

Transnistrian Dialogues



Technical Assistance for the Bureau of Reintegration of the Republic of Moldova
European Union financed programme



Newsletter

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TOPICS OF THE EDITION:

1. The head of the EU delegation to Chisinau, **Pirkka Tapiola**, congratulates the Moldovan authorities on the opening of the offices of the Bureau on Migration and Asylum along the river Nistru in a way which takes into account the interests of the Transnistrian population and enables the control of migration on the Transnistrian segment of the Moldovan –Ukrainian border.
2. Vice-prime minister for Reintegration, **Eugen Carпов**, says that the new territorial offices will improve the freedom of movement on the Nistru.
3. Opening of the offices of the Bureau on Migration and Asylum along the river Nistru has been severely criticised by Tiraspol. The Tiraspol ex-chief negotiator, **Vladimir Iastrebeciak**, explains the point of view of the representatives of the Transnistrian administration.
4. **Nicu Popescu**, expert at the European Institute for Security Studies from Paris, analyses why the Tiraspol concerns on the negative impact have no ground.

The migration offices along the Nistru are supported by the EU and Chisinau but criticised by Tiraspol

In October, the Moldovan authorities opened six territorial offices of the Migration and Asylum Bureau on the Nistru, along the administrative line with the Transnistrian region. The task of the offices is to keep evidence of the migrants' flows coming across the Transnistrian region that is not controlled by the Moldovan authorities. Establishment of this control was one of the final conditions to be met by Chisinau under the Moldova-EU Action Plan for Visa Liberalisation, so that the

Moldovan citizens are able to travel without visas in the near future.

Tiraspol has reacted negatively to the establishment by Chisinau of the six migration offices, saying that they restrict the freedom of movement of the citizens in the region and that this way Chisinau is establishing a border on the Nistru which will have a negative economic and social impact on Transnistria. The European officials are of different opinion.

Pirkka Tapiola: I congratulate Chisinau on the solution which takes into account the interests of the population from both banks of the river Nistru

The European Commissioner for Neighbourhood Policy and Enlargement, Stefan Fule, has stated that the offices installed on the Nistru aim at reunifying Moldova. Shortly after the adoption of this decision by the Moldovan authorities, the Republic of Moldova was visited by the European Commission's Director General for Home Affairs, Stefano Manservigi, who visited the migration offices and held discussions with the Tiraspol administration.



After this visit, the new head of the EU Delegation to Chisinau, Pirkka Tapiola, stated that by establishing the territorial offices of the Migration and Asylum Bureau, the Republic of Moldova fulfilled its obligations towards the EU for the visa liberalisation in a manner which takes into account the interests of the Transnistrian population.

■ **Pirkka Tapiola:** I know there have been a lot of discussions on the so-called issue of the migration flows control, the territorial offices, the service centres. Together with the Moldovan authorities and Parliament we found solutions which correspond to three basic points which are very important for the European Union.

First of all, we wanted to insure sufficient control of those migration flows coming across the Ukrainian-Moldovan border and the Transnistrian segment where the Moldovan government does not exercise full control.

Secondly, we wanted to ensure that there is no border put artificially in the middle of the country and the voluntary nature of registration so that travellers can register either in Chisinau or in other cities or at these service centres, which and it will be clearly mentioned, are not there to attack the lives of Transnistrian residents in any way.

And the third precondition for us was that there should be a reach-out towards the Transnistrian population and the changes that the Contravention Code adopted by the Moldovan parliament make that possible while removing administrative fines especially on Ukrainian and Russian passports holders in the region who do not have a clear indication in their passport of residence in the Republic of Moldova. Ways have been found to deal with them and once the law is promulgated there will be a period on which problems can be tackled. And I really congratulate the Moldovan government that it adopted this decision in an inclusive manner which takes into account the interests of everybody.

■ **Lina Grău:** You have mentioned that finding a solution to the Transnistrian problem is one of the most important priorities of your mandate which has started recently. How do you see the future developments of the Transnistrian regulation?

