TRILATERAL APPROACH
FOR EUROPEAN AND EURO-ATLANTIC
INTEGRATION

Policy Paper

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Sustainable and irreversible reform, security and prosperity

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Executive summary

The Trilateral Think-Thank Expert Group is strongly supportive of the need of substantial and coherent reforms in the Republic of Moldova and Ukraine as a precondition of their eventual accession to European Union and NATO. Both countries need a lasting solution to their main common strategic goals, namely: security and prosperity. These two targets may be achieved only through a constant effort of harmonisation with the values cherished and the standards guiding the Union’s, as well as the Alliance’s members.

The experience shared by ex-communist states in Central and Eastern Europe, the Baltic States and other former soviet republics, proved that there is no attractive and sustainable alternative to the reforms and modernisation guidelines provided by the European Union and NATO.

Euro-Atlantic integration

For various reasons, the Euro-Atlantic Integration and the European Integration have two different patterns but they are not separate processes. It comes from the fact that it’s about almost the same actors willing to respect almost the same principles, but having a single strong feature which is a consolidated democracy. Free choice is also a basic principle of consolidated democracies, but opposing the two integrating processes to each other, in the case of emerging democracies proving lack of political determination to assume a real unequivocal European and Euro-Atlantic orientation.

The Euro-Atlantic integration precedes the European integration because a security solution is the guarantee for Western investments and opening the European market to products is possible if the economy is developed in a free market environment, far from protectionism and politically driven energy prices. Claiming a European perspective and refusing the Euro-Atlantic integration, including the NATO accession perspective, proves lack of political will for both processes.

Due to domestic political changes, Ukraine lost, for the time being, its opportunity (window) for joining MAP and Republic of Moldova is not yet on track with this perspective, losing this wave that could give huge consequences for the future schedule aiming at the European integration.

European integration

Regarding the EU perspectives, since the autumn of 2006, the European Parliament and other EU bodies have been the place of vivid debates over the future of the European Union and the necessary limits of its expansion. According to Alexander Stubb’s report (EPP-ED, FI), adopted on November 13th, 2006 by the Constitutional Affairs Committee, the Union must develop its institutional, financial and political structure before any future enlargement can take place. This report acknowledges that the Union is facing „difficulties to honour its commitments towards South-East European countries“ and calls for a series of institutional changes to improve its „integration capacity“.

In March-April 2007 EP deputy Michal Kaminsky’s draft report, which contains recommendations for the EU Council to open European perspective for Ukraine, was debated in Foreign Affairs Committee of the European Parliament.

European Neighbourhood Policy is a common foreign policy reaction to the new reality of extended land borders with new neighbouring countries after the 2004 extension. Despite the fact
that ENP does not give a European perspective to the new neighbours, it does not establish any “ban” for this process in the future. This partnership is orientated to first achieving the goals of a free and democratic society and a functioning economy orientated to EU model. It has to friendly permit the penetration and establishment of the European businesses in these, with familiar and understandable economies and stable social development. In this context are promoted and supported economic and social reforms with the interested countries of the neighbourhood.

There is an impression that both Ukraine and the Republic of Moldova are waiting mostly for an external political signal or even a promise concerning its European future, rather than speed up internal reforms. This approach enforces the scepticism of those considering Ukraine’s and Republic of Moldova’s European policy as of conjuncture. The quality of implementation of the AP at local level is read by the authorities from Kyiv and Chişinău in a very traditional and formal way.

It was surprising to observe the discrepancies between the appreciations made by the Commission in its report and its interpretation by the MFAEI of the Republic of Moldova. Commission’s report on Republic of Moldova indicated some small developments. It also indicated that in some areas there was no progress, and others registered regresses - freedom of media, democracy and democratic institutions, rule of law and independence of justice, fundamental rights, corruption, economic reforms and development. Nonetheless, the MFAEI officially voiced only its positive evaluation.

Republic of Moldova has made some progress in reforming international trade regulations, rules of origin procedures, customs efficiency. There are obvious cases and situations of regress in such areas as independence of justice, confirmed not only by national practice, but also by the European Court for Human Rights. Some of political cases are on the agenda of Republic of Moldova-EU bilateral talks.

Ukraine has made progress in consolidating democracy, respect for human rights and the rule of law that are the results of the Orange revolution. But only initial steps have been taken in the fight against corruption. In the field of human rights the European assessments mention not only positive changes, but also problems existing in the law-enforcement agencies (tortures applied to detainees), lack of administrative and judiciary reforms etc.

Ukraine would like to have the association with prospective membership in EU, whereas EU, at this stage, does not seem to be willing to grant Ukraine such prospects. In early 2007, Ukrainian position regarding new agreement was formulated as “political association and economic integration”. At the same time the EU prefers to use wording of “deep free trade” without reference to any kind of association.

**ENP plus**

The future ENP-the ENP plus – should be driven in the direction of taking the best use of the enlargement policy that proves to be the success story of EU’s policies since it helps fundamentally reform the system of the former socialist countries and make them compatible to EU rules. In this respect, the future ENP must leave the door open and ensure an eventual perspective for applying for EU accession for every country that meets the Copenhagen criteria.

The policy should also deepen the integration of the countries in the ENP with EU countries in fields as security, foreign affairs, energy security and common strategy and specialise the ENP by creating an Eastern Dimension, specific to direct and contiguous neighbours of the EU from the post-soviet space that want to go for a EU integration.
EUBAM

The EUBAM is probably the best and the most efficient reform tool that has existed in the Republic of Moldova and Ukraine up to now in the field of border management. On the other side it is an expensive exercise that proved the ability of the EU to set and organise a big mission rather quickly.

The recent extension of the mandate for 2 years is strongly welcomed. Despite its actual technical role, the impact on modernisation of border management is the most relevant. It could also be envisaged to extend or transfer this experience from customs and border management matters to the cooperation on readmission procedures and investigations.

The statehood of the Republic of Moldova would be increased due to such missions like the monitoring one, because Romania’s entry into the EU is emulating not only the controversial buffer perspective for the non-member neighbouring countries but also the opportunity to get comprehensive political, financial and training help in terms of state-building, including secure borders, clear-cut customs procedures and professional personnel.

Trilateral cooperation and the added value

Trilateral cooperation proved to be an important tool for the regional approach to the issues that concerned the three countries. The lessons learned from the Romanian transformation as well as other EU-NATO states from the “new Europe” are vital and even more important than examples of transformation. But in the field of visa facilitation and then visa free regime, as well as in the field of fighting the corruption, Romanian experience could be a good example. The main concerns at a trilateral official level that could be dealt with are: the Transnistrian issue, the visa regime, the energy security, the corruption and the citizenship issue.

General approach

Ukraine and the Republic of Moldova have to take the best advantage of all existing mechanisms in order to reform the respective societies and to get closer to the perspective of ensuring security and prosperity for their own citizens.

Reform of only a part of the society is useless if the whole society is not involved. There are no parts of the society that must not be reformed, especially when we are talking about the security sector, which in the Soviet history of those countries played an important role of social control and, in some respects, is still in the same position.

The European and Euro-Atlantic integration cannot be split since security is the first stage that ensures investment, safe climate for economic development and security for all the citizens. Trying to value the neutrality in this part of Europe is a mistake and avoiding NATO reforms is a way of blocking the whole reform towards democracy, market economy and rule of law, in an environment with equal access to opportunities for all the citizens.

The trilateral cooperation is a good ground to use the lessons learned and good practices in the reform and the experience of negotiation with the EU in all fields. The regional cooperation is a good model to solve mutual divergences and to assume commitments especially for the solution to the Transnistrian conflict and this behaviour is the first step to obtain the full support of the international community since at the regional level changes are made and costs are assumed. And the reform process is the best ground to give arguments to Romania, the member of the Trilateral
already in EU and NATO to advocate and support the future accession of the other two countries in EU and NATO.

1. The road to EU and NATO: reforms and modernisation

The Trilateral Think-Thank Expert Group is strongly supportive of the need of substantial and coherent reforms in the Republic of Moldova and Ukraine as a precondition of their eventual accession to European Union and NATO. Both countries need a lasting solution to their main common strategic goals, namely: security and prosperity. These two targets may be achieved only through a constant effort of harmonisation with the values cherished and the standards guiding the Union’s, as well as the Alliance’s members. The result of the last sixty years of East-West competition is obvious. We got a western family of states with high living standards and civilisation, on one hand, and a still fearful power full of social and economic contrasts, surrounded by a “close neighbourhood” fighting to choose its own strategic destiny.

The experience shared by ex-communist states in Central and Eastern Europe, the Baltic States and other former soviet republics, proved that there is no alternative to the reforms and modernisation guidelines provided by the European Union and NATO. More than that, even the post-soviet states consider CIS (Community of Independent States) as a failure. The Economic Union formally established within CIS in 1994, proved to be a fiasco, since assumed commitments haven’t been observed and the free market regulations have been blocked/amended by a long list of exceptions.

The Single Economic Space (2003) has been merely a place for internal bilateral agreements, acting far from an international organisation per se. All economic agreements kept intact an “energy dictate”, as part of the obvious Russian hegemonic energy policy towards all post-soviet states. These agreements were necessary as being a single way out in a short run, but in a long run it is much expected that Russian Federation will try to oppose western-orientated aspirations like to the perspective of joining EU and NATO. The core difference between eastern-orientated integration and European integration stays in the proven principle of “equal share of efforts and benefits” of the last.

For various reasons, the Euro-Atlantic Integration and the European Integration have two different patterns but they are not separate processes. It comes from the fact that it is about almost the same actors willing to respect almost the same principles, but having a single strong feature which is a consolidated democracy. Free choice is also a basic principle of consolidated democracies, but opposing the two integrating processes to each other, in the case of emerging democracies proving lack of political determination to assume a real unequivocal European and Euro-Atlantic orientation.

The Euro-Atlantic integration precedes the European integration because a security solution is the guarantee for Western investments and opening the European market to products is possible if the economy is developed in a free market environment, far from protectionism and politically driven energy prices. To claim the European perspective and refuse Euro-Atlantic integration, including the NATO accession perspective, proves lack of political will for both processes, a formalism and declaration driven policy and not committing itself to European and Euro-Atlantic values.

Moreover, we can not succeed in social reform – democratisation, market economy, rule of law – forgetting the “hard core” of the security sector reform, democratic control of Armed Forces and Security Agencies, that controlled the whole society in the old Soviet times. In this respect, Romanian experience on reforms in NATO framework proved to be essential to the entire reform in
the Romanian Society and the road to meet European criteria. So the goal of NATO membership is followed by reforms, firstly important in the restructuring of a society and secondly a road to join a political – military alliance of states.

Even if the integration will not take place in the near future, the reform is equally important since the result is the modernisation of the country and the move towards Western rules, as well as forms of association closer and stronger to EU and NATO. The trilateral think thank expert group is strongly supporting the enlargement of EU and NATO further, but assumes that every step towards the irreversibility of the reforms and modernisation process is the primary goal for both Republic of Moldova and Ukraine. In the case of Republic of Moldova, the reforms will have a positive impact on the prospects for the country reintegration.

2. Republic of Moldova’s option for the EU integration: SEECP versus ENP plus

Since the Republic of Moldova had alternatives on its road to join the EU, it is important to compare them and to analyse their effects.

Republic of Moldova has been sustained by Romania to become part of the South-East European Cooperation Process, as well as of the Western Balkan process. This led to the entrance of the Republic of Moldova in the CEFTA free trade area reshaped. This proved to be a strong political option to help the Republic of Moldova to get arguments for a formal association to the European Union, similar to the Stabilisation and Association Agreement offered in the Western Balkans. This is a must for the country’s European integration, even if there is no commitment, actually, regarding the terms of such a process.

In 2003, EU proposed, and both Republic of Moldova and Ukraine accepted, the European Neighbourhood Policy (ENP) framework, which paved the road to a closer cooperation with the Union. It will leave room for a kind of partnership, offering consistent support of reforms, as well as a beginning in preparation for getting benefits of the common market.

In this conditions, the issue of Republic of Moldova’s best interest for joining the EU is in question: fighting more for a SEECP membership and hoping to get a guarantee of a future undated accession or observing the ENP together with Ukraine and other South Caucasian countries hoping to make the best use of these policies and obtain at the end even an integration perspective.

Analysing the options, the Group concludes as follows:

- First, the “waves” of EU and NATO enlargement showed two common features: “regatta principle” at the beginning of the process, and “grouping experience” at the end of it. This means that on individual achievements, a country is selected to begin a pre-accession process, but at the end, the invitation is issued to a group of countries, according to the moment that the last of them, in terms of reforms, meets the minimum criteria. In this respect, it became very important to belong to a regional group and, at the same time, to get individual skills, based on the reforms made and the applied results. It is therefore important that the group does not contain one country with huge problems that will make the whole group wait for this last participant to realise the requested minimum criteria.

- Second, the lessons learned from previous phases of enlargement proved that one state’s effort should be always at its highest, in order to place the candidate at the lead of the race. This is the only way to reach a pole position in meeting the standards. If not, there will be always a risk to get a “ticket” for the “next wave”. Such a risk also comes from the lack of institutional capabilities of the integrator institution to continue indefinitely the process of enlargement, which means the inability to
absorb new members without internal restructuring of the Alliance or the Union. The lessons learned from previous enlargement waves proved that, for both NATO and EU, it is better to be the first from your group - in terms of level of reforms and international support - than the last one or a member of the platoon. In this respect, Romania got more attention from NATO as apart of the Vilnius 10 Group than it was the case with its attempts of being associated with the Visegrad Group.

- Third, getting together with, for example, Serbia and Bosnia-Herzegovina (countries with a tough post-war reconciliation on the run) in the run for EU could represent a handicap that even the guarantee of the future accession to the EU could not counter-balance. On the contrary, trying to be the most competitive country and the easiest to integrate from the Eastern ENP group could represent for Republic of Moldova a better way of addressing the European integration than joining the Western Balkans wave, even though the integration is not granted.

- Fourth, the Republic of Moldova has a chance to use ENP as a vehicle for proving a real commitment to multifaceted regional cooperation, as well as a responsible attitude, as a security provider for the European Union. This became obvious in EU/Republic of Moldova Action Plan, which stated: “Republic of Moldova is invited to enter intensified political, security, economic and cultural relations with the EU, enhanced cross border co-operation and shared responsibility in conflict prevention and conflict resolution. One of the key objectives of this Action Plan will be to further support a viable solution to the Transnistria conflict. The level of ambition of the relationship will depend on the degree of Republic of Moldova’s commitment to common values as well as its capacity to implement jointly agreed priorities. The pace of progress of the relationship will fully acknowledge Republic of Moldova’s efforts and concrete achievements in meeting those commitments”.

Summarising, the Republic of Moldova is in a sensitive position. There is a Partnership and Cooperation Agreement (PCA) with European Union entered into force in 1998. When The Action Plan was signed, in 2005, the document stipulated: “The European Union acknowledges Republic of Moldova’s aspirations and Republic of Moldova’s Concept for the Integration into the EU. For the near future, the PCA remains the valid basis for EU-Republic of Moldova cooperation.”

It is worth mentioning that in a time when the Republic of Moldova is trying to change its status, EU has launched negotiations with Ukraine on a “new enhanced Ukraine-EU Agreement”, in order to replace the existing PCA. It will place the country in a privileged position of getting a political enhance relationship with the Union and economic integration.

As a consequence, we consider that the SEECP track does offer to the Republic of Moldova the best choice. A realistic option in the on-going situation is to obtain as much as possible from reforms in the ENP framework, combined with the reforms in the IPAP framework, that are the best argument to enter EU in the future window of opportunity.

