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www.iwp.org.ua  
20/8 Instytutska Vul., Kyiv 01021, Ukraine  
380 44 253 55 57 / 253 53 58

# Policy Brief

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## UKRAINE'S CONTRIBUTION TO REGIONAL SECURITY: The case of Transnistrian conflict

Leonid Litra

Policy Brief on the results of the fourth meeting  
of the Strategic Discussion Club of the Institute of World Policy\*

### Summary

**Despite the Ukraine's OSCE chairmanship focus on Transnistria, the process of conflict settlement is getting into a deadlock. Ukraine is pushing for a direct dialogue between Moldova and Transnistrian authorities, Russia has an increasingly revisionist position, while US is getting less interested in the region. On the other hand, EU is investing more efforts in conflict settlement and Moldova hopes that association with the EU will ease the process of conflict resolution.**

**Meanwhile, even if there are no favorable conditions for conflict resolution, the 5+2 participants need to get back to a sustainable approach to the conflict settlement and ensure good faith negotiations. All the participants should prevent any attempt to increase military capabilities and unilateral actions in the region and greater involvement of civil society is required for avoiding the emergence of new dividing lines.**

### Ukraine's OSCE presidency: high gas, low gear

The issue of protracted conflicts has been considered from the very beginning as one of the key priorities of the Ukraine's OSCE chairmanship. Despite the positive rhetoric and efforts of Ukrainian diplomats, it seems that Ukraine is not yet able to turn its efforts into results, mostly for reasons not attributable to Ukraine. All the conflicts in the post-Soviet area are different and have its own peculiarities, but all of them have one common element: the Russian Federation.

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\* This policy brief presents a summary of the discussions held at the 4th Strategic Discussion Club "The Role of Ukraine in the Settlement of Protracted Conflicts", organized by the Institute of World Policy. The Strategic Discussion Club is a project of the Institute of World Policy and the NATO Liaison Office in Ukraine, implemented with the support of the Government of Norway. The Strategic Discussion Club aims to create opportunities to hold informal but substantial public discussions on strategic matters of Ukrainian national security on a regular basis. Meetings of the Strategic Discussion Club are usually initiated to cover some of the most important issues regarding national security and are held once every two months. Well-known Ukrainian and foreign experts, politicians, and diplomats are invited to participate in the club meetings.

The Transnistrian conflict received particular attention from Kyiv, however the international environment was not interested in any break-through or even in opening discussions on important issues in the conflict settlement. From the very first round of negotiations under the Ukrainian chairmanship it was obvious that “Transnistrian side was not ready to participate in the negotiations”<sup>1</sup> which left the first round without results. Other initiatives, such as the initiative to open discussions on the third “basket” of negotiations that includes issues of political settlement and status of Transnistrian region were also not supported. During the first visit of minister Leonid Kozhara in Moldova, both in Chisinau and Tiraspol, a preliminary agreement on opening the third “basket” discussions was reached, which was later contested<sup>2</sup> by the so-called president of Transnistria, Evgheny Shevchuk.

Previously Ukraine has proved its capacity to break the deadlock in the settlement process. In 2006, by the efforts of Ukraine, “Transnistria was forced to play by the rules and register its companies in Chisinau, which imposed an order in the foreign trade of the secessionist entity”<sup>3</sup>. These days the interest of Ukraine is much lower than it used to be and is not even among the hundred foreign policy priorities of Ukraine<sup>4</sup>. The MFA of Ukraine plays the key role in managing Ukraine’s contribution to the settlement process, however, aside from the efforts of Ambassador Andriy Deshchytsia the position and visibility of the MFA is still modest. In addition to the MFA involvement, a particular interest has been shown by Verkhovna Rada which created the inter-faction union of MPs for assistance in solving the conflict in Transnistria, headed by the MP from the Communist party Sergey Gordienko. The inter-faction union is quite active and attended the so-called Independence Day of Transnistria in 2013, where Sergey Gordienko stated that “MPs of **both countries** clearly understand that all the problems can not be solved immediately, but what we can do is to draw public attention to these problems and to force our government to carry out all previous agreements”<sup>5</sup>. The position of the head of the inter-faction group has a clear dissonance with the official position of Ukraine, which considers Transnistria part of the Republic of Moldova and not a separate state.

