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Security Provider or Security Consumer? The European Union and Conflict Management in Moldova*

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I Introduction

‘Russia and Moldova: The next Bosnia?’, asked *The Economist* in June 1992 expressing the widespread fear at the time that clashes between regular Moldovan forces and Russian and Ukrainian separatists of Moldova’s Transnistria region might push the new Moldovan Republic towards the brink of an all-out civil war. However, the following 15 years have shown that Moldova has not followed Bosnia and other ex-Yugoslav republics down the road of armed conflict and ethnic hatred that have led to human suffering unknown in Europe since the days of the Second World War. The Moldovan crisis has turned rather into what is often called a ‘frozen conflict’ between the Moldovan central state and a quasi-independent Transnistrian statelet, situated between the official Ukraine-Moldova border and the river Dnjestr.

This ‘frozen conflict’ situation has created a number of complex and mutually reinforcing security problems in the neighbourhood of the European Union (EU): first, the flourishing of organized crime and weapons proliferation; secondly, the presence of former Soviet and now Russian troops and armament on Transnistrian soil – a fact that the Kremlin defends with the unresolved conflict there; and thirdly, the general weakness of the Moldovan state due to the unresolved conflict. Most of these issues have also been identified as ‘key threats’ by the EU in the 2003 European Security Strategy (ESS).¹ Moldova has, thus, turned into an important test case for the EU’s growing foreign policy in general and its new neighbourhood policy in particular. At the same time, from an analytical point of view, it has become a useful case study to examine how the EU deals with security challenges in its neighbourhood.

As a foreign policy actor, the EU has been dominantly characterized as a rather benign, postmodern polity with a strong focus on persuasion and soft power rather than on coercion and hard power. These approaches, most notably the ‘civilian power Europe’ concept and its derivatives, have largely focused on either the goals and available means or, more recently, on the norms of the EU itself. They have neglected, however, the increasingly apparent fact that the EU deals differently with distinct issues. For instance, the EU has a different behaviour in matters related to energy security than in certain fields of its human rights agenda. In other words, the EU cannot be characterized as a single-type actor. The central question regarding the EU as a foreign policy actor is rather: In which situation acts the EU in which way? It will be argued in this piece that – depending on the issue – the EU acts either as a security provider or as a security consumer. The analysis of conflict management, one of the EU’s major foreign policy objectives, and in particular of conflict management in Moldova, will serve in this respect as the empirical base that will underpin this argument. In short, it will be examined in how far the EU acts as a security provider or as a security consumer in the case of conflict management in Moldova.

The structure of the paper is threefold: first, we will deepen the conceptual basis of the security provider/security consumer approach. Afterwards, we will examine, first, the existing security challenges in Moldova and, secondly, how the EU has dealt with them – both on a rhetoric and a practical level. The analysis shall include both European Commission policies and actions in the framework of the Common Foreign and Security

¹ See *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003, pp. 3-5.

Policy (CFSP). Finally, we will argue in the conclusions that the EU has turned from a passive security consumer into an emerging security provider in the case of conflict management in Moldova. However, in the future, the EU may turn once more into a security consumer, as the EU may give in to Russian pressure and may avoid any security-related changes of the status quo in the secessionist entities in its neighbourhood, including Transnistria. In other words, the postmodern EU with its interests in transformation and sustainable conflict settlement may be restrained in its efforts by the status quo interests of Russia acting as a traditional power.

II Tensions in European Foreign Policy

Ever since it has become apparent that the EU is an external actor in its own right, academics have tried to define the EU's foreign policy characteristics – a particularly difficult endeavour, since the EU is neither a state nor a classical international organization. The dominant approaches have in common that they stress – at least tacitly – the EU's lack of military power and, at the same time, its strong civilian and/or soft means such as its economic power or its capacity to shape international norms. In other words, the EU has been largely depicted as a civilian or, more recently, as a normative power.²

However, with the development of the EU's military capacities in the framework of the European Security and Defence Policy (ESDP) and with the actual deployment of EU military missions abroad these traditional approaches have come under increasing scrutiny. Especially the concept of normative power has been at the centre of a lively debate on the conceptualization of the EU as a special kind of actor in international affairs, though most authors do not rule out completely the (refined) idea of a normative or civilian power Europe.³ Many warn, however, of the negative effects of the EU's 'militarization' on a normative or civilian power Europe.⁴ In fact, it is questionable in how far the EU can still be termed a civilian or normative power, when the EU and its Member States may have up to 60,000 soldiers on military missions ranging from central Africa to East Asia.⁵ However, at the same time the EU is not turning into a classical military or great power either. The idea of the EU as a military power-in-the-making, which will challenge one day the role of the United States as the sole superpower, is at least in the mid-term not realistic. The EU simply lacks the necessary resources, capabilities and, most notably, the political will. But if the EU is neither a pure civilian or normative nor an emerging military power, which kind of actor is it then? Some authors such as Gnesotto argue that the EU is simply a 'sui generis power', which is developing a

² See F. Duchêne, 'Europe in World Peace' in R. Mayne (ed.), *Europe Tomorrow: Sixteen Europeans Look ahead* (Fontana, London 1972), pp. 32-49; and I. Manners, 'Normative Power Europe: A Contradiction in Terms?' (2002) 40 *Journal of Common Market Studies*, pp. 235-258.

³ 'What kind of Power? European Foreign Policy in Perspective' (2006) 13 *Journal of European Public Policy* (special issue ed. by H. Sjursen).

⁴ I. Manners, 'Normative Power Europe Reconsidered: Beyond the Crossroads' (2006) 13 *Journal of European Public Policy*, pp. 182-199.

⁵ See B. Giegerich and W. Wallace, 'Not such a Soft Power: The External Deployment of European Forces' (2004) 46 *Survival*, pp. 163-182.

specifically European strategy for external action.⁶ Yet, this concept simply points out that the EU is an actor distinct from other actors in the international system, but does not say which type of actor it actually is. Moreover, it does not remove the major problem all the previous concepts of the EU as an international actor have in common: the EU is seen as single type of actor.