■ **Pirkka Tapiola:** The European Union is an active participant in the settlement process. Since 2005 we have been a member of the "5+2" format. We are a major funder for the settlement process. We are funding confidence building measures with very large amounts of money building bridges between the two banks of the river Nistru. This is a priority and I think that when you say that some say "just leave the conflict there", "let it be frozen", I would very strongly disagree with that because this is a shared interest to find a sustainable solution and that is an important issue for Moldova but also for the European Union in terms of stability and development of the region as a whole.



Now, Transnistrian conflict is fundamentally important and my own knowledge of the region shows me that there is rather a big amount of people and interests which in fact also want to work with EU. If you look at where Transnistrian industrial exports are going, and the fact that Transnistria has been part of the autonomous trade preferences regime, you will notice that EU is a fundamentally important export market. We hope that we can find solutions where DCFTA which we have will serve the entire population of Moldova, all the Moldovan businesses and bring new opportunities for Transnistrian exporters as well.

For me it is absolutely clear that when we think of closer relationship, political association and economic integration with the Republic of Moldova, we think of that in terms of the entire Republic of Moldova, not just one side of the river, even if that is the majority side. I would not call Transnistria a problem for Moldova's integration, or coming closer to the European Union. Transnistria is a shared challenge on which we need to work and it is also an opportunity because if you look at the business and the industrial structures of the two sides, they are very complementary. It is an opportunity for all citizens and residents of the Republic of Moldova, it is an opportunity to build something new.

Eugen Carпов: In reality, Chisinau has facilitated the free movement of the people on the Nistru

The vice-minister of Reintegration of the Moldovan Government, Eugen Carпов, is saying that the new territorial offices will improve the freedom of movement on the Nistru and is explaining why Tiraspol would benefit if it accepted to participate in the agreements that the Republic of Moldova is negotiating with EU.

■ **Eugen Carpov:** At present, in accordance with the legislation that has been in force for a longer period of time, all citizens who entered the territory of the Republic of Moldova on the central Transnistrian segment of the Moldovan-Ukrainian border must register their stay within 72 hours. As a result of the fact that many visitors with no ill will did not know about the registration, while exiting the Republic of Moldova via the airport or any other border checkpoint could be sanctioned administratively.

In order to reduce this phenomenon, these territorial offices have been opened in order to inform the foreign citizens of the obligation to register within 72 hours. In case the foreign citizens wish to register with the territorial office that they applied to, they have the possibility to do it there, free of charge and in a rapid manner. If the citizens do not want it, nobody will check their passports and they will go to other registration centres of the Registrar State Enterprise or of the offices of the Migration and Asylum Bureau. In total, there are 50 such centres on the territory of the Republic of Moldova.

The people representing the Migration and Asylum Bureau are civilians and are not armed. So, no changes have been made to the Security Zone regime related to the stay of the force structures people.

Thus, we can conclude that this new mechanism is just a new service for the foreign citizens in order to facilitate the registration of their stay on the territory of the Republic of Moldova.

■ **Lina Grău:** Does this mechanism meet the modern requirements for the control of migration flows, which is an obligatory condition of the EU for the liberalisation of the visa regime for the Moldovan citizens?

■ **Eugen Carpov:** You have reminded of the relation with the EU. It is evident that these actions are taken as part of the Visa Liberalisation Action Plan.

This mechanism is an element which improves the evidence of the migration flows. We are coming up with more elements designed to enhance this evidence on the territory of the Republic of Moldova. It is about new powers attributed to the Border Police Department. Border police mobile teams have also been created.

So altogether, the actions of the relevant institutions will ensure that the control of migration flow complies with the standards and requirements of the EU for obtaining a visa-free regime.

■ **Lina Grău:** Have you discussed with Tiraspol the need for opening these checkpoints? How do you explain the reactions of concern coming from that side in connection with the establishment of these offices?



■ **Eugen Carpov:** We have been evidently in contact with Tiraspol. It was our initiative back in March when we sent the first letter to Tiraspol and to all the participants in the 5+2 format, informing them of the Chisinau intention to develop a mechanism of monitoring the migration flows. We have done it in order to demonstrate our openness and transparency.

