalf of the EU.

The politics of greater EU involvement in the Transnistria settlement is conditioned by several factors. Firstly, the enlargement of the EU reinforces the necessity to deal with a conflict which will affect the security of the Union. Transnistria is a source of a number of transnational “soft” security challenges such as organised crime, smuggling, traffic of immigrants and arms (Vahl 2001). Secondly, the changing approach on Transnistria, in the context of the enlargement, is reinforced by the debates on the Wider Europe concept and the shape of the new neighbourhood policy. One of the elements of the EU approach on its post-enlargement neighbourhood is the EU’s readiness to assume more

responsibility in crisis management, including the Transnistria conflict (European Commission 11.03.03). A third factor is the availability, although limited, of EU military and civil-crisis management capabilities within the framework of the European security and defence policy. This has led to discussions on whether the EU should take part in a future peace-keeping operation in Transnistria.

In raising its profile in the Transnistrian settlement, the EU has adopted a cautious and gradual profile. It seeks to find a niche, especially in issues where it can be useful. The tactic of EU involvement is characterized by the fact that it does not seek to penetrate already established mechanisms of dialogue, but rather seeks a greater role in the emerging new sub-frameworks of the political settlement of the Transnistrian conflict. Among the new mechanisms with a potentially greater EU role are: the Moldova-Transnistria Joint Constitutional Commission; the international pressure on Transnistrian leadership to adopt a more constructive position in the negotiations; the eventuality of joint border and customs management on the Ukraine-Moldova border and the perspective of new peace support arrangements with eventual EU involvement.

The policy of greater EU involvement in the Transnistria settlement is mostly driven by the Council Secretariat and policymakers working with the High Representative for CFSP (Interview A). The travel ban on Transnistria's leadership was issued by the EU Council at the initiative of the Secretariat (Council Secretariat, 19.02.2003). The EU statements on Transnistria in the period between December 2002 – April 2003 were issued by the Presidency of the Council or the High Representative for CFSP. Moreover, it was the HR who announced the EU's intention to send an observer to the Moldova-Transnistria Joint Constitutional Drafting Commission.

Besides concrete policy outcomes, suggesting the Secretariat's primary role in promoting a more pro-active EU policy on the Transnistria settlement, some internal EU discussions reinforce this conclusion. In 2002 the Council Secretariat initiated internal discussions whether the EU

should get involved by sending peace keeping troops to Transnistria, but the idea was rejected by some member states (Interview A). However in 2003 the situation has changed and such discussions have been launched again (ibid.). There are two key factors which favour the renewal of such discussions. Firstly, a new peace support operation should be launched in Transnistria after the withdrawal of Russian troops, due to take place by 31<sup>st</sup> December 2003, and the EU is regarded as a potential contributor to such an operation. Secondly, the fact that starting with the EU operations in Bosnia and Macedonia in 2003, the EU has the capabilities to participate in limited peace support operations reinforces the credibility of potential EU action in Transnistria (Interview D). This is also the case because the scale of a peace operation in Transnistria would require even less troops than currently deployed in Macedonia.

The enlargement of the EU creates new dimensions of interaction between the EU and Moldova, which reveals the necessity for a policy adaptation on the part of the EU. The emerging EU approach on the Transnistria settlement is marked by the identity of particular EU policy actors. The policy of greater EU involvement in the Transnistria settlement is to a large extent the policy choice of the HR and the Council Secretariat. This policy choice was conditioned by the Wider Europe proactive rhetoric and the HR's self-perception as an actor in the security field, reinforced by the availability of EU crisis management capabilities.

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## Conclusion

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The present paper identified the specific mechanisms of the way EU enlargement affects the policy dynamics of the EU in relation to Moldova. The EU has launched a process of reconsideration of its policies on Moldova. There have been two main policy-changes. Firstly, the EU has been developing a Wider Europe – Neighbourhood policy towards its post-enlargement neighbours. A second policy change is related to the European Union’s approach towards the settlement of the Transnistria conflict. In both cases the EU has manifested a desire to pursue more ambitious policies, as compared to its previous approach to Moldova. This is an indicator of the identity change of the EU as an international actor under the impact of a changing external environment.

However, the policy change on Moldova in the two outlined cases is not identical, since the assumptions for their realisation have been different. In the case of the overall framework of future relations with Moldova and other EU neighbours, namely the Wider Europe-Neighbourhood policy, the EU is following a rather conservative path, which means that the policy change is mostly at a rhetorical level at this stage. Moreover the policy-change *per se* could be rather characterised as a “change *in* policy” as opposed to a more substantial “change *of* policy”. In the case of the Wider Europe initiative the policy choice is perceived as a continuation of previous policy mechanisms based on the Partnership and Cooperation Agreement, or, to put it differently, an adaptation of old policy mechanisms to the post-enlargement realities. One of the effects of this adaptation is the fact that the Wider Europe framework of relations reproduces some of the conceptual drawbacks of the PCA, namely that of

conditionality with weak commitment, technicality and insufficient differentiation between the WNIS.