A close look at the EU's actions reveals actually that though in some issues the characterisation of the EU as a civilian or normative power may be adequate, e.g. in the international efforts against the death penalty, in others it is rather questionable, for example regarding minority protection.⁷ This problem is the result of an overly focus of the traditional approaches on what the EU is in general and, especially in the case of the civilian power concept, on the specific goals and means of the EU as such instead of the actual behaviour of the EU in certain foreign policy areas. In short, traditional characterisations of the EU do not sufficiently recognize that the EU acts in certain areas in one way and in others in another way. Consequently, they also fail to discern the emerging tension between distinct foreign policy approaches within the EU.

This tension within the EU's foreign policy, however, is already reflected in various studies. Dannreuther, in an analysis of the EU's neighbourhood policy, defends for example the idea that the EU's actions which are carried out according to the EU's interests in transformation are 'counterbalanced' by its status quo interests.⁸ A comprehensive characterisation of the EU as an international actor has to take into consideration these tensions within the EU's foreign policy. In order to achieve this, it is necessary to stir the analysis of the EU as an international actor away from the focus on either norms or goals and means of the EU per se and to refocus the research on the EU's interests and actions in specific foreign policy areas. In this way, it is possible to translate the tension within EU foreign policy into a dual characterisation of the EU as an international actor.

The model that is proposed in this article is based on the idea that in some instances the EU acts as a security provider and in others as a security consumer.⁹ The basic difference between a security provider and a security consumer depends on the relative balance between what an actor gains and what it gives.¹⁰ In terms of interests and actions, a security provider has a stronger interest in the immediate security of a third party rather than in direct security gains for itself. Nevertheless, a security provider is also interested in its own security improvements. The prospect of own security gains – often rather indirect and in the long-term – are even a significant incentive for security providers to

⁶ N. Gnesotto, 'Editorial: European Strategy as a Model' [2004] 9 *Newsletter* (Institute for Security Studies, Paris), pp. 1 and 4.

⁷ See M. Lerch and G. Schwellnus, 'Normative by Nature? The Role of Coherence in Justifying the EU's External Human Rights Policy' (2006) 13 *Journal of European Public Policy*, pp. 304-321. They actually argue that the EU's normative power depends heavily on the interaction between its policy goals, means and justifications, and therefore varies between different issue areas.

⁸ R. Dannreuther, 'Developing the Alternative to Enlargement: The European Neighbourhood Policy' (2006) 11 *EFA Rev*, pp. 194-198.

⁹ See E. Barbé, *Defining Security in the Wider Europe Policy: A Critical Assessment* (unpublished, paper presented at the CHALLENGE Conference "Internal Freedom versus External Security? Assessing EU Policy in JHA and CFSP"), 2005.

¹⁰ See K. Longhurst, 'From Security Consumer to Security Provider – Poland and Transatlantic Security in the Twenty-First Century', (2002) 2 *Defence Studies*, pp. 51-52. Longhurst herself refers to state actors. Nevertheless, her categorization is also useful for the EU.

act, which is why the action of a security provider easily lead to a win-win situation, where both the third party and the security provider gain in security. It is also possible to argue that a security provider is interested in absolute gains. Its own security interests, however, are only secondary. A security consumer, on the other hand, is primarily interested in its own security and is largely indistinct towards the security needs of third parties. A security consumer is, therefore, an international actor that acts only if its own security interests are affected. A special case of the security consumer would be an actor that does not act at all, even though the security interests of another actor are clearly at stake, and that expects other actors to deal with the security issues in question. Such an actor can be called a passive security consumer. In general, security consumers create easily win-lose situations, in which the third party is usually on the losing side.

Although in practice it is not always easy to distinguish between a security provider and a security consumer approach and specific approaches may change over time with the development of policies, it can be argued that in some clear cases the EU can be characterized as either a security provider or security consumer. For example, in the case of some Justice and Home Affairs policies such as migration from neighbouring countries, the EU acts largely as a security consumer, i.e. it intends to gain security against the massive migration flows from neighbouring countries without taking sufficiently into consideration the interests of the neighbouring countries or the migrants themselves. Migration has become indeed a (perceived) security problem of the EU¹¹ and the dominant approach has been to externalize the EU's migration control instruments such as border controls in transit countries or readmission agreements with sending countries.

Although at first sight the EU seems to act dominantly as a security consumer, there are also arguably cases of the EU being a security provider. For example, it can be argued that the active promotion by the EU of democracy and human rights in third countries provides more security for the citizens in these countries than the EU or its citizens gain themselves. This is not to say that European democracy and human rights promotion policies are effective. On the contrary, they generally suffer from the lack of efficiency, consistency and resources.¹² Nevertheless, the EU's democracy and human rights promotion policy as such can still qualify as a security provider policy, especially in the realm of the Commission. Conceptually, the EU seems to show in this particular context a special preoccupation for human security, defined by the Barcelona Report as 'individual freedom from basic insecurities'.¹³ Yet, some authors have warned about the current danger of the EU turning from human security towards humanitarian intervention, leaving aside development policies and focusing on short-term military instruments.¹⁴

As the examples of the EU acting as a security provider and security consumer demonstrate, both approaches coexist, thus creating a constant tension between the two within EU foreign policy. In the case of conflict management, the ESS, the EU's major

¹¹ See J. Huysmans, 'The European Union and the Securitization of Migration' (2000) 38 *Journal of Common Market Studies*, pp. 751-777.

¹² See R. Youngs (ed.), *Survey of European Democracy Promotion Policies 2000-2006* (FRIDE, Madrid 2006), pp. 51-80.

¹³ *A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe's Security Capabilities*, in M. Glasius and M. Kaldor (eds), *A Human Security Doctrine for Europe: Project, Principles, Practicalities* (Routledge, London 2006), p. 330.

