

A HUMAN SECURITY PERSPECTIVE ON TRANSNISTRIA REASSESSING THE SITUATION WITHIN THE “BLACK HOLE OF EUROPE”

Félix Buttin¹

Abstract: After having described the frozen conflict between the Republic of Moldova and the separatist self-proclaimed Moldavian Republic of Transnistria (PMR), this article aims at analysing the situation undergone by inhabitants of this breakaway region in terms of human security. Transnistria presents some peculiar features in today's Europe, as far as it is still not controlled by Moldovan authorities, but rather ruled *de facto* by a Communist-styled and mafia-oriented power backed by Russia. These circumstances have led to critical (weapons proliferation, human-beings trafficking) and pervasive (smuggling, poverty, low level of education) attacks to individual security since the breakdown of the Soviet Union. Furthermore, the particular status of this “pseudo-State” prevents external actors from tackling the issue in a satisfying manner.

Often depicted as the country the least studied in Europe, Moldova² has remained particular because, since its independence in 1991, it has still not acquired entire sovereignty on the territories, which compose it according to international law. Landlocked between Romania and Ukraine, the small territory of the former Moldavian Socialist Soviet Republic is split along the river Dniester. The government of the Republic of Moldova currently controls the only Bessarabia, between the Prut and Dniester rivers. Actually, on the left bank of the Dniester river (Nistru in Romanian) i.e. Transnistria³, a secessionist government, based in Tiraspol, pretends acting as a legitimate power in place of Chisinau legal authorities.

A self-proclaimed Moldavian Transnistrian Republic (*Pridnestrovskaya Moldavskaya Respublika* - PMR in Russian) was established in late 1990 and a short conflict opposed secessionist forces to Moldovan troops in spring 1992. Until now, Transnistria pretends being a sovereign State and acts as well but has not yet been recognised by any other State. Russia has played a key role in this conflict, backing PMR militarily and economically. The landlocked region of Transnistria, a thin slide of land⁴ lying between Moldovan Bessarabia and Ukraine, may be called a “black hole” as far as what is happening in it remains largely unobserved. On September 17, 2006 however, a referendum raised the world attention on this entity. It was held within the self-proclaimed republic to reaffirm independence and to foresee a possible annexation to the Russian Federation. Though unrecognised by any country but Russia, the vote strengthened PMR authorities and by the way let expect a longer *status quo*.

¹ Félix Buttin is completing a dual Masters degree in international affairs both at Sciences Po and at the University of St.Gallen in Switzerland. Before, he studied at the Sciences Po East-European undergraduate programme located in Dijon (2002-2004) and at Charles University in Prague as a visiting student (2004-2005).

² Moldavia turned its name to Moldova after the USSR breakdown.

³ “Transdnestria” and “Transnistria” are considered synonymous and equally accurate even if they refer to different languages to call the river Dniester (Russian) or Nistru (Romanian). In this article, I chose to use “Transnistria”. Though pro-Moldovan, “Transnistria” is the most widespread denomination among English-speaking scholars (albeit the OSCE refers to it as “Transdnestria” and if Tiraspol's authorities prefer using directly the Russian name “Pridnestrovie”).

⁴ 4,163 km², compared to the 33 843 km² of whole Moldova.

Scholars studying Transnistria do generally focus only on the “frozen conflict” opposing PMR to the Republic of Moldova. Their approach remains centred on politics and mainly follows a realist analysis in terms of International Relations. The Transnistria’s issue thus looks concomitantly a conflict inherited from the USSR collapse (and thus comparable to remaining conflicts in Abkhazia, in Nagorno-Karabakh or in Chechnya) and a new challenge situated less than 100 km away from the new EU 27 border. Analysts frequently examined the possible revival of a violent conflict between Republic of Moldova and PMR forces but do not focus as well on depicting the current situation lived by Transnistria's inhabitants. Centring the analysis at the individual level and reassessing the situation inside Transnistria in terms of human security allows some renewal in the approach. Before applying the scope of human security to this very region and seeing how persistence of a frozen conflict prevents threats to individuals to be lowered, the article will briefly depict how this situation has historically occurred and what is currently at stake.

HISTORY



Map of Transnistria

In order to assess the situation of Transnistria from a human security point of view, it seems necessary to present how the USSR collapse re-awoke many political, but also ethnic tensions inherited from the past in this very region of Europe. human security focuses on individuals but can hardly avoid to recap main contextual element, which shaped the 1990s’ conflict as well as the individuals’ destinies of Transnistrians (particularly regarding languages).

Actually, Transnistria shared Bessarabia’s destiny only after World War II. Bessarabia, then a part of Romania, mostly inhabited by Romanian speakers, was annexed to the Soviet Union in 1940, according to the 1939 Molotov-Ribbentrop Pact. Thereafter, Bessarabia was gathered with the current

Transnistria, mostly inhabited by Russian and Ukrainian speakers, and until then part of the Autonomous Moldavian Socialist Soviet Republic (SSR) included in the Ukrainian SSR, to create the Moldavian SSR.