However, despite the courageous statements of Gordienko, the attitudes of different decision-makers in Ukraine toward the Transnistrian region are varying. Most of the actors who follow the issue of Transnistrian conflict are not satisfied with the current situation and there is a wide debate on which instruments should be used in order to make Tiraspol more cooperative in the settlement process and friendlier to Ukraine. Some argue that the real actions of Ukraine toward Transnistrian administration will be taken next year, when Ukraine will pass the OSCE presidency to Switzerland. But for now there is no a clear decision and still much depends on the results of the negotiations in Brussels in October and the expected meeting between Iurie Leanca and Evgheny Shevchuk.

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<sup>1</sup> Andriy Deshchytsia, Ambassador, Special Representative of the OSCE Chairperson for protracted conflicts, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv.

<sup>2</sup> Regnum, <http://www.regnum.ru/news/fd-abroad/transdnistria/1616310.html>, 23/01/2013

<sup>3</sup> Borys Tarasyuk, MP, Minister of Foreign Affairs (1998-2000, 2005-2007), 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv

<sup>4</sup> Alyona Getmanchuk, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv

<sup>5</sup> “Приднестровская” группа в парламенте Украины обещает “активизироваться”, <http://www.regnum.ru/news/polit/1702375.html>, 03/09/2013

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Until this moment the negotiations has not brought the expected results of opening the 3rd “basket”, opening the bridge in Gura Bicului, etc. The only protocol decisions that was concluded in the 5+2 format refers to the dismantlement of an unused cable car across Nistru river and efforts to avoid the escalation of tensions in the security zone. The officials in Ukraine agree that “the recorded progress is not enough, but if one looks in a wider context, the last time parties signed the documents in the negotiation process is July of last year”<sup>6</sup> (2012).

### Beyond OSCE: a wider picture of the current positions of actors

Compared to the situation from 2005, the nowadays prospects of Transnistrian settlement look blurry and the situation is only getting worse mainly due to the disinterest, disengagement, or de-prioritization of this issue by the main Western actors, allowing Russia almost a free hand in this conflict. One particular aspect of this trend is the change of paradigm. For a number of years, the paradigm was about looking for solutions to the conflicts. International stakeholders are no longer focused on solutions, but rather focus on stabilizing the existing situation, avoiding outbreaks of fighting and building confidence on the ground between the parties. Therefore, everyone has grown fairly comfortable with the current situation, and as long as there are no outbreaks of fighting, international diplomats declare themselves more or less satisfied.<sup>7</sup> To this end, most of the international actors become less interested in solving the Transnistrian conflict.

The US focus on Middle East, Iraq, Afghanistan, Iran and more recently Syria, has drifted away its attention from the post-Soviet area. The EU eastern enlargement and its growing influence in the former Soviet states increase Brussels' responsibility in the settlement of the Transnistrian conflict. That is why the US position is quite clear “Europe, this is your conflict. Fix it”<sup>8</sup>. Moreover, Americans understand that the centre of gravity on this issue has to remain in Europe and the US involvement in Transnistria is only going to get worse.<sup>9</sup>

Despite the fact that US took the backseat in the settlement process, the EU, after the Russian-Georgian war in 2008, has started to pay more attention to the frozen conflicts, especially on the Transnistrian one given its location at the EU border but as well given its nature. In this way, the Transnistrian settlement is part of the wider process of engaging with eastern neighbourhood. Therefore, the involvement of the EU in the settlement of Transnistrian conflict “is no longer seen as possible or desirable, it's a fundamental problem”<sup>10</sup> and the EU cannot avoid its presence and commitment. Despite the slow process of involvement, Brussels takes its role more seriously and is investing funds, efforts and high-level attention but “the problem lies in the fact that European

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<sup>6</sup> Andriy Deshchytzia, Ambassador, Special Representative of the OSCE Chairperson for protracted conflicts, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv.

