

The EU and Moldova's Third Sector: Partners in Solving the Transnistria Conflict?

MICROCON Policy Working Paper 14

George Dura

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SIXTH FRAMEWORK PROGRAMME

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George Dura¹

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Abstract: With the formulation of the European Neighbourhood Policy in 2003-2004 and the signature of the EU-Moldova Action Plan in 2005, the EU became a more active player in Moldova, including on solving the Transnistrian conflict. This report sets out to analyze the EU's engagement with local civil society organizations (CSOs) in their efforts to transform the conflict and also to assess their impact and effectiveness in doing so. In the first section, the report provides a brief outline of the conflict. Next, the report considers the domestic environment in which CSOs operate in Moldova/Transnistria, which provides a first insight into the potential for effectiveness and impact in transforming the conflict. The third section looks at the EU's policies towards Moldova/Transnistria and in particular at its involvement in the resolution of the conflict. In the fourth section the EU's engagement with civil society in Moldova is analyzed (in particular the EU's ability to change the structure in which CSOs operate). In the fifth section 16 CSOs (8 from Moldova and 8 from Transnistria) are studied in terms of their activities, impact and effectiveness relating to conflict transformation. The sixth section tests the three hypotheses (the liberal peace paradigm, the leftist critique and the realist critique). The conclusion provides a synthesis of the three hypotheses and is followed by a series of policy recommendations. The paper argues that support for civil society activities appears to offer more possibilities to change the conflict's status quo than mediation efforts, especially considering the growing consolidation of civil society in Moldova.

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Introduction

With the formulation of the European Neighbourhood Policy in 2003-2004 and the signature of the EU-Moldova Action Plan in 2005, the EU became a more active player in Moldova, including on solving the Transnistrian conflict. The new impetus in EU policy towards Moldova in recent years also facilitates a growing engagement with Moldovan and Transnistrian civil society. These efforts go hand in hand with the EU's mediation efforts on the Transnistrian conflict. However, the emphasis regarding conflict transformation is shifting in recent years from international mediation talks which are deadlocked since February 2006 to supporting civil society activities (notably sponsored by the EU, but also other international donors). These appear to offer more possibilities to change the conflict's status quo, especially considering the growing consolidation of civil society in Moldova (and to a lesser degree in Transnistria).

This report sets out to analyze the EU's engagement with local civil society organizations (CSOs) in their efforts to transform the conflict and also to assess their impact and effectiveness in doing so. In the first section, the report provides a brief outline of the conflict. Next, the report considers the domestic environment in which CSOs operate in Moldova/Transnistria, which provides a first insight into the potential for effectiveness and impact in transforming the conflict. The third section looks at the EU's policies towards Moldova/Transnistria and in particular at its involvement in the resolution of the conflict. In the fourth section the EU's engagement with civil society in Moldova is analyzed (in particular the EU's ability to change the structure in which CSOs operate). In the fifth section 16 CSOs (8 from Moldova and 8 from Transnistria) are studied in terms of their activities, impact and effectiveness relating to conflict transformation. The sixth section tests the three hypotheses (the liberal peace paradigm, the leftist critique and the realist critique). The conclusion provides a synthesis of the three hypotheses and is followed by a series of recommendations for Moldova/Transnistria, for the EU's policy towards Moldova/Transnistria and its engagement with CSOs and for Moldovan/Transnistrian CSOs.

1. The Transnistrian conflict (a brief overview)

The Transnistrian conflict in Moldova is one of several separatist conflicts which still persist throughout the former Soviet Union (SU). It was the shortest and least violent conflict in the SU and the expert community and policy makers believe that the Transnistrian conflict is the easiest separatist conflict to solve throughout the former SU. Yet, the conflict has remained 'frozen' or more precisely,

unsolved for the last sixteen years and the IGOs have been very slow to become involved in the management of the conflict.

The conflict is not an ethnic one as it did not pit one ethnic group against another and no ethnic cleansing was perpetrated on Moldova's territory, but rather a geopolitical one, linked to the break-up of a large political structure (the Soviet Union). Nevertheless, the outbreak of the conflict was in part due to the revival of Moldova's Romanian linguistic and cultural heritage. This form of nationalism was seen as threatening the identity (but also political and economic prerogatives) of Moldova's large minority groups (Russian, Ukrainian, Gagaouz, Bulgarian, etc.).

Further, the conflict was an intra-state conflict or civil war in which the opposing factions had different visions on Moldova's future. The separatists believed in the legitimacy of their claim to independence based on a separate Transnistrian regional identity with strong ties to the SU. Hence, when Moldova declared official independence on 27 August 1991, the Transnistrian Supreme Soviet voted in favour of joining the SU on 2 September 1991. However, despite being an intra-state conflict, it had a strong external dimension as Moscow seized the opportunity to use the nascent conflict to intervene militarily in order to prevent losing its foothold and influence in Moldova.

Moldova declared the state of emergency on 29 March 1992 after Transnistrian paramilitaries had gradually taken control in preceding months of the left bank and serious fighting erupted on 2 April. The armed conflict culminated in May and June 1992 and died down after the battle of Bender (Tighina) on 19-21 June, where the 14th former Soviet Army stationed in Moldova intervened and drove the Moldovan army out of Bender, thereby putting an end to the conflict. There were over 1000 casualties, 51,000 internally displaced people and 80,000 refugees (fleeing to neighbouring Ukraine)². During the armed phase of the conflict, the 14th Army fought alongside the Transnistrian forces against the Moldovan army. The intra-state conflict thereby became internationalised through Russia's direct participation on the side of the separatists.

Finally, the Transnistrian separatists have used the lack of progress in the conflict settlement negotiations to strengthen the status quo (de facto independence) and provide the region with many visible state-like attributes and a separate 'national' identity. In addition, the non-recognised status of Transnistria increased its international isolation and the region became rife with illegal economic activities, often with the tacit involvement of businessmen and politicians from Russia, Ukraine, but also Moldova.

² Internal Displacement Monitoring Centre, "Republic of Moldova: Uncertainty about the integration of displaced from the Transdniestrian region", March 2004, <http://www.internal-displacement.org/>.

Russia's support during and after the conflict has consolidated the position of the separatists and therefore, Moldova considers that only Russia can unlock the situation and bring the separatist to the negotiating table. Russia declares its opposition to Transnistria's independence (as opposed to recognizing the Georgian separatist enclaves of Abkhazia and South Ossetia after the brief Russian-Georgian war in August 2008). Russia considers that a 'one-state' negotiated settlement is preferable, in return for a number of important concessions on Moldova's part, in particular on a permanent neutrality status.

The fact that Moldova prefers to negotiate with Russia, also results from the failure of the international community to offer any alternative solutions to the conflict. The main peace-broker, the OSCE, has in over sixteen years been unable to alter the status quo of the conflict. There is a consensus that the OSCE should continue to provide the overarching mediation framework (due to its all-inclusive structure), but there are increasing calls for the greater involvement of the EU in these talks, in particular since the ENP is being implemented in Moldova.

2. The domestic environment in which the CSOs operate

It is essential to glance over the domestic environment in which the CSOs operate in order to better appreciate their level of effectiveness and impact on conflict transformation (which will be discussed in a subsequent section). Firstly though, it should be stressed that conditions in which CSOs operate vary greatly on either bank of the river Nistru.

Under the guidance of the Council of Europe and the European Union Moldova has gradually put in place a seemingly permissive normative framework that regulates the activities of civil society, starting with the provisions contained in its 1994 Constitution³. Article 32 of the Constitution for instance guarantees the freedom of opinion and association. However, article 32 also underlines that "instigations to sedition, war, aggression, ethnic [...] hatred, [...] territorial separatism" are forbidden and shall be prosecuted. Similarly, article 41 on the "Freedom of Political Association", ensures the free association of citizens into social organizations, but also forbids the existence of social organizations which undermine the sovereignty, independence and territorial integrity of Moldova. In other words, CSOs with separatist agendas on either bank of the river Nistru are in principle outlawed. According to Freedom House, 'Proriv' a Transnistrian NGO with an anti-Moldovan and anti-Western agenda is the only NGO in Moldova which can be considered as espousing extremist views and promoting social unrest and separatism.⁴

³ Constitution of the Republic of Moldova, adopted on July 29 1994, <http://confinder.richmond.edu/admin/docs/moldova3.pdf>.

⁴ George Dura and Liliana Vitu (2008), "Moldova" in: *Nations in Transit 2008*, Freedom House, Budapest, p. 396.