3. The Limits of the Euro-Atlantic and European Enlargement

3.1 NATO

The Transformation Process of the North-Atlantic Alliance in the post-Cold War / post-September 11 2001 era does not mean the alteration of its primary function, the collective defence commitment and mechanism. The 5th Article of the Washington Treaty still remains the core of the Euro-Atlantic Integration, thus for any new member it should politically and militarily represent added value to this.
The American perceived hegemony -both inside and outside of the Alliance - over NATO decision-making, commands and operations, the Quest for a European Army within the EU (promoted by reluctant allies like France) and the 3 D risks (Duplication, Decoupling, Discrimination), the growing capabilities gap, the ad-hoc formula of coalitions of the able and willing promoted by the Bush Administration despite the activation of the 5th Article in the aftermath of September 11th terrorist attacks, the ongoing problems encountered by the ISAF mission in Afghanistan have caused serious concern over the future of NATO.

After the Riga Summit the Trans-Atlantic relationship became more intensely a subject of debate. What seems to be essential in framing the Alliance’s future refers to the assessments and engagements formally assumed by the leaders at the Summit:

“The principle of the indivisibility of Allied security is fundamental, and our solidarity gives us the strength to meet new challenges together. In today’s evolving security environment, we confront complex, sometimes inter-related threats such as terrorism, increasingly global in scale and lethal in results, and the proliferation of Weapons of Mass Destruction and their means of delivery, as well as challenges from instability due to failed or failing states. This puts a premium on the vital role NATO plays as the essential forum for security consultation between North American and European Allies. It highlights the importance of common action against those threats, including in UN-mandated crisis response operations. It also underscores the importance of continuing transformation of NATO’s capabilities and relationships, which includes our operations and missions, strong investment in enhanced capabilities, and closer engagement with our partners, other nations and organizations. We have today endorsed our which provides a framework and political direction for NATO’s continuing transformation, setting out, for the next 10-15 years, the priorities for all Alliance capability issues, planning disciplines and intelligence.”

So will there still be a reason for enlarging / joining the Alliance in the foreseeable future?

The answer to this question is yes, the open door policy will continue and it can be seen from the article 29 of the Riga Summit Declaration: “NATO’s ongoing enlargement process has been an historic success in advancing stability, peace and cooperation in Europe and the vision of a Europe whole, free, and at peace. In keeping with our pledge to maintain an open door to the admission of additional Alliance members in the future, we reaffirm that NATO remains open to new European members under Article 10 of the North Atlantic Treaty. The Membership Action Plan (MAP) is a crucial stage in preparing countries for possible NATO membership. All European democratic countries may be considered for MAP or admission, subject to decisions by the NAC at each stage, based on the performance of these countries towards meeting the objectives of the North Atlantic Treaty. We direct that NATO Foreign Ministers keep that process under continual review and report to us.”

Ambivalence of both Ukraine and the Republic of Moldova between Russia and the West makes their cases more difficult in comparison with CEE countries. The two post Cold War waves of enlargement were based on the pro Western commitment of the political elites and on large popular support, which are not yet coherent enough in the case of Ukraine and Republic of Moldova.

Here, a stipulation of the Riga Summit Declaration becomes relevant: “We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine’s substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage
Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption.” It may be seen that is not a clear reference to a foreseeable integration of that country into NATO.

Concerning the Republic of Moldova, there is not a direct reference about the overall situation, other than related to the left-overs of the Istanbul Summit concerning moving forward on ratification of the Adapted CFE Treaty, withdrawal as soon as possible of the Russian military forces, or the peaceful settlement frozen conflict in the Eastern districts of the Republic. The principal reason is the fact that Republic of Moldova never announced officially the will to join NATO.

One may assume that NATO is much easier to enlarge than EU, and, as the recent record shows, joining the Alliance is the facilitator of being included in the European Integration Process. A security solution generally precedes the investments and economic development, on the way to prosperity. In Eastern Europe, all waves that took place after 1989 observed this rule. Hoping to enter the EU without a clear security solution is an utopia and could be seen as a way of avoiding even European commitments since Euro-Atlantic integration is refused by the authorities of those countries or anti-NATO campaigns are supported by government parties.

In practice, NATO HQ will not come up with a steady diplomatic courtship for Kyiv and Chisinau, but will invite the two countries to an interactive cooperation aimed at restructuring the most important sectors of the State and Government, monitoring the inner Ukrainian and Republic of Moldova pace of reform. US adopt a similar attitude, and one may say that the progress on the way of accession works as a “double key” system. Looking back to the Romanian experience, we should remember that lacking an American explicit support, Romania relied on French advocacy for the first round on enlargement (NATO Madrid Summit in 1997) which proved to be inconclusive. More than that even the inclusion of Romania and Bulgaria in the second wave of enlargement was more dependent on external factors (September 11th terrorist attacks), rather than based on achieved progress in terms of overall reforms.

It should also be mentioned that US President George W. Bush has signed NATO Freedom Consolidation Act of 2007 that backs NATO membership for Ukraine, Georgia, Albania, Croatia and Macedonia. The bill that Bush signed on April 10th authorized US funds for military assistance for the 5 countries to implement democratic and economic reforms. Here Ukraine was included in spite of the recent declaration at NATO HQ by Premier Minister Viktor Yanukovich that this goal is not for the short-term period, but for a longer perspective. Ukraine lost its window of opportunity for joining MAP in 2006 and Republic of Moldova is not yet on track with this perspective, losing this wave that could give huge consequences for the time table of the road towards European integration in the future.

3.2. EU

In theory, the accession into the European Union should be a far more complex process, less dependant on external factors, but very much a progress-driven one. According to the founding treaties, any European state is eligible and according to the Copenhagen criteria all you have to do is to adopt and implement them.

The enlargement of the EU with nine former Communist countries represents a historical achievement for the West in its moral strive to repair the tragedy of the WWII and the Iron Curtain division which condemned the Eastern democracies to Soviet dictatorship.
Accession is not the End State but just the first stage of integration in the EU. Deepening is the future top priority for the European policy-makers in the context a psychological public fatigue over next rounds of hazardous enlargement. The EU institutions agendas are already filled up with urgent problems like securing the energy supplies from Russia, reviving the Constitutional Treaty, balancing Western European labour-market access for the new European citizens with the worrying rates of unemployment in senior countries like France and Germany. More than this, the EU already has two candidates on its enlargement agenda (Croatia and the Former Yugoslavian Republic of Macedonia - FYROM), but also a big and problematic one, Turkey.

The Turkish candidacy has already divided the EU countries and, in practical terms, the inclusion of another large country (Ukraine) or of the poorest European country (Republic of Moldova) is not doable until Ankara gets its final signal from Brussels. The political developments in at least two of the EU countries (Turkish reluctant), namely France and Austria, have added new barriers not only for Turkey but also for Ukraine and Republic of Moldova.

France adopted in 2005 a constitutional amendment regarding the future popular referendum over each new entry into the EU as a measure to counterbalance the growing popular NO prior to the Constitutional Treaty Draft referendum (April 2005). Nevertheless, the measure proved futile since the Constitutional Treaty Draft was rejected by the French citizens mainly because of the induced perception that Turkey will automatically join and the Turkish cheap labour force will flood France.

Austria blocked until the very last moments the beginning of negotiations with Turkey (October 2005) due to a very determined political will of getting some strong guarantees in return. As a consequence, the Copenhagen criteria have been amended so that any future enlargement is subjected to the elusive will and capacity of EU of absorbing new members.

In a communication to the European Parliament and the Council on November 8th, 2006, the Commission proposed finding a new consensus on enlargement and presented a strategy that included a specific report on the EU integration capacity sought to replace the capacity to absorb. The Commission recalls that the “EU has taken note of the major concerns with regard to the pace of enlargement.“ The EU’s enlargement policy will now use a consolidated programme as a base (the principles of consolidation, conditionality and communication), which will be more demanding than the old criteria. The Commission reaffirms that “the EU institutions must be reformed in line with the European Council’s conclusions and a new institutional regulation must be established before the next Member State is ready to join the Union.”

4. Making the best of existing mechanisms

4.1. Security matters and Euro-Atlantic Integration

Republic of Moldova

The lack of security and stability is a major challenge to democratic stabilisation of the Republic of Moldova that already has negative consequences for individuals, groups and the state as a whole. The very quick geopolitical changes, proliferation of the new risks and dangers, especially of the non-military character, the frozen conflict with the Transnistria separatists have already an impact on security and stability in the South Eastern part of the European continent.
The weakness of the Republic of Moldova as a transitional state and the post-imperial syndrome in Russia’s policy in the so-called “nearest abroad” creates a dangerous mixture generating permanent instability and growing risks.

The “constitutional neutrality” helped the country to avoid the participation in the collective security and defence structure within the CIS dominated by Russia. There is clear understanding that this kind of policy can lead to the isolation of the country and should be compensated by active foreign policy currently focused on the closer relationship with EU.

On the other hand, the secondary effects of the neutrality were the lack of security sector reform, democratisation of armed forces and civil control of intelligence services that did not reform from the old political police. The neutrality is also used as a panacea and valued in bilateral negotiations with Russia, with great concern from participants at the 5+2 mechanism for solving the Transnistrian issue.

The Republic of Moldova accounts for an almost 500-kilometer-long sector of the new Euro-Atlantic border in Eastern Europe. This has been NATO’s border as of more than two years, and the EU’s border as well since 1st of January, 2007.

Consequently, it is an important strategic asset for NATO and the EU to encourage a political, economic and security order consistent with Euro-Atlantic interests in the Republic of Moldova. Yet there is no indication of this being done or seriously planned. The Republic of Moldova remains undoubtedly the least known, least researched. With little international notice and even less action, the situation has degraded to the point of challenging the security interests and democratic values of the enlarged Euro-Atlantic community.

NATO and the EU cannot be excluded from this region’s security arrangements by accepting the Russia’s primacy in recreation of its own sphere of influence. The emerging new European security order requires more efficient actions and efforts in addressing the new risks and threats, closer cooperation with The Republic of Moldova and efficient assistance in stabilisation of the situation alongside the new EU borderland.

Security Sector Reform in the Republic of Moldova

The Republic of Moldova is legally a neutral state and, by its Constitution, cannot participate in any defence/security arrangements. However, exactly the topic of NATO enlargement, which is the strongest political, military, and security alliance in the world, has, together with the EU enlargement, an impact over the world’s most prosperous economic union.

The first problem that since the very beginning has had an impact on effective evolution of the Security Sector Reform was the outbreak of the Transnistrian issue in the Eastern region of the country. For the Republic of Moldova the issue of the withdrawal of Russian Troops and weapons are directly related to the future of its armed forces, police and other security structures and NATO and EU already pay sufficient attention to this situation. Thus, both NATO and EU are already supporting OSCE efforts in political settlement and withdrawal both financially and politically. This is the case of EU and NATO countries contribution to the OSCE Voluntary Fund for withdrawal. A similar, but already political involvement was seen at NATO Prague Summit and at the Joint Consultative Group on CFE Treaty in Vienna, where NATO members and those adhering to it declared that together with the Republic of Moldova they would not ratify the Agreement on Adaptation of the CFE Treaty unless all commitments on withdrawal taken by our Russian partners
in Istanbul and Porto regarding The Republic of Moldova and Georgia (which faces similar problems) are met.

However, at this stage the negotiations are focusing on such issues as political agreement, and subsequently on future state structures, including the Army and other Security forces. Even some separate opinions regarding the demilitarisation of the region or entire country are circulated. However, as it was noted, the negotiations are not producing at this point in time real results since the separatist leaders still insist on a union of two states or a confederation, which they call a “federation on contractual basis”, with unconnected and independent structures, a stance that comes against the international law and constitutional principles of building a re-integrated Republic of Moldova.

Irrespective of aspirations to accede to the EU or NATO, the Republic of Moldova is still facing big challenges to do away with a Soviet heritage in shaping its security-sector. The last decade has witnessed the ongoing contradictory and non-uniform transition from authoritarian governments and centrally planned economies to pluralist democracies and free markets. The country tries to adapt itself to the new situation and geopolitical realities but faces problems in identifying its new geopolitical identity and strategic partners. There is also a growing understanding in the civil society that the success of the democratic reforms is crucial for the future of the country and for its stabilisation.

The Republic of Moldova founds it exceptionally difficult to evaluate successful model of security sector reform, reducing de facto this process to the periodic downsizing of the armed forces and to the redistribution of tasks among the institutions and organisations responsible for the national security. The difficulties in assessing the commonly accepted definition of SSR derive also from the fact that the sector itself is at the same time the building block of strategy and a tool driving democracy in the field of security and defence. The absence of a common and clear understanding as to what are the goals and instruments of the SSR has already produced a certain confusion concerning the functions and role of the armed forces and law enforcing agencies in ensuring defence and security of the state.

Defence and SSR Initiatives

On July 26th, 2002 the Parliament of the Republic of Moldova approved the last Concept of the Military Reform. The legislative initiative belonged to the MoD and the Presidency and was explained by the necessity to solve a range of problems the Armed Forces are still confronted with. The reformation of the military and security system of the country is explained by the following factors:

- the changing geopolitical situation that generates new realities and risks, as well as new opportunities for international cooperation in the field of defence and security;
- imperfection of the existing defence and military security system of the state as a whole, low defence potential of the Armed Forces and insufficient military capacities of the country;
- the declared permanent neutrality of the Republic of Moldova and the need to adjust the defence and foreign policy to this basic principle;
- the intention to correlate the defence and security system with the real financial and material resources and possibilities of the state;

The establishment of a new efficient and flexible system of military security able to guarantee the defence of territory, sovereignty, independence, territorial unity and integrity of the state has been proclaimed the main objective of the reform.
In the Concept it is highlighted that the Republic of Moldova does not have enemies and therefore the probability of a major military threat is minimum for the time being. The main sources of threats are considered the regional instability and the emergence of a large diversity of (the) non-military risks. For the first time, among the transnational risks are recognized organised crime, illegal drug, weapon and strategic material smuggling and trafficking.

The Concept of the Military Reform contains the following hierarchy of the main regional risks:

- the strategic imbalances of the military potentials in the region;
- politico-military rivalries between newly formed states as a result of the existence of certain degree of military tension and conflicts that can spread off;
- territorial separatism and the internal political, social and economic conditions that can have a negative impact on the military potential capable to diminish the power and authority of the public administration;
- the possible dysfunction in the financial, informational, energetic, communication and telecommunication systems of the states;

According to the Concept, the MoD is supposed to play the key role in the National Security System. In the favour of the special role the MoD should play is the fact that the military forces will be a key part of security sector reform. The Law on National Defence adopted by the Parliament strengthens the leading role of the army by the creation of the Special General Headquarters with inter-agencies co-coordinating functions and appointing the vice-minister of defence as its chief. Another key priority of security reform is to ensure that military forces are orientated exclusively towards implementation of the tasks which they are most appropriate for.

The challenges of SR refer basically to the national armed forces and broader security-sector in order to transform them according to the following principles:

- affordable in light of other priorities of the transitional society and taking into consideration the real risks and dangers;
- appropriate for the strategic circumstances and the dynamics of the geopolitical changes at continental and regional levels;
- acceptable to society-at-large that is still neglecting the role and functions of the armed forces under the new circumstances;
- efficient democratic oversight of the security-sector and its accountability to the democratically elected institutions of the representative power.