Similarly to other Soviet Republics, Moldavia underwent an intense russification. Russian became the official language for administration and education. But USSR rule also implied some major changes within Moldavians' own language. This underwent a differentiation process from its Romanian base. Rather than the Latin alphabet used in Romania, Soviet authorities chose the Cyrillic script to write the Romanian dialect spoken there, which was then said to be a different “Moldavian” language. Throughout the second half of the 20th century, the Moldavian SSR remained a mostly rural Republic in the Soviet

Union, specialising in cultivating fruits. The left bank of Dniester was then the most industrialised and richest part of the country⁵.

In the late 1980s, after Mikhail Gorbachev's *perestroika* has been launched, nationalist movements representing the Romanian-speaking community rose and asked for a closer relationship with Romania. On August 31, 1989, the Moldavian SSR Supreme Soviet voted several laws regarding languages. Contradicting the opinion prevailing since Stalin, it stated that Moldavian and Romanian languages were the same and had to be written in Latin characters. Moldavian-Romanian was acknowledged as the State language whereas Russian became merely an “inter-ethnic communication language”. Those laws also authorised the Turkish-speaking Gagauz minority living in the south to use its own language within the local administration. Politicians of the renamed Moldova took then position in favour of a union of their country with Romania.

While these laws were discussed, a strike movement began in major industries of the Russian-speaking Transnistria, dissatisfied of becoming a minority. Igor Smirnov, a native from the Far-Eastern Kamchatka peninsula, eventually became leader of the workers' protest. Following the vote of language laws, city councils of the biggest cities located on the left bank of the river Dniester rejected those laws and denied the legitimacy of Chisinau authorities. On September 2, 1990, the so-called 2nd Congress of Transnistria's peoples proclaimed the Moldavian Republic of Transnistria and declared independence. The richest and most industrialised part of the Moldavian SSR thus seceded from the agriculture-oriented Bessarabia.

Serious and repeated incidents between the Republic of Moldova's police and separatist forces led Moldovan President Mircea Snegur to launch military operations in March 1992, in order to establish Republic of Moldova's sovereignty on PMR-controlled territories. Unexpectedly, the Tiraspol-based 14th Russian Army, successor to the 14th Soviet Army, supported the separatist forces. Under General Aleksander Lebed's command, Russian forces struck back and established PMR regime. This intervention was seen as a concrete application of Russia's “near abroad” policy and resulted from the fear to see Moldova leaving the political and cultural sphere of influence over which Russia has exerted its influence (in a similar way to what happened thereafter in Georgian Abkhazia). The ceasefire signed on July 21, 1992 is still in force. Neither the political changes in each of the two entities, Republic of Moldova and the PMR, nor international attempts of mediation succeeded in solving this conflict. PMR remains, in 2006 as it was in 1992, a *de facto* State, claiming it exercises sovereignty on this small territory...

The dubious role Russia has played for 15 years has to be particularly stressed. Keeping Russian troops on Transnistria's soil has been a way to maintain USSR former prestige⁶. The 1992 Russia's implication was so strong that Yeltsin's administration directly

⁵ In 1990, Transnistria produced 33% of industrial goods, 56% of final consumption goods and 87,5% of electricity of Moldova. See Tomescu-Hatto, O. Comment conjuguer l'élargissement de l'Union européenne et la sécurité de ses frontières? Le chapitre roumano-moldave, Les études du CERI, n°116, Paris: FNSP, Sept 2005, p.6.

⁶ In the 1992 armed conflict also, Aleksander Lebed, whose role in Russian politics of the following years is not to be underestimated, also gained his popularity among the Russian public opinion and

threatened Romania of military reprisals if the unionist “solidarity” which linked Romania to Moldova was strengthened. “In a few hours, General Lebed could be in Bucharest⁷”, it was said. Nowadays, Russian support is still crucial. On June 6, 2006, PMR President Smirnov and Russia Vice-Premier Aleksander Zhukov signed a new agreement to guarantee PMR energy imports from Russia and exports of its domestic production to Russia. Russia is the sole country not to have condemned the referendum held on September 17, 2006 and ca. 2000 Russian peacekeeping soldiers are still on Transnistrian soil. Actually, Vladimir Putin did not enforce the agreement reached at the OSCE summit held in Istanbul in 1999, just like his predecessor Boris Yeltsin, who did not respect the bilateral agreement signed with Moldova in 1994 and which implied a withdrawal of Russian troops within three years.

Though being apparently shaped by some ethnic tensions, analyzing the Moldovan-Transnistrian frozen conflict from a purely “primordialist” point of view seems rapidly to be a non-sense, even if PMR supporters tend to act in such a way. It is not possible to emphasize only a cultural and ethnic antagonism between Romanian-speaking inhabitants of Bessarabia on the one side and Russian-speaking “Transnistrians” on the other. Still now, Romanian-speaking and Slavic-speaking people are dispersed on both territories. Until now, negotiators failed in reaching any significant agreement⁸. Neither the OSCE commitment towards a conflict resolution nor the Russian proposal (the so-called Kozak plan) succeeded in changing the situation. Depicted as the “black hole of Europe” in which many mafia practices would remain, Transnistria has been ruled by Igor Smirnov since his stand against 1989 languages laws.