<sup>7</sup> Vlad Socor, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv.

<sup>8</sup> Matthew Rojansky, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv

<sup>9</sup> Ibid

<sup>10</sup> Ibid

Union doesn't know how to act in this position"<sup>11</sup> yet. A particular effort to give a new impetus to the conflict settlement has been made by Germany that ended up with modest results due to different understanding of the process by Berlin and Moscow.<sup>12</sup>

The Kremlin position has slightly changed over the last years if one takes into account the appointment of Dmitry Rogozin as special representative "on Transnistria" (rather than "on conflict settlement in Transnistria"). His appointment was one element of a part-defensive, part-offensive policy designed to raise Russia's game in Transnistria.<sup>13</sup> Moreover, since the moment of Rogozin's appointment there could be observed a revisionist policy of Russia in the region, which is clearly in conflict with the official position of Russian MFA, that of recognizing the territorial integrity of Moldova. Therefore, the Russian approach in the region should be divided in two parts: the soft-liners represented by the MFA which plead for status-quo and mimicking of the negotiation process and the hard-liners represented by Rogozin which plead for sanctions on Moldova, blocking of negotiations process and military upgrade of forces in Transnistria. The later process has been already observed and is quite alarming. The tactics used by Russia regarding military upgrade in Transnistria is the one of staged militarization that is done in small amounts but constantly. It was in 2012 when the Minister of Defense of Moldova announced that Russian peacekeepers would have received grenades and sniper rifles, military equipment that is not required in the peacekeeping mission.<sup>14</sup> In addition, Russia is testing the ground for sending eight new generation helicopters for the Russian peacekeeping forces, because "from the air, it is easier to follow that the border of 400 kilometers is not ignited by flames of war"<sup>15</sup>. Moreover, Russia being simultaneously an arbiter, mediator, peacekeeper and sponsor of the conflict basically blocks any possible progress.

For the Transnistrian authorities the position of Russia is welcomed, however, one should not be convinced that the relations between Moscow and Tiraspol are much better than the relations between Chisinau and Moscow. One of the aims of Rogozin's appointment was precisely to control Shevchuk administration given that it was not Moscow's choice to elect him. A clear demonstration of the difficult relation between Tiraspol and Moscow is the fact that Rogozin's initial planned travel to Tiraspol on September 2 (so-called Independence Day of Transnistria) was postponed to September 3, while experts mention<sup>16</sup> that a meeting of Putin and Shevchuk lobbied by Rogozin that should have taken place in Sochi was canceled by Putin.

Leaders of the breakaway region stated that their goal is to become independent in the next 1,5 years<sup>17</sup>, which appears to be a very optimistic, not to say unrealistic, scenario. Today there is no actor who is ready to recognize its independence. Ukraine is considering Moldova a unitary state

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<sup>11</sup> Cornel Ciurea, 4th Strategic Discussion Club: "The Role of Ukraine in the Settlement of Protracted Conflicts", 12/06/2013, Kyiv

<sup>12</sup> Philip Remler, Negotiations Gone Bad: Russia, Germany, and Crossed Communication, Carnegie Europe, <http://carnegieeurope.eu/2013/08/20/negotiation-gone-bad-russia-germany-and-crossed-communications/gjd2>, 21/08/2013

<sup>13</sup> Nicu Popescu and Leonid Litra, Transnistria: a bottom-up solution, European Council on Foreign Relations and Institute for Development and Social Initiatives, London, 2012.

<sup>14</sup> Russia continues the game of staged militarization in Transnistria (Rusia continua jocul militarizarii etapizate in Transnistria), Karadeniz-Press, 18/08/2013, <http://karadeniz-press.ro/kara/rusia-continua-jocul-militarizarii-etapizate-in-transnistria/>

<sup>15</sup> (Video) Presa rusa: Pacificatorii rusi vor fi dotati cu elicoptere, Unimedia (video from Zvezda channel) 29/07/2013, <http://unimedia.info/stiri/video-presa-rusa-pacificatorii-rusi-vor-fi-dotati-cu-elicoptere-63756.html>