¹⁴ See I. Manners, note 4 above, p. 192.

strategic document in this field in the absence of a fully-fledged strategy for conflict management, suggests that in general the EU intends to be a security provider: First, the EU's security interests in regional conflicts are primarily concerned with the security of third parties, in particular of individuals and minorities, and are linked only indirectly to the security of the EU, its Member States and citizens: 'Violent or frozen conflicts, which also persist on our borders, threaten regional stability. They destroy human lives and social and physical infrastructures; they threaten minorities, fundamental freedoms and human rights. Conflict can lead to extremism, terrorism and state failure; it provides opportunities for organized crime'.¹⁵ Secondly, it proposes a wide range of conflict management measures, including both civilian and military instruments.¹⁶ However, in practice only the detailed analysis of security interests and actions (or inactions) in concrete case studies can determine in how far the EU has acted over time as either a security provider or a security consumer.

III The EU and the Security Challenges in Moldova

Unlike in many other conflicts, the security challenges in Moldova are not directly related to the existence of an armed conflict, neither in the form of an all-out civil war nor in the form of a low-intensity conflict or terrorism. The main problem is rather that a relatively short civil war in 1992 has not been ended by a comprehensive conflict settlement, but by a stalemate between the Moldovan central state and the Transnistrian separatists, who have been able to establish their own quasi-state. The conflict has resisted stubbornly all international mediation efforts for more than a decade.¹⁷ This situation gave rise to at least three interrelated security challenges: First, criminal networks have been able to establish a flourishing shadow economy based on the smuggling and trafficking of alcohol, cigarettes, drugs, weapons and human beings with Transnistria as both a transit route between Asia and Europe and a 'safe haven for criminals'.¹⁸ Secondly, Russia has refused so far to withdraw its 'peacekeeping' forces from Transnistria, which further complicates the conflict, since the presence of Russian troops in Transnistria is not welcomed by Moldova. Moreover, Russian weapons and ammunition may fall into the wrong hands, for example of criminal networks. Thirdly, the conflict has been a crucial stumbling block of the strengthening of Moldova in general. Moldova is in fact an extremely weak state, with a fragile state structure, poor economic performance and few public services for its citizens.

In the first decade after the 1992 civil war, these and other security-related issues were largely absent from EU-Moldova relations. Most notably, the 1994 Partnership and Cooperation Agreement, the framework agreement for EU-Moldova relations, is basically a trade agreement with some cooperation aspects and does not have an explicit

¹⁵ *European Security Strategy*, note 1 above, p. 4.

¹⁶ See *European Security Strategy*, note 1 above, p. 7.

¹⁷ For an overview of the Transnistrian conflict and the various issues involved, see *Moldova's Uncertain Future* (Europe Report 175, International Crisis Group 2006), available at: <<http://www.crisisgroup.org>>; and M. Vahl and M. Emerson, 'Chapter 4: Moldova and the Transnistrian Conflict' (2004) 1 *Journal on Ethnopolitics and Minority Issues in Europe*, available at: <<http://www.ecmi.de/jemie>>.

¹⁸ *Moldova: No Quick Fix*, (Europe Report 147, International Crisis Group 2003), available at: <<http://www.crisisgroup.org>>.

security dimension, not even in relation with the Transnistrian conflict. This lack of interest for Moldova's security problems indicates that during this time, the EU may have been a passive security consumer. The year 2002, however, can be seen as a turning point in EU-Moldova relations, in particular in security matters. Since then, the Transnistria conflict and its associated security threats have adopted slowly but steadily a more prominent role in the EU's external relations. Although this role has never become dominant and all relevant EU documents reveal serious shortcomings in relation with the security issues involved in the case of Moldova,¹⁹ the way the security problems have been presented indicate that the EU has been directly interested in the security of Moldova and its citizens and that it might qualify as a security provider. At the same time, the EU has been also driven by its own interest in a stable and prosperous neighbourhood in the prospect of the 2004 and 2007 enlargement rounds, which have finally led to a common EU-Moldova border. More concretely, the EU's stronger interest in Moldovan security issues coincides with the beginnings of the new European Neighbourhood Policy (ENP) around 2001/2002, which aims at establishing a zone of stability and prosperity in its neighbourhood.

On 27 December 2001 the Commission published for the first time a major strategic document related with Moldova – the Country Strategy Paper 2002-2006, which was later updated by another Country Strategy Paper.²⁰ This document focuses principally on Moldova as a weak state and analyses in detail the numerous political, social and economic problems of the country. At the same time, the Transnistria conflict and the related problems of organized crime and Russian military presence are examined. The Transnistria conflict is indeed clearly identified as a fundamental problem for Moldova: 'The Transdnestrian dispute heavily affects Moldova's foreign relations and economic development. Moldova can only make limited progress towards democratic consolidation and economic improvements as long as the Transdnestrian issue continues'.²¹ The documents about Moldova that the Commission has presented afterwards follow quite similar patterns in relation with the Transnistria conflict, especially the Country Report Moldova, published on 12 May 2004, and the *EU/Moldova Action Plan*, which was elaborated by the Commission in the framework of the ENP and implemented – after an initial reluctance by the Moldovan government, which preferred to be part of the EU's South Eastern European policy – by the EU-Moldova Cooperation Council on 22 February 2005.²²

The EU Council's reaction to the increased importance of Moldova and the Transnistria conflict in Commission documents has been rather cautious. From a strategic point of view, the most problematic issue seems to be the failure to mention even once Moldova or the Transnistrian conflict in the *European Security Strategy*. It was only in June 2004 – in the aftermath of the Commission's first *ENP Strategy Paper* and *Moldova Country Paper* – that the Council began to strengthen its own position on Moldova and the

¹⁹ See N. Popescu, *The EU in Moldova – Settling Conflicts in the Neighbourhood* (Occasional Paper 60, Institute for Security Studies, Paris 2005), pp. 9-13.

²⁰ See European Commission, *Country Strategy Paper 2002-2006/National Indicative Programme 2002-2003 Moldova*, 27 December 2001; and European Commission, *Country Strategy Paper 2002-2006/National Indicative Programme 2005-2006 Moldova*, undated.

²¹ *Country Strategy Paper 2002-2006/National Indicative Programme 2002-2003*, note 20 above, p. 7.

²² See European Commission, *European Neighbourhood Policy, Country Report: Moldova* SEC(2004) 567, Brussels, 12 May 2004; and *EU-Moldova Action Plan*, undated.