A number of laws further complete the legal framework with regard to CSO, such as the law on public associations of 23 January 1997 (modified in 2007), the law on foundations of 28 October 1999, the section on NGOs in the Civil Code, the law on philanthropy and sponsorship of 25 December 2002. Many of these laws were drafted with the assistance of Moldovan CSOs.⁵ The 1997 law on public association states under article 10, paragraph 3, that the state will guarantee the defence of the legitimate interests and rights of public associations.⁶ This is particularly relevant in highlighting the state's responsibility to protect the rights of Transnistrian NGOs which are registered with the Moldovan authorities. Cooperation between the NGOs of both banks is not very frequent and the few projects involving participants from both banks are not sustainable beyond the duration of the projects.⁷ Whilst, links and networks between participants are created, these do not always outlast the project.

2.1. Moldova

In Moldova proper the government has, spurred on by the EU through the implementation of the EU-Moldova Action Plan since February 2005, renewed efforts to set up an adequate legal framework to allow CSOs (including those with conflict-related agendas) to operate freely. Overall, the Moldovan authorities have started cooperating with CSOs where these organizations can provide expertise or services which the central or local authorities lack. Similarly, Chisinau has also sought to involve civil society to a certain degree with monitoring the implementation of the EU-Moldova Action Plan. However, civil society in Moldova is not considered a credible and influential institution (such as the church or even the media) and plays only a limited role in terms of shaping policies or public opinion. More recent attempts at further developing the normative framework specifically with regard to CSOs have nevertheless faced criticism. For instance, the Moldovan government passed the 1997 Law on Public Association on 20 July 2007, adding restrictive elements with regard to the financial aspects and economic activities of non-governmental organizations.⁸

As such, whilst not constraining the creation of⁹ or the activities of CSOs the Moldovan lawmakers do not create the necessary conditions which would guarantee the sustainability (for instance through donations, membership fees, tax exemptions, local or state subsidies, etc.) of CSOs. As a result many of the more active CSOs depend overwhelmingly on foreign donors (foreign state aid agencies, the

⁵ Interview in Chisinau, 6 June 2009.

⁶ Law on Public Associations, adopted on 23 January 1997, Moldovan Official Monitor, Nr. 006, art Nr : 54.

⁷ Interview in Chisinau, 4 June 2009.

⁸ Law Nr. 178 of 20 July 2007 on the modification and completion of Law Nr. 837-XIII of 17 May 1996 with regard to public associations. Available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=325092>.

⁹ It is fairly easy to set up an NGO in Moldova which also explains the mushrooming of such organizations in search of grants.

European Union or foundations such as the Open Society Foundation). These CSOs risk being viewed as partial instead of independent which could affect their credibility and legitimacy when they become involved in conflict transformation.

In Moldova there are around 7000 NGOs of which nearly half are operational the rest merely existing on paper.¹⁰ The main criticism leveled at Moldovan NGOs is their lack of professionalism and their lack of representativeness and support in Moldovan society at large. In terms of geographical spread, 9 out of 10 NGOs are based in the capital, Chisinau.¹¹

The lack of legitimacy is an important aspect of the overall status of CSOs in Moldovan society. Opinion poll data shows that 51.9 % of Moldovans do not trust CSOs¹², which are often viewed as a personal platform for individuals, as structures used for money laundering, or as political tools and mouthpieces for the government, political parties or foreign interests. This is particularly so for mid-level CSO and less the case for grassroots NGOs, the latter having a more social orientation (poverty, human rights, women's rights, gender equality, assistance to persons with disabilities, etc.). This lack of public trust in CSOs stems particularly from a lack of transparency in their management and from the fact that one third of the NGOs active in Moldova refuses to give details on annual budgets and turnover.¹³ In order to address this lack of trust and transparency several Moldovan NGOs mobilized towards the end of 2007 to create the Alliance for the Elaboration and Promotion of a Code of Ethics for NGOs resulting in the adoption of the Code of Ethics in March 2008.¹⁴

Thus, despite an overall permissive legal context in which CSOs operate, their lack of legitimacy, transparency and financial means results in a low visibility in society of their actions and therefore, an overall reduced impact. In addition, the Moldovan authorities often do not consider them as a legitimate partner in their democratisation efforts. On the contrary, in the aftermath of the April 5th 2009 parliamentary elections in Moldova, a number of mid-level CSOs involved in monitoring the election came under pressure after criticizing the authorities' role in the deteriorating electoral climate. They were threatened to be investigated for allegedly used foreign donor funding to engage in political activities, a situation which is prohibited by law in Moldova.

¹⁰ George Dura and Liliana Vitu (2008), "Moldova" in: *Nations in Transit 2008*, Freedom House, Budapest, p. 395.

¹¹ George Dura and Liliana Vitu (2008), "Moldova" in: *Nations in Transit 2008*, Freedom House, Budapest, p. 396.

¹² Barometer of Public Opinion – October 2008, *Institute for Public Policy*, Chisinau, 2008.

¹³ "Do we or don't we need a Code of Ethics for NGOs?", *Monitorul Civic*, 27 September 2008. Available at <http://www.civic.md/interviuri/avem-sau-nu-avem-nevoie-de-un-cod-de-etic-al-ongurilor.html>.

¹⁴ Regulation of the Alliance for the Elaboration and Promotion of a Code of Ethics for NGOs. Available at <http://coduletic.wordpress.com/aliana-pentru-elaborarea-si-promovarea-codului-etic-al-ong-urilor/regulamentul-aliantei-pentru-elaborarea-si-promovarea-codului-etic-al-ong-urilor/>.

The fact that the Moldovan government continues to exert pressure on the media (by withholding broadcasting licenses for instance) also means that due to self-censorship in the media, critical NGOs have less access to the media and press in order to convey their ideas and publicize their activities. These points should be borne in mind throughout the report, particularly in the section on effectiveness and impact. In other words, certain NGOs may actually be very effective in terms of reaching their stated aims, but their overall impact on policy-makers or society at large may remain limited or suffer from the structural drawbacks described above (lack of legitimacy and capacity).

2.2. *Transnistria*

Whilst Moldova's legal framework in principle also applies to Transnistria, as a legitimate part of Moldova, Chisinau's laws have in practice no application there. However, it is fairly easy to set up and register an NGO in Transnistria. There are currently around 700 registered CSOs in Transnistria which are active, but many of those are controlled by the authorities.¹⁵ In Transnistria the activities of CSOs are often restricted by the authorities, through pressure and control by the Ministry for State Security (the so-called MGB). Depending on the stated objectives of the registered NGO, it will be controlled or supervised to a larger or smaller extent. If the NGO is active in a politically sensitive field, such as for instance conflict resolution or engages in political activity, its members may be invited for discussions with the MGB or they or their family members may be threatened with the loss of their jobs. In some limited cases unlawful detention and physical intimidation may occur.¹⁶

A 'presidential' decree in Transnistria in 2006 prohibits foreign financing of Transnistrian CSOs. The scope of the decree was later reduced to include only those NGOs which are directly involved in political activities. Whilst restrictive, this decree copies a similar presidential decree issued by former President Vladimir Putin in 2006. In Transnistria (as in Russia) this was done in order to prevent foreign powers or interests from providing financial support to the political opposition.

Civil society in Transnistria remains very weak and is not very institutionalized. Local NGOs are not very trusted, due in part to the limited visibility of their activities with the wider public. Many NGOs are not run professionally and often establish their objectives so that they coincide with potential projects and grant objectives. Project-based cooperation between NGOs and the Transnistrian authorities remains very limited, although some efforts have been made in this regard in recent years. Particularly, socio-economically oriented NGOs have started to cooperate with local village or city councils in order to implement their projects.

¹⁵ Interview with CSO, Chisinau, 6 June 2009.

¹⁶ See for instance the experience of Oxana Alistratova, <http://www.frontlinedefenders.org/node/355>.

The political isolation of the unrecognized separatist regime also restricts the activities and potential impact of CSOs in Transnistria. In addition, this affects their access to external funding since many potential donors have a very limited knowledge of this region and of the local NGO-scene. Foreign donors consider the region to be dangerous or inaccessible for foreigners (Westerners). In fact, the region is much more accessible to foreigners, including donors than it was several years ago.

The legal status of the NGOs which are registered in Transnistria, an unrecognized territory, also poses additional problems with regard to the readiness of foreign donors to transfer funds to local NGOs. The same applies to the tax and accountancy standards which are quite different from those in the West and in Moldova.¹⁷ Many Transnistrian NGOs remedy this by registering their organization both in Tiraspol and in Chisinau.

