



BETWEEN TWO FIRES: UKRAINE AMIDST TRANSNISTRIA AND THE DONBAS

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God save us from seeing a Russian revolt, senseless and merciless. Those who plot impossible upheavals among us are either young and do not know our people, or are hard-hearted men who do not care a straw either about their own lives or those of others.

– Aleksandr Pushkin

A means can be justified only by its end. But the end, in its turn, also must be justified.

– Leon Trotsky

Ukraine finds itself sandwiched between a smoldering conflict to its west and a still-hot one in its east. The latter has remained mostly confined to its Donetsk and Luhansk regions or *oblasts*. Together they comprise a geographic area known formally as the Donetsk Basin and colloquially as *the Donbas*.¹

The Insurgency in Eastern Ukraine



Source: Wikipedia. http://en.wikipedia.org/wiki/2014_pro-Russian_unrest_in_Ukraine

The traditional Russian proverb "between two fires" [Russian: Между двух огней. Russian transl.: *Mezhdu dvukh ogney*] expresses much the same dilemma as "between a rock and a hard place."

¹ The portmanteau word *Donbas* is formed from the Ukrainian words *Donetskyi bassein* [Ukrainian: Донецький басейн]. Its Russian homophone, *Donbass*, is similarly derived from *Donetskiy bassein* [Russian: Донецкий бассейн].

Among the many scenarios threatening Ukraine, a most serious one is a resurgent Donbas conflict that expands west toward Transdnistria, a separatist region in eastern Moldova. A 1992 conflict there left some 200 kilometers of Moldova's eastern border with Ukraine under the control of the self-proclaimed Pridnestrovian Moldavian Republic.² A westward-expanding Donbas conflict could reignite the one between pro-Western Moldova and Russian-supported Transdnistria where a truce has held, if at times uneasily, for a decade. Its graphic effect would be to reduce Ukraine to a near rump state.

Novorossiya Imagined: The Donbas to Transdnistria



Source: European Observatory for Democracy & Elections (EODE).

<http://www.eode.org/eode-think-tank-geopolitics-putin-moves-his-pawns-on-the-grand-chessboard-and-proposes-the-neutralization-of-kiev-and-moldova/>

One question with great bearing on whether the Donbas conflict re-erupts is whether the principles agreed to in Minsk suffer the same fate as the 2010 Meseberg Memorandum.³ It, too, was the product of a German initiative, in the instance to form a joint European Union–Russia council to resolve the Transdnistrian conflict. It was not coordinated with other European Union member-states or with the European Commission.⁴ And as it turned out, neither Germany nor Russia was prepared to deliver on its Meseberg commitments. One assessment asked a question that bears repeating today, *viz.*, “Why did Germany abandon the traditional German negotiating method for a meeting of unprepared and uncoordinated principals?” It also posed a longer, perhaps more important one:

“[W]hy did Merkel assume that a Russian leader could deliver on personal commitments in the same way that Soviet leaders up to Brezhnev did—just by giving the order? [...] Modern Russia is a collection of satrapies, all owing nominal allegiance to the ‘power vertical’ but all jostling against one another to protect their institutional, political, and financial interests. A Russian leader—whether Medvedev or Putin—cannot just issue a fiat. To keep the system running he must also ensure that satrapies are compensated for any damages their interests suffer.”⁵

² The territory of Transdnistria in Moldova has been governed since 1992 as the self-proclaimed Pridnestrovian Moldavian Republic (*aka* Pridnestrovie) with its capital in Tiraspol. Ethnic Russians (30.4%) and Ukrainians (28.8%) comprise a majority of its population, with Moldovans (32.1%) accounting for most of the remainder. For clarity's sake, the author has elected to use the terms "Transdnistria" and "the Transdnistrian government" to refer to the geographic territory and the Pridnestrovie government, respectively.

³ See: fn (26).

⁴ As one commentary notes, "Germany's bilateral relations with Russia have in the past undermined the construction of a coherent European Russia policy. Berlin has been heavily criticized for its co-operative approach and its patience with the Putin system. [...] Individual initiatives such as Meseberg have undermined rather than supported efforts to build a coherent EU approach. And Germany's misreading of Russian and eastern neighborhood priorities has caused it to make missteps that have had an impact on EU initiatives." Stefan Meister (2014) "Reframing Germany's Russia Policy: An Opportunity for the EU." *European Council on Foreign Relations Policy Brief* (April 2013), pp. 7-8. http://www.ecfr.eu/page/-/ECFR100_GERMANY_RUSSIA_BRIEF_AW.pdf. Last accessed 17 February 2015.

⁵ Philip Remler (2013). "Negotiation gone Bad: Russia, German, and Crossed Communications." *Carnegie Europe* [published online, 21 August 2013]. <http://carnegieurope.eu/publications/?fa=52712#>. Last accessed 13 February 2015.

A recent commentary on the Russian think tank portal *Materik*⁶ declared “Transnistria-in-the Donbas” would be a compromise, not a victory, for Moscow, especially in the context of a federal Ukraine.⁷ Paul Goble suggests it may signal the Russian government’s judgment about the best practicable outcome, thus its preemptive use of “compromise” as a concession to Ukrainian (and Western) sensibilities.⁸ Another commentator wrote that paradoxically, what President Putin said in Minsk was meant to signal the opposite, *viz.*, that he wants a “Transnistria-II variant [in order] to retreat with a triumphant look on his face.”⁹ Consistent with those readings, President Putin within days highlighted Kyev’s commitment in Minsk to undertake “deep constitutional reform in order to satisfy demands for independence—call it what you will, devolution, autonomy, federalization—by certain parts of the country.”¹⁰

Germany, presuming to speak for Europe, demonstrated at Minsk its imperative to maintain relations with Russia for fear of leaving a nuclear-armed Putin without any alternatives. Russia, some analysts believe, will exploit this “to demonstrate that NATO is not relevant” to resolving the situation in Ukraine. President Putin’s purpose in supporting separatist forces in the Donbas is to “punish Ukraine,” and in so doing, “to send a message to other post Soviet territories.”¹¹ This is, of course, an extension of the argument John Mearsheimer made in his much-debated *Foreign Affairs* essay: “The taproot of the trouble is NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia’s orbit and integrate it into the West.”¹²

It can be argued that NATO expansion was a continuation in the security realm of one in the civil realm—European Union (EU) expansion—that transformed “even technical issues of border management into highly politicized dilemmas.”¹³ For example, while Ukraine and Moldova agreed at end of 2001 to control their common border jointly under a stricter border-crossing regime, Transnistria did not support the agreement causing it to fail.

This illustrates a larger point with direct bearing on the Donbas conflict. The political regimes that emerged in Moldova, Ukraine, and Transnistria were each formed in conditions of the disintegration of the Soviet Union. The loss of the Soviet Union’s managing role forced “a cardinal restructuring of political power in the post-Soviet space.” A result was a “fast process of ethno-politicization.”¹⁴ In Moldova, that process gave rise to the “Romanianization of Moldovan society”¹⁵ and a military conflict in anti-Romania Transnistria. In Ukraine, it manifested as nationalism that defined itself in contradistinction to Russian interests.

⁶ *Materik* is the self-described “information portal of the former Soviet Union” operated by a Moscow-based think tank, the Institute of CIS Countries. It is funded by the Russian government, the Russian Academy of Sciences, and the Moscow State University’s Institute of International Relations. The literal English translation of *Materik* is “the mainland,” as it would be viewed from an island. The name is a figurative reference to “European” Russia, i.e., “west of the Urals”.

⁷ “Владимир Мамонтов: «Приднестровье» на Донбассе нельзя считать победой” (“Vladimir Mamontov: ‘Transnistria’ in the Donbass is not a victory”). *Materik.ru* [Russian online edition, 16 February 2015]. <http://materik.ru/rubric/detail.php?ID=19510>. Last accessed 16 February 2015].

⁸ See: <http://windowoneurasia2.blogspot.com>. Last accessed 18 February 2015.

⁹ Viktor Stepanenko (2014). “Путин сказал, что не будет делать второго Приднестровья – значит, точно сделает - российский политолог” (“Putin said he would not create a second Transnistria, but that is exactly what he intends to do”). *Новое время* [published online in Russian 16 February 2015]. <http://nv.ua/publications/putin-skazal-chto-ne-budet-delat-vtorogo-pridnestrovyya-nu-znachit-tochno-sdelat-rossiyskiy-politolog-34809.html>. Last accessed 18 February 2015. Stepanenko concluded that Ukraine’s “slogan, ‘Do not give up sovereign territory,’ may be the right position but it is, alas, unattainable.”

¹⁰ “Путин рассчитывает, что минские договоренности удастся выполнить” (“Putin hopes the Minsk agreement will succeed”). *TASS* [published online in Russian 17 February 2015]. <http://tass.ru/politika/1774622>. Last accessed 17 February 2015.

¹¹ Stepanenko (2014), *op cit*.

¹² John J. Mearsheimer (2014). “Why the Ukraine Crisis is the West’s Fault.” *Foreign Affairs*. 21: September-October 2014. <http://www.foreignaffairs.com/articles/141769/john-j-mearsheimer/why-the-ukraine-crisis-is-the-west-fault>. Last accessed 21 February 2015.