WHY A HUMAN SECURITY APPROACH?

The concept of human security appeared among scholars and policy-makers more than ten years ago, in order to focus on individuals rather than on States. Asking in which ways ordinary people are endangered actually provides a new way to think security, allowing many factors until then ignored (human development, individual welfare) to be taken into account.

In the following pages, the concept of human security will be used as a tool to analyse the situation in Transnistria, according to the core definition provided by the UN Commission on human security. human security is thus intended to protect “the vital core of all human lives in ways that enhance human freedoms and human fulfilment. human security means protecting fundamental freedoms— freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity”⁹. The pattern described by UN Secretary-General Kofi Annan in his 2005 report *In larger freedom* also provides a useful framework to classify in the clearest way the freedoms that may constitute human security, i.e. freedom from fear, freedom from want and freedom to live in dignity. Although being discussed by many

was even elected member of the Transnistrian parliament for a while.

⁷ Quoted by Odette Tomescu-Hatto, op.cit., p. 14

⁸ The creation of a “parliamentary forum” between elected assemblies of Moldova and PMR is the most advanced solution, found in the fall of 2005.

⁹ UN Commission on Human Security, *Human Security Now*, p.4

scholars, this broad and inclusive definition provides a framework it is possible to work with. Rather than concentrating on the theoretical debate, this paper aims at applying human security to the reality of a European region, apparently far from the classical illustrations of the concept, and attempts to define in which ways human security is threatened in Transnistria.

FREEDOM FROM FEAR

Human security proponents constantly assert that the first freedom of an individual is the “freedom from fear”, in other words the freedom to remain far from severe threats to one’s life. Now, the case of Transnistria may be seen as particularly relevant as far as organised crime is almost ruling the area. Although visible hostilities stopped in 1992, there are many reasons to argue that the individual security of Transnistria’s inhabitants is endangered through the proliferation of weapons and the increased trafficking of human beings¹⁰.

Weapons proliferation

The report *In larger freedom* specifically included the proliferation of small arms, light weapons and landmines as making the risk of war more prevalent¹¹. There is no reliable statistical data on weapons proliferation in Transnistria, but estimations show it has been a real issue, owing to the uncontrolled sale of arms coming either from Red Army old armament or from newly produced units.

Forty to fifty thousands of arms and ammunition would have remained in Transnistria after the USSR breakdown. The most important location for these stocks was the Kolbasna arsenal, which was considered one of the largest in whole Europe during the Cold War. *The Washington Times* reported a secret agreement was signed between Russia Prime Minister Viktor Chernomyrdin and PMR President Igor Smirnov in 1998. The two politicians would have decided to sale “unnecessary arms and ammunition” in the region and to split profits between the two States¹². Concerning arms production in the post-USSR era, the International Crisis Group reports five or six factories are said to produce pistols, automatic weapons, mortars and missile launchers, exported abroad without serial numbers¹³.

Smuggled weapons remain on PMR soil or are exported, typically through the Odessa harbour in the neighbouring¹⁴. According to Republic of Moldova’s officials, weapons from Transnistria were seen in Abkhazia, in Chechnya, in the Congo and in the Ivory Coast. Many observers claimed Transnistria has been a hub for smuggling heavier weapons. The case of the Alazan short-range missile is probably the most sensitive issue. Produced during the Cold War, this one-meter long rocket equipped the whole USSR despite being notably

¹⁰ Institute of Public Policy, “Establishing Joint Border Checkpoints on the Transdnestrian sector of the Moldova-Ukraine border”, p. 3

¹¹ UN Secretary-General, *In larger freedom*, Paragraph III 120-121, p. 32

¹² “Hotbed of weapons deals”, *The Washington Post*, January 19, 2004

¹³ *International Crisis Group*, “Moldova: Regional Tensions Over Transdnestria”, p. 15

¹⁴ Odessa is only 75 km away from the PMR-ruled city of Pervomayskoye, and a direct road links the two cities.

inefficient. As the Soviet Union collapsed, some Alazans were modified into defensive arms (said to be excellent weapons of terror, instead of being good weapons of war). They were especially used in North Ossetia and Nagorno-Karabakh. PMR authorities are alleged to have equipped Alazan missiles with nuclear warheads to create some “dirty weapons”¹⁵. In 2003, *The Washington Post* reported that 38 of these modified Alazan missiles stocked in Transnistria had “disappeared”. In 2005, *Sunday Times* reporters stated they received serious proposals to buy one Alazan rocket with its nuclear warhead for US\$ 200,000¹⁶.

The situation is not clearer concerning landmines. Republic of Moldova’s army as well as PMR and Russia forces made use of them when they took up arms in 1992. In the following year, 7 people – civilians and military – were killed and 18 injured by landmines. Due to the political opacity within the breakaway region, there are no confirmed data available about use and production of landmines in Transnistria. In May 2005 however, Russian troops declared to the OSCE they had destroyed 25,423 of them in the area. Republic of Moldova's officials said anti-personnel mines and then anti-tank mines were produced since 1997 in the region’s biggest metallurgy factory of Rybnitsa (Northern Transnistria)¹⁷.