The Concept of Military Reform introduces the amendments in the existing legal framework in order to ensure the Defence Planning, Programming, and Budgeting System implementation. The defence planning has a chance to become the current practice for the better-balanced armed forces adjusted to the existing military threats and to the country economic and financial potential. This system has a goal to develop the armed forces objectives and programmes adjusted to the existing and changing risks and threats.

The exclusive role of the National Army within the current Security System in the Republic of Moldova contains the risk that this ministry will try to pursue its own corporate interests without paying too much attention to the co-operation with other power structures and law enforcing structures involved in the process of SSR. At the same time, without clear mechanisms of democratic oversight, armed forces subordinated to the chief of state potentially may constitute a threat to
democratic governance and may consume more resources than other institutions and structures that form the security sector.

Despite the fact that it encompasses political, economic, and foreign policy considerations and as well as the rationale for democratically designed security strategies the Concept does not stipulate explicitly the new role and functions of civilian and military components of the security arrangements in order to raise the efficiency in further modernisation of the national security system in the Republic of Moldova. Unfortunately the objective need to ensure the democratic oversight of the Armed Forces, as well as the cost-saving and efficient inter-agency co-operation is not taking a central place in discussions concerning the reformation of the national security system. Nor there is a coherent strategy aimed at improving the current structures and institutions responsible for national security.

The impartial analysis of the state of the democratisation of the national army in general and of the civil-military relations in particular within the framework of SSR is important for the further actions aimed at democratic stabilisation of the country. The precondition to reach the objectives of concluding in the nearest future the process of transition toward democracy and market economy is the willingness of the political elite and the Government to integrate the country into Europe.

In this respect it is noteworthy that all neighbours of the Republic of Moldova have an increased partnership, in one form or the other with NATO, either becoming NATO members (as Romania) or having special relations with it and even declaring the desire to join the Alliance (as Ukraine). Therefore, with the increase of relations with NATO of the countries in the region, an extended relationship within the PfP for the Republic of Moldova becomes understandable and appropriate. Also, at NATO Prague Summit, a decision was made to adapt the Partnership for Peace to the new realities and needs of the countries, to make it more viable and helpful. This decision was supported by the Republic of Moldova, as well as other partners, and President Voronin at the same Summit appealed to NATO countries to become more involved in the resolution of the problems the country is facing, first of all in the conflict resolution, in helping to ensure its Eastern border security, and continue much appreciated projects through the PfP Trust Fund related to the consequences of the Soviet army stationing in the Republic of Moldova. Thus, NATO is looking at the ways to cooperate more closely within the PfP, as well as for the benefit of peace and stability in the region, and the authorities of the Republic of Moldova should seriously consider the Individual Partnership Action Plan (IPAP) that is now more comprehensive and all-including on the way of Security Sector Reforms.

During PARP negotiations, it became clearer that the reform of the armed forces is unfortunately based on the older (from 1995) Concept of the National Security, which does not plainly reflect the new risks and threats to the security. Concurrently, the reform itself needs to be revisited and eventually reviewed. Thus, one of the points from the paper on the reform of the armed forces stipulates that the percentage from the national budget dedicated to the army will increase from 2,5% up to 4-5% per year. At the same time, discussion revealed that such an increase is not possible. The national experts also showed that the armed forces reform presumes the involvement of about 12 Ministries and Departments that would ensure its success. In these circumstances when the SSR presumes not only the changes within the Army, but also the involvement of other institutions, it became more transparent that additional budgeting is necessary and an improvement in this sense would only be possible if an increase of external cooperation could take place. In this regard, both national and international experts realised that the IPAP gives such opportunities, first of all for the SSR that is of immediate interest of both the Republic of Moldova and NATO.
The security and stability alongside the new EU and NATO borders are directly connected to economic development and the growth of democratic institutions in the neighbouring countries. Making greater resources available to the Republic of Moldova and Ukraine, combined with adequate strategy of reforms and responsible governance, would allow the frontier region to attain a measure of economic and social stability in order to dampen violent impulses. In turn, prosperity would make it possible to cultivate democracy in the new independent states.

For the Wider Europe Borderland countries there are at least three goals – economic reconstruction, political democratisation and democratic stabilisation. All these are mutually connected - to neglect one means the others will deteriorate automatically. In that sense the implementation of stability in the region is incomplete if it is politically and economically behind the times.

**IPAP evaluation**

Concerning the ongoing practical implementation of the IPAP, it can be mentioned that this Plan already achieved the necessary dynamic. Republic of Moldova Government has started to implement all objectives and prioritized actions included in the detailed programme.

Referring to the reforms at high political level, the Republic of Moldova did not fulfil its commitment to adopt the National Security Concept. On April the 12th, on the meeting of the National Committee on elaboration of the National Security Concept, the final draft was still under discussion. This is hampering other commitments assumed in the IPAP such as adoption of the National Security Strategy.

Despite some delay, the Government approved National Implementation Plan of IPAP and the Assistance List needed for implementation. The Government acquired consensus on reforms in overall security sector, on intelligence and law enforcement reforms and inter-agencies cooperation.

The Republic of Moldova has already achieved certain progress in amending national legislation on judiciary system and human rights, according to CoE’ recommendations, but this has to be properly implemented.

For the objective of “combating corruption”, the Republic of Moldova carried out the first package of GRECO recommendations and started implementation of the MCA Threshold Programme. But there is a concerned of genuine political determination for getting tangible results on the ground. No high level political figure charged with corruption is in jail.

The developing Republic of Moldova-NATO relationship is noted in the field of scientific programmes. For this purpose, Republic of Moldova Academy of Science launched the Center for scientific cooperation with NATO and a new Center of Information and Documentation on NATO began to work as an independent national NGO. The Anti-terror Center was founded and the establishment of an Anti-crisis Center is on the way.

The process of IPAP implementation in the Republic of Moldova is facing difficulties, according to the officials, generated by the absence of the progress in Transnistrian issue, the continuing blockade of Republic of Moldova goods exports, the rising prices on energy sources. The budgeting difficulties prevent the Republic of Moldova from full fledged implementation.
For the Border Guards Reforms, some progress was achieved due to EU Border Assistance Mission - EUBAM and the new EU projects BOMMOLUK 1 and BOMMOLUK 2, recently launched, aimed at larger scale training for custom officers, border guards, police and enhancing inter-agency cooperation.

At the same time, a few steps were taken in order to de-militarise the border guards.

**Ukraine**

Since its early years, Ukraine has spent a lot of efforts in order to gain national armed forces from parts of the Soviet defence structure that remained on Ukrainian territory. Ukrainian armed forces were formed in 1992-1993 from units and staff of the Soviet Kyiv Military District.

What Kyiv inherited was a Soviet-built force designed for combined-arms offensive operations against NATO. Its deployment patterns did not match Ukraine’s defence requirements and there was no integrated command and control centre.

Moreover, for the experts it became clear that Ukraine could not afford the Armed Forces it inherited from the Soviet Union. Even the Soviet Union itself could not support them. This was evident as early as 1986. In 1985 the military budget of the Soviet Union was $ 343.6 billion.

According to the 1991 data, about 30 percent of the military personnel of the Soviet forces were located in Ukraine. If we add up the costs spent on their provision to the expenses of the military industrial complex, their total would make up almost 30 percent of the Ukraine’s GDP.

Therefore the military and security sector reform was desperately needed and PfP strengthened by Euroatlantic aspirations declared by the Ukrainian political elite became one of the instruments for achieving professional army appropriate for the new democratic state.

In 2005 a positive internal political situation in Ukraine, as well as the improvement of international climate have created preconditions for the subsequent launch of the NATO – Ukraine Intensified Dialogue and made Ukraine intensify efforts aimed at military and security sector reforms. Besides that, the invitation to start Intensified Dialogue on membership prospects during the 2005 April’s Foreign Ministers’ meeting in Vilnius brought the NATO – Ukraine relations to a new level.

However, the already existing mechanisms for approaching NATO standards stay valid as well. Target Plans in the framework of the NATO – Ukraine Action Plan have not become less important, as the adequate implementation of these documents enables the achievement of NATO standards by Ukraine.

By now it can be stated that during the current years Ukraine has achieved some success, although regular efforts for improving the situation are still needed.

The situation requires an adequate response on the part of the highest state leadership. Resolute and dynamic military reform, not cosmetic measures are needed.

The Government and Parliament should clearly define the aims and purposes of military reform. This should be done through a process that determines the national interest, potential
security threats, and identifies the character of operations both as they are today and as they might (be expected to) develop.

There should also be a clear vision of the fact that strong interdependence and mutual interest form the basis for a firm and deep relationship between Ukraine, its Western Neighbours and the full range of European and Euro-Atlantic institutions.

The people must support the armed forces, provide manpower, and support the employment of the armed forces to meet security threats by supporting the political will of the Government. The armed forces themselves must be cohesive and function effectively, reflect society, generate force efficiently and provide flexibility to meet evolving security requirements.

There must be a balance between the necessary military performance and the economic potential of the state. Only basing on these founding principles can Ukraine be successful in its process of economic and political transformation of society and its integration into the European and world system, which is vitally important to the process of becoming a full-scale member of the European family of democratic nations.

Analysing these principles provides a means to determine areas requiring change, measure progress of reforms, and identify where other countries may have experience in dealing with similar issues.

It should also be taken into consideration that the last years witnesses (have seen) a dramatic change in security paradigm. In Europe, the centuries-old threat of war between powerful empires, in which Ukraine has frequently served as both a battleground and an unwilling prize, has diminished, but even as the spectre of full-scale war has faded, new threats have risen: ethnic and religious conflict, ineffective and corrupt government, illegal migration, terrorism, and smuggling - of people, weapons, drugs, money and weapons of mass destruction materials and know-how.

Ukraine has peaceful relations with its neighbours, whose main energies and attention are focused on the process of integrating into the European Union and NATO or on managing the economic, political, and social challenges of their own continuing post-communist transitions.

The risks that do exist for Ukraine stem from proximity to weak or failed states and intractable conflicts (The Republic of Moldova, Belarus, Caucasus, Balkans), or, in the economic sphere, from the continuing struggles of post-Soviet elites for monopoly control of resources, with particular emphasis in Ukraine’s case on the gas transit network.

As national security objectives are now rarely measured in terms of military tasks alone, the armed forces are increasingly being asked to take on missions where political and military objectives are strongly linked: peacekeeping, civil security, crisis response, and humanitarian relief. The increasing breadth of such non-combat or low-intensity combat missions is also increasing the importance of qualitative factors such as flexibility, judgment, long-term sustainability, and the ability to co-ordinate effectively with civil and political authorities.

But even well coordinated government efforts are insufficient without the support of civil society, media, and the commercial sector. Local investigative media, law-enforcement watchdog groups, or businesses are much more likely than the Government to provide the first indication of a modern security problem like police corruption.
If Ukraine desires a military that represents the values, aspirations and will of the people, it must have effective civilian control over the armed forces. This democratic political control is not limited to the Defence Ministry. The Verkhovna Rada, representing the Ukrainian people, also has to have some say in the policies, strategies and requirements of the military. The Rada, in this case, can model itself after western Parliaments, which exercise budgetary control over their respective militaries.

In order to approach NATO standards, Ukraine has focused on two concepts that have also been central to defence plans in many NATO countries: rapid reaction forces and moving to an all contract service. But these are not a panacea; they are enormously complex tasks that carry enormous costs. It is crucial, therefore, that their introduction be well thought out, adapted to Ukrainian social, economic, and financial realities, and - most importantly - clearly linked to the effective and efficient execution of the defence concept.

It is on its personnel that any armed forces depend most for its effectiveness. In the long term, it is investment in personnel that must be the basis of any new army that Ukraine seeks to build.

In this regard, it is obvious that Ukrainian achievements are quite doubtful. For example in 2004–2007 the Ukrainian authorities failed to ensure the implementation of the State programme for training, retraining and improvement of qualification of Ukrainian experts on European and Euro-Atlantic integration for the period of 2004-2007.

In regard of democratic civil control and military reform Ukraine, though we can observe a significant progress in the recent years, one can deny that quite successful Romanian experience, where the pace of reform was dramatic not only in terms of downsizing the military and setting up a mechanism for democratic control of the security forces but also in terms of strategic thinking, might provide Ukrainian reforms with the added value.

Besides that, definitely the security sector reforms are to be accompanied with the reforms in the other spheres, which will assist Ukraine in approaching European standards. Strengthening powers and the independence of judiciary is of vital importance in this regard. That’s why advancing of the judicial reform in accordance with Council of Europe recommendations, including the monitoring reports of the Council of Europe on implementation by Ukraine of the obligations and responsibilities deriving from its membership in the Council of Europe, (in particular, according to PACE Resolution No. 1466) was among the objectives of Ukraine – NATO Annual Target Plan (ATP) for 2006. Also, despite of ATP provisions, Ukraine did not manage to fulfil this task and the Ukrainian government did not develop the draft Law of Ukraine “On Amendments to the Law of Ukraine “On Judicial system of Ukraine” aimed at transforming the State Court Administration of Ukraine into the judicial branch of Government, and granting it with the authority to appoint heads and deputy heads of courts, the efforts in this direction significantly raised public attention towards judicial branch of power.

Public and political awareness on the necessity to ensure the functioning of independent courts in Ukraine, including the creation of professional cadre to fill in positions of judges, staff courts with employees, organise their training and continue fighting corruption within judicial system.

Fighting corruption and raising public attention to the most important political problems and problems of the sustainable development of Ukraine might have been enhanced by the fulfilment of the other objective of ATP 2006: Facilitating the continuous development and strengthening of civil
society, rule of law, the protection of basic human rights and public liberties. Although Ukraine did not manage yet to develop a Concept of the Interaction Between the State and Civil Society, and to facilitate adoption by the Verkhovna Rada of the Law of Ukraine on access of citizens to information, the impulse of 2004 events still has positive effect on the Civil Society development.

The situation with the minority rights protection according to ATP 2006 provisions is much more complicated. The need to elaborate the draft Law of Ukraine “On Amending the law of Ukraine “On National Minorities” in accordance with the Council of Europe’s recommendations raised already under Kuchma regime. However, although the amendments have been discussed with the OSCE experts for few years, there is no significant progress in this sphere.

The adoption by the Verkhovna Rada of amendments to the Law of Ukraine „On Associations of Citizens“, with the goal of simplifying the establishment and functioning of national minorities organisations, did not succeed in 2006, though it was presupposed by ATP 2006.

The implementation of the number of ATP provisions on a large scale depends on the political elite will, and whereas Ukrainian political elite only started approaching (with a doubtful success) to European standards of policy-making, it might be an obstacle for the European and Euroatlantic integration.

The adoption by the Verkhovna Rada of amendments to the Law of Ukraine „On Associations of Citizens“, with the goal of simplifying the establishment and functioning of national minorities organisations, reforming the system of public service on the basis of political neutrality, clear definition of the rights and duties of public servants, and transparent conditions of their employment and career development, facilitating the adoption by the Verkhovna Rada of the Law of Ukraine „On State Service“, which aims at setting forth objective, transparent apolitical criteria for the employment and promotion of public servants are still under question. Although the above-mentioned steps are necessary for getting closer to NATO and EU standards, neither Tymoshenko’s and Yekhanurov’s, nor Yanukovych’s government had any progress in this regard.

One more objective of ATP 2006 which a complete failure because of lack of political will of the Ukrainian high rank politicians is the following: ensuring the balance between the three branches of power, legislative, executive and judicial by means of constitutional and administrative reforms and ensuring their efficient cooperation.