¹³ Inna Pidluska (2002). “Issues of Migration in the Region in the Context of the Enlargement: a Ukrainian perspective.” In Inna Pidluska & Roman Solovei, eds. *New borders in the southeastern Europe and their impact on stability in the region of Central European Initiative – Part III*. (Chişinău: Moldova Institute for Public Policy), p. 6. http://pdc.ceu.hu/archive/00002598/01/IPP_New_borders_3.pdf. Last accessed 21 February 2015.

¹⁴ Grigoriî Perepelita (2002). “The influence of regional factors on possible scenarios of development of Moldova-Transnistria-Ukraine relations.” In Pidluska & Solovei, eds. *op cit.*, p. 82. http://pdc.ceu.hu/archive/00002598/01/IPP_New_borders_3.pdf. Last accessed 21 February 2015.

¹⁵ *Ibid.*, p. 84.

It was foreordained that Russia's reentry into these now-restructured, ethno-politicized spaces would conflict with how political power had restructured there. Moldova eventually found an uneasy stasis, a "cold peace" described as "neither war nor peace."¹⁶ While it is too early in Ukraine's hot conflict to tell, a "cold peace" seems likely there as well. Thus the central questions: (1) is the Transdnistria conflict a useful lens to assess the one in the Donbas; and (2) could a metastasizing Donbas wreck Transdnistria's cold peace?

The Donbas' many crosscurrents raise analogies to the Moldova-Transdnistria-Ukraine triangle. It is possible that a metastatic conflict in eastern Ukraine might spread west to reignite smoldering separatism in the eastern Moldovan territory. It is worthwhile, therefore, reassessing Transdnistria as a guide and an admonition for conflict resolution (or protraction) in Russia's near abroad.

Transdnistria and the Donbas: Similarities & Differences

Deterritorialization originated in French psychoanalytic theory but has come to be more commonly associated with the concept of *territorial sovereignty*, anchored in (and fixed to) the framework and geographical space of the sovereign state. Geopolitical concepts that deterritorialize—Aleksandr Dugin's highly influential *Eurasianism* for one—do so by intentionally blurring traditional rationales for borders and directly challenging the concept of territoriality. *Eurasianism* cannot be understood by reference to territorial sovereignty because it does not require a clearly demarcated geographical space. So while Dugin may speak of Eurasianism as "the ideological foundation of the Republic of Novorossiia,"¹⁷ its basis is not geographic but abstract, e.g., "the projective logic of opposition to the West"¹⁸ and "against Ukrainian nationalism."¹⁹

That being said, territorialized and geographically delineated state borders are still important for legal stability and military security. Thus a paradox: every deterritorialization creates the conditions for reterritorialization by what one scholar calls "the fetishism of the parochial"—separatist movements that destroy a nation-state's territorial integrity²⁰—that makes ideas of culturally and ethnically distinct places even more pronounced.²¹

There is, if nothing else, an abiding consistency in Russia's assertion of interests in its near abroad, which is mistakenly (if nonetheless frequently) ascribed to factors ranging from a hazy nostalgia for the Soviet period to abject revanchism. It instead reflects the increased prominence of an ethnic dimension of Russian foreign policy since 1991. Transdnistria and the Donbas depart somewhat from this trend. Russian foreign policy there is animated more by political considerations—preventing the westward integration of Moldova and Ukraine—and lacks the abject ethnic dimension of, for example, separatism in Georgia's South Ossetia and Abkhazia regions.

This does not mean Russia's preferred outcome is an independent Transdnistria and Donbas, since the burden of supporting these irredentist states would fall immediately and heavily upon Moscow. Rather, it is to force Moldova and Ukraine to accept a constitutionally grounded federal structure (modeled on the earlier Kirov Agreement) that grants Transdnistria and the Donbas the conditional right to seek independence, e.g., upon Moldova's unification with Romania or Ukraine's accession to NATO and/or the European Union.

Transdnistria and the Donbas are useful to Russia only for so long as they remain part of their respective national territory and provide leverage against the national governments in, respectively, Chişinău and Kyev. Despite resistance to reintegration in both Transdnistria and the Donbas, Russia has persisted in seeking special legal status for the territories while engaging their respective national governments on strategic issues. So far, the Moldovan and Ukrainian governments have only tentatively embraced an indefinite "decentralization" policy.

¹⁶ *Ibid.*, p. 85.

¹⁷ *Novorossiia* (Russian: Новоросси́я] means "New Russia".

¹⁸ Aleksandr Dugin (2015). "Alexander Dugin on Eurasianism, the Geopolitics of Land and Sea, and a Russian Theory of Multipolarity." *Theory Talks*. 66 (7 December 2014). <http://www.theory-talks.org/2014/12/theory-talk-66.html>. Last accessed 17 February 2015.

¹⁹ Aleksandr Dugin (2014). "Orthodox Eurasianism."

²⁰ Svetlana Cheronnaya (2007). Russian Policy Toward the North Caucasus Peoples: Its Transcaucasian Address and Context." *The Caucasus & Globalization*. 1(4), p. 38.

²¹ Elizabeth Hartmann (2002). *Strategic Scarcity: The Origins and Impact of Environmental Conflict Ideas*. (London: London School of Economics), p. 56.

While there is an undoubted ethnic dimension to the Transnistrian conflict²²—the same might be said of all conflicts in the former Soviet Union—its essential character is political. It is not primarily an ethnic conflict between Moldovans and assorted Russophones. It is more accurate to say that Transnistria was the only post-Soviet ethno-territorial controversy that was not only a matter of territorial re-distribution among former Soviet nationalities but also a question of an *irredenta* of another European state, Romania.²³

The Donbas differs in some significant ways from Transnistria. Historical imaginings of *Novorossiia* notwithstanding, the Donbas as a whole has been part of Ukraine continuously since 1922. It neither shares Transnistria's historical and territorial identity nor its (albeit-brief) legacy as an autonomous area.²⁴ Nor does the Donbas appear likely to yield Russia the same leverage in negotiations with the West.²⁵ At the 1999 Istanbul Summit, Russia bartered a promised withdrawal from Transnistria (and Georgia) for NATO member-states' consent to the Treaty on Conventional Armed Forces in Europe; so, too, the instrumental role of Transnistria under the 2010 Meseberg Memorandum.²⁶ From an economic perspective, the Donbas poses a potentially serious burden for Russia, something complicated by several considerations: the territory's sheer size; the extensive war damage to property and infrastructure; and the direct economic cost to sustain the Donbas as well as the indirect one to Russia from the sanctions regime.²⁷ Moreover, the Donbas porous shared borders with Russia exposes the latter to the security risks of criminal and other illicit activities made possible by existence of a political "black hole."²⁸

The Lessons of Transnistria

The roots of the Transnistrian conflict trace to the Soviet era. Industrialization (especially defense) and the consequent inflow of mainly Russian and Ukrainian workers to the eastern or "left" bank of the Dniester River (formerly part of the Moldavian Autonomous Soviet Socialist Republic²⁹) meant Transnistria's effective integration into the Soviet Union was far

²² It is true that ethnic Russians made up about one-quarter of the Transnistrian population, and that Russians and to a lesser extent Ukrainians were overrepresented in Transnistria's political leadership at the conflict's inception in the early 1990s. It is also true, however, that ethnic Russians and Ukrainians found common cause with ethnic Gagăuz, Jews and Bulgarians, groups which comprised, respectively, the fourth, fifth and sixth largest ethnic groups in Moldova at the time.

²³ Kolsto, et al. (1993), p. 975.

²⁴ The weak historical case for an autonomous Donbas is evident in its short-lived (1764-1783; 1797-1802) archetype, the New Russia Governorate [Russian: Новороссійская губернія. Russian translit.: *Novorossiyskaya guberniya*], of which Donetsk and Luhansk were part only during its second, seven-year iteration (and Kharkiv never was). The capital city of the New Russia Governorate during its second iteration (1797-1802) was Yekaterinoslav (modern-day Dnipropetrovsk), during which it was renamed Novorossiysk. This leads to its sometimes-conflation with the modern-day city of the same name. President Putin did so in October 2014 before the Valdai Discussion Club [see the official English transcript at <http://eng.kremlin.ru/news/23137>]. Ukrainian journalist Vitaly Portnikov used President Putin's error as the basis of a scathing editorial titled "President Past." See: "ПРЕЗИДЕНТ НАЗАД." *LB.ua* [published online in Russian 26 October 2014]. http://lb.ua/news/2014/10/26/283809_prezident_nazad.html. Last accessed 13 February 2015.

²⁵ Some have suggested an element of selectivity bordering on hypocrisy with respect to the question of Moldova's sovereignty over Transnistria, given in 1990 and 1991, some Western nations argued for withholding diplomatic recognition of Croatia because its government did not control all of the territory it claimed. See: Sabrina Petra Ramet (1992). "War in the Balkans." *Foreign Affairs*. 71:4. <http://www.foreignaffairs.com/articles/48212/sabrina-petra-ramet/war-in-the-balkans>. Last accessed 12 February 2015. Also Kolsto, et al. (1993), p. 974.