Transnistria issue by publishing its first conclusions on Moldova. The Council states ‘...that solving the conflict in Transnistria is key to making further progress towards building a strong and stable Moldova’. Furthermore, the Council clearly identifies the central security issues associated with the Transnistria conflict, in particular the fight against trafficking and the proliferation of weapons, the need to control effectively Moldova’s borders, especially with Ukraine, and the withdrawal of Russian forces and military equipment.²³ Thus, the Council conclusions on Moldova form certainly the Council’s principal strategic publication in relation with the Transnistrian conflict. The way they address the security issues in Moldova further indicates that once more the EU interprets them in terms of absolute gains, i.e. dealing with them increases the security of both Moldova and the EU, and may, thus, qualify as a security provider.

In sum, the launch of the new neighbourhood policy after 2002 has seen a much more intensive examination of the Transnistrian conflict and the related security issues by the EU, in particular by the European Commission. The majority of documents identify the Transnistrian conflict and the other associated security matters as key problems and major issues for both Moldova and the EU. This indicates that after 2002 the EU might have been turning into a security provider in Moldova. But in order to confirm this, it is necessary to analyse first the concrete actions the EU has carried out as conflict management measures in Moldova.

IV EU Conflict Management in Moldova

The European Commission has been active in Moldova since its independence in 1991. Its activity has consisted basically of Community assistance – totalling between 1991 and 2003 €253.3 million – which has been distributed according to the overall priorities of the Partnership and Cooperation Agreement and the Country Strategy Paper. In general, the Community assistance, though not always as effective as planned, may have had positive effects on the political, social and economic development of Moldova. In fact, the overall situation of Moldova has improved in recent years. However, until 2001/2002 the Commission has not addressed directly security issues in Moldova/Transnistria. As was suggested by the absence of security issues in pre-2001 documents on Moldova, the EU in general acted rather as a passive security consumer, which means, in this particular case, that it did not act in the face of a dismal security situation in Moldova. It entrusted Moldova’s security to the Organization for Security and Co-operation in Europe (OSCE), Russia and other international mediators and focused its efforts on the area, where it saw its own security directly affected: the Balkans. It was only after 2002, when the major Balkan wars had ended and the unresolved conflicts in the EU’s new post-enlargement neighbourhood loomed at the horizon that the EU has been emerging as a security provider in Moldova. Especially the prospect of the adhesion of Romania was a wake-up call for EU policy makers: On the one hand, thousands of Moldovans, who possess double Romanian and Moldovan nationality, have become EU citizens. It is estimated that between 1991 and 2002 between 80,000 and 93,000 Moldovans have obtained

²³ General Affairs Council, ‘Moldova – Council Conclusions’ 2590th Council Meeting 10189/04 (Presse 195), Luxembourg, 14 June 2004, pp. 14-15.

Romanian passports, though this figure has dropped to roughly 3,000 in recent years.²⁴ At the same time, Romania has introduced only very reluctantly an increasingly strict border regime with Moldova in order to comply with Schengen requirements. It was only on its day of entry into the EU that it required for the first time visas for Moldovans travelling to Romania. Yet, in the wake of Romania's stricter border regime, up to 800,000 Moldovans, i.e. since September 2006 about 6,000 a day, have applied for Romanian passports. Although it is still not clear how Romania will deal with this issue in the future, the possibility exists that paradoxically a large part of Moldovans become EU citizens without Moldova joining the EU.²⁵ On the other hand, Romania's entry in the EU in 2007 has finally turned the Romania-Moldova border into an EU-Moldova border. The EU has, therefore, realized that conflict management in Transnistria may not be only in the interest of Moldova but affects mutually Moldovan and European interests. Consequently, both the Commission and the Council have substantially intensified their activities and have directly addressed concrete security issues.

1. European Commission Activities

In recent years, the Commission has focused its security-related activities on four areas: First of all, it has strongly supported the central Moldovan government in border and customs affairs. It focused its activity, in particular, on the improvement of the border and customs relations between Moldova and Ukraine and in May 2003 Moldova and Ukraine actually signed a common agreement, in which Ukraine recognized Moldova's new custom stamps and seals, which had been introduced in 2001. The overall aim of these custom and border measures is to lower the 'vested interests' in the status quo of the Transnistria conflict of organized crime, shadowy businessmen and corrupt politicians. As these 'vested interests' are mainly related to smuggling, trafficking and other illegal activities, an effective custom and border regime can actually have a profound long-term impact.

These efforts were further boosted on 7 October 2005, when the European Commission, Moldova and Ukraine signed a Memorandum of Understanding for an EU Border Assistance Mission (BAM) along the Moldova-Ukraine border, including the Transnistrian section. The mission's task is basically two-fold: On the one hand, it trains and advises Moldovan and Ukrainian custom and border officials in order to improve their border management skills. On the other hand, mobile teams of EU border guards are active themselves along the border, mainly by making unannounced visits to border check-points. The mission has, however, no executive powers. The mission, which started on 1 December 2005, will run initially for two years, for which the Commission has earmarked in total €20 million through the Rapid Reaction Mechanism and the TACIS programme. The Commission has fought hard inter-institutional trench wars to

²⁴ See The Economist Intelligence Unit ViewsWire, 'Heading for the Exit' [30 January 2007] *The Economist*, available at: <<http://www.economist.com>>; and G. Dura, *EU Membership Gives Romania New Opportunities in its Relations with Moldova* (Centre for European Policy Studies, 31 January 2007), available at: <<http://www.ceps.be>>.