Contrary to this objective, the Law of Ukraine „On the Cabinet of Ministers of Ukraine“ which after President’s “veto” was voted by the constitutional majority within the Ukrainian Parliament in 2006, created preconditions for the permanent political crisis. The Law of Ukraine „On Ministries and Other Central Bodies of Executive Power“, designed to regulate the structure and activity of central bodies of executive power as well as public administration mechanism as well as the Law of Ukraine „On the President of Ukraine“, designed to determine President’s authorities, assignment and suspension of authorities and define necessary points for maintenance of the President activity have never been adopted.

Because of almost permanent political crisis, renewing both foreign policy and policy in the sphere of security for the purpose of reflecting the goal of Ukraine with respect to the complete Euro- Atlantic integration, is not as fast as it was supposed by ATP 2006.

The development of civil-military relations was also among the crucial objectives of ATP 2006, though it’s quite often a very problematic aspect of democratic transition even for new EU
states (particularly apparent in central and eastern Europe where a traditionally independent and privileged military has seen fundamental changes to its status).

Ukraine has made significant progress in this sphere. However, the interdependence between the political situation in the state and Minister of Defence still makes this issue very sensitive. An analysis of civil-military relations is therefore central to questions of democratic transition in central and Eastern Europe, and, more broadly to issues of security and stability in Europe.

ATP 2006 is also considering the development of bilateral relations of Ukraine with the neighbouring states. Therefore, expert societies of the respective states should pay their special attention to mutual efforts for the implementation of the following objectives: implement any decisions taken by the International Court of Justice in the Hague (Netherlands), strengthening Ukraine as a key donor of regional stability and security, in particular by means of increasing the contribution of Ukraine to international cooperation in settling conflicts and maintaining peace, promoting agreement on a political settlement in Transnistria, continue negotiations, including on the basis of the Ukrainian Plan for Peaceful Settlement of the Transnistria Problem and the relevant decisions of the Republic of Moldova in an expanded format (with the participation of the USA and the EU), promoting a structural process of democratisation of the Transnistrian region of Republic of Moldova and of the Republic of Moldova as a whole, under international coordination, guidance and monitoring, to ensure implementation of democratic standards and fundamental rights and freedoms, promoting full access of all ethnic categories of the population of Transnistria to alternative sources of information on regional and international events, including Ukrainian mass media and television and radio broadcasts (e.g., “Radio Liberty”) specially tailored to Transnistria audiences, implementing the decisions of the Chisinau Summit, including on the development of military cooperation in the GUAM framework, including through meetings at the level of chiefs of staff of the armed forces of GUAM member states etc.

Moreover, international experts’ involvement and assistance might be helpful for the fulfilment and implementation of a number of objectives deal with NATO public diplomacy and informational campaign.

For example, consideration and adoption of the National Information Strategy on the Issues of Euro-Atlantic Integration of Ukraine might be even more successful with the involvement of NATO member states experienced experts.

Unfortunately, currently, the existing projects of Information Strategy are lacking step by step approaches, relying on declarations which are of low use in case the majority of population is badly informed on NATO related issues and does not support NATO integration. Unless such approaches are revised, it cannot be productive either in Ukraine or prospectively in The Republic of Moldova.

As to the prospects of Ukrainian-Romanian bilateral relations, common for both countries is the fact that although the reform process started from a domestic impulse, the role of Western assistance, particularly NATO’s open door policy, is instrumental in encouraging and guiding the change.

One notable contribution in setting up the democratic civil control was the establishment of the Country’s Supreme Council for Defence (CSAT), an agency for coordinating the conception and
executive actions in crisis situations in Romania. Sharing the experience of its functioning might be helpful for establishing democratic civil control.

But the most important step for all three countries involved in the project is cooperation on the third generation reforms - meaning the systematic transformation of the security sector in Europe.

**Ukraine and NATO**

**Joint Working Group for Defence Reform**

In 2006, Ukraine cooperates with NATO on projects referring to:
- managing the reduced personnel
- professional development of the civil personnel employed in the Ukrainian security institutions
- consolidating the civil and democratic control over the security services in Ukraine
- creating a partnership network between Ukraine and NATO members having as purpose the development of the civil society expertise.

**PfP Trust Fund**

2006 was a year with an important development of the Project for Partnership (PfP Trust Fund). This is the biggest project for partnership and demilitarisation established by NATO, and was created at the Ukraine request. This project is coordinated by the US with the financial support of 13 states.

**Annual Target Plan NATO – Ukraine 2006:**

The NATO International Administration and International Military Staff appreciates:
- Ukraine democratic development improvements – the most fair elections in the Ukraine history
- Improvement in consolidating the free expression
- Improvement in fulfilling the military, security and defence aspects included in 2006 Objective Plan. Among the security institutions, the Ministry of Defence makes the most progresses in following the reform agenda.
  - Ukraine continued the transformation process of the security system into a democratic and accountable system.
  - Ukraine National Security Strategy is promising and NATO-Ukraine cooperation in the security sector reform knew a good evolution in 2006.

In 2006, Ukraine has an intensive and well furnished participation in NATO’s activities, which was very much appreciated:
- Balkans operation (KFOR –182 soldiers)
- Iraq operation (NTMI – 3 instructors)
- Active Endeavour Operation – URS TERNOPIL ship – first training activity on sea with a NATO team
- Ukraine helped ISAF in aviation transport area.

**Problematic areas**

- Inflation rate (over 10%)
- Corruption level
- Lack of legislation to establish public radio and TV broadcasting.
- Lack of consensus between policy leaders and better information of the public.
- Lack of constitutional balance of the three branches of government.
- Lack of legislation on the cooperation between authorities and civil society

Regarding the ATP 2006 implementation and the proposed objectives for ATP 2007, Ukraine has:
- to respect the state principles - good governance, good relations with neighbouring countries, respect for human rights and national minority
- to consolidate regional security and effective monitoring of the border between Ukraine and Republic of Moldova
- measures for controlling small weapons and ammunition export
- observing international rules in environment protection

The internal perception over the economic performances is a positive one, although the fundamental economic indicators are in retrogression. The perception is maintained by the enlargement of the consumption and by the incoming development with 17%. From these facts appears a perspective of macroeconomic stability risks.

4.2. ENP Action Plans:

European Neighbourhood Policy is a common foreign policy reaction to the new reality of extended land borders with new neighbouring countries after 2004 extension. In terms of common security and foreign policy, the new members brought new concerns towards traditional relations with non-EU countries and also new challenges for the CFSP.

It further develops the concept of Wider Europe published in a Commission’s Communication of 2003. This unilateral political instrument proposes a new partnership to East European (except Russia) and Mediterranean Countries (except Israel). This approach does not cover Western Balkans (including Turkey) that have their own format of dialogue.

The last accession of Romania and Bulgaria brought EU to the Republic of Moldova borders and raised new direct concerns for both of them. One must understand that in many aspects Romania is no longer an individual actor. In terms of communitarian policies, competences have been transferred to the institutions, including the Commission (such as movement of goods, services, persons and capital, as well as other common policies). Despite the general policy implications, there are psychological barriers of internal political thinking about it. The security, democracy, human rights, illegal migration etc. related to Republic of Moldova and Ukraine became new challenges for the EU as well as it previously was for Romania.

Despite the fact that ENP does not give a European perspective to the new neighbours, it does not establish any “ban” for this process in the future. This partnership is orientated at achieving first the goals of a free and democratic society and a functioning economy orientated to EU model. It has to permit the penetration and establishment of the European businesses in these friendly, with familiar and understandable economies, and stable social development. In this context are promoted and supported economic and social reforms with the interested countries of the neighbourhood. The support granted by EU would also compensate the “adverse” (collateral) effect of its extension on trade agreements, trans-border cooperation etc (GSP +, visa agreements, autonomous preferences etc.).

The ENP is implemented at national levels through individual Action Plans. This policy document is of bilateral nature and lays on the framework of the ENP and PCA. The two parties are
more concrete than in PCA. Thus, individual state has to approximate its legislation in the sectors covered by the PCA. In return, the EU will support this internal effort by necessary expertise, new cooperation programmes and financial instruments. In this respect, TAIEX and twinning programmes are the new added values. However, any support and programme is open according to the progress of the reform process.

It is not by chance that cooperation under AP is mostly in areas of communitarian policies such as access to the market, rules on the market, competition policy etc. In this respect, AP could also be seen as an offer for enforced cooperation. This cooperation, by fixing real progress on the ground, would prove the real intention for modernisation and reform of the neighbouring country.

Nevertheless the new level of cooperation AP doesn’t give any European perspective to its neighbourhood. The evolution discussions can be opened upon progress. The way these evolutions will take place is not sure: further strengthened cooperation, full integration in the EU, integration in several chapters similar to European Economic Area (upon Norway and Iceland experiences), Customs Union (as Turkey does) or the form of sector/selected bilateral agreements as Switzerland is building today its European policy. However, any future talks would have sense only upon objective criteria and progress of the agreed reforms.

The AP reporting and supervision mechanism is taking full advantage of the PCA bodies: sector Sub-Committees (experts and senior officials’ level), Cooperation Council (parliamentarian level) and Cooperation Committee (government level) (to check exact names). The mid-term evaluation of the AP implementation allows the Commission to adjust its assistance and policies in order to achieve the final result by the end of the implementation period of 3 years.

The latest Commissions Report on the Republic of Moldova attests some progress in a few sectors and a list of sensitive issues that have had a significant regress (such as human rights, mass-media, justice etc.). Thus it is to expect that in the next 1.5 years more attention will be put on these sensitive issues. It is to be mentioned that the problematic sectors pointed out by the Commission are not new but more “traditional” ones for the Chișinău Authorities. First judiciary and freedom of media are those under continuous monitoring of the Council Europe and regularly on the bilateral EU-Republic of Moldova talks. Other sectors, such as investment climate, have general principles approximated with EU standards, but no sufficient practical enforcement.

Perhaps, the existing internal monitoring mechanism and decision-making processes are not the only problems to be mentioned. The new challenges seem to be over the capacities of the involved human resources. The main exercise is to be made inside the country, performing in internal reforms (market rules, rule of law, functioning democracy).

Implementation of Ukraine-EU Action Plan

In 2005-2006, the joint preliminary review of the Action Plan implementation was carried out at the Ukraine-EU summits (1st December 2005, 27th October 2006), at the sessions of the Cooperation Council (13th June 2005, 14th September 2006), at the sessions of Cooperation Committee (19th October 2005), and meetings of Ukraine-EU subcommittees. The CEC Communication entitled “On Strengthening the European Neighborhood Policy” was published on 4th December 2006.

According to this document, Ukraine made progress in consolidating respect for human rights and the rule of law, these being the long-term results of the Orange revolution. It is mentioned
that only initial steps have been taken in the fight against corruption. CEC commended cooperation in the field of foreign and security policy, in particular cooperation with EU and Republic of Moldova in border management and customs-related issues. It mentioned finalisation of adjustment of the national law with the WTO standards and completion of negotiations with EU on visa facilitation and readmission. In December 2007, the Cabinet of Ministers published the Position Paper on Ukraine-EU Action Plan implementation in 2005-2006.

**Political Dialogue and Reform**

The main argument in favour of the progress in this sphere is holding the free and democratic elections on 26th March 2006. The parliamentary elections were held generally in accordance with commitments taken within the OSCE, CE framework, and other international standards of democratic elections.

The Position Paper of the Ukrainian government said nothing about serious difficulties with implementation of the new constitutional model that led to apparent problems in carrying out a single domestic and foreign policy of Ukraine after August 2006 and to permanent confrontation between the presidential and prime-ministerial components of the executive branch.

As regards the fight against corruption, the European side stated that efforts in that area were at the initial stage. The Ukrainian document mentions that according to the Corruption Perception Index by the Transparency International in 2006, as compared with 2005, the ranking of Ukraine in fight against corruption has improved by 14 positions (Ukraine has moved from 113th to 99th position).

Ukraine ratified the Civil Law Convention on Corruption (the Law of Ukraine No. 2476). On 1st January 2006, Ukraine became a full member of the Group of States against Corruption (GRECO). With a view to establish criminal liability for misuse of computer systems and data the Convention on Cybercrime and Supplementary protocol thereto were ratified (the Law of Ukraine, adopted on 7th September 2005 No. 2824; the Law of Ukraine, adopted on 21st July 2006 No. 23). On 18th October 2006, Ukraine ratified the UN Convention against Corruption, the Criminal Law Convention on Corruption (Council of Europe) and Supplementary Protocol thereto (laws of Ukraine ## 251, 252, 253).

**Foreign Policy, Regional issues**

Since April 2005 Ukraine has been eligible to align itself with EU Common Foreign and Security Policy statements. As of March 2007 Ukraine aligned itself with more than 800 such statements, which is about 92% of all CFSP statement issued within this period. This is an evident success, which demonstrates real political solidarity between the EU and Ukraine based upon recognition of common values.

Another tangible success in the Ukraine-EU relations is fruitful cooperation on border and customs-related matters in the Ukraine-EU-Republic of Moldova triangle. Launching of the EU Border Assistance Mission at the Ukraine-Republic of Moldova border (December 2005) and establishing the new customs regime by Ukraine and Republic of Moldova on 3rd March 2006 became the first example of such successful multilateral cooperation under the EU’s sponsorship. However, the fundamental objective of this cooperation – settlement of the Transnistrian problem - has not been achieved so far, and lack of progress in that issue gives rise to reasonable questions whether the joint efforts of EU, Ukraine and Republic of Moldova have been sufficient.
In July 2006, the EU Border Assistance Mission expanded its presence: a new office and analytical center were opened in Illichivsk and Odessa respectively, staff of the mission was increased by 40 persons, and CEC allocated additional finances in the amount of 6 million EURO. The Mission’s mandate was extended for another 3 years, until 2010.

**Visa Facilitation and readmission**

On 27th October 2006, the visa facilitation and readmission agreements were initiated at the Ukraine-EU summit in Helsinki. The visa facilitation agreement could be considered the biggest achievement in Ukraine-EU relations of 2006. By the readmission agreement, the Ukrainian side managed to get accord on the 2 year-long transition period.

**Economic and Social Reforms and Development**

On 30th December 2005, the European Union recognized Ukraine as a market economy. In 2006, the U.S. government decided to grant Ukraine the market economy status. On 23rd March, the U.S. President signed the law abolishing the Jackson-Vanick amendment. According to the World Bank in 2005 Ukraine ranked among the top ten European states by the criterion of time needed to register an enterprise. Despite some positive developments, the overall level of implementation of measures scheduled for 2005-2006 is around 40%.

**Twinning**

To start the Twinning instrument for the first time envisaged by the EU policy vis-à-vis Ukraine:
- the Chief Department of Civil Service was empowered to guide and coordinate the preparation and implementation of the Twinning program in Ukraine;
- Twinning Administrative Office started its operation in Ukraine;
- several acts of the Cabinet of Ministers of Ukraine on foreign training of civil servants and activity of foreign advisors were amended.

First Twinning projects were launched in the fields of regulation of power engineering, competition, standardisation, civil aviation safety.

**Accession to WTO**

The substantial progress in adopting domestic procedures (on 13th December 2006) required for Ukraine’s accession to WTO was the biggest achievement of Ukraine in the field of implementation of the economic part of the Ukraine-EU Action Plan, although not all legislation was in place.

In March 2007 the Working Group draw a conclusion that the most of legislation approved by Ukrainian Parliament conform to Ukrainian obligations and WTO rules. However, some laws need to be amended. Taking this fact into account the decision of the WTO General Council as regards Ukraine’s accession should be expected not earlier than autumn 2007.