However, the Transnistrian authorities keep a close eye on the local NGOs which receive foreign funds or have close links with right-bank or foreign NGOs and often force them to report about their activities. Linked to this is the problem with the perceived lack of independent NGOs in Transnistria. The more successful NGOs are considered to be controlled or even run by the Transnistrian authorities. Even if this may not be the case, there is a lack of trust among the Transnistrian NGOs. Many express suspicion about one another concerning apparent collaboration with the MGB. The antagonism between Transnistrian NGOs is further exacerbated due to the competition for limited resources and funding. The Transnistrian authorities may financially support a small number of pro-government NGOs and funding for organizations such as Proriv also comes from Russia. Altogether, however, foreign donors are still reluctant to provide funding to Transnistrian NGOs and they prefer to work through Moldovan NGOs which develop their activities in Transnistria, sometimes in partnership with Transnistrian NGOs. However, it is equally difficult for Moldovan NGOs to deploy their activities (seminars, trainings, round-tables) in Transnistria, as they are often denied access to the region or pressure exists on Transnistrian NGOs not to join these events.¹⁸ More often than not, therefore, these activities take place on the right bank, which reduces their impact and visibility on the left bank.

3. The EU's policies towards Moldova/Transnistria

3.1. The framework of EU-Moldova relations

In the run-up to the 2004 and 2007 planned accession of 12 new member states, the EU set up a framework through which to conduct relations with its new neighbours to the east and south, the European Neighbourhood Policy (ENP). The policy was launched by the Commission Communication

¹⁷ Interviews in Chisinau, 10 June 2009.

¹⁸ Interviews in Chisinau, 10 June 2009.

of 11 March 2003, entitled “Neighbourhood – A new framework for relations with our eastern and southern neighbours”, subsequently followed by the ENP Strategy Paper on 12 May 2004.

The main aims of the ENP are to “share the benefits of the EU’s 2004 [and 2007] enlargement with neighbouring countries”, to “prevent the emergence of new dividing lines between the enlarged EU and its neighbours and to promote stability and prosperity” by offering them “greater political, security, economic and cultural cooperation”, implying a partial form of integration between the ENP countries and the EU (stopping short of membership). The EU links progress on democratic reforms to economic, trade and other types of incentives on offer through the ENP.

The ENP is implemented by bilateral Action Plans (APs) jointly negotiated between the EU and each ENP State which are concluded for a period between three and five years, providing for a country-based differentiation by the EU of ENP countries. The EU-Moldova Action Plan was adopted on 22 February 2005 and has been renewed in 2008 for another year. Moldova is currently together with Ukraine the most advanced ENP country in the EU’s eastern neighbourhood with regard to the implementation of the Action Plan. Moldova will follow in Ukraine’s footsteps with negotiations for a new contractual agreement with the EU (a so-called Association Agreement) “as soon as circumstances allow”¹⁹, referring to a correction of the human rights and electoral abuses that took place in Moldova during the April 2009 parliamentary elections. At the same time the EU and Moldova will also start negotiations on a deep and comprehensive Free Trade Agreement (currently Moldova enjoys an Autonomous Trade Preferences regime with the EU). In addition, on 1 January 2008 the visa facilitation agreements between the EU and both Moldova and Ukraine have also entered into force.

The Eastern Partnership proposal adopted at the December 2008 European Council summit and launched in Prague on 7 May 2009 will further reinforce the regional dimension of relations between the EU and its eastern neighbours (including Moldova) through amongst others the establishment of a EU/eastern ENP parliamentary forum, free trade areas, long-term visa-free travel and closer cooperation on energy and infrastructure projects.

However, Moldova’s aspirations for further integration or even membership are held back in part due to the effects of the Transnistrian conflict. The EU has over the years become increasingly involved in efforts to solve the Transnistrian conflict, as foreseen by the ENP and the 2003 European Security Strategy. The fact that Moldova has become a higher priority of the EU is demonstrated by the fact that the EU appointed a Special Representative for Moldova in March 2005, became an observer in the five-party talks on solving the Transnistrian conflict (involving Russia, Ukraine and the OSCE as

¹⁹ EU General Affairs Council Conclusions on Relations with the Republic of Moldova, Brussels, 15 June 2009.

mediators, and the US and the EU as observers) in September 2005, opened an EC Delegation in October 2005 and established the EU Border Assistance Mission at the Moldova-Ukraine border in December 2005 (in order to monitor the flow of goods particularly on the segment of the Moldovan border with Ukraine which is controlled by Transnistria).

In addition, the EU currently uses its 'soft power' instruments deployed within the ENP framework (including economic cooperation, market access, financial assistance, visa facilitation, but also the promotion of its values), taking a holistic approach to conflict resolution²⁰, aside from traditional foreign policy diplomacy. Further, the EU has earmarked €209.7 million for Moldova under the European Neighbourhood Partnership Instrument (ENPI) for the National Indicative Programme of 2007-2010, which is the highest per capita amount for any eastern ENP country. EU assistance and Moldova's integration with the EU serves to make Moldova more attractive in the longer term for Transnistria and to reduce the relative importance of Russian assistance to Transnistria. The EU is considering using the ENP's financial instruments to also engage with the Transnistrian region, starting with its civil society.

3.2. The EU's involvement in solving the Transnistria conflict

Most of the EU's involvement in solving the Transnistrian conflict is operated through official channels in the form of direct consultations with between the EU (mostly the EU Special Representative for Moldova, but also the EU Commissioner for External Relations, as well as the EU Council Presidency and its Secretary-General) and the Moldovan authorities (the President, but also the Foreign Affairs Minister and the Minister for Reintegration). There are also informal contacts between the EU Special Representative (EUSR) for Moldova and EU officials with the Transnistrian leadership. Finally, the EU also raises the question of the Transnistrian conflict in talks held with Russia and Ukraine (both crucial players in solving the conflict) at various summits and meetings. While the EU is also an observer at the 5+2 talks on the settlement of the conflict (alongside the OSCE, Russia and Ukraine as mediators and the US as an observer), the talks in this format have been suspended since February 2006.

Secondly, as noted above, the EU uses 'soft power' tools (notably through the ENP and the EU-Moldova Action Plan), in particular with regard to encouraging democratisation, trade (the preferential access to the EU market of Moldovan goods) and people to people contacts (liberalized visa regime and local cross-border traffic, student exchanges, etc.). These policies serve to integrate Moldova with the EU, but also to help lift Moldova out of poverty and make it more attractive for the Transnistrian

²⁰ S. Biscop, "The ABC of European Union Strategy: Ambition, Benchmark, Culture", *Egmont Royal Institute for International Relations*, Egmont Paper 16, October 2007, p. 22.

people and businesses. For instance, a pluralistic open and democratic polity and society in Moldova will eventually also become attractive to and spill-over into Transnistria. Further, Transnistrians may more readily apply for Moldovan passports in order to travel or study more easily in the EU and hence help consolidate Moldova's statehood.²¹ Similarly, Transnistrian producers may seek to register with the Moldovan authorities in Chisinau in order to be able to export their goods to the EU market under the same favourable conditions as Moldovan producers. In other words, the EU is seeking to put in place a critical mass of incentives on the Moldovan side, which would make it attractive enough (implying that Transnistrian people, businesses and eventually also politicians would find it costly to pursue a separate state solution) in order to change the status quo of the conflict.

An essential point remains the fact that it is unclear whether the EU's 'soft power tools' – without offering Moldova the promise of EU accession – are effective enough to substantially change the status quo of the conflict.

Finally, the EU has also declared its readiness to financially support a package of confidence building measures proposed by Moldova in 2006, consisting of a set of common projects between the right and left bank, which are being discussed in working groups between both sides. At present these address concrete socio-economic questions which serve to improve the lives of people in the Transnistrian region. The first tranche will consist of civil society projects to be implemented in Transnistria, in the field of health, environment and education. It remains to be seen if these projects will not simply serve to reinforce the present status quo in the short term, by improving the situation on the ground. However, the previous EU strategy of complete non-engagement and isolation of the Transnistrian regime has not resulted in its collapse and has not made it more prone to negotiate a solution to the conflict, either.

4. The EU's engagement with civil society in Moldova/Transnistria

4.1. The EU and civil society in Moldova

The EU disposes of other means to contribute towards finding a solution to the Transnistria conflict. It has the possibility to directly engage with Moldovan civil society, including on solving the Transnistrian conflict, but also in order to assist the democratisation and reform process as described above. Compared with the means deployed through official diplomacy or its 'soft power', the EU's involvement with Moldovan/Transnistrian civil society may seem rather limited. Nevertheless, through the implementation of the EU-Moldova Action Plan, the EU is contributing to the democratization of Moldova, to setting up stable democratic institutions (including an independent

²¹ So far the reverse has been the case, with many Transnistrians obtaining Russian or Ukrainian passports to work or study in Russia and Ukraine.

judiciary) respectful of the rule of law. Alongside the Council of Europe and its Venice Commission, and the OSCE, the EU is also instrumental in ensuring the democratization of Moldova. Despite being guided in its reform efforts by these institutions, Moldova still faces many shortcomings in terms of ensuring free and fair elections, ensuring the rule of law, ensuring an uncontrolled and uncensored press and media, ensuring an effective fight against corruption, etc.