²⁵ Considering that Moldova (without Transnistria) has a population of 3.2 million, of which 600,000 already live abroad, 800,000 is a large number. However, Romania is able to process currently only 20,000 citizenship applications a year.

convert it in a pure communitarian mission without Council influence.²⁶ It has even financed initially the mission through the Commission's Rapid Reaction Mechanism – from a practical point of view a rather weird decision, as this instrument is thought for short-term reactions to emergency situations. Yet finally, the Commission had to concede a double-hatted head of the EU BAM, who is also a special adviser to the Council's newly appointed Special Representative and the head of a team of three advisors of the Special Representative on border related issues.²⁷

Apart from the effectiveness and coherence of the EU mission itself, another external factor is crucial for the successful implementation of the BAM: Ukraine. After all, most of the border control at the Transnistrian section of the Ukraine-Moldova border has to be done by Ukrainian officials. However, the volatile political situation in Ukraine in the aftermath of the Orange Revolution casts doubt on Ukraine's commitment, since a tight border regime at the Ukraine-Transnistria border does not only affect interests in Transnistria but also strong local interests in Ukraine. Without a resolute pro-European leader in Kiev, who realizes that an effective border regime is indeed a pre-requisite for further integration with the EU, Ukrainian collaboration is, therefore, far from assured. Recent developments, however, are promising: On 30 December 2005, for example, the Moldovan and Ukrainian Prime Ministers signed the crucial Joint Declaration, which requires official Moldovan stamps for all Transnistrian goods exported to and via Ukraine. Even after Victor Yanukovich became Prime Minister in August 2006, Ukraine has supported the EU BAM: In November 2006, Ukraine and Moldova signed under the auspices of the Commission a border cooperation agreement, which improves the exchange of information relevant for effective border controls.²⁸

However, after its first year of operation, overall results of the BAM have been still mixed. Whereas the Commission and, surprisingly, the European Parliament hail the success of the mission, independent observers have been more critical.²⁹ On the one hand, the EU BAM and the new border regime along the Transnistria-Ukraine border have forced at least some Transnistrian companies to register with the Moldovan government, thus strengthening Moldova's authority in Transnistria. Yet, on the other hand, these advances have been largely outdone by Russia's policy towards Moldova in 2006. First, it imposed on Moldova higher prices for gas and later it imposed an embargo on wine, Moldova's main export product. Although these measures were not directly related to the EU BAM, they weakened significantly Moldova's economy and demonstrated Russia's enormous leverage in comparison with the EU.³⁰ Furthermore, although the mission has been successful in detecting cases of smuggling of personal goods such as cigarettes and

²⁶ Interestingly, the EU BAM's website can be found on the Council's website for ESDP missions: <<http://www.consilium.europa.eu>>. The Commission used for a long time *EC* BAM instead of *EU* BAM. Most notably, the Memorandum of Understanding refers explicitly to the *European Commission* Border Assistance Mission.

²⁷ See Council of the European Union, *Annual Report from the Council to the European Parliament on the Main Aspects and Basic Choices of CFSP* 10314/06, Brussels, 08 June 2006, p. 69.

²⁸ See European Commission, *ENP at Work: Ukraine and Moldova to Strengthen Border Cooperation* IP/06/1592, Brussels, 21 November 2006; and Council of the European Union, *EU-Ukraine Summit: Joint Press Statement* 14604/06 (Presse 297), Helsinki, 27 October 2006.

²⁹ See O. Protsyk, 'Moldova's Dilemmas in Democratizing and Reintegrating Transnistria' (2006) 53 *Problems of Post-Communism*, p. 35.

³⁰ Moldova tried to counter (largely unsuccessfully) Russia's policy by vetoing its entry in the World Trade Organization.

food, more serious forms of trafficking such as of weapons or human beings have not been uncovered. Either criminal cross border activity has been significantly smaller than expected or the currently 101-person strong BAM has been simply too small to detect serious smuggling and trafficking along a 1,222 km long border.

The second field of activity of the Commission in relation with the Transnistria conflict concerns political advice, in particular in the form of an EU expert, who participated in the so-called Joint Constitutional Commission. This Commission was established by the Moldovan President in February 2003 in order to draw up under international supervision a new common Moldovan Constitution. However, the Commission, which consisted of Moldovan and Transnistrian experts as well as observers from Russia, Ukraine, the OSCE, the Venice Commission of the Council of Europe³¹ and the EU, got rapidly stuck in quarrels between the Transnistrian and Moldovan side and is virtually dead today. Nevertheless, it has been the first direct EU involvement in negotiations to reach a conflict settlement in Transnistria.³² The third field of activity refers to the import into the EU of certain steel products from Moldova. More concretely, the Commission and Moldova agreed on 29 October 2004 that the Community's competent authorities would grant import licenses to certain Moldovan steel products only if they had received previously a special export license issued by the central Moldovan authorities. Since Moldova's steel production is concentrated in its breakaway region Transnistria, this 'double-check-system' has the potential to weaken the economic base that sustains Transnistria's quasi-independence and to force Transnistrian steel producers to collaborate with the central Moldovan authorities. The fourth field of activity can be described as intensified bilateral relations between the Commission and Moldova, symbolized by the long-awaited opening of an own Commission Delegation in Chisinau on 6 October 2005.