Nowadays, one can still not know exactly what does the PMR regime earn from weapons making and smuggling¹⁸. However, proliferation of arms has become a fact, and do not contribute to secure the area. Weapons are widespread on whole Transnistria without any control. It may be seen as a threat to the individual freedom from fear, what recent events tend to confirm dangerously. On July 6 and August 13, 2006, two bombs exploded in public buses of Tiraspol, killing 9 people and injuring many more. On December 7, 2006, a bomb exploded in a middle school of Bendery while seniors took part to a military training programme. Such unexplained attacks are exceptional but show the situation is unsafe and unstable. Even if the situation in Tiraspol seems now quiet, elements of a conflict of higher intensity are already gathered.

Trafficking in persons

Human security focuses on individuals and on the daily threat posed to ordinary people. Therefore, weapons proliferation is not the sole element, which may endanger individuals’ life. In the past decade, Transnistria has also undergone a serious problem concerning trafficking in human beings. Sexual exploitation of women, including minor girls, has been the most widespread phenomenon, but not the only one. Other activities such as begging, street vending and agricultural working are also concerned. Observers agree to underline the gravity of a phenomenon, which concerns Moldova in its whole internationally-recognised territory (including Transnistria). The OSCE actually states Moldova is emerging

¹⁵ Galeotti, M. “The Transdnistrian Connection: Big Problems from a Small Pseudo-State”, *Global Crime*, Vol. 6, N°3-4, Aug-Nov 2004, p. 401.

¹⁶ According to their interlocutor, to whom they say they were representing a terrorist group, it would have been possible to export the missile through Ukraine and Ivano-Frankivsk airfield (300 km distant from Transnistria). Johnson, B. Thomas, J. Franchetti, M. “Radioactive rockets 'for sale' in breakaway Soviet republic”, *The Times*, May 8, 2005. It has to be noticed that the *International Crisis Group* says there is little evidence for such practices.

¹⁷ *Landmine Monitor Report 2006*, “Moldova”

¹⁸ Data of the Stockholm International Peace Research Institute (SIPRI) do not include special provisions for Transnistria (Thanks to Åsa Blomström of the SIPRI for his kind help.). The *Landmine Monitor Report 2006* also states there is no reliable information publicly available.

as a hub for trafficking in human beings and asserts “the departure of large numbers of young people distorts and damages both the social balance and the labour force.”¹⁹ The US State Department specifically acknowledged that the PMR-ruled area of Transnistria remains a “significant source and transit area for trafficking in persons”²⁰. Crime networks acting internationally are actually skyrocketing and the leaky border between PMR and Ukraine obviously facilitates transfers of trafficked human beings.

Literature on that topic focuses on Moldova as a whole. But one can deduce general features of trafficking in persons are similar in Transnistria. Sexual exploitation of women and girls is crystal clear the major problem. The International Programme on the Elimination of Child Labour (IPEC) of the International Labour Organization evaluates girls are initially sold to traffickers for US\$ 50 to US\$ 100 in rural areas, whereas traffickers would pay twice more in the biggest cities. Girls are then transported abroad, either to Central and Western Europe, to Russia or to the Near and Middle East. The IPEC Report relates unofficial data say 5,000 girls (included minors) are transported each year to the sole Russia²¹.

Observers reported that trafficking in persons has some specific features in Transnistria, in comparison with territories controlled by the Republic of Moldova. Trafficked women from Transnistria would be sent more often to Turkey and to the United Arab Emirates.²² Measures taken to fight trafficking in persons, and especially trafficking in children, were conducted almost only in the area controlled by the Republic of Moldova, which was itself was criticised for adopting a weak attitude towards trafficking in persons²³ In Moldova, legal provisions to condemn trafficking have been taken only recently, and remain only partly enforced. However, Moldova benefits from the international community’s help. The International Organization for Migration, financed by the Norwegian Ministry of Foreign Affairs, supported technical assistance and education to Moldovan officials to prevent and diminish that kind of trafficking.

The case of PMR is worse, as the authoritarian regime of President Smirnov did not make fight against trafficking in persons one of its priorities. Furthermore, as PMR is not recognised internationally, preventive actions on that topic are almost exclusively led by few NGOs. The most significant action to tackle the issue is run by NGO *La Strada*, which is running a successful hotline to help victims thank to the network of *InterAction*. However, the particular situation of Transnistria and the relative difficulty to deal with the PMR regime prevent NGOs to lead more efficient programmes. As a consequence, there are no structures in Tiraspol similar to those existing in Chisinau (e.g. shelter for victims of trafficking).

¹⁹ Hill, W. “Trafficking in Human Beings: Who Does It Hurt, and Why Should We Care ?” Speech given in Chisinau on Nov 17, 2003. Available at:

http://www.osce.org/documents/mm/2003/11/1219_en.pdf (accessed on December 20 ,2006)

²⁰ US State Department, *Trafficking In Persons Report 2006*, p. 181.