²⁶ The Meseberg Memorandum is a half-page document [<http://www.russianmission.eu/sites/default/files/user/files/2010-06-05-meseberg-memorandum.pdf>] that German Chancellor Angela Merkel presented to Russian President Dmitry Medvedev during their meeting at Schloss Meseberg near Berlin on 4-5 June 2010. It proposed to establish a joint Political and Security Policy Committee chaired by the EU High Representative for Foreign Policy and the Russian Foreign Affairs Minister. Its proposed mandate included "setting ground rules for joint civilian and military crisis management operations by the EU and NATO," as well as "working out recommendations on various conflicts and crisis situations, to the resolution of which the European Union and Russia may contribute within appropriate multilateral forums." To test the potential for EU-Russia security cooperation, the Meseberg Memorandum proposed joint steps "aiming for tangible progress toward a solution of the Transnistria conflict within the existing 5+2 format." See: "Meseberg Process: Germany Testing EU-Russia Security Cooperation Potential." *Eurasia Daily Monitor* [published online 22 October 2010] 7:191. http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=37065&no_cache=1#.VN5KbilN38s. Last accessed 13 February 2015]

²⁷ András Rác & Arkady Moshes (2014). "Not Another Transnistria: How sustainable is separatism in Eastern Ukraine?" FIAA Analysis-4, December 2014. (Helsinki: The Finnish Institute of International Affairs), pp. 13-15.

²⁸ *Ibid.*, p. 17.

²⁹ Located on the left (eastern) side of the Dniester River, the Moldavian Autonomous Soviet Socialist Republic (MASSR) was established in 1924 as part of the Ukrainian Soviet Socialist Republic. When Stalin annexed Romanian Bessarabia in 1940, he combined it with six western MASSR administrative units (*raions*) to form the new Moldavian Soviet Socialist Republic (MSSR). Transnistria was already successfully "Sovietized" before it was attached to the Bessarabian parts, and the decision to create a "more Moldovan" Moldova was mainly taken for ethnic reasons since the former MASSR's population was more Ukrainian than Moldovan. See: Charles King (2000). *The*

greater than rural western or "right" bank Moldova.

Seeking to distance “right bank” Moldovans from their historic, language and cultural ties to Romania, the Soviet Union attempted to propagate a new Moldovan culture and identity. This extended to declaring “Moldovan” written in Cyrillic as the national language. While Moldovans speak what linguistically is a Romanian dialect, “Soviet policymakers strenuously maintained that Moldovans were culturally and linguistically separate from Romanians.”³⁰ As the Soviet Union faltered in the late 1980s, the pro-Romanian Moldovan Popular Front demanded adoption of Latin-script Moldovan as the only national language, to which the Moldovan Supreme Soviet responded by declaring Russian to be “the language of inter-ethnic communication.” By 1989, however, Latin-script Moldovan was declared the national language, something interpreted by many Transdnistrians (and Russian leaders) as the leading edge of Moldovan-Romanian unification.

Transdnistria assumed a different, instrumental value to Russia once Moldova declared itself sovereign (though still part of the Soviet Union) in September 1990 by raising the prospect that Moldova would suffer territorial losses if it left the Soviet Union. Left unresolved after the latter's dissolution and Moldova's August 1991 declaration of independence, the question of ethnic Russians living in Transdnistria³¹ led to the conflict escalating in early 1992.

Moldova's newly elected president, Mircea Snegur, declared martial law in March 1992 when the self-declared “Pridnestrovian Moldavian Soviet Socialist Republic within the Soviet Union” openly refused his ultimatum to accept the authority of the Chişinău government. This led to an outbreak of fighting in central Transdnistria's Dubăsari District, which by June expanded to Bender near the Transdnistrian capital, Tiraspol, where the Soviet 14th Army was stationed.

Moldova and Transdnistria



Source: <http://idlewords.com/2009/06/transnistria.htm> Last accessed 17 February 2015.

Russia's June 1992 military intervention on the side of Transdnistria led to a political settlement and ceasefire the following month. Russia was motivated more by domestic considerations than geostrategic ones. This changed, however, over the next year, as Russia sought to keep Moldova within the nascent Commonwealth of Independent States and to prevent its unification with Romania. Russia went so far as to break off official contacts with Transdnistria in April 1993 as an inducement for Moldova to sign the Alma-Ata Protocol, which formally dissolved the Soviet Union and established the CIS.

The principle of *synchronization*—withdrawing Russian armed forces concurrent with a political settlement—was incorporated into an October 1994 agreement, under which Russia agreed to leave Transdnistria within three years. Russia immediately

Moldovans: Romania, Russia, and the Politics of Culture. (Stanford: Hoover Institute Press), pp.181-182.

³⁰ Silvia Marcu (2009). "The Geopolitics of the Eastern Border of the European Union: The Case of Romania-Moldova-Ukraine." *Geopolitics*. 14:3, p. 415. http://www.proyectos.cchs.csic.es/politicas-migratorias/sites/proyectos.cchs.csic.es/politicas-migratorias/files/GEOPOLITICS_MARCU.pdf. Last accessed 14 February 2015.

³¹ The ethnic dimension in the conflict's emergence in 1991 and 1992 is sometimes overstated. A greater number of ethnic Russians and Ukrainians lived in right bank (western) Moldova than in left bank (eastern) Transdnistria at the time, leading some scholars to question whether perhaps the displaced pro-Russian elite in Transdnistria played an outsized role in what is sometimes mischaracterized as a popular revolt.

began to press Moldova to grant Russian armed forces a peacekeeping mandate, the effect of which would allow Russia to sidestep certain provisions of the Conventional Armed Forces treaty.³² The Russian force declined in size between 1992 and 1999, from 9250 to 2000 troops, due to a mix of budgetary considerations and Russian perceptions that Transdniestria's strategic value was declining. In 1996, Russia initiated negotiations with a document known as the "Primakov Memorandum"³³ (for Russian Foreign Minister Yevgeny Primakov); it stipulated that Moldova and Transdniestria would build a "common state." Russia and Moldova signed it in Moscow in May 1997.

While some commentaries claim the Primakov Memorandum de facto federalized Moldova, this judgment may well conflate the 1997 memorandum and a later effort also led by Primakov. In August 2000, he presented Moldova and Transdniestria with an official but relatively vague proposal to establish a loose federation, one that resembled a confederation in important respects. Transdniestria would gain extensive influence over Moldovan government policy and Russia was guaranteed an important role in Moldova's internal affairs. While Primakov's proposal ultimately stalled by the end of 2000 after an internal Moldovan political crisis (and the use of dilatory tactics by both Moldovan and Transdniestrian officials), Russia persuaded Transdniestria to accede to the withdrawal of CFE-limited military equipment by the end of 2001. In exchange, Russia forgave a USD100 million debt for the purchase of Russian natural gas.

In early 2001, a customs dispute emerged between Moldova and Transdniestria, in partial response to Russia's refusal to end its practice of selling discounted natural gas to Transdniestria and allowing these deliveries to go unpaid. Transdniestria's debt to Russia for unpaid natural gas deliveries amounted to more than three times the territory's annual gross domestic product. As the dispute continued without resolution into the second half of 2002, Moldova backed off earlier concessions over the use of the Russian language, and a commitment to join the Russia-Belarus customs union. Moldova also insisted Russia immediately withdraw all "peacekeeping" forces from Transdniestria.

It is against this background that Russia³⁴ along with Ukraine and the Organization for Security and Cooperation in Europe (OSCE) proposed a July 2002 plan to federalize Moldova under a three-party guarantee (the so-called "Kyiv Document"). In February 2003, Moldovan President Vladimir Voronin proposed to collaborate with Transdniestria to draft a new federal constitution. His counterpart, Igor Smirnov, rejected Voronin's proposal, claiming it would create an asymmetric federation. Smirnov instead demanded a confederation between two equal states.

An OSCE-sponsored Joint Constitutional Commission (JCC) started work by midyear with representatives from Chişinău and Tiraspol. The JCC members—the OSCE, Russia, Ukraine, Moldova and Transdniestria—were also known as the "OSCE-5," and their discussions quickly stalled by October 2003. The United States insisted during this process that NATO members refrain from ratifying the 1999 amendment to the Conventional Forces in Europe Treaty³⁵ until Russian armed forces withdrew completely from both Transdniestria and Georgia.

Amidst the OSCE-5 JCC process, Russia in mid-2003 secretly initiated negotiations between Chişinău and Tiraspol. The intermediary was Dmitry Kozak, Russian President Vladimir Putin's special representative. Inexplicably, the Russian Foreign Affairs Ministry declined an OSCE request to include Kozak in the OSCE-5 discussions, and by 11 October, Kozak declared his effort a failure. By early November, the OSCE, Ukraine, and Russia (again, represented by the Foreign Affairs Ministry) reached agreement on a new federalization proposal.

When the OSCE presented it to Kozak on 14 November, he disclosed a heretofore-secret plan later known as the Kozak Memorandum.³⁶ It called for the formation of a "Federal Republic of Moldova," a loose confederation of two sovereign

³² The Treaty on Conventional Armed Forces in Europe (CFE) and the "Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe" (CFE-1A) agreements came into force on 17 June 1992. The CFA-1A established numeric limits on certain kinds of forces that could be maintained in Europe; however, it excluded from these limits, *inter alia*, peacekeeping forces.

³³ Formally, "On the Bases for Normalization of Relations between the Republic of Moldova and Transdniestria" dated 8 May 1997. For the memorandum's text and a contemporary analysis by the United States State Department, see:

<https://cablegatesearch.wikileaks.org/cable.php?id=06MOSCOW4198>. Last accessed 17 February 2015.

³⁴ The Russian Federation was represented by its Ministry of Foreign Affairs, which is subordinate to the Office of the President. The reason why this is important will become apparent later in the paper.