2. Actions in the Framework of CFSP

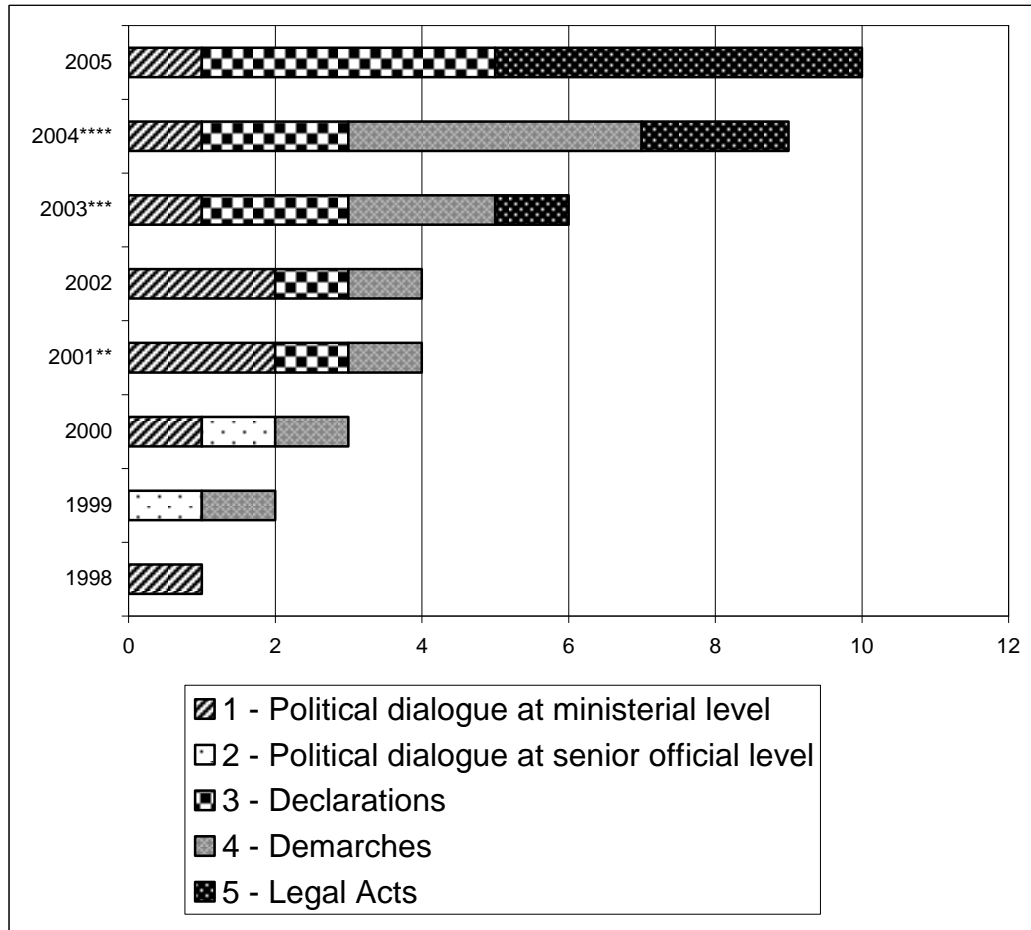
Until 2002 CFSP actions were limited to the annual EU-Moldova Cooperation Council Meetings, both at ministerial and senior official levels, and to two Troika visits at senior official level to Moldova, the first one in October 1999 and the second one in December 2000. However, both Troika trips remained without concrete results. As figure 1 shows, it were the years 2001/2002 that brought about a significant quantitative intensification of CFSP actions in Moldova. In fact, since 2001/2002 the number of CFSP actions has increased steadily. Between 2002 and 2005 the number of CFSP actions was almost triplicated. This – at least quantitatively – intensified activity in Moldova coincides with the development of a more explicit European conflict management policy towards Moldova in the framework of the ENP. Thus, it demonstrates that with the development of ENP and with the clear incorporation of Moldova into this policy, CFSP actions have increased. It is possible to discern, therefore, a direct link between the development of a

³¹ Officially called the European Commission for Democracy through Law, the Venice Commission is an advisory body of the Council of Europe on constitutional matters. See <<http://www.venice.coe.int/>>.

³² See M. Vahl, *The Europeanisation of the Transnistrian Conflict* (CEPS Policy Brief 73, Centre for European Policy Studies 2005), p. 2.

new European policy – the ENP – and the intensification of an existing one – the CFSP. But which CFSP actions have actually been applied in Moldova?

Figure 1. Application of CFSP Instruments* in Moldova, 1998-2005



* CFSP Instruments follow the categories used by the Council in its Annual Reports on CFSP to the Parliament (excluding Reports of Heads of Mission of EU Member States).

** Includes one Demarche addressing Ukraine.

*** Includes one Demarche addressing Russia.

**** Includes one Demarche addressing Russia.

Source: Own elaboration from EU documents published by the Council of the European Union.

Political dialogue and diplomacy has been the most active field of CFSP in Moldova and as table 1 shows, the EU has used virtually all instruments available in this area. The oldest and most constant form of political dialogue has been certainly the institutionalized meetings of the EU-Moldova Cooperation Council, which has met in recent years at least once a year at ministerial level. Although these meetings have undoubtedly smoothed EU-Moldova relations, their potential to contribute to a peaceful settlement of the Transnistrian conflict has been low. So from 2001/2002 on, the Cooperation Council meetings have been complemented by other forms of political dialogue and diplomacy,

most notably declarations and demarches, interventions by Javier Solana and the appointment of a Special Representative to Moldova.

Table 1: The Use of CFSP Instruments in Moldova

CFSP Instruments (low intensity)	Political Dialogue and Diplomacy				Diplomatic Missions	
	Dialogue meetings	Declarations	Demarches	Special Representatives	Observation and fact-finding missions	Monitoring missions
Applied in Moldova:	☑	☑	☑	☑	☑	

CFSP Instruments (middle intensity)	Sanctions			
	Diplomatic sanctions	Commercial and economic sanctions	Sanctions on capital movements and payments	Arms embargoes
Applied in Moldova:	☑			

CFSP Instruments (high intensity)	Crisis Mechanisms				
	Civil police force	Rule of law mission	Civilian administration mission	Civil protection	Military deployment
Applied in Moldova:					Discussed in 2003

Source: Own elaboration from EU documents; CFSP instrument types based on D. Miralles Solé, *An Instrumental Analysis of the European Union's Capability to Act in Conflict Response* (Working Paper 42, Institut Universitari d'Estudis Europeus 2004), pp. 41-64.³³

The Council/Presidency declarations on Moldova have focused on the numerous issues involved in the Transnistrian conflict. The latest declaration, for example, condemns the referendum in Transnistria of 17 September 2006 on independence and possible unification with Russia as undemocratic – a move that was strongly supported by a resolution of the European Parliament. Javier Solana, for his part, has been conducting ‘phone call diplomacy’, i.e. he has phoned several times with Moldovan leaders in order to discuss affairs related with the Transnistrian conflict. The arguably ‘...most dramatic instance of EU involvement...’³⁴ in this regard has been Javier Solana’s phone call to the Moldovan President Vladimir Voronin, in which he urged him not to sign the Russia-backed Kozak-Memorandum.³⁵ Apart from this ‘phone call diplomacy’, Javier Solana has

³³ We have broadly subdivided the instruments into low intensity, middle intensity and high intensity instruments. It must be emphasized that this categorization is not about effectiveness, i.e. high intensity does not imply more effectiveness than low intensity. Low intensity instruments such as declarations generally imply rather relatively low costs for the EU and/or its Member States, both financially and politically, since these measure lack normally a high degree of visibility, both inside the Union and outside. They are, therefore, a kind of ‘first resort’ instruments. On the contrary, high intensity instruments, for instance a military deployment abroad, include usually high financial costs and a high degree of visibility, both inside the Union (through the media) and on the ground in the recipient country. They have, consequently, strong political implications for the EU and its Member States and are normally used as ‘last resort’ instruments. Middle intensity tools can be found, obviously, in the middle of the continuum between low and high intensity instruments.