But I would like to draw a parallel- I think it is not by accident that such question marks are raised by Tiraspol which after have been taken over by the parliamentary and extra parliamentary opposition in Chisinau.

Unfortunately, the partners in Tiraspol pretend not to notice that Chisinau is actually taking actions to facilitate the free movement both of foreigners visiting the Republic of Moldova and the Transnistrian residents who have foreign identity documents be it of the Russian Federation or Ukraine.

As an opening gesture for the ordinary people in Transnistria, the Parliament has adopted a series of modifications to the Administrative Contravention Code. Until present, the sanctions applied against the foreign citizens who did not register with the Moldovan authorities did not differ from the ones applied to the Transnistrian people holding Russian or Ukrainian passports. Now, Chisinau has excluded these sanctions for the Transnistrian residents. It is a unilateral action of Chisinau in order to improve the situation on the freedom of movement for the Transnistrian people.

When the Tiraspol authorities mention they are very concerned about the freedom of movement, I think it would be correct to compare the situation on both banks of the Nistru. While on the right bank there are no obligatory controls and other procedures applied to the Transnistrian residents, when the citizens from the right bank travel to the Transnistrian region, they are subject to various procedures- by migration, border, militia and other structures with no recognised legal status.

"Most companies from the Transnistrian region have no chance to survive if they lose the European market"

■ **Lina Grău:** How do you see the perspective of implementing the Free Trade Agreement in the Transnistrian region?

■ **Eugen Carpov:** At present, the Republic of Moldova has a trade regime based on Autonomous Trade Preferences which the EU offers unilaterally to Moldovan producers. Thus, we do not pay export duties on the EU market. Starting with 2006 when this mechanism was put in place and until present, there have been about 900 enterprises in the Transnistrian region which have legally registered with Chisinau and benefit from all the opportunities offered by this mechanism. Due to this fact, the exports of the Transnistrian region representatives on the European market accounted for 50% in various periods.

Now, we committed ourselves, and it is a regional tendency that Ukraine is following the same way, to pass to a new and more advanced stage in our relation with the EU. Unfortunately, we observe an opposition from Tiraspol and an unwillingness to be part of this process. I would characterise the situation more like an opposition from certain political circles as during the contacts we have with the business representatives in the region we see that they all understand that there are no alternative options. Most companies from the Transnistrian region have no chance to survive if they lose the European market.

"The Free Trade Agreement with the EU will not be applied immediately for the Transnistrian enterprises"

At present, taking into account the fact that at this stage the relationship with Tiraspol has not been of the nature to bring the business community closer to the free trade regime with the EU, we have developed together with Brussels a decision which has practically been already taken by the EU - to offer the Transnistrian companies the possibility to benefit from the existent Autonomous Trade Preferences until the end of 2015.

This means that once it signs the Free Trade Agreement, the Republic of Moldova will enter a new form of commercial relations with EU, while for Transnistria the old rules will stay in force, thus offering them the possibility to accept the European standards, the new rules of the game until 2015, so that after it becomes part of this common trade space with the EU.

Vladimir Iastrebciaik: We would like a border but not one which would generate discrimination of our citizens



The Tiraspol administration has bitterly criticised the opening of the offices of the Migration and Asylum Bureau, saying that this measure limits the freedom of movement and thus sets border which will have a negative impact on the Transnistrian region.

The Tiraspol ex-chief negotiation, Vladimir Iastrebciaik, now professor at the Transnistrian University, is explaining the position of the Transnistrian administration.

■ **Vladimir Iastrebciaik:** Transnistria is aiming at obtaining independence and the border is an indispensable part of the independence. Another thing, the border should not generate discrimination and sanctions against our citizens.