**Trade**

There are statistical discrepancies between EUROSTAT data and the data of the State Committee of Statistics of Ukraine. According to the State Committee the foreign trade turnover with the EU member-states in 2005 amounted to $ 21.1 billion, that is 10.0% more than in 2004. The
volume of commodity export to the EU member-states shrank by 5.9% and amounted to $ 9.2 billion, while the import from these states to Ukraine grew up by 26.6% and amounted to $ 11.9 billion. The EU member-states’ share in Ukraine’s foreign trade was 29.9%.

In January – September 2006, the foreign trade commodity turnover of Ukraine with the EU member-states amounted to $ 18.48 billion. During this period the volume of exported commodities from Ukraine to the EU member-states increased by 14.1% ($ 7.84), while the import from the EU to Ukraine increased by 27.9% and amounted to $ 10.64 billion. The EU member-states’ share in Ukraine’s foreign trade was 30.9%.

According to the Eurostat data, foreign trade turnover between Ukraine and EU in 2005 increased by 16.6% compared to 2004 and amounted to € 20.68 billion, in January – March 2006 it constituted € 5.65 billion, which is by 28.9% greater than in the same period of 2005.

**Prospects for Ukraine - EU Talks on a New Enhanced Agreement**

EU and Ukraine started negotiations on new agreement, on 6th of March 2007. At this stage, the positions of the parties are evidently different on certain conceptual issues. Ukraine wants the new agreement envisage **association with prospective membership in EU**, whereas EU, at this stage, does not seem to be willing to grant Ukraine such prospects. In early 2007, Ukrainian position regarding new agreement was formulated as **“political association and economic integration”**

EU’s conceptual approaches are now influenced by the **“deep free trade”** concept. This concept envisages both lifting the tariff restrictions and taking essential steps in adjustment of the Ukrainian laws to the European ones. In terms of framework, EU’s position is based upon **European Neighbourhood Policy**. At the same time ENP is strongly criticised in Ukraine for its inability to conform Ukraine’s expectations regarding recognition of membership perspective on the basis of Article 49 of European Treaty.

**Implementation of Republic of Moldova-EU Action Plan**

The implementation of the RMEUAP is supervised by both sides. The Commission makes periodical reports, last delivered on the 4th of December 2006. The Republic of Moldova Government decided to elaborate its own internal monitoring mechanism. This exercise didn’t exist before and was introduced for the AP. The latest report was presented by the Ministry of Foreign Affairs to the Government in March 2007. The civil society also has an independent parallel monitoring of AP implementation exercise.

Obviously, the Government has made some progress in reforming international trade regulations, rules of origin procedures, customs efficiency. Examples of clear practical results are the ability to participate in a multilateral free-trade area in the framework of CEFTA; admission and better use of the new GSP system; as well as progresses in the ATP Agreement talks.

Despite the participation in GSP system and the perspectives of an ATP Agreement, these advantages will not be possible to be used if adequate reforms in the sanitary, fito-sanitary and other standards do not progress.

There are obvious cases and situations of regress in such areas as independence of justice, confirmed not only by national practice, but also by the European Court for Human Rights. Some of political cases are on the agenda of bilateral talks Republic of Moldova-EU.
4.3. From ENP to ENP plus

The Neighbourhood European Policy (ENP) is today the principal instrument that connects the countries from the Eastern Europe with the European Union. This policy is facing a broader and thorough process of assessment and change, so that by the end of the German Presidency of the EU, a full revision of this policy is expected. The perspectives are to redesign the shape for the future relations of the EU with those post-soviet countries after 2008 when the ongoing Action Plans with Republic of Moldova and Ukraine are over. Romania is very interested in the Eastern dimension of the ENP, being placed so close to the countries concerned and knowing deeply the challenges the region faces.

In practical terms, the ENP brings an enhanced access to the Internal Market of the Union, through the development of trade and investments. But at the same time, it leads to an extension of the Internal Market principles to neighbouring countries, thus contributing to the development of these very markets into sound and appealing investment environments. In return for these transfers of investments, know how and founds, as well as the selective access to the internal market, European Union is requesting clear and sustainable reforms in the democratic and economic fields.

The process of revising the ENP should consider the following principles:
- efficiency
- participation
- assuming more responsibilities

Those who are contributors to that policy have to have a clear image that the money is spent correctly and is producing the expected effects. A clear participation in the elaboration and improvement of this policy is needed for more effectiveness and efficiency, and in return, these contributions will help to create the bases of legitimacy to demand more in the field of the observance of the commitments taken by the countries that benefit from this policy. Participation of all interested EU countries is also needed for the creation and use of the suitable tools to make the assumed reforms in the letter and the spirit that was mentioned in their respective Action Plans. Last but not least, the member countries should assume more responsibilities as a consequence of the situation that from the 1st of January, EU became an organisation littoral to the Black Sea.

The objectives of the future ENP must be to create the framework for cooperation in order to consolidate the area of stability, security and prosperity beyond EU borders. This should be realised by coming back to the basic theoretical approach that gave birth to this policy: compatibility at the border between values, institutions, laws and norms is a clear road towards compatibility and diminishing divergences and discrepancies with the final end of avoiding conflicts and violence.

These are based on the findings of Barry Buzan that proved the differences between the specific weight of two neighbour spaces - in terms of values, way and means of leaving - are a common ground for encouraging and developing any emerging conflicts. At the same time, as differences disappeared, the conflicts and divergent positions are less probable to appear or escalate and could be solved by diplomatic means.

The theoretical base is completed by another axiom of democracy, which states that democratic states arrive very hard to direct conflicts, do not fight and do not use violence one against the other,

1 This chapter is the updated version of the article The Eastern Dimension of the European Neighbourhood Policy: A Romanian approach, by Iulian Chifu, appeared on 31 Oct 2006 at www.eurojournal.org
but have the diplomatic tools to solve those disputes. This is the second theoretical ground of the ENP. That’s why reforms and progress towards the convergence of values by the neighbour countries are valued with economic advantages.

In this respect, the Commission Communication of March 2003 provided for the framework when the parties (EU and neighbouring countries) agreed on enhancing their dialogue and multiplying the fields where they work together towards a common goal – level the differentiations and avoid building new fences, be they political or economical ones. The EU offered than, for the first time, a privileged partnership, including a stake in the Internal Market. And the partner countries committed themselves to achieve steady reforms that allow the establishment of the new concept of cooperation and interaction.

This should be the basics to be observed in the process of reshaping and reforming the future European Neighbourhood Policy, ENP plus.

Dimensions of the ENP plus

a. Borders of Europe: the open door policy

The EU should not try to give a final and rough answer to the problem of the borders of Europe or to put an end to the European enlargement, but to let the door open. This way, the whole policy of adapting neighbour countries to EU rules in order to become compatible with those norms and institutions, at the national level, is and will remain a political and strategic instrument that could offer effectiveness for the added value that the whole enlargement process offered to both EU and the candidate countries. The policies of enlargement are a success story of the EU and those benefits should continue.

This position is in line with EU agreements in place. The Rome Treaty did mention that every country that shares and observes the fundamental values and, at the same time, realises the normative and institutional compatibility and meets the Copenhagen criteria, could eventually demand the EU bodies to analyse its candidate status and its request to join the European Union. This should be the principle to reshape the future ENP – the ENP plus - and maybe these points should be mentioned, by reproducing them, in the future bilateral documents that EU will develop with the countries from the Eastern Dimension.

Moreover, the open doors policy is in the direct interest of the European Union itself: first, the enlargement has proven to be a success story, with the end of obtaining large scale democratic changes in the former communist countries and the enlargement of the European market, as well as a deeper institutional compatibility at the level of the Union itself (since the enlargement has pushed for reforms in the decision making system requested by the practical needs and effectiveness in a 27 country Europe, more than it has ever been the case in a 15 country EU that could work with intergovernmental bodies and decision making mechanisms).

We also have to notice that for the medium and long term, the new member states became net donors at the budget of the Union, a fact that leads to a substantial rate in the growth of the Union’s budget, with direct advantages for the entire European Community. And if we are talking about the costs, the 1,1% of the GDP that represents now the European budget at 27 is far less – in relative figures - than the budget of the EC at 9, so before the acceptance of Portugal and Spain!
b. Specialising the ENP: the Eastern Dimension

Romania - as a new member state - is very interested in the perspective of introducing, together with the general policy – applied through individual action plans -, of a regional dimension of the future ENP. The arguments for such a policy will be to try to single out and to underline the characteristic elements of an Eastern Dimension of the European Neighbourhood Policy. This is certainly different from its Southern dimension, first because it should be considered as a European Union Neighbourhood Policy more than a European one - since the Eastern Dimension is describing a direct neighbourhood of the EU, while the Southern dimension is really in the neighbourhood of Europe and not the EU, being in a completely different continent, on another shore of the Mediterranean Sea. Another key difference is the fact that the countries from the Eastern dimension –Republic of Moldova, Ukraine, Caucasian countries – have expressed clear political will and desire to join the European Union, which is not the case for the countries from the Southern Dimension.

The proposed objective for the ENP could be achieved with more effectiveness also by splitting, specialising and refining neighbourhood policies between Eastern dimension and Mediterranean countries. This will help using suitable tools – including the ones related to the free expressed will to join the Union – in ensuring and enforcing irreversible reforms in EU neighbouring countries. The budgetary policies should also follow this trend of rising interest and concerns of European countries for the region, in order to create a more adequate and important pillar from the Eastern dimension of the ENP in Republic of Moldova, Ukraine, Caucasus, Belarus.

c. New challenges and complexity: the security policy

The trilateral expert group is advocating for a more effective way of approaching the security field through the ENP, taking the first step by at least adopting and transposing for the Eastern Dimension the minimum package from the Barcelona Process for Mediterranean countries. This should be improved by adapting the specifics of the Eastern Dimension but also by finding suitable tools to deal with the challenges and complexity of the security issues in Eastern Europe. The security policies of the states included now in the ENP become more and more important for Romania, that would become a state with the second European border in length at the East, after Poland.

It is also clear that the new European Neighbourhood Policy, in its security dimension, should be compatible and should extend to the neighbour countries from the Eastern Dimension important parts of the CFSP – Common Foreign and Security Policy, as well as of ESDP – The European Security and Defence Policy.

d. Energy dimension: the added value of the Wider Black Sea Region

Energy was a topic of the ENP from its beginning. The subject is gaining more and more importance on European countries common agendas and it will become one of the driving forces of the future European convergence and cooperation. We have to bring the whole spectrum of ideas from this dimension within the ENP, as energy represents both a common interest and a common challenge that we need to face together.

The new ENP – ENP plus – should involve the security dimension more and has to be compatible with the new challenges of the energy security strategy that EU already drafted.
This very task is difficult and could not be fulfilled without using the real potential and the added value that the Wider Black Sea Region is offering us, as well as the strategic advantages of this region, neighbour to the Caucasus and Caspian source of oil and gas. EU has to assume more responsibilities, face the challenges and addressing energy security issues in this region in order to take full advantage of its new role as organisation littoral to the Black Sea.

Moreover, we think that the security energy policy in the region will be decisive in order to define, in the future, the limits of the capacity of integration, solidarity and cohesion of the countries in the EU and even the perspectives of the EU as an organisation.

e. JHA: control the Eastern border

JHA cooperation has to find clear and sustainable solutions in some key areas including the visa regime, but also readmission, migration and asylum, better coordinated fight against organised crime, trafficking of all kinds and corruption. In the same plan we have to improve the component of the convergence of justice reforms, with all the components that will lead to the admission of the court decisions from the neighbour states.

The ENP plus has to focus on improving border control, and, moreover, helping the countries from the Eastern dimension to deal with this threat of migration and trafficking of any kind, so that to improve their own control at their Eastern border, even if this means revising policies of citizenship, visa and travel between the CIS countries.

EU has to address with much more strength and accuracy the issues of the existing agreements between the CIS countries in the fields of intelligence, Justice and home affairs, cooperation in the so called “force institutions”, insisting for denouncing and withdrawal from those agreements that are incompatible with the aspirations of EU accession of the countries from the Eastern Dimension of the ENP. These policies should improve the degree of compatibility - institutional, normative and practical - with EU policies in the field.

f. Smuggling and tax eviction

Another important challenge is related to smuggling and tax eviction. This should be another important task related to both border control and to viability of the countries tax system, for the Eastern Dimension. One country should not take advantage of the common internal market if it cannot collect due taxes from its own economy or has no control on the smuggling and transit of goods towards EU countries. Assistance and training must be the main targets of the support in this dimension.

g. Labour market: between illegal migration and free movement

Related to border control and trafficking, the migration of the labour force has to find a suitable, non-discriminatory and adapted European common policy. EU should find more appropriate solutions in order to identify the fields where the labour force from neighbour countries is already working and the ones where this labour force is needed. We have to better manage migration in a time when the EU needs labour force and the countries in the Eastern Europe can provide a qualified one.

The ENP has to adapt in this very field, to the fact that the neighbours from the Eastern Dimension have important revenues and advantages from their labour force working in the EU, after
finding niche fields. The revenues that come to the families do equilibrate the international payment balance of those countries. The ENP should help those countries, with intelligence and creativity, for stabilising their own labour force. The lack of labour force that will eventually appear in those countries would be filled with people migrating from countries in the far east or the Middle East, creating new problems that the countries from the Eastern Dimension of the ENP are not prepared to face.

h. Frozen conflicts. Towards a correct and sustainable solution.

Part of the security threats, but also responsible for the trafficking and smuggling, are the challenges linked to the frozen conflicts and to the non-consented presence of foreign troops on the territory of the countries from the Eastern Dimension of the ENP. There is an emerging role for the Union in solving these conflicts through ENP, which is far more visible and sound in Transnistria and South Osetia. There is already a high degree of expectation in the region from the EU, especially in assuming more responsibilities connected to the resolution of those frozen conflicts.

Apart from managing these high expectations, it is in the interest of the EU to start considering how to use all its instruments, including its privilege position towards the countries from the Eastern Dimension, willing to join the Union, for bringing sustainable peace in these critical areas. The solution of such a conflict should be both correct, according to international law, and sustainable, so that the international community would not be obliged to come back to the solution half a year later after implementing one.

Of course, in this equation we have to consider the crucial Russian factor, but we think that the ongoing negotiations with Moscow on the future contractual framework with the EU could bring the window of opportunity for more attentive negotiations as well as some light on this complex and sensitive matter.

The role of Romania

Romania, together with Poland, as the most interested countries in this dimension, could accept the responsibility of sharing the task of assessing, planning, and enforcing those policies at the border, the first at the Black Sea Region and the second in the Baltic region. The assistance of all European countries in this field will be very much welcomed.

Romania is seeing itself as a team player in the EU framework, with its added value related to its resources and know how about the countries included in the Eastern dimension of the ENP. The trilateral expert group supports its will to use those resources and the capabilities of its diplomacy inventively and with courage for the common benefit of the EU, together with all EU partners that want to have a direct participation in those policies and the countries from the Eastern Dimension. Balanced actions, common sense, and an adequate European foreign and security policy to EU capabilities and resources, but also maximizing EU potential in this dimension are recommended.

New monitoring tools and capabilities for effectiveness

Last but no least, EU will have to reconsider and find new instruments for a close and thorough monitoring of the way that ENP countries from the Eastern Dimension are observing their commitments towards EU, commitments assumed in the framework of the Action Plans. This should be completed with new instruments and capabilities that will enable the EU to obtain suitable responses of the countries involved in the ENP to the observations regarding the degree of adopting
and applying the reforms, the degree of compatibility with the respective norms and requests of the EU. This should fulfil the efficiency and effectiveness principle mentioned above as a driving force for improving the European Neighbourhood Policy, the ENP plus.