Fortunately, as described above, Moldova's normative framework with regard to the activities of civil society is quite permissive. As a result this allows the EU to collaborate with Moldovan CSOs in order to further the aims stated in the ENP. The EU-Moldova Action Plan also makes several references to the EU's cooperation with Moldovan civil society. In particular, the section on "Political dialogue and reform" calls on Moldova to "ensure the respect for freedom of association and [to] foster the development of civil society".²² The Action Plan also supports the "active involvement of civil society and the promotion of democratic values and respect for human rights" as a measure which should help solve the Transnistria conflict. Additionally, the Action Plan has a separate heading on civil society which seeks to promote the reinforcement of civil society in Moldova. This serves to strengthen the legitimacy of CSO activities in monitoring or contributing alongside the Moldovan authorities to the Action Plan's implementation. Further, Moldovan CSOs can also provide policy input and advice to EU institutions for redefining or redeveloping its policies towards Moldova/Transnistria. The ENP, through the Action Plan provides new opportunities for Moldovan civil society in relation to the state and the international community; turning them into potential agents of conflict transformation.

From the €209.7 million ENPI funds earmarked for Moldova until 2010, a part is allocated to civil society development, falling under priority area 1 on "Support for Democratic Development and Good Governance", sub-priority 3 with the following objective: "to promote the involvement of citizens in decision-making processes and controls, including through civil society organisations".²³ Priority area 1 will receive between 25-35% of the earmarked sum of money (52.4-73.4 million euros). In addition, EU funds are also available under the EU's Instrument for the Promotion of Democracy and Human Rights (EIDHR II) for civil society initiatives in Moldova that aim to promote democracy and human rights. Aside from thematic programmes (linked to asylum and migration, environment, human and social development) Moldova can also benefit from funds falling under the EU Stability Instrument, which aims to "provide an effective, timely, flexible and integrated response to crises".²⁴ In particular,

²² European Union, EU-Moldova Action Plan, 22 February 2005.

²³ European Commission, "European Neighbourhood and Partnership Instrument – Republic of Moldova – National Indicative Programme 2007-2010", p. 6.

²⁴ European Commission, "European Neighbourhood and Partnership Instrument – Republic of Moldova – Country Strategy Paper 2007-2013", p. 20.

the following objective of Regulation (EC) No 1717/2006 establishing the Stability Instrument²⁵ applies to Moldova: “in the context of stable conditions for the implementation of Community cooperation policies in third countries, to help build capacity both to address specific global and transregional threats having a destabilising effect and to ensure preparedness to address pre- and post-crisis situations.” Similarly, the Stability Instrument will provide “support for measures to support the development and organisation of civil society and its participation in the political process”.²⁶ Regarding Transnistria in particular, the 2007 ENPI Annual Action Programme for Moldova, with a budget of 40 million euro also allocates funds in support of civil society in Transnistria.²⁷

In addition to the EU’s financial instruments, funds for civil society are also made available by the aid agencies of individual EU Member States, such as the UK’s DFID or Sweden’s SIDA. Many of these agencies have been very actively involved for a number of years now with local civil society and have successfully implemented projects on both banks of the Nistru. The report will, therefore, also take into consideration projects which have been funded by EU Member States, but will not consider them separately from EU funded projects.

4.2. The EU, civil society in Transnistria and the UNDP

In principle the EU’s policies, financial instrument and the provisions of the EU-Moldova Action Plan (including those on civil society) also apply to the Transnistria region of Moldova. However, EU funding finds its way with great difficulty to Transnistria. First, it is generally, more difficult for the EU to establish contacts with CSOs in Transnistria and to implement projects there. Very few CSOs are aware of the existence of EU funds or actually have the administrative capacity to cooperate on EU-funded projects. Transnistrian civil society is for a large part formed by individual experts or very small organizations staffed on a voluntary basis. Second, if CSOs do cooperate on such projects, they are very often subjected to pressure from the Transnistrian authorities. In practice, this makes it very difficult for the EU to co-opt Transnistrian CSOs and provide them with funding.

Third, this EU difficulty in reaching CSO or implementing projects in Transnistria also stems from the fact that the EU views the authorities in Chisinau as the only official interlocutor in Moldova. Transnistria does not cooperate with Moldova on the implementation of the Action Plan (the tool for implementing the ENP) and is in principle excluded from ENP funding. The EU is not officially

²⁵ Regulation (EC) No 1717/2006 establishing the Stability Instrument, 15 November 2006, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_327/l_32720061124en00010011.pdf.

²⁶ Regulation (EC) No 1717/2006 establishing the Stability Instrument, 15 November 2006, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_327/l_32720061124en00010011.pdf.

²⁷ European Commission Staff Working Document, Accompanying the Commission Communication “Implementation of the European Neighbourhood Policy in 2007” Progress Report Moldova, 3 April 2008, p. 18

engaging with the Transnistrian authorities and can therefore not disburse aid and other funds directly to the Transnistria authorities.

Since the EU cannot rely on local CSOs or on the Transnistrian authorities to implement EU projects, it has to rely on other international partners (such as for instance the UNDP) and non-Transnistrian NGOs to reach civil society in the region. For instance, the EU works through Moldovan or Ukrainian NGOs (or other foreign NGOs) which establish cooperation or sub-contract a part of the EU-funded project to Transnistrian NGOs.

The UNDP for instance plays a very important role in supporting EU efforts with regard to civil society in Transnistria, and in Moldova as a whole. Usually, the UNDP will identify the issues at stake (i.e. poverty, humanitarian aid, etc.) and will consult on various issues with the EU and possibly secure EU funding for a number of projects. It will then monitor the proper implementation of the projects. The EU relies on the UNDP in particular for projects in Transnistria. The UNDP is seen as more impartial in Transnistria and it already disposes of a large local network and staff on which the EU Delegation in Moldova can rely. This prevents duplication of resources and provides for a distribution of labour: the EU has the funds and a political agenda for the region, whereas the UNDP disposes of the know-how, the organization and works closely with other international organizations such as the World Bank.

Although EU funds cannot be disbursed through official channels to Transnistria, the EU has currently earmarked €1.8 million for projects in the fields of education, health and environment in Transnistria. The EU closely cooperates with the Moldovan Ministry for Reintegration which has held consultations with the Transnistrian authorities in order to draw up a list of priority projects that can then be submitted to the EU for approval and funding.²⁸ The EU is hopeful that these consultations as well as the future cooperation on a number of projects between the authorities of both banks of the Nistru, may increase mutual trust and confidence. More funds are foreseen in the economic field if the first series of projects are successful and if the Transnistrian authorities continue to show openness for such EU projects. During the current economic crisis, which hits Transnistria even harder than Moldova proper, funds from the EU are being welcomed, as long as there are no conditions attached with regard to democratisation and human rights.

5. Effectiveness and impact of Moldovan/Transnistrian CSOs

²⁸ Interview in Chisinau, 5 June 2009.

A total of 16 CSOs have been selected (8 in Moldova and 8 in Transnistria) in accordance with the CSO categorization provided in the Conceptual Framework. The selection of CSOs attempted to provide a balanced mix of adversarial and non-adversarial CSOs whose actions have either a direct or indirect bearing on the conflict.

It is very difficult to accurately state how many Moldovan/Transnistrian NGOs activate in the field of conflict resolution. Particularly, on the Moldovan side the more established NGOs²⁹ have specific programmes on conflict resolution. Since the EU's greater involvement in conflict resolution in Moldova, from 2005 onwards, Moldovan NGOs have also become more involved in conflict resolution efforts. A greater EU involvement in conflict resolution has also resulted in more donor funds (including from the EU, but also from national state aid agencies, foundations, etc.) being made available for projects with a conflict resolution thematic or for projects which help create bridges or networks between civil society of both banks of the river Nistru. In many instances, Moldovan and Transnistrian authorities were invited and participated at conferences and seminars carried out in the framework of such projects. Other Moldovan NGOs tend to build links between both banks in order to address issues which affect both banks in equal measure (i.e. environment). For most of these NGOs, however, the bulk of the projects are carried out with the overall objective of furthering Moldova's European integration efforts.

Particularly in Transnistria, many NGOs, with a socio-economic agenda tend to address issues such as poverty, human rights, educational and social policies, which result from the situation created by the conflict due to the existence of an unrecognized regime in the Transnistrian region. For Transnistrian NGOs it is particularly difficult to implement projects which directly address conflict-related issues or if they do these have to be addressed from a social or humanitarian perspective. Any attempts by Transnistrian NGOs to challenge the political status quo of the conflict or to democratize Transnistrian society in the hope that this may change the negotiating position of Transnistria in conflict resolution talks will be thwarted by the Transnistrian authorities. In general, it is increasingly becoming clear to donors that Transnistrian civil society can not in itself democratize the region, not even with the help of Moldovan NGOs. Democratisation will probably be a gradual, top-down, elite-driven process. It is much more urgent to engage in capacity-building and consolidation of Transnistrian NGOs, in order to render a future process of democratisation more sustainable.