This is the reason why Tiraspol is concerned- not for the fact that de facto a border is being set but because this could be followed by sanctions and persecutions for people living on the left bank of the Nistru. And even if Chisinau assures that the rules will not affect the people in Transnistria, there are still a lot of question marks caused probably by the fact that no explanation campaign has been organised and the mechanisms through which the dwellers from Transnistria will be differentiated from the citizens

of other countries lack. This uncertain situation has a negative impact on the general atmosphere.

"Not even in theory did Tiraspol discuss about the participation in the Free Trade Area with EU"

■ **Lina Grâu:** The leader of the Tiraspol administration, Evghenii Șevciuk, was declaring recently that the Free Trade Agreement with the EU will seriously harm the economic, social and political climate in the Transnistrian region. Do you also see reasons for concern?

■ **Vladimir Iastrebciaik:** There are certainly reasons for concern, at least taking into account the fact that approximately 30% of Transnistrian export are directed towards the EU countries and another circa 30% exports go to the Republic of Moldova. That is why this new situation is a matter of concern to us. The negotiations take place in a non-transparent manner and in the best case, Transnistria has to face the decisions that had already been made- we are suggested to take part in the joint implementation of decisions and not in the decision-making process.

■ **Lina Grâu:** Does Transnistria admit at least in theory that it could implement at a certain moment the new rules proposed by the EU in order to take part in the Free Trade Area?

■ **Vladimir Iastrebciaik:** At present, not even in theory can a serious discussion on this topic take place. It is because nobody invites us to participate in such a Free Trade Area but for individual enterprises which are concrete economic agents.

It is naïve to believe that the Transnistrian authorities will sit tight and follow how the enterprises from the territory it controls and which pay taxes to the Transnistrian budget are withdrawn one by one from under their jurisdiction. This will never happen. And even the Transnistrian enterprises have little interest so far in the new offers because only one or two are able to operate according to the European standards.

And the political development vector of Transnistria is well-known- the Russian Federation and the integration processes suggested by the Russian Federation. In Transnistria, they discuss seriously only about the Eurasian vector cooperation.

„There are no prerequisites for the reintegration and the European integration processes to go hand in hand. Chisinau will have to make a choice"

Lina Grâu: When Ukraine and the Republic of Moldova sign the Association Agreement with the EU and join the Free Trade

Area, the Transnistrian region will find itself as a Eurasian enclave surrounded by European rules and will not be able to trade under favourable conditions. How will the economy of the region operate then?

Vladimir Iastrebciaik: This is the biggest challenge of Transnistria, but also of the Republic of Moldova. For neither Chisinau will be able to apply the new rules on its whole territory and will be able to fully observe the requirements for participation in the Free Trade Area with the EU. Or it will have to apply the territorial reserve and also install a customs border apart from the migration offices. And then Chisinau will have to determine its priorities – the country reintegration or the European integration. A moment will come when it will have to make a clear choice as at this moment there are no prerequisites for the two processes to go hand in hand.

Lina Grâu: How do you see the situation with the negotiations in the 5+2 format? Over the last years, the topics of political character have been avoided and the general impression is that the negotiations are developing slowly and are even stagnating.

Vladimir Iastrebciaik: Unfortunately, I think that certain expectations have been too high and there have been even illusions made in connection to the change of power in Transnistria when they thought that they would find rapid solutions with the new team. These exaggerated expectations have caused bitter disappointments when they found out that actually, continuity in actions is being preserved.

Thus, we cannot expect spectacular progresses in the negotiations. We should continue with what we are doing now – solve the social-economic problems which are very many. And we should try building the house not from the roof but from the basement.

Lina Grâu: How is the EU interest and involvement in various confidence building measures felt in the Transnistrian region?

Vladimir Iastrebciaik: For the time being, the EU is losing to a certain extent from the informational point of view. We have good relations with the European enterprises from the economic and commercial point of view – 30% of our exports are oriented towards the EU. Within certain concrete projects, the legal entities, the economic agents, and the non-governmental organisations know very well what the EU means, while the general population knows very little about this. By far all the projects implemented by the EU are reflected in the mass media and respectively very little information reaches the population.