²¹ IPEC, IPP, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Moldova 2003*, p. 1

²² These observations of the NGO *La Strada* were done both in Tiraspol and in Bendery/Tighina. Fomina, T. Rusu, V. Misail-Nitchin, D. *Trafficking in Persons in Moldova : Comments, Trends, Recommendations*, Chisinau : La Strada, 2005. p. 26

²³ *Ibid.*

FREEDOM FROM WANT

Weapons proliferation and trafficking in persons are concrete phenomena endangering the life of Transnistria's inhabitants, what may be described as a threat to the freedom from fear. Though widely discussed among scholars themselves²⁴, the concept of "freedom from want" supported by the Japanese government and the 1994 UNDP *Human Development Report* could also be taken into account in a human security perspective. Under the definition of the latter, human security should be understood as an "integrative concept"²⁵ including more pervasive threats to individual security, such as economic, food or health security. Kofi Annan makes this concept operative in relating it to the Millennium Development Goals i.e. eradicating extreme poverty and hunger, achieving universal primary education or combating diseases²⁶. In the following section, the analysis thus focuses on poverty, education, health, and migration trends, which might be understood as "freedom from want".

In the case of Transnistria, it is rather difficult to quantify those elements because data is missing. To give a better description, it is however possible to go over the situation in Moldova as a whole, before giving some details about Transnistria.

Moldova, in its whole *de jure* territory, is the poorest country of Europe. Moldova's GDP per capita (PPP) amounted to US\$ 1,510 in 2003, i.e. five times less than its Romanian neighbour the same year²⁷. And the situation in the country is not going better, but has even worsened in the past few years: GDP per capita in 2003 was a quarter less in 2003 than what it was in 2001²⁸. The Human Development Index was equal to 0,671 in 2003, ranking Moldova as the 115th country in the world, between Mongolia and Honduras, while Romania is ranked 64th and Ukraine 78th. Moldova as a whole presents the worst situation of USSR former Republics except Tajikistan and has made of poverty a widespread phenomenon. The UNDP estimates there were 22,1 % of Moldova's inhabitants living with less than one dollar a day between 1991 and 2001²⁹, that is to say much more than anywhere else in Europe. The OECD also reports poverty seriously endangers access to education in Moldova³⁰. The bad quality of the educational system, added to the general economic situation, make the perspective of a longer education less attractive for families. As far as the average monthly income was no more than US\$ 35 in 2001, most families have to choose between investing in their children's education and satisfying other basic needs. Consequently, the proportion of children pursuing longer studies is low and the percentage of children who do not attend compulsory school (from 5 to 16 years) is the biggest in Europe (11 %).

The specific situation of Transnistria's economy remains widely unknown. According to official data of the PMR regime, the economic production has fallen dramatically after the 1992 war. The richest region of Moldavian SSR saw its industrial production decreased by

²⁴ See for example Krause, K. "The Key to a Powerful Agenda, if Properly Delimited", in *Security Dialogue*, vol.35, no.3, September 2004 pp.367-368.

²⁵ UNDP, *Human Development Report 1994*, p. 24

²⁶ UN Secretary-General, *In larger freedom*, Paragraph II, pp. 7-8

²⁷ UNDP, *Human Development Report 2005*, p. 221

²⁸ UNDP Website, "Human Development Indicators 2003, Rep. of Moldova"

²⁹ *Ibid.*

³⁰ OECD/OCDE, "Examen thématique des politiques nationales de l'éducation – Moldavie", p. 14

53.1 percent between 1990 and 1995. The number of units produced in some strategic sectors sometimes decreased even more significantly, often being ten times less than what it was before³¹. In October 1993, the unprecedented economic crash forced PMR authorities to restrict food exports because of the shortages in the region³². Nowadays, it is still difficult to quantify Transnistria's poverty. In his 2004 report, UN Coordinator General evoked the possible Transnistrian "regime's economic collapse, developing into a potential humanitarian crisis."³³

The large numbers of individuals fleeing from Transnistria to work in Moldova or abroad on a temporary or definitive basis acknowledge the hardships they face in their home region. On the one hand, it might be argued that individuals have at least the possibility to flee, legally or not. Emigration (outside *de jure* Moldova) has been that common that many fear a depopulation of the country. 600,000 (official estimates) to 1,000,000 Moldova's inhabitants would live abroad³⁴. Moldova is thus alleged to have lost more than a fifth of its population. And, within the official territory of Moldova, PMR population is said to be "on the run"³⁵. In 1989, 679,000 people lived in Transnistria. According to the own PMR census of 2004, they would remain only 555,000, i.e. a 18 percent decrease³⁶.

FREEDOM TO LIVE IN DIGNITY

UN Secretary-General made of "freedom to live in dignity" the last conditions for protecting human security³⁷ and one can assert it is the most difficult to reach. Many States do not respect entirely principles of the rule of law, do sometimes violate human rights and do breach the cultural identity of any group living within it. The area controlled by the PMR government took however a step forward. Violation of the freedom to live in dignity is not the exception any more, but has become usual, because of being deeply rooted within the creation of PMR itself.