In the case of EU policy change on Transnistria, the situation is different. In this particular case the policy behaviour of the EU can be characterised as a substantial “change of policy” manifested as an abandonment of the previous policy of non-involvement in favour of a more pro-active policy. The greater EU involvement has manifested at both discursive and practical levels and had the effect of developing a sense of actorness of the EU in the Transnistria settlement. This could be seen as a certain disruption of the traditional approach on Transnistria in which the EU’s discourse and policy on Transnistria have changed considerably over a relatively short period of time.

The divergent trends in the two manifestations of EU policy change on Moldova, namely the neighbourhood policy and the EU approach to the Transnistria problem, are explained by two key factors: the scope of the policies and the actors that are behind the two policies. The current ideas on the emerging Wider Europe policy are rather economically centred, and are mostly driven by the European Commission, which is rather conservative in its approach to Moldova, as well as to other EU future neighbours. At the same time, the changing EU policy on the Transnistria settlement is mostly a security-related issue, which is dealt with by the EU’s High Representative for CFSP, Javier Solana, with the backing of the Council of the EU.

Both institutions have been constrained in their new policy choice on Moldova by their record of previous non-involvement and reactive policies. Both the Commission and the HR realise the necessity for greater involvement in the “near abroad”. However, unlike in the case of the Commission, a factor reinforcing the “greater involvement” choice is the self-perception/identity of the HR as a security actor, which inclined the balance of choice in favour of a more pro-active approach on Moldova, not only in the discursive realm, but also in essence. This institutional identity of the HR, reinforced by the “urgency” of the challenges arising from Transnistria are the two factors that are not

present in the formulation of the Wider Europe policy proposal put forward by the Commission. This explains the divergent trends in the policy-change of EU institutions towards Moldova within the framework of the Wider Europe policy and EU approach on the Transnistria problem.

In conclusion, the enlargement of the EU creates new dimensions of interaction between the EU and Moldova, which reveals the necessity for a policy adaptation from the part of the two actors. The emerging EU policy mechanisms – the new neighbourhood policy and the EU approach on Transnistria settlement – are marked by the shaping identities of the EU policy actors. The approach of the Commission is quite constrained by its previously constructed policy on Moldova, which conditioned a conservative approach in the new changing circumstances. On the other hand, the approach of the HR has been conditioned to a larger extent by his identity of a security actor, which made imperative a more pro-active policy on Moldova, particularly when it comes to the Transnistria Problem.

The changing policies of the EU in relation to Moldova reflect a broader tendency of reassessment of the EU's international role in the post-enlargement context. The overall implications of the changing policies is that this process is a reflection of a changing identity of the EU, which is in a process of construction of a “near abroad” concept referred to as the Wider Europe. Such a concept implies the possibility for the EU to extend the model of integration beyond its own borders, which is an important development of the notion of “European integration”.

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Interview E – interview with a member of the European Parliament.

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## NOTES

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1. Southern Mediterranean: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestinian Authority, Syria, Tunisia. Western Newly Independent States: Ukraine, Moldova and Belarus (European Commission, 11.03.03).

2. It should be noted that the “two-way street” principle *per se* is not to be criticized, as it proved to be quite effective in the current EU candidate countries. The problem with the “two-way street” concept is that it is not effective in the conditions of a low level of commitment of the parties involved.

3. Moldova is also participating in the Southeast Europe Cooperation Initiative (SECI), in the creation of a SEE Free trade area and is an observer in the Southeast European Cooperation Process (SEECF) of which it will probably become a member.

4. At the beginning of the negotiations Romania was also part of the mediating process, but it withdrew in 1994.

5. Transnistria was rather perceived as a “Eurasian” post-Soviet conflict, where Russia has some special rights in conflict-management, and Western Europe has only distant and indirect interests.

6. After Romania joins NATO in 2004, and the EU – by the end of the decade, Transnistria will be at a distance of about 100 km from the border of the enlarged NATO and EU, posing serious security challenges to the region. In contrast, Transnistria is at a distance of about 1.000 km from the Russian border, and poses no threat to Russian security. Even such a simplistic “geographic approach” explains the shifting nature of regional security interests of the international actors.

7. The Constitution of Moldova proclaims the permanent neutrality of the country, thus prohibiting the stationing of foreign troops on its territory. Consequently, Moldova has never agreed with the presence of Russian troops, which is considered to be illegal.

8. A second condition for the acceptance of Moldova into the Stability Pact was that Chisinau will not request a Stabilisation and Association Agreement with the EU, as the other beneficiaries of the Pact – Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia-Montenegro (Romania and Bulgaria were already associated members of the EU).

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## *LIST OF ABBREVIATIONS*

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- CFSP – Common Foreign and Security Policy
- CS – Common Strategy of the EU
- EEA – European Economic Area
- EFTA – European Free Trade Association
- ESDP – European Security and Defence Policy
- EU – European Union
- HR – High Representative for Common Foreign and Security Policy
- IGC – Intergovernmental Conference
- JHA – Justice and Home Affairs
- MFA – Ministry for Foreign Affairs
- NATO – North Atlantic Treaty Organisation
- OSCE – Organisation for Security and Cooperation in Europe
- PCA – Partnership and Cooperation Agreement
- SAP – Stabilisation and Association Process for Southeast Europe
- SEE – Southeast Europe
- WNIS – Western Newly Independent States (Belarus, Moldova, Ukraine).
- WTO – World Trade Organisation