Nicu Popescu: Transnistria – between the Russian geopolitical interests and the obligation to support its own economic agents exporting to the EU

Nicu Popescu, expert at the European Institute for Security Studies, based in Paris, is signalling that Transnistria finds itself in a difficult situation, having to choose between playing the game of Russia interested in maintaining its geopolitical control in the region and ensuring the well-being of its own citizens, a well-being which depends on the trade with the EU.

■ **Nicu Popescu:** Opening of migration offices is not an aim in itself. What counts for Brussels, Berlin, Paris or Chisinau is that the Republic of Moldova, as a state, is able to monitor those who enter its territory so that Chisinau has a clear situation of the state of affairs as far as migration is concerned.

This can be realised through several methods. One method would be the presence of the Moldovan border police on the Transnistrian segment of the Moldovan-Ukrainian border. Under conditions when Transnistria does not allow for the access of the Moldovan border police on the Transnistrian segment, another method would be to install migration offices. Thus, in this sense, Transnistria could even contribute to the monitoring of the migration flows if it cooperated with the Republic of Moldova over the control of the Moldovan-Ukrainian border on the Transnistria segment.

In this sense, neither for Chisinau the migration points are the perfect solution. It is rather a decision dictated by the fact that Transnistria does not cooperate in the border management with the Republic of Moldova.

The concerns of Tiraspol regarding the degree of freedom of movement between the two banks of the Nistru seem to be at least illogic in the situation when namely Tiraspol puts the main obstacles in the movement of its citizens by implementing monitoring methods of its citizens' flow which are identic to a state border.

■ **Lina Grău:** In some comments of the Tiraspol leaders



there have been voiced concerns about the negative impact on Transnistria of the Free Trade Agreement with the EU. Are these concerns justified?

■ **Nicu Popescu:** The statements by Transnistria look more like an anti-European propaganda than a wish to solve technical issues related to the signature of the Association Agreement with the EU.

At present, Transnistria has one of the most favourable regimes of access to the EU market as part of the Republic of Moldova. The Transnistrian companies have access to the European market under conditions which are more favourable than the conditions of the Ukrainian and Georgian exporters, not to mention the Russian and Armenian exporters. This fact allowed Transnistria to maintain an increased level of its exports on the European market. This also means that Transnistria maintained its jobs and the possibility for many Transnistrian companies to operate and generate profits.

At present, together with signature of the Association Agreement, the Republic of Moldova, and implicitly the Transnistrian companies registered with Chisinau, will get even easier and more facilitated conditions of access to the European market. In this sense, Transnistria will obtain an even more beneficial regime as part of the Republic of Moldova. For this, certain conditions have to be met, including observance of the rules of origin and production standards. There are no requirements which could not be fulfilled if Transnistria wanted to play according to the rules of the European market.

In this situation, theoretically, the Transnistrian companies can have two legal regimes of export towards the EU. The first regime would be as Moldovan companies that observe

the standards that the Republic of Moldova has to implement under its commitment with the EU. If they do not want to do this and implement these rules, the Transnistrian companies can export on the EU markets as suppliers of unspecified origin goods which means much higher tariffs and a more difficult access to the EU market.

Unfortunately, Transnistria has to make difficult decisions. On one hand, the prosperity of Transnistria, very many jobs, and export capacity depend very much on the access to the European market. On the other hand, the macro-financial

stability and the political stability of the Tiraspol regime depend greatly on the Russian Federation.

I do not think it is very prudent of Transnistria to venture into geopolitical games related to the European integration of the Republic of Moldova because the hasty backlash and the Transnistrian voluntarism to transform into a lance of anti-EU diplomatic actions in the Republic of Moldova, will hit also Transnistria under the conditions that thousands of jobs and half of the exports of the region depend on the access to the European market.



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Transnistrian Dialogues is a programme of analyses, interviews, and commentaries on the state of affairs on the left bank of the Nistru. Its objective is to make the topic of the Transnistrian regulation more accessible to the society, explain how the reintegration process combines with the European course of the Republic of Moldova and look for solutions to bring the two banks of the Nistru closer.

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