Rule of law

If we assume, like Kofi Annan, that freedom to live in dignity is closely linked to the respect of the universal value of the rule of law, how is it possible to define living in a system

³¹ Between 1990 and 1996, production of electricity decreased from 13 789 thousands to 40 thousands of kWh; production of casting machines fell from 957 to 28 units, production of wine from 2003 to 260 thousands of decilitres. KOLOSSOV, Vladimir, O'LOUGHLIN, John, "Pseudo-states as harbingers of a new geopolitics: The example of the Trans-Dniester Moldovan Republic (TMR)", tables 1 and 2.

³² Ibid. p. 5

³³ UN in the Republic of Moldova, *2004 Resident Annual Report*, p. 3

³⁴ IOM Website, "Migration and development"

³⁵ Löwenhardt, J. "The OSCE, Moldova And Russian Diplomacy in 2003", Clingendael Institute, The Hague, 2004, p.1. Available at:

http://www.clingendael.nl/publications/2004/20040426_1%F6wenhardt.pdf (accessed on December 20, 2006)

³⁶ Ol'Viya Press, "Oglasheny predvaritel'nye itogi pridnestrovskoy perepisi naseleniya"

³⁷ UN Secretary-General, *In larger freedom*, Paragraph IV 127 sq., p. 34

which does not exist according to international law and whose self-written and unrecognised legal norms may constantly be reconsidered? PMR exemplifies a system built out of the law, where individuals undergo persistently a situation of juridical insecurity. Even in a country where legal norms are unfair and authoritarian – what can be said of almost all dictatorships – , individuals might know those norms and respect them to avoid repression. In a situation of juridical insecurity on a contrary, individuals even do not know when they are breaching the law. In the case *Ilaşcu and others v. Moldova and Russia*, the Strasbourg-based European Court of Human Rights had no other choice but to condemn both Russia and Moldova concerning torture and irregular trials performed by PMR authorities³⁸. PMR-sponsored media are currently falsifying facts and figures to convey the necessity of recognising Transnistria as a true State, democratic and sovereign³⁹, in contradiction with all international law principles, which guided the USSR split⁴⁰. PMR has got some features of statehood⁴¹, exercising some a kind of power on a relatively stabilised basis but it did not succeed in becoming properly a State. PMR has its own currency, and its own government, but, due to its structural dependency towards Russia, it is possible to wonder in which measure Transnistria is not merely ruled by an outlaw puppet-government into Kremlin's hands⁴².

Domestic politics are not brighter than the international legal situation. On December 10, 2006, Igor Smirnov was re-elected PMR President with more than 82 percent of votes (according to the electoral commission). He starts his fourth term as president, after a vote without surprise. In no more than 15 years, Smirnov succeeded in making the breakaway region his personal empire by organising the whole pseudo-State system. Allegations of racketeering the population is not a criticism shared only by Western observers or Republic of Moldova's officials. Even Russian senior officials commanding Russian forces in Transnistria argued PMR Ministry of State Security (*Ministerstvo Gossudarstvenoy Bezopanosti*) was plundering Transnistria, especially by extorting money from businessmen through arrests upon fallacious suspicions and claims for ransoms to free them⁴³.

In the same way PMR authorities organised racketeering, they also organised large-scale smuggling. Nowadays, smuggling of non-dangerous goods (cigarettes, petrol, and alcohol) remains a major income⁴⁴ both for the PMR regime and for Transnistria's inhabitants. The British Department for International Development described PMR as "a smuggling company masquerading as a state"⁴⁵. And actually, Smirnov's ties with organised

³⁸ ECHR, *Ilaşcu and others v. Moldova and Russia*, Judgement of July 8, 2004. Application no. 48787/99.

³⁹ "Disinformation. Cold-war propaganda wars return.", in *The Economist*, Aug 3, 2006

⁴⁰ The creation of a Transnistrian State would be in contradiction of the *uti possidetis juris* principle, according to which newly-formed States had to respect the administrative border of former republics constituting the Soviet Union.

⁴¹ Coppieters, B. "The Question of Sovereignty in Multi-Track Diplomacy. The Case of Transnistria", Strasbourg: Venice Commission (Commission for democracy through law) of the Council of Europe, Publication CDL-JU(2006)043, Nov 22, 2006. Available at:

[http://www.venice.coe.int/docs/2006/CDL-JU\(2006\)043-e.asp](http://www.venice.coe.int/docs/2006/CDL-JU(2006)043-e.asp) (accessed on December 20, 2006).

⁴² Russia provided citizenship to all PMR citizens, to allow them travelling abroad. It never lacked support to Smirnov's regime, either militarily or concerning economics (energy supply, free trade agreement) and blocked more than it eased resolution of the conflict.