³⁴ M. Vahl, note 32 above, p. 2.

³⁵ In 2003, the Kremlin tried to by-pass its co-mediators in the Moldova conflict, the OSCE and Ukraine, and negotiated in secret talks with Moldova and Transnistria the so-called Kozak Memorandum. This Memorandum, however, did not guarantee the territorial integrity of Moldova and fixed, moreover, the long-term presence of Russian troops in Transnistria.

also met the Moldovan President, the Prime Minister and the Foreign Minister personally in Brussels. The High Representative, however, has never visited Moldova.³⁶ Though he has admittedly a very tight timetable, this is a clear sign that Moldova and the Transnistrian conflict are still not a top EU priority.

The Special Representative – a frequent demand by experts³⁷ – was appointed in March 2005, when the Council recognized that ‘[t]here is a need to ensure coordination and consistency of external actions of the EU in Moldova’.³⁸ His principal mandate is to contribute to the various EU policy goals in Moldova, notably also on the basis of the ENP Action Plan. Since October 2005, he also represents the EU as observer, together with the United States, in the five-sided talks between Moldova, Transnistria, Russia, Ukraine and the OSCE. The Special Representative’s original mandate has been extended and amended four times and is currently in force until 29 February 2008. The Council appointed for the post first Adriaan Jacobovits de Szeged, a Dutch career diplomat, and in February 2007, Kálmán Mizsei, a former Assistant Secretary General of the United Nations from Hungary. Their appointments show that the Council had the intention to strengthen its position in Moldova with highly-qualified, Russian-speaking Special Representatives. Adriaan Jacobovits de Szeged, the former Personal Representative of the OSCE Chairman-in-Office for Moldova, had also an in-depth knowledge of the conflict and important links with the OSCE, which is still today a key player in the conflict management process in Moldova/Transnistria.

In short, the EU has already progressed significantly in the area of political dialogue and diplomacy and has applied most instruments available in this field (see table 1). However, the EU has been very reluctant to use more forceful policy instruments at its disposal, in particular sanctions and crisis mechanisms (see table 1). In other words, the EU’s CFSP activities are almost exclusively low-intensity political dialogue and diplomacy actions, which require relatively low material and financial commitments and entail low political costs. In February 2003, the EU made its most (and only) drastic intervention in the Transnistrian conflict until then, when it identified the Transnistrian leadership as the principal obstacle to a negotiated conflict settlement. Consequently, it imposed a travel ban on ‘...those members of the Transnistrian leadership considered to be primarily responsible for the lack of cooperation to promote a political settlement of the conflict’.³⁹ The sanctions have been extended and expanded eight times and are currently still in force until 27 February 2008.⁴⁰ However, as the obstruction of the conflict settlement process by the Transnistrian leadership has continued, the EU could have taken into consideration more intensive sanctions such as the freezing of foreign bank accounts belonging to Transnistrian leaders.⁴¹ Yet, it has been so far very reluctant to introduce them. Likewise, up to the present day, the EU has not implemented any of its

³⁶ He participated only in the launching ceremony of the EU BAM in Odessa, Ukraine.

³⁷ See D. Lynch, ‘The Security Dimension of the European Neighbourhood Policy’ (2005) 40 *International Spectator*, pp. 37-38.

³⁸ Council of the European Union, *Council Joint Action 2005/265/CFSP of 23 March 2005 Appointing a Special Representative of the European Union for Moldova* OJ L81/50-52, 30 March 2005.

³⁹ Council of the European Union, *Council Common Position 2003/139/CFSP of 27 February 2003 Concerning Restrictive Measures against the Leadership of the Transnistrian Region of the Moldovan Republic* OJ L53/60-61, 28 February 2003.

⁴⁰ The corresponding Common Positions are available at: <<http://eur-lex.europa.eu/en/index.htm>>.

⁴¹ See *Moldova: No Quick Fix*, note 18 above, p. 26; and N. Popescu, note 19 above, p. 33.

numerous high-intensity crisis mechanism instruments available in the framework of CFSP (see table 1), though the EU considered seriously a proposal by the Dutch OSCE Presidency to send an EU peacekeeping force of 600 to 1000 soldiers to Transnistria by the end of 2003.⁴² This EU military mission would have been the first on the territory of a former Soviet Republic and would have substituted the largely ineffective peacekeeping format of Russian, Transnistrian and Moldovan forces that has been in place since the 1992 ceasefire agreement.⁴³ Yet finally, the EU Member States could not agree on a common standpoint and the project was dismissed.

In this regard, Russia stands out as the key factor. There exist influential groups in the Kremlin that see Transnistria as a strategically important region for Russia, a piece of its own 'near abroad' or its main zone of influence. Russia is, therefore, eager – for strategic and prestige reasons – not to permit other actors, e.g. the EU, to become too influential in its 'near abroad'. An absolute taboo topic for Russia is in particular the possibility of non-Russian military involvement in the region. Consequently, as Bretherton et al. point out, '[t]he military instruments of the ESDP would never be deployed in these areas without the support and collaboration of Russia'.⁴⁴ In other words, in the case of Moldova, the postmodern EU meets a traditional power, which acts according to the classical logic of *realpolitik*. Moreover, due to a changed domestic and international environment, Russian foreign policy in general has become in recent years much more self-confident than in the years before. Consequently, this has led to growing pro-active policies in its neighbourhood with the aim to increase its dominance in the region. A major pillar of these policies is the support for secessionist entities such as Transnistria and the refusal to change the status quo by contributing actively to sustainable conflict settlements – at least as long as conflict settlements do not serve Russian interests.⁴⁵ In the case of the Transnistrian conflict, Russia is currently trying to sideline completely the EU (and the United States) by negotiating with Moldova a secret deal based on Russian interests in the region.⁴⁶ So far, the EU's reaction has lacked the vigor of an earlier response to a similar move by Russia four years ago.⁴⁷ This reflects the broader picture of EU-Russia relations in the case of the Transnistria conflict: The EU discusses the Transnistria issue with Russia in the framework of the Common Space of External Security during bilateral fora such as the EU-Russia summits, but there are no signs that it actually puts pressure on Russia to solve the conflict in a cooperative way. Apparently the big (and old) Member States, in particular France, Great Britain and Germany, are not willing to challenge Russia in the case of the Transnistria conflict.⁴⁸ Other interests, especially energy security, seem to be more important in the relation with Russia.⁴⁹ In this respect, it