³⁵ Formally, the "Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe," also known as CFE-II or the 1999 Istanbul Agreement.

³⁶ The "Kozak Memorandum" is named for Dmitry Kozak, the Special Representative of the President of Russia, who in May 2005 initialed the plan along with Moldovan President Vladimir Voronin and Transdniestrian President Igor Smirnov. Its formal name is the "Russian Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova." Its Russian text can be read

territories modeled on Serbia and Montenegro. Moldova's Voronin formally endorsed the plan on 17 November, declaring that it "provides an unique opportunity" to settle the Transnistria conflict. By most estimates, the Kozak Memorandum was an attempt by Russia to cement its domination of Moldova, and to ensure that it remained within the Russian sphere of influence by imposing a distorted political and economic system on a fragmented country.³⁷

Under the terms of the Kozak Memorandum, the two "parties"—Moldova and Transnistria—agreed to "the transformation of the state structure of the Republic of Moldova" into a new Federal Republic of Moldova. It would be comprised of two sovereign territories, the "subjects of the federation" and the "federal territory," respectively. The "subjects" consisted of the Transnistrian Moldovan Republic³⁸ and Găgăuzia (a so-called autonomous territorial formation), each of which would have its own parliament, government, and judiciary. The balance of Moldovan national territory (basically, historic Bessarabia) would comprise the "federal territory," and would be governed from Chișinău. Its parliament, government and judiciary would be federal institutions in which the two "subjects" would have representation. In the case of the federal parliament, the "subjects" would have a blocking minority in what were referred to as "joint competencies," e.g., matters involving both the "subjects" and the "federal territory."

A key question in November 2003 was the status of the Russian "peacekeeping" force scheduled to withdraw from Transnistria the following month. For its part, Transnistria demanded the Russian force remain in place for at least thirty years as "guarantor" of the intended federation. Russian Defense Minister Sergei Ivanov agreed to maintain a peacekeeping force of 2000 troops for a period of twenty years, which was made part of the Kozak Memorandum. Within a week, a coalition of parliamentary and extra-parliamentary parties formed the "Committee for Defending Republic of Moldova's Independence and Constitution." These parties collectively represented more than a third (35 percent) of votes cast in Moldova's last local elections.

On 23 November, the OSCE rejected the Kozak Memorandum based largely on the previously undisclosed provision for a 20-year armed Russian presence and the "joint competencies" provision. The following day, Moldova's Voronin acceded to pressure from the OSCE and the United States, and from domestic opponents of Kozak's federalization plan. He cancelled President Putin's planned visit to Chișinău during which the two were to sign the Kozak Memorandum.

OSCE opposition to the Kozak Memorandum's plan focused on three objections: 1) the plan lacked clarity regarding the proposed division of powers between central government and federal "subjects"; 2) one "subject," the Transnistrian Moldovan Republic, would have an effective veto over joint competencies for at least ten years; and 3) it lacked an acceptable system of international guarantees, i.e., a multilateral peacekeeping force with an international mandate. If the Kozak Memorandum was moribund by November 2003, it officially died in May 2004 when the Baltic nations—Latvia, Lithuania and Estonia—entered NATO without its member-states ratifying the CFR-II treaty.³⁹

The European Court of Human Rights dealt a further blow in July 2004, when it held both Moldova and Russia responsible for the continuing conflict in Transnistria. This ruling ended a period during which much of Europe acquiesced in Russian policies and practices there. The Transnistrian regime, the court concluded:

"[S]et up in 1991-1992 with the support of the Russian Federation...remains under the effective authority, or at the very least under the decisive influence, of the Russian Federation, and in any event...survives by virtue

here: <http://www.regnum.ru/news/458547.html>. Last accessed 11 February 2015.

³⁷ Achilles Skordas (2005). "Transnistria: Another Domino on Russia's Periphery?" *Yale Journal of International Affairs*. 1:1, p. 35. <http://yalejournal.org/wp-content/uploads/2011/01/051103skordas.pdf>. Last accessed 13 February 2015.

³⁸ Transnistria has three official languages and thus three official names. Russian: Приднестровская Молдавская Республика. Russian transl.: *Pridnestrovskaya Moldavskaya Respublika (ГМР)*. Moldavian Cyrillic: Република Молдовеняскэ Нистрянэ. Moldavian Cyrillic transl.: *Republica Moldovenească Nistreană (РМН)*. Ukrainian: Придністровська Молдавська Республіка. Ukrainian transl.: *Rydnistrovs'ka Moldavs'ka Respublika (ГМР)*. It is customary to use one of its short-form names, *Pridnestrovie* [Russian: Приднестровье], *Nistrenia* [Moldavan: Нистрения], or *Prydnistrovya* [Ukrainian: Придністров'я]. The Moldovan government's official name for Transnistria is the *Republica Moldovenească Nistreană* ("Nistrian Moldavian Republic"), the short-form for which is *Stînga Nistrului* ("Left Bank of the Dniester").

³⁹ Russia made it a cornerstone of its military doctrine to avoid a repetition of this: "Many regional conflicts remain unresolved. There is a continuing tendency towards a strong-arm resolution of these conflicts, including in regions bordering on the Russian Federation. [...] The main external military dangers are [...] c) the deployment (buildup) of troop contingents of foreign states (groups of states) on the territories of states contiguous with the Russian Federation and its allies and also in adjacent waters." See: "'The Military Doctrine of the Russian Federation' approved by Russian Federation presidential edict on 5 February 2010."

http://carnegieendowment.org/files/2010russia_military_doctrine.pdf. Last accessed 13 February 2015.

of the military, economic, financial and political support given to it by the Russian Federation.”⁴⁰ The ruling condemned both Moldova and Russia for their failure to protect human rights in Transdniestria, and concluded Moldova had “the obligation to re-establish control over that territory” and “to refrain from supporting the separatist regime.”⁴¹

Ukraine cautiously approached the question of the political status of Transdniestria given longstanding political-cum-ethnic tensions in its own borderlands—notably Crimea and Transcarpathia, and of course, the Donbas—as well as long-held Romanian territorial ambitions in Ukrainian northern Bukovina and southern Bessarabia. At the time, many Ukrainians interpreted the strong odor of revanchism that hung over Romania’s June 1991 declaration on the Ribbentrop-Molotov pact as an expression of Romanian territorial ambitions. It was reinforced when the Romanian parliament protested Ukraine’s December 1991 independence referendum on the grounds that it was held in “disputed territories,” going so far as to call on other states to exclude northern Bukovina and southern Bessarabia when extending recognition to the new Ukrainian state.⁴² There were suggestions in Romania that irredentist claims to northern Bukovina could be settled if Ukraine traded the territory to Romania in exchange for Transdniestria,⁴³ which of course presumed the antecedent of Romanian-Moldovan unification.

Kyev signaled in early 1992 that it was open to Romanian participation in talks to resolve the status of Transdniestria. That changed, however, by midyear after which Ukraine’s position largely paralleled Russia’s. Ukraine found the Transdniestrian conflict increasingly jeopardized its territorial integrity. Ukraine’s border was routinely violated by Transdniestrian and Găgăuz volunteers and paramilitary, and Moldovan security services alike. Ukraine also faced a mounting refugee crisis as upwards of 100,000 people crossed into its territory to escape the escalating conflict. Ukraine responded in mid-1992 with a 50km border security zone.

Again in early 1992, the Transdniestrian government organized a front organization called the “Union of Ukrainians in Pridnestrovie.” While its main purpose was to encourage Kyev to end its “one-sided” approach to the crisis,⁴⁴ its secondary effect was to popularize (at least among Transdniestria’s Ukrainians) the idea of annexing Transdniestria to Ukraine.⁴⁵ In June 1992, Ukraine declared support for Transdniestrian autonomy within the framework of a united Moldovan state.⁴⁶ Its interest in resolving Transdniestria’s status reflected interests that were tactical—the status of the estimated 600,000 Ukrainians living in Moldova who comprised 28 percent of Transdniestria’s population (another one-quarter of which is Russian) and the existence of an unregulated border—as well as strategic ones—the withdrawal of Russian “peacekeepers” and lessening Russian influence in Transdniestria.⁴⁷ While Ukrainian foreign policy overall vis-à-vis Transdniestria was driven more by the former’s strategic relationship with Russia than either Romania or Moldova, one commentary described Ukraine’s stance on Transdniestria as “a pendulum movement, from an initially greater skepticism towards the Romanian position, to an even greater skepticism towards the leadership in Moscow, and back to the first position.”⁴⁸

Moldova claimed that illegal trade and trafficking across the Transdniestria-Ukraine border caused it to suffer substantial financial (from custom evasion) and unspecified economic losses throughout the 1990s. In mid-2001, Moldova required the use of a new custom stamp at all border crossings, including those between Transdniestria and Ukraine. Transdniestria immediately declared this an attempt to establish an economic blockade, and when Moldova requested Ukraine’s permission to deploy customs officers on the Ukrainian side of the border, Ukraine hesitated. Moldova in early 2000 submitted a memorandum on the border matter to several European institutions that accused Ukraine and Transdniestria of promoting

⁴⁰ Application no. 48787/99, Judgment of 8 July 2004, at paragraph 392 [http://www.echr.coe.int/Documents/Reports_Recueil_2004-VII.pdf. Last accessed 13 February 2015]. The full text of the decision (in English) begins on p. 181.