⁴³ Quoted in Galeotti, M. op.cit. p. 399

⁴⁴ *International Crisis Group*, "Moldova's Uncertain Future", p.6

⁴⁵ *Ibid.* p.6.

crime are almost evident. He appointed his son Vladimir, suspected by Interpol of money laundering and illegal trafficking, as Custom Minister. A usual way to earn money is to import goods legally from Ukraine to the *de jure* Moldovan territory and to re-export them illegally to avoid the payment of value-added taxes. Figures tend to demonstrate this is not a marginal phenomenon as far as PMR imported up to 6000 times more cigarettes than its Moldovan counterpart⁴⁶. Corruption being generalised and rooted in the origins of the pseudo-State system, there is little chance to think situation can be better. Smuggling is not an external phenomenon affecting PMR efficiency, but rather an internal feature of this mafia-styled State, from which it gains a large part of its incomes⁴⁷.

PMR President Smirnov organised his pseudo-State to his whole benefit and appointed his other son Oleg to major position in the biggest company of the region, said to be Smirnov's property. This company, *Sheriff*, was created in 1993 and runs all kinds of business within Transnistria, from shopping malls to edition, from grocery stores gas and petrol stations to advertising company, from car sales to TV broadcasting. Since 1997, it also sponsors PMR main football club, the *FC Sheriff Tiraspol*, which participates into officially-recognised UEFA championships. *Sheriff* has become such a huge company, that his annual turnover of US\$ 4 billion seems strange when compared to the US\$ 85 million GDP officially declared by PMR authorities.

It is therefore hard to speak of any respect of the rule of law in Transnistria. The entity is ruled by a power which behave officially almost as a State but which is really organised by criminality, corruption and nepotism.

Violation of fundamental human rights

Because they address directly the individual, human rights constitute one of the core elements of the so-called freedom to live in dignity. As far as the concept of the rule of law itself is almost inexistent in Transnistria, it would be hardly surprising to see there are no violations of human rights perpetrated by PMR authorities on territories they control. Since 1992, use of torture never ceased to ensure stability of the regime and persecution of political opponents. The US State Department reported in 2003 that “the Transdnestrian authorities reportedly continued to use torture and arbitrary arrest and detention. Prison conditions in Transdnestria remained harsh, and three ethnic Moldovan members of the Ilaşcu group remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transdnestria”⁴⁸.

The *Ilaşcu* case judged before the European Court for Human Rights concerns four political activists opposing the PMR regime. They were arrested in Tiraspol in 1992 and

⁴⁶ Parmentier, F. La Moldavie: construction et viabilité d'un État-nation, Mémoire présenté à l'IEP de Paris sous la direction de Jacques RUPNIK, 2003p.78

⁴⁷ Institute of Public Policy, “Establishing Joint Border Checkpoints on the Transdnestrian sector of the Moldova-Ukraine border”, p.3

⁴⁸ Quoted in Gribincea, A. & Grecu, M. “Moldova: Situation analysis and trend assessment”, WRITENET report commissioned by the UNHCR, October 2004, p.13. Available at: <http://www.unhcr.org/cgi-bin/txis/vtx/home/.opendoc.pdf?tbl=RSDCOI&id=418f804a4> (accessed on December, 20 2006).

detained during several weeks in headquarters of the Russian 14th Army before being prosecuted in 1993. Ilie Ilaşcu, then prominent politician of a pro-Romanian party was convicted of betrayal and murder and thereafter sentenced to death by a PMR court, according to laws of the Moldavian Soviet Socialist Republic. The three other applicants were also convicted of “terrorist acts” and sentenced to prison. Ilaşcu and another of the four applicants (Alexandru Leşco) were released in 2001 and 2004. The two others (Tudor Petrov-Popa, Andrei Ivanţoc) have remained imprisoned, despite judgment of the European Court of Human Rights judgment according to which “the respondent States are to take all necessary measures to put an end to the arbitrary detention of the applicants still imprisoned and secure their immediate release.”

Neither the international pressure nor the large press coverage of the case made PMR change its behaviour significantly on that topic. If so, one can deduce what the usual violation of human rights might be in Transnistria.

Persecuting the Moldovan minority and creating a new identity

As it has been already said, the initial clash between Chisinau and Tiraspol concerned languages. Use of the Romanian language written with the Latin alphabet instead of Russian or Moldavian-Romanian written in Cyrillic triggered hostilities. And actually, the situation is all but satisfying concerning protection of the Moldovan minority rights to use its own language with the Latin alphabet. The phenomenon is not marginal, as far as ethnic Moldovans account to one third of Transnistria’s population (mostly in Dubossary and Grigoriopol regions), according to PMR census of 2004. Paradoxically, ethnic Moldovans proportionally represent the largest ethnic group of whole Transnistria⁴⁹. In the region however, only six schools teach using the Latin script for writing the Moldovan language (i.e. Romanian), instead of using Cyrillic. All efforts have been done to intimidate teachers and to dissuade families sending their children to these schools, denying any PMR public funding for these schools. As a result, in Tiraspol, 800 children are to share nine classrooms, with minimal equipment. Neither the UNHCR material help nor the OSCE advocacy towards Smirnov’s regime is sufficient to protect the right of Transnistria’s inhabitants to learn in the language and the alphabet they want⁵⁰. In 2002, PMR authorities closed a school in Grigoriopol for having illegally used the Latin alphabet. These schools, partially funded by Chisinau, have been tolerated until now. But the UN Resident Coordinator notes the situation worsened after negotiations to create a Moldovan-Transnistrian federation collapsed in November 2003⁵¹.