4.4. EUBAM

The EUBAM, probably the best and the most efficient reform tool in the field of border management. On the other hand, it is an expensive exercise that proved the ability of the EU to set and organise a big mission rather quickly. It should also be mentioned that the necessary political will had to be created previously in both neighbouring countries Republic of Moldova and Ukraine in order to allow the operations on their respective territories.

The customs and border dialogue between Republic of Moldova and Ukraine has entered a new phase after the failed attempt in September 2001 to establish joint Ukraine-RM control posts on Ukrainian territory.

Later customs dialogue was focused on the reestablishment of joint control-posts, particularly on the separatist segment of the common Republic of Moldova-Ukraine border (including, Kuchurgan-Pervomaiskoe and Kuchurgan-Novosavitskoe). This bilateral dialogue has been mediated since 2003 by EU and continued at OSCE. By that time, the Republic of Moldova head of state announced that German, than British etc. customs had agreed to substitute or observe on the ground the cross-border traffic of Republic of Moldova and Ukraine.

In March/May 2003 an observation and evaluation team, with an OSCE mandate, carried a fact-finding mission in the separatist region and elaborated some recommendations in favour of an international mission under OSCE mandate.

The EUBAM is a compromise of “international customs control on the separatist segment of the state boundary line of the Republic of Moldova and Ukraine and assistance for an effective international mechanism of its monitoring …” asked by a joint letter of the head of states from Republic of Moldova and Ukraine of 2nd of June 2005. Its mandate was approved for 2 years and was extended in March 2007 for the period 2008-2009.

Despite the agreements that existed at that time between the Republic of Moldova and Ukraine, the initiation of the demarcation processes by a joint Commission, and also drafts of bilateral agreements, there were some difficulties to establish effective communication. Only for illustrative purpose and a matter of example we would mention: “joint control posts” in the separatist region; border guards conflicts near the Novodnestrovsk Power Plant; customs disputes; territorial disputes in the demarcation Commission; Palanka border management etc.

EUBAM has no executive power and it cannot enforce legislation by itself, which is prohibited even by its mandate. However, there is an observer at the border and may ask for additional checks at the request or upon the information of the respective competent services.

Nonetheless, we would mention the collateral effects. First, it is EU involvement on the ground and its presence in the region. It gave a better knowledge of the situation and a more effective policy orientation in Republic of Moldova and Ukraine. Second, it has significantly improved the communication and trust between the competent border authorities of both neighbour countries. The third element to be mentioned are the 41 recommendations of the Needs Assessment and Recommendations Report (NARR) that will guide the reform process.
Despite its actual technical role, the impact on modernisation of border authorities of the Republic of Moldova is the most relevant. It could also be envisaged to extend or transfer this experience from customs and border management matters to the cooperation on readmission procedures and investigations.

The first year’s record of the monitoring mission of the Republic of Moldova-Ukrainian border is encouraging, issues like illegal migration, drugs, trafficking of Western stolen cars, chicken meat smuggling offering positive statistics. Also, the implementation of modern container checking techniques has proven fruitful in terms of hunting guns and unmarked cigarettes.

Some points remain to be better put in place, namely the cooperation and free access to the port areas including containers depots. A new improvement is needed in the quality of the random checks at the border as well as in the improvement of efficiency of the Ukraine/Republic of Moldova border guards. Training and expertise for those involved at the border – border guard, police, customs, sanitary and veterinarian checks – should be more extensive and targeted. Ukraine and Republic of Moldova are requested to adapt their rules at the border to European standards for controlling persons and goods. In order to avoid duplication and to improve the coordination, the integrated border control should be in place, according to European standards, including experiences of experience exchanges and common control teams.

EU has been preparing the second phase of its monitoring mission in the larger framework of the Concept on ESDP missions at the frontiers, drafted by the General Secretariat of the Council. The latter document envisages a new approach towards the new border security challenges and risks brought forward by the eastward and southward expansion of the EU. Taking into account the fact that the European Commission is the main body governing the customs regime, any initiative in this field has to be dual-hatted, the military and civilian bodies of ESDP dealing only with security issues. As a consequence, shortcomings of the 1st phase like the steel smuggling are to be dealt with during the 2nd phase with the help of the European Commission. The larger issue of combating organised crime is to be addressed by creating mixed teams of policemen and prosecutors.

5. Trilateral cooperation and the added value for Republic of Moldova and Ukraine in terms of European and Euro-Atlantic integration

Trilateral cooperation proved to be an important tool for the regional approach to the issues that concerned the three countries.

The main concerns at a trilateral official level that could be dealt with are: the Transnistrian issue, the visa regime, the energy security, the corruption and the citizenship issue. The lessons learned from the Romanian transformation as well as other EU-NATO states from the “new Europe” are vital and even more important than examples of transformation. But in the field of visa facilitation and than visa free regime, as well as in the field of fighting corruption, Romanian experience could be a good example.

5.1. Towards visa-free travel for Ukrainian and Republic of Moldova citizens vis à-vis the EU: using Romania’s experience

After nearly one year of negotiations, the European Community and Ukraine have agreed on a draft agreement with regard to the facilitation of the issuance of visas. It was initiated at the 10th EU–Ukraine Summit in Helsinki on 27th October 2006 by the EC Commissioner Benita Ferrero-Waldner and the Foreign Minister of Ukraine Boris Tarasyuk. The agreement is far from being ideal
but can certainly be seen as a first step in the right direction. Of particular importance is the recognition by the EC, as referred to in the Preamble, of the ‘introduction of a visa free travel regime for the citizens of the Ukraine as a long term perspective’. As a result, it opens up the possibility of the gradual easing and eventual abolishment of visa requirements for Ukrainian citizens. It should be noted here that the agreement was negotiated at a time when the EC was working on amendments to the Schengen aquis, needed in relation to the planned introduction of Visa Information System and biometric data requirements.

The agreement offers several advantages. Firstly, it fixes the fee for the processing of a visa application at EUR 35. This means that this fee will not be changed even though in June 2006 the Council amended the Common Consular Instructions and the Common Manual introducing a EUR 60 fee. Though, in general, fixing this fee at EUR 35 is a positive achievement, from the point of view of the Ukrainian citizen, it does not constitute a positive change but only the continuation of the existing situation. In addition, in the cases of certain categories of persons (including minors) this fee can be waived. Secondly, the agreement fixes the length of the procedure for the processing of visa applications at 10 calendar days from the date of receipt of the application and documents required.

At the same time some essential disadvantages of the agreement should be mentioned. The agreement divides Ukrainian society into two groups, namely the few privileged who can get a multiple-entry visa, benefit from a simplified procedure (a shorter list of documents required to submit visa application), or profit from the waiving of the application fee for the visa, and as to the remainder: the vast majority of ordinary citizens who cannot enjoy such advantages. This can create a feeling of discrimination and lead to the conclusion that the European Union is interested only in the Ukrainian elite. In turn, this can lead to the EU being seen in a negative light. In addition, the privileged categories are to include journalists, business people and drivers, and that favouritism might easily lead to corruption (tempting some to submit counterfeit confirmation of their journalist or driver status). Should such practice become widespread, the mutual trust between the EU and the Ukraine will suffer.

Similar agreement is now being negotiated between Republic of Moldova and the EU.

During his recent visit to Romania on January 15th, 2007 President of Ukraine Victor Yushchenko announced that Ukraine grants Romania visa free access to Ukraine for Romanian citizens since this country became a EU Member state. At the same time, Romanian government considered a decision to issue free of charge visas for Ukrainian citizens. However, due to new formula fixed in EU-Ukraine Visa facilitation agreement (which establishes 35 Euro visa fee) Romania is unlikely to implement a model practiced between Ukraine and some new EU Member states namely Poland, Czech Republic, Slovak Republic, Hungary, Latvia, Lithuania and Estonia (visa free regime in exchange for visas free of charge).

In 2005, respectively 2006, Ukraine and Republic of Moldova unilaterally abolished visa requirements for the citizens of the EU Member states.

Due to the fact that both Ukraine and Republic of Moldova expressed a will to achieve a visa free travel with the EU, Romania’s experience should be learned.

Romania has a positive experience as a country which successfully graduated from the EU “black list” and has enjoyed visa free travel vis-à-vis the EU since January 1st, 2002. Ukraine
and Republic of Moldova can use the Romanian experience to elaborate and implement the national strategies, which will lead to the visa free travel to the EU in the future.

In order to make a substantial progress on this way, Romania had to comply with certain conditions aimed at creating a better legislative framework for the control of Romanian migration to Western countries. In this context, the prerequisites of migration were meant to prevent irregular migration flows by guaranteeing the return of the migrant and also making sure that he/she will not recourse to public funds or to seeking a job abroad. A round trip is to be proven by the transportation documents within a three-month period after leaving Romania. Also, an amount of EUR 100 a day and a valid health insurance might guarantee that the traveller has enough resources to support oneself while abroad. In order to discourage irregular migration (cases when migrants overstay the legal period of 3 months in a EU country or break the laws abroad), the Romanian government has imposed sanctions that refer to the suspension of the right to free-circulation for a period up to five years or to the annulment of the right to bear a passport. Enforcing control of public servants dealing with issuing passports and of the border police was meant to prevent corruption and consequently to strictly observe the rules.

Labour migration accounts for the largest part of out-migration flows in Romania. In this context, bilateral agreements with the destination countries facilitate the free and orderly circulation of workers while also guaranteeing equal rights to migrant workers and autochthonous population. Important progresses have been made at the legislation level regarding Romanian citizens working abroad. During 2000-2004, Romanian government signed several bilateral agreements with countries that turned out to be important destinations for Romanian workers (like Spain, Portugal and Italy).

In view of countering illegal migration, Romania has signed readmission agreements with all EU member states and with the neighbouring countries and intends to conclude readmission agreements with transit countries and with all countries on the EU “black list”.

As regards expulsion and return procedures, in respect of the human rights, the legislation of the above states includes exemption from these procedures of the migrants whose rights and freedoms might be endangered in the origin country or might by subject to torture or inhumane and degrading treatment.

A new Aliens Act was passed in December 2002 by the Romanian government. It specifies admission criteria for third country nationals for the purposes of employment, self-employment, and studies. Provisions also refer to unaccompanied minors, expulsion, return procedures, and sanctions implied by the breaking of the law provisions. In spite of the fact that the law facilitates the free movement of EU workers and supports family reintegration, it also includes a discriminative practice as regards the access to the labour market of EU citizens who can only be employed if Romanian workers have not been found to fill the vacancy.

The latest migration strategy passed by the Romanian government in April 2004 incorporates the legislative migration framework referring to chapters above while also formulating new objectives for further harmonisation of the legal provisions and of the specific practices to the international laws and requirements. Its main aim is the elaboration of the National Action Plan that will specify the attributions and responsibilities of all institutions and authorities dealing with the phenomenon. Each of them will also elaborate detailed plans for achieving their specific objectives.

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Recommendations for Ukraine and the Republic of Moldova:

In order to prove its consistency in the area of JHA and provide ground for further successful visa dialogue with the EU, Republic of Moldova and Ukraine should continue policies aimed to achieving European standards in areas like migration policy, border management, passport issuing system, citizenship policy, strengthening domestic security. A roadmap towards visa free travel should be based upon the reasonable application of the EU criteria used before towards Romania and Bulgaria, which graduated from the EU visa “black list” in 2000.

Policies are supposed to be based upon criteria chapters of Commission reports on Bulgaria and Romania, which became a basis of decision to exclude those countries from the “black list”. The main areas are following:

• The legal framework and administrative practice at the borders: visa issuing policy, sanctions for illegal migration (including sanctions to those persons who used territory of those countries in order to reach EU member states territory), sanctions on facilitators of illegal migration to the member states.
• Infrastructure development of non-EU borders
• Procedures for obtaining passports, technical standards and combating corruption in passport service
• Introduction of EU-style personal ID-cards
• Confidence-building measures between border and custom services of Ukraine and the Republic of Moldova with neighbouring EU member states
• Continuation of cooperation within EUBAM framework
• Repatriation of nationals - if they violated member states legislation and were deported.
• Strengthening the level of cooperation with neighbouring member states in the sphere of border management and combating illegal migration.
• Cooperation with European tour operators.

Specific recommendation for Republic of Moldova

Republic of Moldova realised its own problems with the visa regime only later, after the 1st of January 2007, when Romania entered the EU, in spite of the public run for Romanian and other EU countries citizenship and the obvious pressure in front of Romanian Consulate.

The visa crisis was misjudged based on the rationale that EU will be somehow forced to make concession as well as to accept a visa free regime for the citizens of Republic of Moldova. This forced the authorities of the Republic of Moldova to begin talks on visa facilitations and readmission regime only in mid February. On the other side, the request of visa free regime is an unrealistic one for the Republic of Moldova and such a request disqualifies the authorities. It proved to be a wrong assessment that Republic of Moldova could get directly the free visa regime with EU.

In this respect, we recommend the Republic of Moldova’s authorities:

- Avoiding counter-productive positions and rhetoric that can be perceived as an irrational attack against EU;
- opening a dialogue with Romania, Ukraine and other countries on the citizenship issues;
- reconfirming the opening of two Romanian consulates in Bălți and Cahul;
- Use the Romanian and Ukrainian experiences in order to close the most advantageous deals of readmission with neighbours and migration source countries, and visa facilitation with the EU;
- Acquiring expertise from EU member countries, including Romania, for the means and conditions of visa free regime with the EU and make suitable reforms to be a credible candidate for this goal.

5.2. European energy security concerns: a regional dimension

In the energy sphere, stable trends within EU member states and the EU as an entity are marked by a growing reliance on imported sources of energy and, respectively, by the increased dependence on oil and gas producing and transit countries. Since in all energy-related issues Russia is one of the main EU trading partners (accounting for 9% of the EU total imports, Russia is the EU third largest trade partner), this factor dominates not only bilateral EU-Russia relations, but to some degree, also the EU attitudes towards its eastern European neighbourhood, including Ukraine and Republic of Moldova. The “Big Bang” enlargement of 2004 has made the EU even more vulnerable in this respect, because most of the new members receive their oil and gas supplies mainly from Russia.

The comparison of Russia’s share in imported oil and gas before and after enlargement indicates the rise in oil supplies from 18% in 2001 to 30% in 2005, and for gas – from 41% in 2001 to 50% in 2005. The dependency on Russian gas is expected to grow with the replacement of coal-fired power plants in Poland, Estonia and Bulgaria, and plans of closing nuclear reactors in Germany, also in Lithuania, Slovakia and Bulgaria. The last EU enlargement – entry of Romania and Bulgaria on January 1st, 2007 – could only contribute to the overall EU dependency on external energy supplies. In line with general games of “real politics”, concerns about stable and secure energy supply override more idealistic aims, such as the promotion of democracy and human rights. The EU is no exception: although it keeps democracy and human rights on the agenda of its Russia policy, it is energy that dominates EU-Russia relations.