⁴¹ *Ibid.*, paragraph 340.

⁴² *Panorama 8* (November-December 1991), p. 8. Cited in Pal Kolsto, Andrei Edemsky & Natalya Kalashnikova (1993). “The Dniester Conflict: Between Irredentism and Separatism.” *Europe-Asia Studies*. 45:6, p. 991.

⁴³ Kolsto, et al. (1993), p. 991.

⁴⁴ International Crisis Group (2004). *Moldova: Regional Tensions Over Transdniestria*. Europe Report No. 157 (17 June 2004), p. 11. http://www.crisisgroup.org/~media/Files/europe/157_moldova_regional_tensions_over_transdniestria.pdf. Last accessed 20 February 2015.

⁴⁵ Vitalii Kulik (2002). “Settlement of the Transdniestrian conflict as a way to the regional stability zone in Eastern Europe.” In Pidluska & Solovei, eds., *op cit.*, p. 116. http://pdc.ceu.hu/archive/00002598/01/IPP_New_borders_3.pdf. Last accessed 20 February 2015.

⁴⁶ *Ibid.*, p. 992.

⁴⁷ Irina Ghiduleanov & Tamara Galusca (2005). *Frozen Conflict in Transdniestria: Security Threat at Future EU Borders*. (Linköping, Sweden: Linköping Universitet), p. 44. <http://www.diva-portal.org/smash/get/diva2:20060/FULLTEXT01.pdf>. Last accessed 13 February 2015.

⁴⁸ *Ibid.*

smuggling. It declared Ukraine was reluctant to establish joint Moldovan-Ukrainian customs controls solely because corrupt Ukrainian officials profited from illegal trade, something Ukraine dismissed as “unfriendly.” While Ukraine conceded the custom stamp matter was a Moldovan internal affair, it declared it inconsistent with a 1997 bilateral agreement that required Moldova to obtain Ukraine’s consent. The old custom stamps—which were in the possession of Transdnistrian customs officials—“remain valid according to international law,” declared Ukraine.

In sharp contrast, Ukraine resisted repeat calls by Transdnistria’s Smirnov for Ukraine also to establish a military presence in the so-called security area in which Russian “peacekeeping” forces were already deployed. As one commentary put it:

“After the withdrawal of Russian militaries stationed in the conflict zone, Ukrainian ‘Slavic brothers’ would serve as a reliable force to protect predominantly Slavic population of the PMR against the possible military aggression from Chisinau.”⁴⁹

The counterpoint was made by a Ukrainian think tank:

“Ukraine, however, does not share this approach. On the contrary, its concept consists in reducing the level of military saturation in the security area after a mechanism to ensure the political and military guarantees of security is worked out, reduction in the level of military presence should go hand in hand with increase of the role of military observers.”⁵⁰

Delimiting the Russian-Ukraine Border: A Contentious Past

It is perhaps unsurprising that the earliest recorded use (1187CE) of *ukraina* was to name the modern-day state's northwest and north central borderlands state. That perspective—Ukraine as a subordinate borderland, defined by its relationship to Russia—remains widely held among Russians (and some Russian-speaking Ukrainians).

The Russian government's North Caucasus policy *circa* 1990s specified that ethnic Russians should comprise no less than 40 to 50 percent of the population in each constituent republic (and its cities, towns and districts) so as to preserve Russia’s presence and ensure its continued influence.⁵¹ It is conceivable (though, the author believes, unlikely for reasons discussed later) that an element of Russian territorial ambitions in Ukraine's borderlands may be to amalgamate select non-Russian areas with contiguous, predominantly ethnic Russian regions.⁵² Russian regions from time to time revise geographic borders: for example, central Russia's Sverdlovsk Oblast organized an inter-regional working group earlier this year to review and revise borders. President Putin has cautioned, however, that any re-division of constituent borders must be considered in the larger context of Russia’s many inter-territorial disputes.⁵³

The practice is certainly not unknown in Russia history: when Ukraine’s Donbas region was first formed in 1920, several Russian territories including the Azov Sea port city of Taranog were added in. The border issue reemerged in 1922 when Ukraine claimed two Russian borderlands—the Kursk Oblast north of Kharkiv, and the Voronezh Oblast north of Luhansk—parts of which were inhabited by predominantly Ukrainian-speaking populations. Russia eventually ceded Ukraine approximately one-third of the claimed territories while Taganrog and Shakhty reverted to Russia.

⁴⁹ Natalia Belitser (2002). "Conflicting security concerns across the Ukraine-Moldova border." In Pidluska & Solovei, eds., *op cit.*, .p. 43.

⁵⁰ “Problems of Settling the Conflict in Transdnistria.” *Monitoring Foreign and Security Policy of Ukraine*. Center for Peace, Conversion and Foreign Policy of Ukraine (CPCFPU) Occasional Paper 23/1998.

⁵¹ “*Kontseptiia kolonizatsii Severenogo Kavkaza.*” *Ünye Igilik (Mir tvoemu domu)*. 16(1993), pp. 2-3. The English title is “The concept of colonization in the North Caucasus” [Russian: Концепция колонизации Северного Кавказа]. The publication was a Russian-language newspaper published from 1991 until 1998 in the Karachay–Cherkess Republic, a North Caucasus republic of the Russian Federation. Its name means “Peace Unto Your Home”. Cited in Cheronnaya (2007), p. 39.

⁵² This issue was raised in a different context by Paul Goble. See: “A New and Dangerous Game in the Russian Federation- Border Changes from Below.” *Window on Eurasia- New Series* [published online 5 February 2015]. <http://windowoneurasia.blogspot.com/2015/02/a-new-and-most-dangerous-game-in.html?m=1>. Last accessed 13 February 2015.

⁵³ Similar discussions take place from time to time elsewhere in the region. In February 2015, Turkey offered to open its border with Armenia in exchange for Armenia ceding territory—described variously as “at least one area” and “at least one village”—to Turkey in Armenian Karabakh. Karabakh is a geographic region that covers parts of eastern Armenia and southwestern Azerbaijan. It includes the self-declared Nagorno-Karabakh Republic, which broke away from Azerbaijan in 1991. [see: “Turkey is ready to open border after liberation of occupied region of Azerbaijan.” *Vestnik Kavkaza* [published online in English 13 February 2015]. <http://vestnikkavkaza.net/news/politics/66264.html>. Last accessed 21 February 2015]

The post-Soviet period's Tuzla Crisis foreshadowed border disputes to come. In September 2003, Russia commenced construction of a bridge to connect the Taman Peninsula with Tuzla, a Ukrainian-claimed island in the Azov Sea. Russia countered that Tuzla was not an island until the 1920s, prior to which it was connected with the Taman peninsula and therefore originally Russian. Ukraine answered that Tuzla has been officially attached to Crimea some years before the latter became Ukrainian territory in 1954. After open demonstrations of military force by both sides and intensive consultations between their foreign ministries, the crisis resolved in December 2004 when Russia and Ukraine signed a cooperation agreement to govern exploitation of the Azov Sea and the Kerch Strait, which links the Azov and the Black Seas.

Russia's Taman Peninsula



Source: <http://crudeaccountability.org/campaigns/taman/background-on-taman/>
Last accessed 17 February 2015.

The Kerch Agreement confirmed the Azov Sea's status as “inland waters” of both countries. Anticipating Ukraine might seek NATO membership, Russia sought the inland-waters status because it prohibits third-country military vessels from entering the waterway. Ukraine sought unsuccessfully to define the Azov Sea as international waters. It also refused to consent to Russian plans to build a bridge across the strait that would link Crimea's Kerch Peninsula and the Taman Peninsula on the Russian mainland. That issue remained unresolved until March 2014, when the Russian government approved the project the day after it signed the Crimea accession treaty.⁵⁴

Resolution of the 2003 Tuzla crisis cleared the way for the Russian and Ukrainian parliaments to ratify an earlier one to “delimit”⁵⁵ the boundary that defined the geographic limit of their sovereign territory (that process took until April 2004).⁵⁶ Ukraine and Moldova earlier went through a process of border delimitation and demarcation. With the November 1940 Soviet-era administrative border as the starting point, it took from June 1996 until June 2001 to delimit the border, and another four years to fully demarcate it.

The Ukrainian-Russian Commission for Border Delimitation delimited all but 5 percent of that land border by mid-2001, completing the rest in 2003. Russia's position was that the border should be delimited but not demarcated, and by October 2003 reopened its delimitation when it laid claim to the island of Tuzla.⁵⁷ Ukrainian Prime Minister Viktor Yanukovich politically instrumentalized the issue during his 2004 presidential campaign, pledging his opposition to border demarcation and support for Russian as an official language. What some in the Ukrainian media called a “parade of language separatism” continued into the 2006 parliamentary elections, coinciding with an anti-NATO campaign in Crimea.⁵⁸

⁵⁴ Formally, the "Treaty on Accession of the Republic of Crimea to Russia."

⁵⁵ The concept of "limit" in international law refers to a line that divides a territorial sphere from the jurisdiction of the State. The organization of borders — including with particular relevance here, their transformation from administrative ones to international ones — occurs in two stages, *delimitation* and *demarcation*. Delimitation is the process whereby a boundary — in reality, a geopolitical "line on the map" — is determined by two states through bilateral negotiation. Demarcation is the process of physically marking the boundary on the ground by means of marker locations and other objects that make it visible.