PMR authorities continuously persecute the distinct identity of ethnic Moldovans and aims at substituting a new identity to theirs. The official discourse tends to rewrite historical events and to create deliberately a distinct system of representations, openly anti-Moldovan

⁴⁹ According to this census, Moldovans represent 31,9% of PMR population, Russians 30,4 % and Ukrainians 28,8 %. Gosudarstvennaya sluzhba statistiki Ministerstva ekonomiki, “Analiticheskaya zapiska. Ob itogakh perepisi naseleniya Pridnestrovskoy Moldavskoy Respubliki 2004 goda”, p.5

⁵⁰ Internal Displacement Monitoring Centre Website, “Republic of Moldova: Uncertainty about the integration of displaced from the Transdnestrian region”.

⁵¹ UN in the Republic of Moldova, op.cit., p.3

and pro-Russian⁵². The PMR education system acts as a propaganda machine, reassessing the 1992 conflict⁵³. Textbooks given to schoolchildren for instance opposed Transnistrian “people’s bravery, steadfastness, and love of liberty” to the “traitorous [and] barbaric” Moldovan “enemy” while depicting the 1992 battle of Bender⁵⁴. PMR authorities thus forge what Benedict Anderson may call an “imagined community”, developing roots for a specific PMR patriotism, anchored in the condemnation of a specific Moldovan identity.

CONCLUSION

If human security attempts to reduce “critical (severe) and pervasive (widespread) threats and situations” and means “creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity”⁵⁵, there is little doubt to affirm something goes wrong in the PMR-ruled region of Transnistria.

PMR actually gathers authoritarian and mafia-styled features under the same Soviet-styled banner⁵⁶. It has many features of a State without really exercising its missions and breaches to human security have become the rule in the “institutionalized pseudo-State”⁵⁷. Furthermore, due to the specificity of the context, international organisations and NGOs found no effective mean to combat these violations. In his 2004 Annual Report, UN Coordinator for Moldova noticed that “political sensitivities and the difficulty of operating in an environment where civil society is virtually non-existent have made it difficult for aid organizations, including UN agencies, to be very active on the territory of [Transnistria]. The continuing existence of this ‘black hole’ on the borders of an expanding EU raises the risk of a possible upsurge in violence, or the regime’s economic collapse, developing into a potential humanitarian crisis.”⁵⁸

It has been almost impossible to tackle the issue at the individual level. The peculiar situation of PMR, being a *de facto* authority without international recognition, has made any institutional public help difficult. Furthermore, the nature of Smirnov’s regime, promoting crime instead of fighting it, has made NGOs’ work almost impossible. The authoritarian

⁵² Aleksander Suvorov is considered a national hero in PMR. A Russian General under Catherine 2nd, Suvorov founded Tiraspol and won in Bessarabia against Turks and then against Romanians. His portrait is on banknotes, along with Ukrainian poet Taras Shevchenko or Russian czarina Catherine 2nd.

⁵³ Roper, S. “The politicization of education: Identity formation in Moldova and Transnistria”, in *Communist and Post-Communist Studies*, n°38, 2005, pp. 501-514

⁵⁴ 1997 Transnistrian textbook quoted in Association of the Bar of the City of New York, “Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova”, p.42.

⁵⁵ UN Commission on Human Security, op.cit, p.4

⁵⁶ MSSR symbols of the Soviet times remain in force in PMR, eg. Transnistrian hammer-and-sickle banner and flag.

⁵⁷ Kolossov, V. & O’Loughlin, J. “Pseudo-states as harbingers of a new geopolitics: The example of the Trans-Dniester Moldovan Republic (TMR)”, p. 5

⁵⁸ UN in the Republic of Moldova, op.cit., p.3

Tiraspol regime has until now prevented emergence of a civil society⁵⁹ in such a way it seems Transnistria's inhabitants have no choice but to keep quiet or to leave the region.

EU attitude towards the Transnistrian issue is surely the most advanced one, as far as it takes part not only to negotiations between Moldova and PMR, but also provides a field assistance. The only reliable solution found to combat violations of human security in the region is external. On June 2, 2005, Moldovan and Ukrainian Presidents Vladimir Voronin and Viktor Yushchenko co-signed a demand of assistance to the EU. Since then, the EU aims at organising and training the Ukrainian border guards through it EUBAM (EU Border Assistance Management) project. Securing the border would probably limit smuggling and may therefore cut incomes for the PMR regime and some of Transnistria's inhabitants.

May however Transnistria become poorer than it is already now, nobody could envisage the possible consequences for human security, in terms of emigration or strengthening of the PMR regime.

⁵⁹ Belister, N. "Civil Society in Transnistria ? (A View from Ukraine)", *Eurojournal.org*, November 2005

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