Although the risks related to the EU overdependence on Russia are by no means newly emerged, the EU appears recognizing its own interests in ensuring energy security only recently. In a paper on EU security strategy, made public in December 2003, the specific issue of energy security as an essential part of the overall security concerns was not included into the “key threats” part of the document, and was only briefly mentioned as one of the global concerns that “have increased European dependence – and so vulnerability – on an interconnected infrastructure in transport, energy, information and other fields”. Meanwhile, the events of 2006 illustrated, quite convincingly, that potential “vulnerability” has already transformed into the actual crises like those striking the energy-consuming countries three times over the two winter months, January and February 2006. The EU member states experienced direct negative impact, resulting from the Russia-imposed energy and gas crisis in Ukraine (started on January 1st, 2006) that coincided in time with an energy crisis in Republic of Moldova (also with a nearly catastrophic situation in Georgia which suffered from a complete cut-off of Russian energy and electricity supplies for as long as 16 days).

The January 4th Russia-Ukraine agreement ensured that Ukraine would have sufficient gas for emergency supplies (starting from January 2nd and satisfying about 50% of Republic of Moldova’s need) to the neighbour during the latter’s negotiations with Gazprom. On January 5th, Ukraine’s Fuel and Energy Minister Ivan Plachkov declared that Naftohaz Ukrainy, together with the RosUkrEnergo, would take over from the Gazprom the task of supplying gas to Republic of Moldova. Gazprom immediately reacted by informing the Moldovagaz company that the Russia-Ukraine agreement signed on January 4th prohibited such „re-export“ of gas from the volumes allocated for Ukraine.
The gas crisis of Ukraine underscored the dangers of the growing energy dependence on Russia and induced a serious discussion within the EU. The crisis raised energy security high on the EU agenda and gave an impetus to developing a common energy policy. The Green Paper on energy was indeed prepared by the European Commission in March 2006. The document focuses on such by all means pivotal issues as diversification of the types of energy, conservation, saving, greater use of renewable and non-fossil fuels, interconnection of energy systems, and additions to storage capacity, but much less on diversification of oil and gas supply sources. As a first, cautious step away from traditional thinking, the Green Paper contains references to the EU “external” dimension of security strategies, including engagement of its broader neighbourhood as essential to deliver competitive and secure energy. An obvious weakness of this document consists of the lack in mentioning a need for further promotion of such promising EU projects as the TRACECA (Transit Corridor Europe-Caucasus-Central Asia), developed in 1990s, which failed to obtain enough funding and political support from the EU, or any other concrete project. This first effort to formulate a common EU energy strategy and ensure the EU overall energy security does not tackle an important issue of a direct access to Caspian and Black Sea basins as alternative energy sources and transportation routes, vital for the diversification of oil and gas supplies in order to diminish the EU overdependence on Russia.

Concerning the concrete cases of energy crises at the beginning of 2006, the EU response to Russia’s hostile moves against Ukraine, Republic of Moldova, and Georgia was rather mild. Even after the repeated winter supply shortfalls the EU Energy Commissioner named Russia, contrary to the accumulating evidence, a “reliable partner”. Moreover, EU Council spokespersons characterised those acute energy problems as “bilateral” (Ukraine-Russia and Republic of Moldova-Russia, respectively) and of a purely commercial nature. At the expert level, however, those incidents have been regarded as alarming signals, indicating Russia’s increasing unreliability and unpredictability, and named the “waking calls” for Europe.

The EU concerns about overdependence on Russia’s energy supplies had been growing throughout 2006. Discontent between the EU and the Russian Federation was further aggravated because of repeatedly failed negotiations on signing by the latter of the European Energy Charter. This EU document defines the market-based rules on coordinated policies on energy production and transportation, also the prices for domestic and foreign consumers. Such an approach is incompatible with Russian trends to put all energy-related activities under strict state control, realised through the state monopolist companies like Gazprom and Transneft. While the European Commission’s Green Paper stipulates that energy demand can and must be managed by market instruments – thus ensuring energy prices to reflect real costs, – the Russian Energy Strategy to 2020 unveiled intentions to continue state regulation of internal gas market through price, tax and investment policies, also by legislation subordinated to the state monopolies interests.

These developments stressed the vital necessity to diversify the sources of hydrocarbons export to Europe and to diminish energy dependence on Russia as presenting a serious security problem and a set of risks.

According to strongly formulated opinion of Romania’s President Traian Basescu, “it is clear that Gazprom is now more efficient than the Red Army was even 40 to 60 years ago”. This was said in a speech delivered to the international conference in Washington “Caspian Energy Exports & the Black Sea Corridor” on July 28th, 2006. That presentation highlighted an increasingly large risk of Gazprom’s monopoly in Europe, and urged to focus on Caspian and Black Sea basins as alternative sources of energy and transportation routes.
Indeed, the events of the end of 2006 – beginning of 2007 fully justified mounting concerns about Russia’s reliability as the main supplier of energy to European countries. Precisely a year after the January 2006 energy crisis, a similar Russia-orchestrated crisis – this time, focused on oil prices dispute with Belarus – met quite a different response from the EU. The crisis that hit Russian oil supplies to Germany, Poland, Ukraine, and other Eastern European countries, elicited widespread criticism across Europe. An unusually harsh statement was made by the head of the International Energy Agency’s Claude Mandil, who said the move undermined faith in Russia as an oil exporter and was „something that should never have happened.“ German Chancellor and current European Union president Angela Merkel denounced the pipeline closure as unacceptable and one that „destroyed trust“ in Russia as an energy supplier.

Russia’s timing could backfire and may end up damaging relations with European partners, as the decision to stop pumping oil through Belarus came just hours ahead of a key round of EU talks on energy. The cumulative effect of several times repeated, Russia-induced energy crises might have contributed to the change of mindset of authors drafting the long-awaited EU policy paper on energy. Analysing this draft, we can refer to such points as the necessity to bolster its ties with all energy producing partners to avoid becoming too dependent on any source, and to develop “effective energy relations with all its international partners . . . This means relations broadened in geographical scope and deepened in nature.“

Although the European Commission’s paper does not explicitly spell out Brussels’ fears about the dangers of relying increasingly on Russian gas, it calls for the EU to rally round a policy of strengthening ties with alternative producers, particularly with the former Soviet states. The draft policy focuses much of its attention on closer ties with Central Asia and the Caucasus, including the implementation of recent agreements with Azerbaijan and Kazakhstan „to facilitate the transport of Caspian energy resources to the EU“, and aiming at reaching similar deals with Turkmenistan and Uzbekistan this year. The importance of such suppliers is likely to be bolstered by the completion of the Nabucco gas pipeline through Turkey.

The EU priority energy project, Nabucco pipeline would transport natural gas from the Caspian region, mostly from Azerbaijan to Turkey. It would then be sent through Bulgaria, Romania and Hungary and finally to Austria. The five transit countries have already established a consortium for joint participation in the project. When completed, at the earliest in 2011, the pipeline, carrying at least 30 billion cubic meters, or 1 trillion cubic feet, of natural gas a year, would benefit all the EU 27 members. It would also open “a window of opportunity” for Ukraine and Republic of Moldova that expressed their interest to join the project. The 3.000-kilometre Nabucco pipeline has been subject to many delays, not least because of uncertainty over whether it would be able to ship natural gas from Iran. After the energy dispute between Russia and Ukraine in January 2006, the EU decided to speed up its construction, whereas the European Bank for Reconstruction and Development agreed to finance 70 percent of Nabucco construction costs.

This optimistic scenario may fail because of a special position of Hungary, whose current government expressed its intention to take part in Russia’s Blue Stream project planning to extend the Gazprom’s pipeline from Turkey to Hungary (this decision was made public on March 12th, 2007). The Blue Stream pipeline, starting in Turkey and crossing Bulgaria and Romania, would follow almost the same route as Nabucco, cost just as much and be finished about the same time. Because of this, it would compete with the EU project thus countering the EU efforts to realise a common energy security policy. Notwithstanding the very fact that Hungary is a part of Nabucco pipeline consortium, Hungarian prime-minister Ferenc Gyurcsany expressed his overt scepticism as to Nabucco’s future, hailing instead Blue Stream’s advantages. President Putin’s promises to ensure
realisation by Hungary of its ambitions to become a major energy hub in Central Europe (instead of Austria becoming a hub country for Caspian gas) have probably contributed to the governmental decision to back up Russia’s project even at the risk of alienating Hungary’s CEE partners and the EU institutions. It looked strange enough in view of the EU summit in Brussels on March 8th – 9th that reconfirmed the Nabucco project as being a top priority for the EU.

However, responding perhaps to mounting criticism for these plans by Hungary’s conservative opposition party Fidesz, as well as alerted western media and disapproval by Brussels, Gyurcsany, during his March 23 visit to Moscow, stopped short of endorsing Gazprom’s Blue Stream project, announcing on the visit’s eve that signing gas deals was not on the agenda. In the wake of the visit, Gyurcsany attempted to show more balanced standpoint concerning Blue Stream versus Nabucco, and stated that Hungary would pursue „wait and see“ policy, making its eventual choice after receiving the details on both projects. He also mentioned Germany, France, and Italy as precedent-setting by signing long-term bilateral agreements with Russia that do not comply with general principles or commitments under the EU common energy security strategy.

Another threat to the EU-pursued course on diminishing its reliance on Russia’s hydrocarbons may arise following an agreement to build the Burgas-Alexandropolis Trans-Balkan oil pipeline, signed on March 15th by Russia, Bulgaria and Greece. This pipeline, becoming a rival to trans-Caspian oil transport projects from Kazakhstan westward (such as the already started Baku-Tbilisi-Ceyhan) would be the first one controlled by the Russian Federation on the territory of the European Union. Realisation of this project would also divert Caspian oil from filling Ukraine’s Odesa-Brody pipeline with its possible extensions to other European countries, and may provide additional argument to lobbyists of continued long-term use of this pipeline in its “reverse” (north-south) direction.

Trying to summarize the end results of the year 2006 for the three countries – participants of the Trilateral Project – in the energy sphere, we see a striking difference between Republic of Moldova’s and Ukraine’s situation, on the one side, and Romania’s – on the other.

For Republic of Moldova, with its 100% dependency on Russia’s gas supplies, agreements reached with Russia in late December signify actually a defeat: beginning from 1st January 2007, it has already been paying $170 per 1.000 cubic miters of Gazprom’s gas, whereas the transit rate for Russian gas exports through Republic of Moldova to Balkan countries remains unchanged ($2.50 per 1,000 cubic meters for every 100 kilometres on Republic of Moldova territory). The five-year agreement foresees a gradual increase of price to reach “European average”: 75% of that price in 2008, 80 to 85% in 2009, 90% in 2010, and 100% of the “European average price” in 2011 (minus transportation costs).

In addition, Russia apparently consented to earlier Republic of Moldova’s demand to comply with the WTO rule of country-of-destination VAT (value-added-tax) collection, and Republic of Moldova withdrew its earlier objections to Russia’s entry to this organization. The biggest consequence of Republic of Moldova’s giving in under Russia’s pressure was handing over to Gazprom its internal gas distribution networks. Gazprom praised this as a model for other CIS countries, which in fact meant that those countries should accept handover of their national assets to Gazprom in return of a “favour” to raise prices gradually over several years, until they reach an “average European” level. In Moldovagaz, the Republic of Moldova-Russian joint-stock company, the Russian side held 50% plus 1 share, whereas the Republic of Moldova side owns 35.33% shares. After Tiraspol authorities’ decision on Transnistria’s withdrawal from the Moldovagaz in 2005, 13.44% of shares, earlier belonging to Transnistria, were passed over into trust management by the
Russian shareholder, thus raising the Gazprom’s stake to 63.4%. However, the gas distribution system of Transnistria remains under the de facto control of Tiraspol.

Republic of Moldova imported 2.5 billion cubic meters of Russian gas in 2005 and approximately 2.3 billion cubic meters in 2006. The interruption of supplies in January 2006 and the mild weather at the end of the year led to the decrease of consumption below the contracted level. The breakaway Transnistrian region consumed 1.1 billion cubic meters of Russian gas annually in the last few years. Officially recognised debts to Gazprom exceeded $1 billion in 2004. According to Supreme Soviet chairman Yevgeny Shevchuk, by the mid-2006 Transnistria owed to Gazprom $1.2 billion, but neither Gazprom nor the Russian government seriously attempted to collect those debts. For its part, Chisinau has paid for Russian gas on schedule, in full and in cash for the almost a decade.

For Ukraine (engaged more into the internal power battles than in formulating clear priorities of its foreign and domestic policies), prospects for ensuring energy security are also not encouraging. As a result of negotiations between the two successive Ukrainian governments and Russia, in 2007 the price for gas supplies increased from $95 per 1,000 cubic metres in 2006 to $130. This hike would not be compensated by the appropriate rise of prices for transit. According to governmental officials, Ukraine cannot demand a higher transit rate for Gazprom and RosUkrEnergo gas, coming to European Union countries through Ukrainian territory, because this rate was already set for five years by the January 2006 agreements signed by Gazprom, RosUkrEnergo, and Naftohaz Ukrainy. Those agreements established the transit rate for 2006-2010 at $1.6 per 1,000 cubic meters per 100 kilometres of Ukrainian pipelines, whereas the sale-and-purchase price of gas is subject to renegotiation in annual agreements. Thus, those agreements, following not transparent, “under the carpet” negotiations, deprived Ukraine of its once strong “transit argument” for restraining further sharp rises for Russian gas supplies.

In the oil sector of Ukraine’s economy, the fate of the most important Odesa-Brody project, originally destined to carry Caspian oil to European consumer countries, remains unclear. After the presidential elections in 2004, successive Ukrainian governments, irrespective of their “political colors”, have tried to restore the initial “direct” (south-north) operation of the pipeline. However, despite a number of signed agreements, of recently voiced intentions of Azerbaijan to participate in project realisation, of joint working groups established by potential sides and other endeavours, the situation has not yet been settled successfully. Mixed signals by the Ukrainian government and President Yuschenko, seeking the way out by considering to build the next part of the pipeline not only to – or, rather, not to – Poland (Plock and Gdansk as the first points at the EU territory) but to Slovakia, then directing it to the Kralupy and Litvinov refineries in the Czech Republic, added confusion and uncertainty as to the project’s future. Taking into account the limited potential capacity of this pipeline, these new turns could hardly ensure the main initial goal – delivering Caspian oil directly to the EU markets, and bypassing unpredictable Russian or Russia-dependent intermediaries or infrastructures.

Concerning Ukraine’s gas transporting, an unexpected situation occurred on February 6th, when Ukraine’s parliament adopted almost unanimously the law that bans any deals that would involve the sale, transfer, merger, joint venture, concession, lease, putting up as collateral, the joint or trust management or any other measures changing the status of ownership or control of Ukraine’s gas transport system and other Naftohaz assets.

For Romania, 2006 was the year preceding the crucial change of status: from that of “accession country” to the full-fledged EU membership. This greatest success might determine its
future policies, in particular, in further relations with its closest neighbours – Republic of Moldova and Ukraine.

At Romania’s own initiative, a proposal was put forward to ensure the transit of Caspian energy via the Black Sea region to Europe. This proposal envisaged the construction of Constanta-Trieste 1,360-kilometre oil pipeline from the Black Sea port of Constanta, passing along the territories of Romania, Serbia, Croatia, and Slovenia and terminating at Trieste in Italy. This is the most direct transit route from the Caspian basin via the Black Sea to Europe. Recently the five above-mentioned countries signed an agreement on building the pipeline for delivering the Caspian oil through the Black Sea to Italy; its construction would cost $ 3.5 billion. Beginning from 2012, the estimated capacity of this pipeline would be 90 million tons annually.

Romania is in the best position of ensuring 50% of its oil and gas needs from internal production. It is also worth mentioning that, in crisis conditions, Romania could cover up to 70% of needed oil and gas from domestic reserves. This gave an advantage and credibility to its approach towards energy security in Europe.