⁵⁶ Formally, the "Agreement on the State Border Between Russia and Ukraine."

⁵⁷ "Behind the Tuzla Controversy." *Kyiv Post* [online English edition, 30 October 2003]. <http://www.kyivpost.com/opinion/op-ed/behind-the-tuzla-island-controversy-19328.html>. Last accessed 14 February 2015.

⁵⁸ Tatiana Zhurzhenko (2007). "Ukraine's Border with Russia before and after the Orange Revolution." In Martin Malek, ed., *Die Ukraine: Zerrissen zwischen Ost und West?* (Vienna: Schriftenreihe der Landesverteidigungsakademie), pp. 67-68.

In October 2008, Ukraine declared that it might demarcate the border unilaterally, and threatened to take the Azov Sea matter to the International Court of Justice.⁵⁹ Fast-forward to March 2014, Ukraine excavated a two-meter ditch along the Donetsk region's border with Russia and raised a two-meter wall; and later in the month, did the same along the border with Crimea and erected watchtowers. In July 2014, Ukraine's National Security and Defense Council disclosed its plan to demarcate the border, the initial proposal for which consisted of an electrified, wire-topped 2000km fence protected by ditches and anti-personnel mines. A month earlier, Prime Minister Arseniy Yatsenyuk had dubbed it *Proekt Stina* ("Project Wall") and called for a new military doctrine condemning Russia as "an aggressor nation."⁶⁰ Sergei Ivanov, Putin's chief of staff, quickly condemned the demarcation as "a low budget Mannerheim Line,"⁶¹ adding:

"The construction of a wall, to my mind, will make impossible the very restoration of any kind of relations... I am sure there will be no wall in the end. Rhetoric is rhetoric and life is life."⁶²

Ukraine was unmoved. By mid-October 2014 it excavated a 62km-long anti-tank ditch along the Russian border; a month later, it had erected 136km of fencing along with antitank ditches, artificial barriers, and checkpoints. Concurrently, the Ukrainian parliament authorized the Kiev government to change administrative borders in the Luhansk oblast unilaterally. It sought to dismember separatist-controlled districts and integrate them into districts controlled by Ukrainian authorities. Igor Plotnitsky, head of the self-proclaimed Luhansk People's Republic, dismissed the effort, responding that "[Ukrainian President Petro] Poroshenko may dream of anything he wants."⁶³

What is Russia's End Game?

*"To the Russian mind, contradiction is part of life itself."*⁶⁴

The Transdnistria experience is instructive for Russia in some non-obvious ways. One is an economic lesson, summarized in the pithy observation that "Transdnistrian leaders promised in the early 1990s that it would become Switzerland, but the reality is closer to Somalia."⁶⁵ Whether or not it overstates the case, it nevertheless makes the point that Transdnistria is economically untenable. The commentary continues:

"With a 70 percent budget deficit, Transdnistria's economic situation is, to put it mildly, volatile. The region appears deserted: at least half the 700 thousand people who lived here in the early 1990s have left, and of those who stayed, some 60% are pensioners. Economic problems are increasingly evident: social benefits like free passes for pensioners in public transportation are canceled; and employees of state enterprises work part-time. Russia, which supplies free natural gas to the region, pays for most pension allowances, social assistance, and so on.

"Russia spends at least \$1 billion each year to support Transdnistria. Now imagine that Russia has to pay even more on account of its occupation of the Donbass, the population of which is almost ten times greater than Transdnistria's. It would cost Russia at least \$10 billion a year just to maintain a minimum living

http://www.bundesheer.at/pdf_pool/publikationen/ukraine_zerissen_zw_ost_u_west_m_malek_ukraines_border_t_zhurzhenko.pdf. Last accessed 18 February 2015.

⁵⁹ "Україна може сама провести границю с Росією." *Росбалт.RU* [published online in Russian 24 October 2008].

<http://www.rosbalt.ru/ukraina/2008/10/24/535676.html>. Last accessed 14 February 2014.

⁶⁰ <http://sputniknews.com/world/20140903/192593606.html>. Last accessed 18 February 2015.

⁶¹ The reference is to a c.1920s-1930s defensive fortification erected by Finland that traversed the Karelian Isthmus along the Finnish-Soviet border. Ivanov was responding to 12 June 2014 comment by Ihor Kolomojsky, governor of Ukraine's Dnepropetrovsk region, who said "The peaceful Finns were saved from Stalin by the Mannerheim line. A similar line must be erected to protect Ukraine from Putin. The wall on the Israeli border is very effective against terrorists."

⁶² <http://sputniknews.com/world/20140921/193151571/Constructing-Wall-at-Russian-Ukrainian-Border-to-Wreck.html>. Last accessed 18 February 2015.

⁶³ "Proposal to Change Administrative Borders of Luhansk Region Baseless: LPR." *Sputniknews.com* [published online in English 7 October 2014]. <http://sputniknews.com/world/20141007/193761766/Proposal-to-Change-Administrative-Borders-of-Luhansk-Region.html#ixzz3SbqB2S5A>. Last accessed 19 February 2015.

⁶⁴ James Sherr (2010). "Russia: Managing Contradictions." In Robin Niblett, ed., *America and a Changed World*. (London: Chatham House/Wiley Blackwell) p. 162.

⁶⁵ "Придністров'я: ще одна загроза Україні?" ("Transdnistria: Another threat to Ukraine?"). *ZN.UA* [published online in Ukrainian 6 February 2015]. <http://gazeta.dt.ua/international/pridnistrov-ya-sche-odna-zagroza-ukrayini-.html>. Last accessed 21 February 2015.

standard living, not to mention the cost to develop the region.”⁶⁶

Russia is determined to avoid this scenario in the Donbas. So it comes as no surprise that Russia sought (and, perhaps surprisingly, obtained) Ukraine's agreement under the February 2015 Minsk-II⁶⁷ agreement to “full restoration of social and economic connections, including social transfers, such as payments of pensions and other payments.” Ukraine last year suspended the payment of public sector wages, social security pensions, and other social benefits in the Donbas, claiming that doing so was impossible to do so since it did not control the region.⁶⁸ A commentary in the pro-Ukraine *Euromaidan Press* questions whether it is possible to do so now: “With crime rampant in the separatist-controlled Donbas, will it be safe to transfer funds for social payments and pensions from Kiev to the region and for taxes to be transferred back to the central government?”⁶⁹

Russia has gained both strategically and tactically under Minsk-II. Its strategic gain consists of an incipient rapprochement with Germany, which “has tired of the Ukraine ‘problem’,”⁷⁰ and sidestepping a “fiscal Transdnistria” in the Donbas. Its tactical gain is less obvious:

“Moscow suddenly metamorphoses into a supporter of Ukraine’s ‘territorial integrity’...Russian officials from President Vladimir Putin and Foreign Affairs Minister Sergei Lavrov [are intent on] turning this issue into a test of Ukraine’s adherence to its own territorial integrity. If Ukraine is serious about this, they routinely argue, Ukraine should then re-start social payments to residents of that that territory—they are Ukraine’s citizens after all.”⁷¹

The inability of Ukraine to fulfill this commitment would feed the Russian narrative that the Kyev government is either incompetent or acting in bad faith, unwilling to fulfill its Minsk-II commitments and intent on punishing the hapless residents of the Donbas. Minsk-II imposes an obligation on Ukraine (and political responsibility) to resume these payments; it does not, however, specify a date by which they must resume or any payment mechanism. Many analysts question Ukraine's ability (and some, its intent) to fulfill its Minsk-II commitments:

“Most of the provisions in today’s declaration have very little to no chance of being implemented. [...] Poroshenko [is not] in a position to convince the Rada to resume payments of pensions and other 'social transfers' or to restore the banking system even if he wants to, which he clearly doesn't.”⁷²

⁶⁶ Ibid.

⁶⁷ Minsk-II is a set of amendments adopted on 11 February 2015 to the Minsk Protocol, which was signed on 5 September 2014 by the members of the Trilateral Contact Group on Ukraine (Ukraine, Russia & the OSCE) along with representatives of the Donetsk People's Republic and the Lugansk People's Republic, respectively. The Minsk-II provision to resume Ukraine's payment of public sector wages and social pensions in the Donbas amended Point 11 (Reconstruction of the Donbas) under the Minsk Protocol.

⁶⁸ The Ukraine government adopted resolutions in November 2014 suspending funding for regional governmental institutions in the Donetsk and Luhansk oblasts, which were declared “temporarily uncontrolled territory.” This action applied to pension and mandatory social insurance funds in the designated territory. According to the United Nations High Commission on Refugees, residents are forced to leave the territory and register as “internally displaced persons” in order to receive pension and other social benefit payments. Leaders of the Donetsk People's Republic condemned Ukraine's action: “By cancelling pensions for elderly people and condemning them to an existence of hunger, the Ukrainian authorities have committed a war crime,” in November’s cessation of pension payments in the region as a “war crime,” said Denis Pushilin, Vice-Speaker of the DPR People’s Council. See: <http://tass.ru/en/world/760031>. Last accessed 23 February 2015.

⁶⁹ Taras Kuzio (2015). “What will the west do when Minsk-2 unravels?” *Euromaidan Press* [published online in English 14 February 2015]. <http://euromaidanpress.com/2015/02/15/february-14-russias-aggression-in-ukraine-is-part-of-a-broader-and-more-dangerous-confrontation-with-the-west/>. Last accessed 21 February 2015.