⁴² See J. Dempsey, 'European Union Intervention: Troops May Play Peacekeeping Role in Moldova' [11 July 2003] *Financial Times*, p. 7.

⁴³ See D. Lynch, *Russia Faces Europe* (Chaillot Papers 60, Institute for Security Studies, Paris 2003), p. 98.

⁴⁴ C. Bretherton and J. Vogler, *The European Union as a Global Actor* (2nd edn, Routledge, London 2006), p. 210.

⁴⁵ See N. Popescu, 'Outsourcing' de facto Statehood: *Russia and the Secessionist Entities in Georgia and Moldova* (CEPS Policy Brief 109, Centre for European Policy Studies 2006).

⁴⁶ See 'Europe: A Thaw in the River, [21 April 2007] *The Economist*, p. 39; and A. Rettman, 'EU Tries to Reassert Role in Future of Moldova' [25 May 2007] *Euobserver*, available at: <<http://euobserver.com>>.

⁴⁷ See footnote 35.

⁴⁸ See Interview, Brussels, 20 June 2006.

⁴⁹ In 2005, the largest share of crude oil (36.4 %) and gas imports (36.7 %) into the EU came from the former Soviet Union and Russia respectively. See European Commission, Directorate-General for Energy

is important to highlight that the Kremlin uses its energy resources as a powerful foreign policy tool to accomplish its aims.⁵⁰ The EU and its Member States, for their part, have increasingly demonstrated that they are willing to play by Russia's rules of power politics and have failed to pursue vigorously its conflict management policies out of fear of upsetting Russia and, thus, putting in danger Russian energy supplies to Europe. In short, they have begun to subordinate their interests in sustainable conflict resolution in Moldova to their interest in maintaining secure energy flows from Russia.

V. Conclusions

In conclusion, two clear phases are discernable in the EU's conflict management policy in Moldova. The first one, lasting from the short Moldovan civil war in 1992 until 2002, is characterized by the EU acting as a passive security consumer. Until 2002, neither the European Commission nor the Council carried out any meaningful security-related tasks that might have had an impact on conflict resolution in Transnistria. The situation changed only in 2002, when the EU began to adopt the role of a security provider in the wake of the new neighbourhood policy. Since then, the Transnistria conflict has become an important, though not dominant part of EU-Moldova relations. Moreover, the EU has emphasized that conflict management and the solution of the various security problems such as the flourishing of criminal networks are in the interest of both Moldova and the EU. In other words, the EU's principal motivations have not been its own security interests, but a possible win-win outcome for both Moldova and the EU. At the same time, the EU has intensified its conflict management efforts in Moldova. In this regard stands out the Commission's BAM, which has helped to control the Transnistrian section of the Moldova-Ukraine border since December 2005. Furthermore, the Council has increasingly applied CFSP instruments in relation with the Transnistria conflict. In short, the EU has become an emerging security provider.

However, most of the EU's instruments have been 'low-intensity' measures in the area of political dialogue and diplomacy such as declarations, because the larger Member States have not been prepared to challenge Russian interests in its 'near abroad'. Consequently, the EU has become an emerging, but due to the Russian factor still very reluctant security provider in the case of conflict management in Moldova. In this respect, Moldova is a paradigmatic case for the tension between the EU's security provider and security consumer approaches. Whereas in recent years the EU's security provider approach towards conflict management in Transnistria has been intensified, the EU's security consumer approach regarding secure energy flows from Russia has prevented a more forceful security provider approach towards conflict management in Moldova and even opens up the possibility that it completely eclipses the EU's conflict management efforts. Romanian EU membership in 2007 and the obligatory re-negotiation of the EU-Moldova Partnership and Cooperation Agreement in 2008 may give EU policies on the Transnistria conflict a new and possibly decisive impulse. Although in recent years

and Transport, *European Union: Energy and Transport in Figures 2006: Part 2: Energy*, available at: <http://ec.europa.eu/dgs/energy_transport>.

⁵⁰ See A. Rahr, 'The New OPEC: How Russia Aims to Become a Global Energy Power' (2006) 7 *Internationale Politik: Transatlantic Edition*, pp. 69-76.

relations between Romania and Moldova have not been smooth all the time, Romania, Moldova's only neighbouring EU Member State, has shown a strong interest in pushing for a stronger EU involvement in Moldova.⁵¹ However, EU conflict management in Transnistria has not been a top priority of its policy regarding Moldova and it is not clear which kind of leverage Romania could offer. After all, Russia is an enormously strong factor that casts doubts on the actual practicability of any stronger EU engagement in Transnistria. In fact, due to the EU's energy security interests, Russia might be successful in pressuring the EU into playing by the rules of traditional power politics and reducing its expectations about transformation and sustainable conflict settlement in favour of the current status quo. It is, thus, likely that at the end of the day the EU turns once more into a security consumer. This would show that a postmodern EU may change a specific foreign policy approach if it is confronted with a determined traditional power such as Russia. The most pressing question for the EU is, therefore, not how to manage the Transnistria conflict per se – which is by itself already a challenge due to the Union's lack of experience in this field – but how to deal with Russia in the conflict management process.

⁵¹ See *Romania's Position Document* UE-RO 1806/06, 12th EU-Romania Association Council, Brussels, 20 March 2006.