Below follows an analysis of the type of activity (direct/indirect, adversarial/non-adversarial, addressing the conflict's causes/symptoms) and their impact (fuelling, holding and peace-building) of the CSOs

²⁹ Such as the Institute for Public Policy (IPP), the Association for Participatory Democracy (ADEPT), IDIS Viitorul, the Association for Foreign Policy (APE).

based on information collected through interviews in Moldova/Transnistria which were conducted on the basis of confidentiality during the period 2-13 June 2009 in Chisinau and Tiraspol.

5.1. Moldova

1. Public Policy Institute (Chisinau). Mid-level NGO.
2. Think Tank (Chisinau). Mid-level NGO.
3. Research Centre (Chisinau). Mid-level NGO.
4. Independent Expert (Chisinau). Mid-level intellectual.
5. Independent media journalist (Chisinau). Mid-level media CSO.
6. Representative of one parliamentary opposition party (Chisinau). Top-level political CSO.
7. Non-political association (Chisinau). Grassroots human rights NGO.
8. Environmental Centre (Chisinau and Tiraspol). Grassroots ecological activist CSO.

The activities of most of the Moldovan CSOs interviewed have an direct bearing on the conflict. None of those interviewed contributed in a negative way to the conflict in terms of sustaining it or exacerbating tensions. Whenever the activities have an indirect bearing on the conflict this by and large stems from those actor's views on the conflict. These expressed the idea the conflict can only be solved by the political elites and depends largely on external factors. In other words civil society by itself is incapable of solving the conflict.

In all cases, activities are geared towards the peaceful transformation of the conflict. Whilst the accent was in previous years put on researching and publicizing the causes of the conflict in the hope of influencing public opinion and the authorities in the resolution negotiations, now most CSOs gear their efforts (and receive funding for) addressing these causes or the wider issues which were engendered by the conflict. People on both banks are living already 17 years in de facto separate political entities, governed by different laws and mentalities. Whilst the older generation still shares a common soviet mental background, the fact that a new generation of Transnistrians has grown up with the knowledge that Transnistria is a distinct political entity with a distinct cultural identity closely linked to Russia is seen as an impediment to solving the conflict. As such Moldovan CSOs seek to address the lack of knowledge of and prejudices on the Transnistrian region and its inhabitants (and vice versa, on Moldova), to work towards democratizing and enforcing civil society in the Transnistrian region through capacity building, training, exchanges, etc. The idea is to build the necessary personal networks and capacity in Transnistria so that these local CSOs can one day function independently and sustainably, so that they can become drivers of democratisation in the region. However, this evolution is not only a strategy of the local CSOs, but also represents a change in tactic by the donor community which has understood the interest of building bridges across the two communities. This is particularly

easy in Moldova/Transnistria considering that the conflict is not ethnic in nature (but rather geopolitical) and that there is no language barrier.

Two grassroots NGOs have an indirect bearing on the conflict. The environmental Moldovan CSO considers addressing concrete socio-economic issues and ecological issues on both banks of the Nistru river as more effective in bringing the communities together than other types of above-mentioned activities. By using the same methods (capacity-building, resources and information centres, visits and exchanges, trainings) this CSO tries to stress the importance of overcoming the lack of trust and psychological obstacles to cooperation resulting from living 17 years in separate entities where the other is seen as unwilling, incapable, ill-intentioned, etc (as opposed to working on specific issues that can contribute to resolving the conflict). The grassroots human rights NGO has a similar approach but focuses on helping people, especially in Transnistria, with legal assistance and advice on human rights, as well as reinforces the capacity of Transnistrian NGOs to function despite pressure and abuse from the Transnistrian authorities.

Due to their perceived role in Moldovan society (lack of social authority and legitimacy, lack of access to the media, largely ignored by the government authorities and sometimes even the international community) the activities of all the Moldovan CSO are mostly non-adversarial, in that they are rarely able to confront the policy of the Moldovan government on the conflict. One mid-level CSO mentioned the project “Transnistrian Dialogues” whereby participants from both banks joined a series of three seminars to debate about the Transnistrian conflict, the aim being to develop understanding of each other’s position and that of the international community, to create a dialogue, to find common ground, to establish links and networks. The participants were CSO representatives, experts, media representatives but also local officials and politicians or working for the respective administrations, but also EU officials, and included as much adversarial and fuelling as non-adversarial and peacekeeping or holding NGOs.

Another Moldovan CSO³⁰ is in charge of a weekly radio programme on Transnistria, made specifically for the Transnistrian public in order to provide access to an alternative source of information and to allow them to engage in a debate about their daily problems. Yet another mid-level CSO³¹ is organizing a bi-monthly round-table with conflict resolution experts during which the latest developments with regard to the Transnistrian conflict are discussed. A report is produced at the end of each round-table with concrete recommendations for solving the conflict and forwarded to the parties to the conflict and those involved in solving it, as well as the relevant embassies in Moldova and the international community.

³⁰ Interview in Chisinau, 6 June 2009.

³¹ Interview in Chisinau, 8 June 2009.

As regards adversarial approaches, one CSO³² declared that the Ministry of Reintegration (responsible for formulating policies related to solving the conflict) did not dispose of its separate budget and it had done little more about resolving the conflict than to provide limited support the schools in Transnistria which fall under the Moldovan jurisdiction during the 2004 school crisis, but not to those outside its jurisdiction.³³ In addition, there were a number of initiatives in the past which have criticized the government's approach to the conflict. For instance, the "3-D strategy" on the democratisation, decriminalisation and demilitarization was successfully promoted in 2004 by a number of Moldovan CSOs (a few of which were also amongst the interviewees). The 3-D strategy was in partly used as a blueprint to draft the Law on the Status of Transnistria region adopted by the Moldovan parliament in June 2005. In other instances, the independent expert and the mid-level NGOs have vehemently criticized the Moldovan government's negotiations with Russia on solving the conflict, outside the internationally agreed format for negotiations (which includes the OSCE, the EU and the US as well) and without a political consensus.

Traditionally, most activities centered on addressing the causes of the conflict and the larger mid-level CSOs still work in this direction. However, increasingly attention is paid to solving the symptoms of the conflict. Addressing socio-economic issues which are directly or indirectly linked to the existence of the conflict, such as poverty, corruption, the low level of education and social services, low wages and pensions, restricted travel, forced migration, etc. are considered in Moldova but especially in Transnistria as more important than finding a political solution to the conflict. This has been observed by local CSOs, particularly the grassroots ones, and more recently by the donor community, which increasingly provide funding in this direction. Socio-economic projects can also be implemented more easily in Transnistria than those with a political orientation, since the Transnistrian authorities view them with less suspicion and even welcome the additional funds.

In view of the above most of the CSO activities had a peace-building impact due to the fact that they sought to provide a link between the Moldovan/Transnistrian society at large and their government as well as the international community, in the field of conflict resolution. In addition, their activities focused overwhelmingly on creating the necessary conditions for solving the conflict as much at the political level as at the social level, i.e. creating the necessary preconditions through establishing contacts, dialogue, changing perceptions and mentalities. One CSO had a holding impact due to its focus on very specific issues which in the short-term neither positively nor negatively affect the

³² Interview in Chisinau, 10 June 2009.

³³ Schools outside its jurisdiction also include those schools which teach in Romanian/Moldovan, but with a Cyrillic script, as was the case under the Soviet Union, and following a soviet-era curriculum.

conflict. Instead it seeks to make the status quo more viable for the people (i.e. by addressing their socio-economic concerns without addressing also the underlying issues of the conflict).

5.2. Transnistria

1. Youth information centre (Tiraspol). Mid-level youth CSO.
2. Journalist (Tiraspol). Mid-level local media CSO.
3. Think Tank (Tiraspol). Mid-level pro-government CSO.
4. Academic Institution (Tiraspol). Mid-level educational CSO.
5. Youth association (Tiraspol). Grassroots youth CSO.
6. Educational association (Dubasari – Transnistria). Grassroots educational CSO.
7. Trade Union (Bender – Transnistria). Mid-level trade union CSO
8. Community-based group (Transnistria). Grassroots, community-based CSO.

The Transnistrian CSOs which were interviewed can broadly be divided in two categories: between those that are part of the Transnistrian political system and those that consider themselves to be a Moldovan CSO. If CSOs have links with or follow the official agenda of the authorities in Tiraspol they can deploy their activities and may even benefit from subsidies. Independent CSOs are struggling to be active officially and often operate below the radar. Their staff is regularly harassed by Transnistria's secret services.