⁷⁰ Vladimir Socor (2015). “Minsk Two Armistice Rewards Russia’s Aggression, Mortgages Ukraine’s Future.” *Eurasia Daily Monitor*, 12:31 [published online in English 19 February 2015]. [/programs/edm/single/?tx_ttnews%5Btt_news%5D=43551&cHash=6a0584c10fabb87c02e4cf67e4321cc9#.VOtBFylN38s](http://programs/edm/single/?tx_ttnews%5Btt_news%5D=43551&cHash=6a0584c10fabb87c02e4cf67e4321cc9#.VOtBFylN38s). Last accessed 21 February 2015.

⁷¹ Socor (2015), *op cit.*

⁷² Edward W. Walker (2015). “What to make of Minsk 2?” *Eurasian Geopolitics* (12 February 2015). <http://eurasiangeopolitics.com/2015/02/12/what-to-make-of-minsk-2/>. Last accessed 23 February 2015.

Minsk-II expanded the original Minsk contact group⁷³ and charged it with establishing “working groups to fulfill the various aspects of the Minsk agreements.” The operational intent was to shift the negotiation of specific issues away from the so-called “Normandy group” comprised of state-level representatives from Ukraine, Russia, Germany, and France. It also allowed Germany and France to downgrade their participation to the ministerial level.⁷⁴ An overlooked but important aspect of the Minsk-II agreement:

“[I]nvites Russia into negotiations about implementing the European Union’s free trade agreement with Ukraine (hitherto a bilateral EU-Ukraine matter). It also refloats the idea of creating a common economic space of Europe with Russia (‘from the Atlantic to the [Russian] Pacific’), an idea that Germany had temporarily shelved in response to Russia’s aggression in Ukraine.”⁷⁵

To the west, the situation in Transnistria is bleak. What Russia’s influential *Nezavisimaia Gazeta* calls “Russia’s unsinkable aircraft carrier on the banks on the Dniester” may “be on the verge of a humanitarian disaster.”⁷⁶ A recent commentary in that newspaper accuses Ukraine and Moldova of conspiring to encircle Transnistria with an economic blockade intended “to push Transnistria over the edge.” It also accuses the two of a series of provocations, the claimed intent of which is to establish a pretense for military action against Transnistria:

“Ukraine must find a solution to ‘the Transnistria problem,’ which Kyev believes jeopardizes its security to the south. It also fears that a Transnistria scenario is developing in its east.”⁷⁷

The commentary maintains that once Ukraine’s trade agreement⁷⁸ with the European Union goes into effect in January 2016, Transnistria’s door to EU and Russia will close, thereby exposing its exports to Moldova’s punitive customs regime.

Another story in *Nezavisimaia Gazeta* (gleefully reprinted by Moldovan media portals) detailed Russia’s refusal, for the first time, to fulfill Transnistria’s request for financial assistance. Transnistrian leader Yevgeny Shevchuk, asked for USD100 million to cover pension payments and other expenses.⁷⁹ Political analyst Anatol Tsaranu⁸⁰ wrote, “Russia is in a difficult situation due to the situations in Crimea and eastern Ukraine as well as the economic crisis in Russia itself.” Thus, another *Nezavisimaia Gazeta* headline: “Unlike Transnistria, there will be no decade-long Donetsk People’s Republic: it cannot survive as independent.”⁸¹

Much has been made about Russian Deputy Foreign Affairs Minister Grigory Karasin referring to Transnistria as a “district.” Heretofore, only Moldovan officials used that term to refer to Transnistria. Some contend Karasin was signaling a shift in Russian policy, the logic of which is that reintegrating Transnistria into a newly federal Moldova would increase the

⁷³ The Minsk Protocol's Trilateral Contact Group was expanded under Minsk-II to include representation from Ukraine, Russia, the OSCE, the Donetsk People's Republic, and the Lugansk People's Republic.

⁷⁴ Socor (2015), *op cit*.

⁷⁵ *Ibid*. The author speculates, "Apparently, Berlin has tired of the Ukraine 'problem.' In this respect, the quadripartite declaration accompanying Minsk Two (and, to some extent, the Minsk Two accord itself) can be seen as products of the beginning of a German rapprochement with Russia. This requires freezing the Russia-Ukraine conflict on terms in Russia's favor."

⁷⁶ "Приднестровье лишается поддержки России" ("Transnistria is deprived Russia's support"). *Независимая газета* [published online in Russian 2 February 2015]. http://www.ng.ru/dipkurer/2015-02-02/11_pridnestrovie.html. Last accessed 21 February 2015.

⁷⁷ "Наводить порядок в Приднестровье будет Украина" ("Chişinău's unrecognized republic concerns Kyev"). *Независимая газета* [published online in Russian 20 February 2015]. http://www.ng.ru/cis/2015-02-20/1_pridnestrovie.html. Last accessed 21 February 2015.

⁷⁸ Formally, the "Deep and Comprehensive Free Trade Agreement" (DCFTA). Russia has argued vociferously that the DCFTA would damage both Russia's economy, and trade between Russia and Ukraine. The Russian government and the Ukrainian government of Viktor Yanukovich insisted on establishing a trilateral mechanism, which would include the European Union, to address these concerns and to renegotiate the terms of the EU-Ukraine agreement. See: Gela Merabishvili (2014). "Triangular Geopolitics in Europe's Eastern Neighborhood." CEPS Commentary (2 December 2014).

⁷⁹ "Россия сняла Приднестровье с довольствия" ("Russia withdraws Transnistria's allowance"). *Независимая газета* [published online in Russian 26 January 2015]. http://www.ng.ru/cis/2015-01-26/1_pridnestrovie.html. Last accessed 21 February 2015. Interestingly, the article was attributed to a source in Transnistria's parliament, the Supreme Council of the Pridnestrovian Moldavian Republic [Russian: Верховный Совет Приднестровской Молдавской Республики. Russian transl.: *Verkhovny Sovet Pridnestrovskoy Moldavskoy Respubliky*].

⁸⁰ Currently associated with the Moscow-based Russian Center for Strategic Research and Political Consulting, Anatol Tsaranu was formerly with the Centre for Strategic Research and Political Consultancy (*aka* "POLITICON") in Chişinău.

⁸¹ "Путин пошел на переговоры из-за больших потерь" ("Major losses force Putin to negotiate"). *Независимая газета* [published online in Russian 13 February 2015]. <http://www.ng.ru/blogs/alexroschin/putin-poshel-na-peregovory-izza-bolshikh-poter.php?commentId=50682#50682>. Last accessed 21 February 2015.

proportion of Moldova's pro-Russia population (which Karasin claimed is already half). The implication is clear: Russia sees Transnistrian reintegration as instrumental to arresting Moldova's figurative drift westward, toward Romanian unification and accession to the European Union and NATO, all of which are anathema to Russia.⁸²

This factor—foreclosing further NATO and European Union accessions in its near abroad—animates the Russian policy imperative to impose a federal structure on Moldova and Ukraine, willingly or otherwise. The presence of putatively pro-Russia territories within a federal Moldova and Ukraine is seen to accomplish two ends. First, it would strengthen Russia's hand in both countries' internal affairs, especially if Russia extracts something along the lines of the Kirov Memorandum proposal to enshrine a constitution right to secession, this time around the matter of NATO/EU accession. Second, it would definitively shift the economic burden of supporting Transnistria and the Donbas to the federal governments in Chişinău and Kyev. It is not likely Russia would reopen the question of delimiting borders. While it has demonstrated a willingness to negotiate exchanges of territory when it serves Russian self-interests—witness the current negotiation with Kazakhstan to exchange borderland territory as part of demarcation⁸³—this does not apply to Transnistria, where Russia has no common border, and for reasons discussed is antithetical to its objectives in the Donbas.

“Although, of course, we will win in the end. And then we all lose.”⁸⁴

Russian adamance over maintaining a Cold War-era territorial status quo in its near abroad is no less adamantly disputed by Moldova and Ukraine, neither of which is perceived—by Russia, nor it must be said, some Europeans—as it wishes. Both are flanked by conflicts fueled by “policy, lapses of sobriety, and deficiencies of understanding.”⁸⁵

Western fatigue with the one in Ukraine (and, by extension, the deliquescent one in eastern Moldova) and fears that the Donbas conflict's sequela may further depress European economies both are rising perceptibly. Europeans may come to see the geopolitical prism as the only interpretive model worth applying, American ideational prodding notwithstanding. If so, we should expect a quiet shift toward Moldova and Ukraine as a de facto *cordon sanitaire*, with notions of European integration quietly shelved in favor of geopolitical self-interest. If so, it would resemble (albeit more benignant) Russian policy since neither would be prompted by concern for Moldovan or Ukrainian national interests.⁸⁶ It would reflect *plus ça change* of Russia's near-abroad policy:

“[S]ecurity through creeping buffer zones combined with astutely coordinated diplomacy and military operations against weak neighbors to ingest their territory at opportune moments. Russia surrounded itself with buffer zones and failing states. [...] Such areas generally contained non-Russian populations and bordered on foreign lands.