<sup>16</sup> Radu Vrabie, Cum se citesc mesajele cu care a venit în Moldova vicepremierul rus Dmitri Rogozin, Europa Libera, 03/09/2013, <http://www.europalibera.org/content/article/25094714.html>

<sup>17</sup> Евгений Шевчук: Приднестровье добьется признания через полтора года, Publika, 26/08/2013, [http://ru.publika.md/link\\_1011491.html](http://ru.publika.md/link_1011491.html)

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and is afraid of setting a precedent that could generate several territorial problems for Kyiv itself<sup>18</sup> while Russia is not interested in recognizing Transnistria since its aim is to control Moldova through it and possibly generate problems to Ukraine. Moreover, experts say<sup>19</sup> that for Russia is not convenient to recognize the independence of Transnistria since it will not be able to fund it. Besides, the case of Abkhazia and South Osetia downgraded the image of Russia not only because it was acting against the international rules of the game but also because there was no recognition even by the closest allies of Kremlin, such as Belarus or Kazakhstan. Last but not least, independent assessment<sup>20</sup> of the results of the “independence” of Abkhazia and South Osetia are not encouraging for Transnistrian authorities.

For Chisinau the settlement of Transnistrian conflict remains a secondary issue compared to the European integration process. The perception in Moldova is that integration in the European Union is much more important than the reintegration of the country.<sup>21</sup> By this logic Moldova is willing, first, to ensure the irreversibility of the European integration process by signing and putting into force the Association Agreement with the EU and only then start serious dialogue about the prospects of reintegration. So far this strategy has proved to be widely inefficient but in the mid-term it has chances to be successful if the reforms carried out by the government in Chisinau under the EU agenda will be implemented. Many who deal with the Transnistrian issue in Chisinau understand that a possible resolution of the conflict in the future will involve a certain process of power sharing between Chisinau and Tiraspol. In order to ensure that this process is efficient and is not leading to the “transnistrianization” of Moldova, Chisinau has to have a reformed bureaucracy with consolidated state institutions and a consensus within the political elite.<sup>22</sup> The unreadiness to proceed with discussions on power sharing could be observed by the fact that the 2005 “Law on the principles of the Transnistrian settlement” was not canceled, even if Berlin was suggesting this step in order to unblock the discussions on status.

To conclude, today all the actors practically divide the process in two: before Vilnius (Eastern Partnership summit) and after Vilnius. It is becoming more evident that the outcome in Vilnius will influence the settlement agenda. Ideally for everyone but Russia and Transnistrian region would be if Ukraine will sign the Association Agreement and Moldova will initial it. The Association Agreements with the EU, which also include the Deep and Comprehensive Free Trade Areas, provide for a strong leverage of EU in the region but more importantly land-locks the Transnistrian region into a European normative area that will create significant difficulties for the regime in Tiraspol. Russia's unofficial position is that the Moldova's association process is already a *fait accompli*, given that the Russian government ordered<sup>23</sup> a research on the perspectives of economic development of the Transnistrian region in the event of Moldova's accession to the EU DCFTA area from the point of view of possibilities for Russian business.

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<sup>18</sup> Alyona Getmanchuk, Transnistria: Ukraine's approach and expectations from OSCE's chairmanship, A view from Kyiv, IWP and CRPE, <http://www.crpe.ro/v2/wp-content/uploads/2013/01/Policy-Memo-32-Transnistria-Romania-Ukraine-Views-from-Kyiv.pdf>

<sup>19</sup> Igor Botan, “Federației Ruse nu-i convine să recunoască Transnistria pentru că nu va putea să o alimenteze”, Europa Libera, 02/09/2013, <http://www.europalibera.org/content/article/25093588.html>

<sup>20</sup> Пятилетка независимости, Коммерсантъ, №151 (5182), 23.08.2013, <http://www.kommersant.ru/doc/2261208>

<sup>21</sup> Cornel Ciurea, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv

<sup>22</sup> Igor Botan, “Pentru toată lumea cea mai fericită soluție este ca problema transnistreană să rămână înghețată”, Europa Libera, 22/07/2013, <http://www.europalibera.org/content/article/25053558.html>