Broadly speaking the activities of the Transnistrian CSOs which were interviewed can be divided between those that have direct bearing and those with an indirect bearing on the conflict. Roughly half of the CSOs stated that independence for Transnistria was the only way out of the conflict. The other half did not care about the modality for resolving the conflict (independence or not for Transnistria) as long as the conflict was resolved and the situation could go back to normal. All CSOs viewed the conflict as a pretext used by the Transnistrian regime for remaining authoritarian and refusing democratisation and for blaming all ills on Moldova and the West. Civil society was seen as vulnerable and resourceless and as very dependent on support from Moldovan NGOs. Lack of knowledge on the EU, lack of knowledge of funding opportunities and lack of access to the media were perceived as important obstacles towards the development of these CSOs. Only in recent years are Transnistrian CSOs directly funded by external donors and not through Moldovan NGOs.

One CSO³⁴ expressed the view that Transnistrian society does not really know what NGOs are about and that those CSOs which deal with socio-economic issues are the real NGOs, those CSOs which deal with political issues are experts (usually suspected of collaborating with the Transnistrian

³⁴ Interview in Chisinau, 10 June 2009.

authorities). A number of CSOs even considered it to be beneficial to seek the cooperation of local villages or town authorities when implementing the project, which would ensure its success. In general, CSOs considered the fact of co-opting the authorities as a way to socialize them and to alleviate fears that projects funded with foreign money were only meant to destabilize Transnistria. EU funds are particularly welcome, although complaints were raised several times that the EU has been slow in disbursing funds. The Moldovan authorities would in some case be considered as a potential partner, but were criticized harshly for their lack of interest or understanding for the difficult conditions in which the CSOs operate in Transnistria.

In such conditions only in a limited number of cases are the activities geared towards the peaceful resolution of the conflict. Two CSOs in particular (1 and 5 of the list above) had worked on projects which implied establishing contacts and dialogue (or ‘building bridges’) between both banks, particularly between NGOs and the expert community or youths. These activities are also meant to change the perceptions of one another and to create opportunities for cooperation. More efforts were geared towards alleviating the symptoms generated by the conflict, such as the abuse of human rights, access to information, or even the development of civil society in Transnistria which is stunted in comparison to Moldova due to the authoritarian nature of the regime. These activities involve a lot of trainings, seminars, exchanges, legal advice which is in particular carried out in cooperation with CSOs on the right bank. The activities of those CSOs active in such fields are meant to improve the conditions of the people living in Transnistria and may thereby have a holding effect in the short term. However, if through their actions, the living conditions in Transnistria improve and its society becomes more democratic, Transnistria’s political elite may become more sensitive to social pressure for resolving the conflict. Thereby, their activities may have a peace-building effect in the long-term. One youth NGO which is well-established and has cooperated on EU-funded projects, claimed that it tried to become an umbrella organization, but did not succeed, and instead started focusing on more concrete projects in the social field. It was until recently part of a major peace-building project together with foreign and right bank (Moldovan) NGOs. To their regret, this peace-building project which lasted three years produced no visible results and its overall impact remained unclear.³⁵

In the academic field on the other hand, there is an interesting EU project involving academic institutions from Transnistria in partnership with similar institutions from Romania, Russia and Ukraine which includes seminars and exchanges. It has no direct bearing on conflict transformation, but seeks to pull Transnistria out of academic isolation.³⁶ In addition, round-tables are organized with EU officials and lecturers from EU countries are periodically invited for guest lectures. All these activities have a positive impact on Transnistrian students (who will form tomorrow’s political and

³⁵ Interview in Tiraspol, 9 June 2009.

³⁶ Interview in Tiraspol, 9 June 2009.

economic elite in Transnistria) and their professors by exposing them to new ideas and changing their mentalities.

However, most NGOs which are part of the system and which seek ways to justify the status quo or to work towards a separate Transnistrian state can be considered as having a holding approach. They do not have a fuelling approach because they do not seek to exacerbate any ethnic or political tensions. On the contrary, these CSOs are ready to engage in dialogue with their counterparts on the right bank and to collaborate on projects and issues which have an impact on the resolution of the conflict.

6. The EU's engagement will civil society: testing three hypotheses

The interviews with CSOs in Moldova/Transnistria provide most of the data to test the three hypotheses (the liberal peace paradigm, the leftist and the realist critique). Documents and secondary literature also provide useful additional data which inform the discussion about the validity of the three hypotheses on the EU's engagement with Moldovan/Transnistrian civil society with regard to conflict transformation.

6.1. Hypothesis 1: The liberal peace paradigm

The EU has contributed and is contributing to conflict transformation by strengthening the structure of local civil society to the extent that it reinforces the interconnectedness between mid-level CSOs and top-level actors. This has been visible in various ways. Firstly, Moldovan CSOs have been monitoring the implementation of the EU-Moldova Action Plan (including on the Transnistria issue). This has provided valuable feedback on the reform efforts of the Moldovan government to EU officials and provoked domestic debates on the issue in Moldova. Moldovan CSOs have also become involved in the early stages of drafting new legislation on anti-corruption or strengthening the independence of the judiciary. Ensuring that Moldova remains committed to democratization allows CSOs to freely organise, voice their concerns and provide legislative input or recommendations to the Moldovan authorities (including on the conflict). Accepting the role of 'watchdogs' or 'whistle-blowers' of the implementation of the Action Plan, in part bestowed on them by the EU, also means that Moldovan CSOs are raising their profile with regard to the Moldovan authorities, which begin to take them more seriously. In general, this also contributes to making them more credible and more legitimate in the eyes of the public.

It is less clear, however, whether there has been a growing interconnectedness between mid-level and grassroots actors. On the contrary, the mid-level CSOs are often considered by grassroots

organisations as elitist centres, with unclear agendas and cut-off from the worries of the common man. Whilst the EU remains very popular in Moldova, grassroots CSOs tend to consider that EU funds do not trickle down to them and that the handful of mid-level CSO (who possess the administrative capacity to attract and implement EU-funded projects or who are established enough to interact with EU officials) have in fact become too interconnected with the top-level, exemplified by the arguably not so vigorous criticism of the government's failures and abuses. At the same time there is a lack of transparency with regard to funding (are the funds coming from the EU or from other donors?) which is linked with issues of unclear agendas of mid-level CSOs. This also renders their closer interconnectedness with grassroots organizations less likely.

The EU is in principle seeking to enhance the agency of peace-building CSOs through the provision of funds for projects which allow CSOs to come forward with new initiatives and recommendations on how to solve the Transnistrian conflict. At the same time, the EU has already 'taken sides' in the conflict, by upholding the territorial integrity and sovereignty of Moldova. Hence it specifically enhances the agency of those peace-building CSOs which share a similar view on how to solve the conflict. By predominantly funding and cooperating with Moldovan/Transnistrian CSOs which also favour a negotiated one-state solution to the conflict, the EU may soon lose the fairly positive image³⁷ it still enjoys amongst the pro-independence Transnistrian CSOs (usually engaged in fuelling or holding activities).

The EU does not promote the agency of CSOs which call for a radical solution out of the conflict (such as outright, non-negotiable independence for Transnistria or on the opposite side of the spectrum, a reunification of Moldova through diplomatic, economic or military strong-arming) and which thereby have a fuelling impacts. This is confirmed by the data collected from interviews, in the sense that CSOs with a fuelling impact are not involved as implementing-partners in projects, but their representatives on the other hand are invited as participants in various seminars and conferences in an attempt to confront them with different views on solving the conflict and provoke them to a debate.

Several years ago (in 2004) a number of Moldovan NGOs for instance promoted the "3-D Strategy" which should help solve the conflict (through the demilitarization, decriminalization and democratization of Transnistria). The strategy was promoted both in Brussels and in Chisinau and certain elements were later taken over by the Moldovan authorities as part of their negotiation strategy with Transnistria (i.e. demilitarization of both sides) and even incorporated in a law on the Legal status of Transnistria (adopted in 2005). EU officials have also increased the visibility and impact of peace-building CSOs by being present at their conferences and seminars and participating in the domestic debates on solving the Transnistrian conflict together with the CSOs, the Moldovan authorities, the

³⁷ This was confirmed in a number of interviews with Transnistrian CSOs which openly favoured an independent Transnistria, without necessarily engaging in fuelling activities.

public and the press. Such participation has been hugely facilitated by the appointment of an EU Special Representative for Moldova and by the opening of an EC Delegation in Chisinau.