“Russia repeatedly applied the Polish model to its neighbors. Under Catherine the Great, Russia partitioned Poland three times in the late eighteenth century, creating a country even less capable of administering its affairs as Russia in combination with Prussia and Austria gradually ate it alive. Great and even middling powers on their borders were dangerous. So they must be divided, a fate shared by Poland, the Ottoman Empire, Persia, China, and, post World War II, Germany and Korea. It is no coincidence that so many divided states border on Russia. Nor is it coincidence that so many unstable states sit on its periphery.”⁸⁷

Pavel Felgenhauer believes Russia seeks dominion over Ukraine to ensure Kyev honors its constitutional commitment to “non-alignment” (what Sherr calls “the strategic emptiness of non-bloc status”⁸⁸) and to give Russia an effective veto over its

⁸² Encapsulated by James Sherr's memorable phrase, “Russia and NATO: the maturation of phobias.” See: Sherr (2011). “Hard power in the Black Sea region: a dreaded but crippled instrument.” *Southeast European and Black Sea Studies*. 11:3. p. 283.

⁸³ “Казахстан и Россия договариваются об обмене территориями” (“Kazakhstan and Russia agree to exchange territories”). *TengriNews* [published online in Russian 22 February 2015]. http://m.tengrinews.kz/ru/kazakhstan_news/270493. Last accessed 23 February 2015.

⁸⁴ See: fn(81). The quoted reads in the original Russian: Хотя, конечно, наши победят в итоге. А мы проиграем (*Khotya, konechno, nashi pobedyat v itoge. A my proigrayem*).

⁸⁵ Sherr (2011), *op cit.*, p. 295. Alexander Bogomolov and Oleksandr Lytvynenko describe this as Russia's “tendency to regard Ukraine as a dependent variable in Russia's future rather than as an independent variable in international relations.” Bogomolov & Lytvynenko (2012). “A Ghost in the Mirror: Russian Soft Power in Ukraine.” Chatham House Briefing Paper REP RSP BP 2012/01 (January 2012). https://www.academia.edu/1792446/A_Ghost_in_the_Mirror_Russian_Soft_Power_in_Ukraine. Last accessed 24 February 2015.

⁸⁶ Some of these ideas are developed further in Bogomolov & Lytvynenko (2012), *op cit.*

⁸⁷ S.C.M. Paine (2012). *The Wars for Asia 1911-1949*. (New York: Cambridge University Press), pp. 83-84.

⁸⁸ Sherr (2011), *op cit.*, p. 200.

actions.⁸⁹ For Russia, maintaining influence is more than a foreign policy priority; it is an existential imperative.⁹⁰ Thus, it “is less concerned about controlling the Donbass than controlling Kyev,”⁹¹ given such priorities as the security of Russian energy pipelines that transit Ukraine. One acerbic commentary argues that President Putin “does not want the Donbass or even the mythical ‘New Russia.’” Instead, he wants to restore Russian suzerainty through “a ‘Second Yanukovich.’”⁹²

While *dominion* likely overstates Russian ambitions in Moldova, it would not invest significant effort into projecting power over another state if not guided by a firm conviction that significant interests were at stake: virtually all Russian natural gas bound for Europe is transported in pipelines that cross Transdnistriian territory. Russia would contentedly accept Europe abandoning Moldova to the fate of a defense-in-depth buffer between NATO member Romania and a non-aligned Ukraine. Russian actions in Ukraine, and earlier, Transdnistria, have certainly had unintended effects. In early January, for example, Russia’s stalwart ally, Belarus, redefined what constitutes a foreign invasion under its statute authorizing the imposition of martial law.⁹³ Belarus’ new statutory definition is intentionally descriptive of Russian actions in Transdnistria and eastern Ukraine, e.g., massing troops on the border, mobilizing troops in preparation for an invasion, and supporting insurgent forces.⁹⁴

That being said, critics of President Putin’s “improvisation”⁹⁵ bring to mind Mike Tyson’s oft-quoted “Everybody has a plan until they get punched in the face.”⁹⁶ It is an error of analysis to conflate activity and improvisation: with unintended application to modern Russia, Stonewall Jackson wrote “Only thus can a weaker country cope with a stronger; it must make up in activity what it lacks in strength.”⁹⁷ One might dispute General Jackson’s conclusion, but Russian activism exemplifies the aphorism.

And if President Putin is prone to improvisation, it is not necessarily without instrumental effect. Take the re-centralization of political power we are witnessing in Russia. On 24 February, the Russian government released a transcript of President Putin’s remarks to a State Council Presidium meeting on the socio-economic status of the regions.⁹⁸ He addressed the implementation of so-called “anti-crisis measures” in Russia’s “federal subjects” or regions.⁹⁹ These include “a mechanism to co-finance” the region’s budgets. This means federal loans will be substituted for regional governments’ practice of accessing credit markets. Described in press reports as a “bailout plan,”¹⁰⁰ the proposed “consolidation of inter-budgetary subsidies and exclusion of

⁸⁹ The English language *Kyev Post* calls Pavel Felgenhauer “a leading independent Russian military analyst.” He is well known for his criticism of Russia’s political and military leadership as an analyst for the respected Jamestown Foundation.

⁹⁰ Bogomolov & Lytvynenko (2012), *op cit.*, p. 1.

⁹¹ “Кремль интересуется не Донбасс, а Киев – российский военный эксперт” (“The Kremlin is not interested in the Donbass and Kyev”). *Обозреватель* [published online in Ukrainian 24 January 2015]. <http://obozrevatel.com/politics/96175-tsel-kremlya-ne-donbass-a-kiev-rossijskij-voennyj-ekspert.htm>. Last accessed 21 February 2015.

⁹² “Для чего Путину нужны переговоры” (“Why Putin needs talks”). *Каспаров.Ру* [Russian online edition, 23 January 2015]. <http://www.kasparov.ru/material.php?id=54C24C01AB7EC>. Last accessed 21 February 2015.

⁹³ See: <http://pravo.by/main.aspx?guid=12551&p0=H11500244&p1=1&p5=0>. Last accessed 21 February 2015.

⁹⁴ “Беларусь защищает от ‘гибридной войны’” (“Belarus protects itself from a ‘hybrid war’”). *Каспаров.Ру* [published online in Russian 26 January 2015]. <http://www.kasparov.ru/material.php?id=54C5E5D44843A>. Last accessed 21 January 2015. The Russian news portal *Kasparov.ru* is a frequent critic of President Putin.

⁹⁵ See, for example, Andrew S. Weiss (2015). “The Improviser.” *Wall Street Journal* [21-22 February 2015], p. C-1.

⁹⁶ The unintentional vernacular of von Moltke the Elder’s “no plan of operations extends with any certainty beyond the first contact with the main hostile force.”

⁹⁷ Thomas J. Jackson (1891). *Life and Letters of General Thomas J. Jackson*. (New York: Harper & Brothers), p. 429. https://archive.org/stream/lifegenjackson00jackrich/lifegenjackson00jackrich_djvu.txt. Last accessed 24 February 2015.

⁹⁸ See: “О мерах по повышению экономической устойчивости и финансовом обеспечении полномочий регионов” (“On measures to improve the economic stability and financial security powers to the regions”). Press and Information Office of the President of Russia [published online in Russian 24 February 2015]. <http://kremlin.ru/news/47733>. Last accessed 24 February 2015. The State Council Presidium is a body comprised of the leaders of seven of the nine Russian federal districts, with a membership that rotates every six months. The rotation was adopted in January 2010 to accommodate a new eighth federal district, the North Caucasian Federal District, which was carved out of the existing Southern Federal District. A ninth federal district, the Crimean Federal District, was established in March 2014. The State Council Presidium’s role is to prepare for meeting of the State Council, which is a presidential advisory body comprised of the leaders of Russia’s 85 constituent “federal subjects.”

⁹⁹ *Ibid.* “Federal subjects” is a blanket term referring to Russia’s 85 constituent political units, which operate with varying degrees of autonomy. There are 46 *oblasts*, 22 republics, 9 *krais*, 4 autonomous *okrug*s, 3 federal cities, and 1 autonomous *oblast*. The 85 federal subjects are aggregated into nine federal districts

¹⁰⁰ “Путин рассчитывает, что антикризисный план будет эффективным для регионов” (“Putin hopes that the bailout plan will be effective for the regions”). *POLITRUSSIA* [published online in Russian 24 February 2015]. <http://politrussia.com/news/putin-rasschityvaet-cto-433/>. Last accessed 24 February 2015.

violations of the terms under which subsidies are distributed” translates as substantially greater federal control over the fiscal affairs of regional governments. And among its practical effects, the move would give the Kremlin direct control of regional government reserve funds, if remarks toward the end of President Putin’s statement can be taken at face value.¹⁰¹

James Sherr’s observation about Ukraine’s “capacity to dishearten supporters and exasperate antagonists”¹⁰² fairly extends to neighboring Moldova as well. It is fitting to end with another of Sherr’s observations:

“Russia’s discontent with the international order is overshadowed by its despondency about itself...Its geopolitical advances have produced few geopolitical advantages. [...] It would be unwise to expect predictability and prudent to expect the unexpected.”¹⁰³

¹⁰¹ "Again, let me stress that the financial security of the regions is one of today's most important and complex issues. Nearly every region maintains unused reserves as a matter of fiscal policy." The text reads in the original Russian: "Ещё раз подчеркну: вопросы финансового обеспечения регионов – это одни из самых важных, но и сложных вопросов сегодня. В бюджетной политике практически каждого региона есть немало неиспользованных резервов." See: fn(98).

¹⁰² Sherr (2011), *op cit.*, p. 280.

¹⁰³ *Ibid.*, p. 279.