<sup>23</sup> Russian Government, [http://zakupki.gov.ru/pgz/public/action/orders/info/order\\_lot\\_list\\_info/show?source=EPZ&notificationId=6472816](http://zakupki.gov.ru/pgz/public/action/orders/info/order_lot_list_info/show?source=EPZ&notificationId=6472816)

## Towards a new 5+2 format?

The negotiations in the 5+2 format to a large extent proved to be inefficient focusing too much on technical issues and approaching serious issues just on the surface without reaching any agreement. Despite the effective OSCE support of the negotiation process the parties were not able to open talks on “third” basket “due to the fact that two participants in the 5+2 format, Russia and Transnistria, are not ready to open negotiations on it”<sup>24</sup>. But the problems do not consist only of the issues like the third basket. The 5+2 process of negotiations is fundamentally broken.<sup>25</sup>

The assessment of the Transnistrian Conflict Resolution Task Force, which is a second track negotiations format at the level of experts from all sides involved, has made general observations that the inefficiency of the format is first of all generated by absence of good faith negotiations, unilateral movements and provocations along the administrative line. Moreover, the 5+2 format is deliberately transformed into a technical group that is discussing such issues like cable car removal or environmental issues on a certain segment of the river Dniester, which is unacceptable for such a format. It is difficult to imagine further interest of the US, if a high-ranked US official is flying 15 hours from Washington to discuss two days about the unused cable car.<sup>26</sup> Therefore, the 5+2 format is basically producing kilograms of documents that do not influence the settlement process. However, in addition to the “blocking” capacity of the 5+2 format, this is excluding surprises in settlement process such as the Kozak Memorandum in 2003.

On many occasions one can get the impression that actors involved in the 5+2 format deliberately create problems before a new round that will be discussed at the negotiations. This is the case of the attempts of the Transnistrian side to install unilaterally and without consultations additional customs points on the territories (Varnitsa) controlled by Chisinau. The same is valid for the decision to adopt the so-called law on state border by Transnistrian administration and the decision to move the so-called Supreme Soviet (parliament) from Tiraspol to Bender. All these decisions create tensions, damage the negotiations process and change the agenda of 5+2 which instead of focusing on the issues adopted in the negotiations plan is rather focusing on tempering the escalations.

It is not only Moldova, Ukraine, EU, US and OSCE who is protesting against Tiraspol’s unilateral actions but also Moscow and Tiraspol accuse Chisinau of unilateral actions. The decision of Chisinau to install checkpoints at the administrative line to control the migration flows of foreign citizens visiting Moldova generated protests in Tiraspol and Moscow. The installment of checkpoints is an action required by the EU<sup>27</sup> through its assessment of the Visa Liberalization Action Plan implemented by Moldova in order that the European Commission would be able to recommend to the European Council the liberalization visa regime with Moldova at the EaP Vilnius summit in November. Ukraine is also concerned with the situation but the main problem seems to be the misunderstanding of the measures that would be taken by Moldova. The citizens who would have to register at the administrative line are only those who travel from any country to Moldova through the Transnistrian perimeter of the Ukrainian-Moldovan border and thus this action is not referring to citizens of different

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<sup>24</sup> Andriy Deshchytsia, Ambassador, Special Representative of the OSCE Chairperson for protracted conflicts, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv

<sup>25</sup> Matthew Rojansky, 4th Strategic Discussion Club: “The Role of Ukraine in the Settlement of Protracted Conflicts”, 12/06/2013, Kyiv

<sup>26</sup> Ibid.

<sup>27</sup> Fourth Report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation, European Commission, 21/06/2013, Brussels, [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/4th\\_report\\_on\\_progress\\_on\\_kosovo\\_visa\\_liberalisation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/4th_report_on_progress_on_kosovo_visa_liberalisation_en.pdf)

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countries, including of Ukraine, who are living in the Transnistrian region. The only problem now is how to distinct citizens of other countries living in Transnistrian region in case they do not have the Moldovan citizenship. This and other questions are going to be debated at the beginning of October by the parliament of Moldova which plans to adopt the final version of this law and sanctions.