From the textual analysis of secondary literature and data collected from the interviews it emerges that the EU attains the minimum threshold objective of doing no harm. The EU has so far been careful not to reinforce the status quo through the use of its 'soft power' tools and through its interactions with Moldovan/Transnistrian CSOs. However, the EU is planning a number of civil society projects in Transnistria in non-political fields (education, health, environment and later also economic and trade-related) which seek to address the socio-economic hardships of the population of the left bank. Making the situation more viable for Transnistrians in this de facto independent region, without also simultaneously applying pressure on the Transnistrian authorities to find a negotiated solution to the conflict within the 5+2 international negotiating format, may eventually backfire as this would only serve to strengthen the status quo. In this sense, CSOs with a peace-building agenda which cooperate on such projects may turn out to have a holding impact with regard to the conflict. At this stage, therefore, it comes as no surprise that the Transnistrian authorities welcome the EU funds which may help to keep some of the social pressure off the regime in these dire economic times.

It is the EU's aim to strengthen the capacity, visibility and impact of CSOs with a peace-building agenda and the EU does so in principle by increasing these agents' legitimacy vis-à-vis the other actors involved in conflict transformation. Considering that the EU's deeper engagement with civil society is fairly recent (only in the last three to four years) and that it is generally considered as a benign or positive actor by civil society on both banks of the Nistru, means that the side-effects of being co-opted by the EU are also benign. At the same time it remains unclear whether the EU actually reaches the maximum threshold objective: through EU-funded projects fuelling CSOs are engaging into a dialogue with peace-building ones, but so far data from the interviews suggests that this has not yet resulted in a change of approach towards the conflict by the fuelling CSOs and that this is not the best way to do it.³⁸ The interviewees consider this to be the limit of what peace-building CSOs can achieve with EU funds, claiming that a change in attitude may only be possible if such a change also occurs at the political level in Russia and Transnistria, considering that most of the fuelling CSOs are controlled by either Moscow or Tiraspol.³⁹ Nevertheless, the hypothesis put forward by the liberal paradigm is by and large supported by the evidence from the interviews and from secondary literature.

³⁸ Interviews in Chisinau, 4 June 2009.

³⁹ Interviews in Chisinau, 4 and 8 June 2009.

6.2. Hypothesis 2: The Leftist Critique

The EU's involvement may in principle inadvertently be (but should not be) detrimental to conflict transformation as hypothesized by the leftist critique. The EU's involvement in general with regard to the Transnistrian conflict (i.e. not only the EU's engagement with Moldovan/Transnistrian CSOs, but the deployment of its 'soft power' tools and on-the-ground presence, notably through the EUBAM) stems from a wish to bring stability and security to its eastern flank as enshrined in the ENP's conceptual documents and in the European Security Strategy (adopted in 2003). In this sense, the EU seeks to change the present status quo and hopes that it may unblock the deadlock in conflict settlement negotiations. Further, as mentioned before, the EU departs from the premise that any solution to the conflict should respect Moldova's territorial integrity and sovereignty. Hence, it results that the EU will likely support (or initiate) projects in Moldova which uphold these two principles: 1) more security and stability in the eastern neighbourhood (i.e. change the status quo), and 2) respect for Moldova's territorial integrity (i.e. reject a two-state solution). To this end the EU will engage with CSOs whose activities are mindful of these two principles, thereby in theory excluding interaction with CSOs engaged in fuelling or holding activities.

CSOs with fuelling activities work towards an outcome to the conflict which will make the EU's eastern flank less secure and more unstable and which violate Moldova's territorial integrity. CSOs with holding activities may seek to maintain or even reinforce the status quo and thereby maintain (if not increase) the current level of instability and insecurity, whilst in principle respecting Moldova's territorial integrity. With regard to such CSOs, the EU does not use their services (although in some case holding CSOs may receive EU funding) in order to transform the conflict, but instead tries to stimulate their participation in trainings, seminars, round-tables, exchanges, visits, which are funded by the EU and implemented by peace-building CSOs, with the aim to change their perception of the EU, its policies and their take on solve the conflict.

As regards a possible discrediting of CSOs as a result of excessive cooperation with the EU, this seems hardly conceivable in a country where around 70% of the population and all the mainstream political parties are in favour of Moldova's European integration. Usually, the contrary occurs, i.e. the fact that these CSOs receive EU funds serves to solidify and legitimise their position in the eyes of the wider public and even with regard to the Moldovan authorities. The picture is different in Transnistria, where apart from the government-controlled CSOs any other organisations are treated with suspicion, in particular if their activities are funded by foreign donors. However, the EU is viewed as relatively benign in comparison to other donors, such as for instance any US foundations, provided that funding is limited to the socio-economic sphere.

Grassroots CSOs do on occasion complain that EU funds are monopolised by the well-established mid-level peace-building CSOs, but one also has to consider the type of projects that are being implemented with regard to the resolving conflict. These consist either in research and advocacy activities, or involve training of and round-tables with officials, journalists, other CSOs etc. These activities are best handled by these mid-level CSOs rather than by theme-based grassroots CSOs. In fact, additional EU funds are being made available in order to address specific socio-economic issues which grassroots CSOs work on and which can also have a beneficial impact on resolving the conflict, such as better access to information, impartial media sources, a better education, etc.

Whilst there is a wide social and political consensus with regard to Moldova's European integration efforts, the official EU take on the resolution of the conflict is not always met with unanimity in Moldova and certainly very rarely in Transnistria. The Moldovan government may find the EU's positions supportive in its own efforts to resolve the conflict, but many social organizations adopt a more critical approach, considering the EU's efforts too weak. In Transnistria, the EU's actions with regard to the conflict are often considered by the authorities as hostile and as a means to destabilise the regime. Amongst the Transnistrian CSOs usually a more neutral approach prevails.

Many Moldovan/Transnistrian CSOs depend to a large extent on the injection of EU money or on Western donors proposing projects with a peace-building impact and hence these CSOs may have a financial interest to implement such projects. This is particular the case in Transnistria where the dependence on external funding is even more acute. However, it is not clear that this may limit their credibility and hence affect the project's impact. Surely, their message may not resonate well with the Transnistrian authorities, but may do so with the wider population which on the whole has a neutral to positive view of the EU.⁴⁰

Mid-level independent CSOs in Moldova/Transnistria consider that they can be truly independent only if they espouse European values and if they adopt a pro-European agenda. Therefore, whilst EU funds are vital, they have a genuine desire to be co-opted in the EU's in conflict resolution efforts, in particular because they can contribute with their knowledge of the situation on the ground and with their social networks and contacts. If anything, the more the EU co-opts such CSOs the more legitimate the EU's actions with regard to conflict resolution are likely to become in both Moldova and Transnistria. Therefore, the scenario hypothesised by the leftist critique seems inappropriate in Moldova's case.

⁴⁰ This stems from a lack of knowledge of the EU, which is seen as a rather toothless and amorphous entity, without a clear political authority, but with lots of money to spare. Essentially, such views rest on the image which is spread by the Russian media. At this stage, such a limited image of the EU works in the EU's favour with regard to engaging with Transnistrian CSOs and with regard to the impact of EU-funded projects within Transnistrian society.

6.3. Hypothesis 3: The Realist Critique

At first sight the realist critique represents a relevant hypothesis in the case of Moldova. Moldova is a country whose polity and society are still in transition, from a totalitarian to a democratic system of governance. As described above, Moldova continues to make progress with regard to its process of democratization and the EU contributes to this process through the tools provided for by its ENP. The Action Plan in particular is an important tool which ‘pressurises’ the Moldovan government to maintain the pace of reforms, with regard to setting up democratic institutions, ensuring the rule of law, the freedom of expression etc. As such, the Moldovan state allows for the existence of an active (though not vibrant) civil society. The EU can therefore engage with civil society and does not only have to rely on its relations with the official authorities. The EU can effectively deploy a dual strategy in terms of conflict transformation, by on the one hand engaging with the Moldovan authorities, and on the other hand by engaging with Moldovan civil society. To the extent that the first strategy can be effective, which is the case to some degree when the Moldovan authorities cooperate with the EU on solving the conflict, this will provide the second strategy (i.e. engaging with civil society) with a better opportunity to become effective as well.