In addition to the problems related with 5+2 negotiations format and the unilateral actions, one particular issue is the peacekeeping mission in the security zone composed by Russians, "Transnistrians", Moldovans peacekeepers and Ukrainian observers. The peacekeeping mission was set up by the cease-fire agreement between Russia and Moldova in 1992. The problem with the mission, according to Moldova, is that this is no longer actual since there is no threat of escalation of military actions, it has completed its tasks and the mission is biased in favor of Tiraspol. On its side, Transnistrian authorities mention that the peacekeeping is needed to prevent a possible war. All the 5+2 participants with the exception of Russia and Tiraspol plead for the reform of the peacekeeping mission into an international civil monitoring mission. However, the issue remains highly politicized since there was no comprehensive independent assessment of the results of the current peacekeeping mission and the needs of a possible future international civil monitoring mission.

### How to live with this?

The Ukrainian OSCE chairmanship will most probably not end with the expected results. But one has to mention clear that this is not the biggest problem if Ukraine is not reaching the projected outcomes, which were anyway too high. The first and main issue is **to have a sustainable approach to the conflict settlement** and to ensure that the overall environment has not drifted away from the key issues and elements of the process and continuation of the negotiations in the 5+2 format should not be regarded as a goal in itself. Therefore, it is not enough to come to the end of 2013 and say "well, the parties didn't walk away from the table," for two reasons. First, they certainly could walk away from the table in 2014, and second, that would not be unrelated to what has happened in 2013. It is like saying "Well, the patient didn't die on my shift. Here you go, doctor, now it's your problem".<sup>28</sup>

Second, the 5+2 format has to be brought back to its designed goal — find a solution for the conflict settlement. To this end, all participants should **ensure the good faith negotiations and trust among the actors while the technical issues shall be submitted to discussions of the expert Working Groups**. In this context, it is required to start negotiations on the third "basket" which deals with issues that includes issues of political settlement and status of Transnistrian region. Moreover, Ukraine should continue insisting on permanent meetings of all actors involved in order to keep everyone updated with the developments and a special accent should be put on the meetings in the 1+1 format between Moldovan prime minister and the leader of Transnistrian region.

Third, the participants are witnessing an unfavorable environment for the reform of the peacekeeping mission from a Soviet-type mission designed to keep Russian influence on the ground to a modern international civil peacekeeping mission designed to create trust between the two banks of the Dniester river. Therefore, if the above is not possible, Ukraine with the support of other actors should **prevent any participant in the conflict settlement from increasing its military capabilities** in/near the security zone. The Russian stealth military upgrade of its peacekeepers in the security zone will likely end up with pressures and blackmail of Moldova. But to increase military capabilities of

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<sup>28</sup> Matthew Rojansky, 4th Strategic Discussion Club: "The Role of Ukraine in the Settlement of Protracted Conflicts", 12/06/2013, Kyiv

the Russian peacekeepers is only possible by transiting Ukraine. Despite the agreement between Russia and Ukraine on transit through the territory of Ukraine of military formations of the Russian Federation who are temporarily located on the territory of the Republic of Moldova, this does not provide for an automated process and requires the consent of Kyiv. Therefore, Kyiv should prevent any action that is directed to increase military capabilities of any party in the conflict if there is no consensus of all parties.

Last but not least a **greater involvement of the civil society** shall be ensured so that in case there is progress at the official level, there is someone ready to connect on the people to people level and in different areas that require expertise on narrow issues. Moreover, the dialogue of the civil society between the both banks of river Dniester should be a permanent process so that no matter how the official format is advancing, the dialogue is kept and confidence-building measures do not suffer. In addition, at the negotiations in the 5+2 format should be invited civil society leaders from all the participants in order to ensure that a new generation of experts is involved that could at some point contribute to shaping of the opinion in his/her own country.

For all the recommendations it is important to note that these also have to deal with historical reconciliation in order to advance evidence-based ideas without emotional factor. If this process will not be in place, then the settlement process is only going to become a theoretical issue instead of a living issue.