In Transnistria, however, the picture is very different. Whilst the EU officials (such as the EU Special Representative for Moldova) have established unofficial contacts and links with the authorities and a number of moderate politicians in Transnistria, the EU’s policy is one of non-engagement with the separatist regime, lest it be considered by the actors involved in solving the conflict as a sign of official EU recognition.⁴¹ The Transnistrian authorities view the EU’s conflict resolution efforts as detrimental to their interests and are therefore reluctant to either cooperate with the EU on solving the conflict or to allow for a greater involvement of independent civil society in political matters. As a result, the EU has been considering engaging directly with the Transnistrian civil society for some time. The series of projects which the EU has foreseen for Transnistria, which will be implemented by local CSOs is a step in this direction. However, once more it should be stressed that these projects will be carried out in the socio-economic field and not in politically sensitive areas. In addition, there are some drawbacks to this strategy as mentioned above (i.e. lack of an organised independent civil society, lack of credible interlocutors, lack of CSO’s with a capacity to implement projects, pressure from the Transnistrian authorities, etc.), which may affect the effectiveness and the overall impact of such projects. A way around this, which is envisaged by Transnistrian CSOs is to involve local village and town council officials in those projects.⁴² This would amount to having the Transnistrian authorities on board in an indirect way. That is because local government is tightly controlled by

⁴¹ The EU Special Representative for Moldova is currently considered *persona non grata* in Transnistria, but is allowed on a case by case basis to join meetings or seminars that are held in Transnistria.

⁴² Interviews in Chisinau with Transnistrian CSOs, 10 June 2009.

Tiraspol due to the very centralised nature of the regime. However, such a scenario still remains largely untested.

The EU's main strategy for the moment with regard to changing the status quo and provoking the Transnistrian authorities into changing their attitude consists in providing benefits to Moldova which could render it more attractive to Transnistrians, and in putting in place incentives to change the status quo (for instance in the form of the EUBAM which the Transnistrians accused of amounting to an economic blockade). With time, people and businesses in Transnistria may put pressure on the Transnistrian authorities to modify their stance with regard to the conflict and seek a reintegration with Moldova (a one-state solution to the conflict).

The realist critique applies only partially to Moldova/Transnistria, in that whilst all actors recognise that a solution requires above all a political consensus by the elites of all parties involved in the conflict, the EU's engagement with civil society in Moldova but also increasingly in Moldova can provide new opportunities to transform the conflict, by increasing the cost for the Transnistrian authorities in maintaining the status quo.

Conclusion

In the last section of the paper, the EU's engagement with civil society in Moldova and Transnistria has been tested against three hypotheses: the liberal peace paradigm, the leftist critique and the realist critique. Overall, the data gathered from interviews and secondary literature tends to validate the liberal hypothesis, to partially validate the realist critique, whilst the leftist critique remains largely inappropriate for understanding the EU's involvement in conflict transformation through Moldovan and Transnistrian civil society. This can best be explained through the existence of a number of elements which allow the EU to co-opt particularly the mid-level CSOs on conflict transformation efforts, without so far reinforcing the status quo.

First, the EU's clear agenda with regard to Moldova's conflict allows it to identify and co-opt those CSOs whose peace-building activities conform to the EU's views on the conflict. Compared to other conflicts around the EU's neighbourhood, the EU is much more involved politically in mediation and conflict resolution efforts as a single entity and the EU has a clear view of the type of resolution which is desired. This is less the case in Georgia (where the 2008 August war with Russia left EU countries divided on the issue) or in Nagorno-Karabakh where the EU's involvement is left to a handful of EU member states. A similar situation exists in Western Sahara whereas in the Israel-Palestine case the EU does not dispose of the same political leverage as it has with regard to Moldova/Transnistria. In

particular, the EU's policies towards Moldova and its 'soft power' tools are designed in such a way that they seek to 'unlock' the status quo of the conflict.

Second, Moldova's reasonably good track-record of implementing its EU Action Plan opens up the public space for CSOs to operate and to cooperate on EU projects. At the same time, the EU favours cooperation with well-established CSOs that have the capacity to run EU-funded projects, to the detriment of grass-roots organization. Currently, this is not necessarily such a bad thing considering that grass-roots organizations tend to engage more often than not in holding activities. However, holding CSOs in Transnistria may play a key role if they are used strategically by the EU, as many of them have the potential to become peace-building CSOs if they are increasingly exposed to cooperation with the EU and CSOs from the other side of the Nistru. If marginalized, they may have a fuelling impact. Hence, the leftist critique should perhaps inform the EU's actions more in this regard, due to the fact that a CSO's agenda and impact (even of a holding nature) may evolve over time, i.e. it needn't be fixed. Such a change is less likely to happen in CSOs with a fuelling agenda, which are currently not considered as project partners by the EU.

A third element consists of the fairly positive image that the EU enjoys among the population in Moldova and to a lesser extent in Transnistria. This means that EU projects can more readily be implemented (including in Transnistria) and that trust is built more rapidly between the EU and CSOs or the EU and the respective authorities. Naturally, the level of cooperation and trust is far greater on the right bank than it is on the left bank, but the current economic downturn facilitates the EU's access to Transnistria, where authorities are welcoming extra funds in order to alleviate social pressures.

This third element greatly facilitates the EU's engagement with civil society – as an alternative to the authorities – in solving the conflict. In addition, co-opting civil society does not have harmful side-effects in terms of loss of credibility or legitimacy in view of the neutral to positive image of the EU with Moldovan and Transnistrian society. Hence, the realist and leftist critiques do not apply in this regard.

Fourthly, the realist critique gains in relevance, however, owing to the fact that many local CSOs on both banks consider that EU-funded projects alone can not transform the conflict and that first and foremost political authorities need to operate the change in the status quo. Hence, the EU's involvement with local CSOs may have a limited impact if the EU does not relentlessly also pursue the diplomatic path for resolving the conflict. Similarly, the fact that Transnistrian CSOs consider a partnership with local (village or city) authorities as an almost necessary precondition for the success of a project also points to the fact that the realist critique remains relevant in the case of Transnistria because ultimately it means that the EU cannot effectively engage with local Transnistrian CSOs independently.

These four elements, which are structural by nature, point to the fact that the EU's engagement with CSOs is less important in terms of impact on the conflict than the actual change in political environment which is generated by the ENP and which has a potential to alter the status quo. Many NGOs on both banks also pointed out that EU-funded projects, though to be welcomed, will ultimately have little immediate effect on transforming the conflict. Instead, these projects may facilitate a social transition that may then indirectly lead to conflict transformation. However, this remains a long-term vision and subject to many obstacles, making it all the more difficult at present to rightfully appreciate the nature of the impact of EU-CSO cooperation on conflict transformation in Moldova.

Recommendations for Moldova/Transnistria, their CSOs and the EU

For the constitutional authorities of Moldova

- allow Moldova CSO to operate unhindered, allow them access to the media, involve them in the policy-making process and on the conflict resolution efforts;
- establish stronger links and engage with CSOs in Transnistria;
- create a contact point at the Ministry of Justice or the Ministry of Reintegration for Transnistrian CSOs in case questions arise with regard to registration and taxation issues or legal assistance;
- when envisaging priorities and objectives for projects funded with EU money in Transnistria, to consult closely with CSOs from both bank of the Nistru.

For CSOs in Moldova:

- find ways to institutionalize a dialogue between the third sector and the government of Moldova;
- organise the CSOs in umbrella organizations or well-defined networks (some ad-hoc networks exist, such as Coalition 2009) which would also include Transnistrian NGOs;
- consider organizing an annual Moldova/Transnistria CSO event where donors can be invited, but also officials from both banks of the Nistru;
- collaborate more closely with stakeholders (companies, grassroots or theme-based NGOs) in order to find ways out of the conflict;
- adopt a less paternalistic attitude when collaborating with Transnistrian CSO.

For CSOs in Transnistria:

- build trust and partnership between Transnistrian CSOs and continue doing so with Moldovan ones (sometimes the lack of trust is more acute between TN CSOs than between TN and MD CSOs);
- involve as much as possible in the activities participants from both banks, including officials (CSOs can become forums where officials from both banks can meet and debate certain problems or start projects, related or not to the conflict);

- become emancipated from Moldovan NGOs in terms of funding but continue involving them in activities.

For the EU:

- listen more closely to Moldovan and Transnistrian CSOs in terms of the practical problems they encounter when applying for funds or implementing projects;
- finance smaller but more projects which can be more easily managed by smaller and less established NGOs;
- collaborate with newer NGOs which often are more in touch with the grassroots and society at large, than the more elitist mid-level NGOs with work more closely with the government and international community;
- EU member state and US foundations and aid agencies already finance many good projects. The EU needs to better coordinate its own assistance with the other donors.
- working through the UNDP may have some advantages for the EU, but in general is considered as a waste of a chunk of the funding. Instead a team of project coordinators may be active at the EC Delegation to oversee the implementation of a part of the EU-funded project.
- in general the EC Delegation in Moldova is considered as not active and not visible enough.
- the EU may consider opening an information centre in Transnistria in which CSOs can find information on funding opportunities (provided an agreement is reached with the Transnistrian authorities);
- the necessity for EU-funded media projects have been underlined. In media-related projects when funding is withdrawn or runs out these projects usually collapse. It is therefore imperative that such projects become sustainable in the long term.

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