Romania already proposed to GUAM countries, including Ukraine and Republic of Moldova, to participate in financing the 3rd and 4th group at Cernavodá nuclear power plant, as a possibility of alternative energy. If needed, the interconnection of the energy systems of Romania-Republic of Moldova and Ukraine could help in alternative source of energy, if not, this energy could be sold to European markets and important sums could be offered to share holders for supporting reforms.

The second project that trilateral regional cooperation could share is the Nabucco project. Ukraine already asked for Romania’s assistance to join the project that will be also beneficial for the Republic of Moldova by providing alternative routes and sources of gas.

Our trilateral expert team expresses its support for the EU TRACECA project, as well as the intention of Romania to open a liquid gas terminal south of Constanța with Qatar partnership. We all agree that the independence of one country in the region is supporting the independence of all countries in the region and offers alternative sources and routes that help reduce the dependence of all the countries in the region on one and monopolist source.

Within the EU Romania kept a firm position on promoting European integration of both Republic of Moldova and Ukraine. In particular, while seeking to gain greater EU support for energy projects of which Romania is either participant or initiator, Romania may back up the involvement into them of the two neighbouring countries. Romania’s clear understanding of the risks and challenges evolving from the EU overdependence on Russian energy supplies, its deep insight and expertise on the yet underestimated potential of Caspian – Black Sea regions as alternatives for oil and gas sources and transportation routes made it an important partner for the decision-making bodies, responsible for further development of the EU energy security strategies and policies.

We all support EU Energy Security Paper and the perspective of cooperation in finding alternative energies.

The trilateral group of experts also recommends the respective governments to find ways of improving interconnections and alternative sources of oil, gas and electric energy for our respective countries in order to reduce dependence on one monopolist source or one monopolist controlled route or pipeline.
5.3. Fighting the corruption

**Romanian experience: lessons learned**

Romania has passed through a long period where corruption became an important threat even to the accession in the EU. This led to important effort to tackle these issues, with appreciated results at the accession moment. These experiences, lessons learned and good practices are important for all the countries in the region.

The first step was to raise the awareness related to the corruption, and this began to be tackled first through public campaigns, second through mass media, which played an important role. Since media was pluralist, all the facts of corruption became public and real journalistic investigations were made that mobilized the public and made pressure on the authorities. The level of perception of the corruption was so important that at some moments, report showed even the perception of higher corruption in a future EU country than in countries from the post soviet space or from other parts in the word where corruption was more present but not perceived by the public.

The next step was to control the high level of corruption. At this level, the National Anticorruption Prosecutor Office began to work with more and more important results. Than a new push was made in order to control the money involved in political finance of the parties, with a special law limiting the private and personal contributions in the campaign and allowing a full control of the finances of the parties and of the electoral campaigns.

The next step was to establish the law on public declaration of the incomes at the entrance in office and every year, together with the declaration of interest of politicians and public servants and their family members as well as the incompatibilities between political activity and business, between the quality of parliamentarians, of public servants and running private businesses, together with the very thorough declaration of incomes and proprieties of the members of the families. The Romanian law is the most important one and the most restrictive in this respect in the EU.

Last but not least, it was important to have a suitable mechanism to check and to punish the cases where people could not prove the source of their incomes or properties or those of their family members. The Agency for National Integrity law is in the Parliament, as well as the law that helps the takeover by the state of every income that could not be proven to be legitimate and legally obtained. Even if the laws are on the run, there are famous cases of former politicians under criminal investigation or even in court, with a big part of their income taken by the state.

According to the Government Emergency Ordinance no. 134/2005, from October 2005, the former National Anticorruption Prosecutor’s Office was reorganized in the National Anticorruption Department, an autonomous structure, with its own legal personality and an independent budget, within the Prosecutor’s Office Attached to the High Court of Cassation and Justice. By this normative document, the dispositions regarding the jurisdiction were substantially modified so that this structure could deal only with high-level corruption cases. The jurisdiction focuses only on high level of corruption: offences assimilated to those of corruption beginning with 200,000 Euro and the classical bribe offence from 10,000 Euro.

The jurisdiction was also focused on high corruption as a result of reconsidering the sphere of the offender’s quality, respectively, the high-level public servants and politicians. On the other hand, the jurisdiction was extended, considering the obvious existing connections between

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corruption offences and those of economical financial macro-criminality or those offences related to exercising the public function.

The DNA status was eventually accomplished without affecting the independence of the institution since the chief of the directorate kept his jurisdiction regarding the organisation of the institution, the appointment of the personnel, the drawing up of the internal regulation, and the presentation of the annual report in front of the Superior Council of Magistracy and of the Minister of Justice.

It is worth mentioning that from the 360 defendants sent to trial by the DNA, 149 had leadership and control positions or other important positions. The number of complex cases increased as well as the number of those cases where it was difficult to gather the evidence, since the persons investigated and sent to trial had important functions and public dignities.

**Republic of Moldova**

The Republic of Moldova moves toward tackling the problem of corruption by establishing up needed instruments to prevent and fight corruption:

- an advanced National Strategy on preventing and combating corruption was adopted
- a comprehensive Action Plan was established
- a satisfactory framework of cooperation with civil society has been developed - a Monitoring Group for the implementation of the Action Plan, an Anticorruption Alliance with more than 30 NGOs involved, an Agreement of cooperation between this Alliance and Center for Combating Economic Crimes and Corruption
- some adjustments were made to its legislation following the recommendations of the Council of Europe
- some steps have been taken in the way of the implementation of the Agreement between the Republic of Moldova Government and the Challenge Millennium Accounts Corporation on Threshold Program on preventing and fighting corruption

The perception of corruption is not at a highest level, all because of the insufficient campaigns of information for the large public about the content and the consequences of corruption. International reliable studies and analysis indicates the existence in the Republic of Moldova of one of the highest level of corruption in Europe. The most concerning elements of these are as following:

- Republic of Moldova’s economy is captured by 5 big shareholding companies (which are keeping almost 80% of the market capitals, but their revenue in taxes are under any reasonable threshold of 10 mln. $)
- As it is stated in the ENP Progress Report, “Corruption is widespread and Government interference in business is a critical impediment to economic development.” Even the necessary reforms are under the way (“guillotine reform”, “single window reform”, fiscal policies improvement), the private sector representatives are complying on unfriendly attitudes from regulating, controlling and fiscal authorities, on loyal concurrence etc. The investment climate remains difficult due to the absence of meaningful restructuring of state-owned companies, and over-regulations and lack of transparency in some sectors, in particular in insurance, media and electricity.
• In the Republic of Moldova there is one of the highest levels of tolerance to the corruption practices (almost 60% of population consider giving-taking bribes as an acceptable deal), which implies large and timing civic education policies, rising warning campaigns etc.
• There is a need to clearly separate business and politics, to create a new framework and practices for financing political parties, to investigate and prosecute the most reported scandalous cases of the interference of political party representatives into economic practices. Incompatibility rules should be adopted and observed by independent mechanisms including the civil society.
• It is imperative to establish a transparent and accountable system of the public disclaimers of the governmental and public administration authorities.
• In order to strengthen state capacities of tackling anticorruption policies, further reform of the judiciary, in particular to ensure its independence, is needed.

Ukraine

Ukraine achieved certain success in fighting corruption during recent years. Transparency International’s 2004 Corruption Perceptions Index placed Ukraine 122 out of 146 nations, with a score of 2.2 (the same as for Kazakhstan, Kyrgyzstan, Niger, Sudan, Bolivia, and Guatemala). In 2006 some improvement in this area was detected: now Ukraine’s score is 2.8, it has 99 rank out of 163 nations (together with Georgia, Mongolia, Mali and Mozambique). Indicators provided by Freedom House Nations in Transit (NIT) reports are not so positive: since 2005 NIT has indicated just very limited improvement – from 6.00 to 5.75 scores which places Ukraine behind the most of Central-Eastern European countries.

Recent years were indicated with some of legislation initiatives to fight against corruption.

After the Orange revolution, on April 1st, 2005 the Cabinet of Ministers adopted a state programme for 2005–2006 called “Contraband—Stop!”. During the first months of its implementation, budget revenue from the levy of import duties had grown substantially. However, after the change of government in September 2005, and, especially, after parliamentary elections in March 2006, the implementation was, in fact, suspended.

On November 18th, 2005, the president signed a decree on high-priority measures for making the economy more transparent and fighting corruption. The decree stipulates civil monitoring of corruption in state authorities at all levels and the publication of results.

On July 1st, 2005, a new Law on State Registration of Juridical Persons and Individuals came into force. With its “one window” registration plan for new businesses and individual entrepreneurs, this rather difficult process was substantially simplified and sped up. This action narrowed openings for corruption among authorities involved in this procedure.

On November 18th 2005, the president signed a decree entitled On Priority Tasks on De-shadowing Economy and Fighting Corruption, which among other features elaborates “corruption” as a judicial term, provides a legal definition for “conflict of interest,” improves procedures of income and property declaration by state officials and their family members, limits state interference in business activities, and legalizes past income without proper taxation.

On September 11th, 2006 the president adopted a Concept of fighting corruption in Ukraine “On a way to good honesty”. Simultaneously, the president brought into the consideration of the Parliament drafts of laws “On ratification of the Convention of the United Nations against corruption”, “On ratification of the Criminal convention on fight against corruption” and “On
ratification Supplementary protocol to the Criminal convention on fight against corruption”. (Freedom House Nations in Transit report 2006)

The decree of the President of 2\textsuperscript{nd} October 2006 brought amendments into the President’s decree of 19\textsuperscript{th} November 2001 (¹1098) concerning the Rules of providing mandatory special checking of the documents to be presented by officials while job recruitment. According to the new decree the corresponding service of the President Secretariat has the authorization to provide additional checking of the person who applies for the official position on the request of the President of Ukraine.

However, the process of job placement at governmental bodies still lacks transparency and public accountability. There is no clear distinction between political nominees and a professional civil service.

Although the Ukrainian public is highly intolerant of corruption among high officials or “oligarchs,” they frequently consider “small” corruption as an integral part of the Ukrainian political and social culture. Petty corruption is still seen by ordinary citizens as a natural way to overcome bureaucratic procedures, which appear to be obstacles to economic and other activities.

According to estimations of representatives of business, in spite of the improvement of business environment in 2005, corruption situation of 2006 is moving to bad practices of previous years.

At the same time less has been done in the area of financial disclosure and disallowing the conflict of interest of state officials. The state budget 2007 illustrates a tendency of intensifying attempts to use the budget money in their corporate interests, as stipulates significant restrictions in social spending of the budget in favour of some of the industries, such as coal, metallurgy and machinery building.

Ukraine still needs sustainable and consistent efforts to overcome corruption, which is considered to be one of the most evident obstacles to its successful European and Euro-Atlantic integration.

5.4. Minorities

Romania

According to the last census, in Romania there are 89,47\% Romanians, 7,12\% Hungarians, 1,76\% Roma, 1,65\% other nationalities.

Romania started with a big problem related to the claims of the Hungarian minority in 1990, after the Romanian Revolution, to have a high level of autonomy. These claims are based on the pre-existence of an Hungarian autonomy in centre Transilvania, an autonomy established by Staline and imposed to Romanian communist authorities, at a moment where Russian troops were still in the country. This situation lasted for some years and was restored under the form of the unitary Romanian state.

Romania’s solution to this challenge was to adopt the most important and largest provisions granted to the minorities by the Council of Europe, including the 1201 Recommendation that offers the possibility of the minorities to write public indicators in the minority language if more than 20\%
of the population is ethnic minorities in a city, region or town. The language provisions were so
important that every minority citizen can defend himself in front of any court or authority in his own
language, the exams in the schools could be sustained in the minority language, but everybody has
to know Romanian and to prove this. Romania accepted even a bi-lingual state university in Cluj-
Babes Boliay, where all the studies could be done both in Romanian or Hungarian, at the choice of
the student. A private Hungarian University was established – Sapientia – with the full support of the
Hungarian state.

Regarding the support of the Hungarian state for the Hungarian minority, Romania accepted
all the form of donation and support to the NGO-s representing the minority, without any agreement
or supervision of the Romanian state. This was considered an added value to the Romanian citizens
ethnical Hungarian. This was doubled by the support of the Romanian state to this minority, as well
as to all minorities.

At the level of the representation, all minorities are entitled to be represented at a local,
regional and national level, according to their number. Except for the Hungarian minority – with 7%
of the representation the UDMR enters the parliament with its own representatives – the most
important 15 minorities- in terms of votes received – are represented in the Parliament with reserved
places of deputies. It is the same with the representation of minorities at a local and regional level.

The most important achievement was the involvement of the Hungarian representative
political representative party-the UDMR(Union of Democratic Hungarians in Romania) in the
majority that has formed the Government since 1997. Independent of the form of the governance –
left or right – the Hungarian Minority party was invited in the majority. Nowadays the Hungarian
minority representatives have a vice-prime minister – since 2005 – and 4 ministers including the
Regional Development minister – dealing with the European founds and the regional development
and the UDMR has been offered the position of Minister of Justice that he refuses. At the same time,
Hungarian minority is represented in every commission of the Parliament including the most delicate
ones, the Defence, Public Order and National Security, the Commission for Surveying the
Intelligence Services or the Commission on Foreign Affairs.

The good practices could be taken also from the common battalion Romania-Hungary for
peace keeping, with common exercises and participation, as well as the common sessions of the
Governments of Hungary and Romania held alternatively in Budapest and Bucharest.

This situation did not prevent the Romanian authorities to refuse the Law of Hungarian over
the border that granted the Hungarian state to issue identity national cards to the Hungarian minority
in Romania, Slovakia, Serbia, etc. But the Venice commission rejected these provisions and direct
negotiations reflected the uselessness of this law and the non-compliance with European standards.
Moreover, the law did not apply even in other points because the Hungarian state was not able to
offer the free education to the minorities around Hungary, the health free treatment or free access to
the labour market. So the law was never applied.

The case of the Republic of Moldova

According to the last census, from 2004, in the Republic of Moldova the majority called Moldavian
has represented 78% of the population and, with the 2% declared Romanians represent a solid
majority, compared to the 9% Ukrainians, 8% Russians and 4% Gagauz (Christianized Turks).
The issues of ethnical minorities are mentioned in the Constitution of the Republic of Moldova, in the Law regarding the persons belonging to ethnical minorities, in the Conception of the national policy of the Republic of Moldova. The Republic of Moldova did ratify the Framework Convention for protecting national minorities and the most important international treaties on the protection of human rights including the European Convention on the Protection of the Fundamental Human Rights and Liberties.

For the moment, the problem of the identity of the majority is the most important theme of the political debates. The involvement of the politicians creates problems regarding the name of the identity declared by the majority—alternatively Moldavian or Romanian—and the name of the spoken language of the majority—Moldavian versus Romanian, with huge differences of percentages and sanctioned misbehaviour of the technical operators in the late census, that rises a problem in the results declared.

In this context, we have to mention that adopting an organic law on the Conception of the national Policy of the state Republic of Moldova, in December 2003, did not eliminate the contradiction, but deepened the divergences. The Conception established through a law the identity of the majority of the population, by this fact preventing the free choice of the identity by the very citizens of the Republic of Moldova, a right granted by all the treaties on human rights and the rights of the ethnical minorities.

In the Law on the Conception of the national policy the Russian language is defined as „language of interethnic communication”, which means that this law introduces a new language of communication other than the official language. We have to mention that the language is also a part of the right of the persons to their own identity and the right to choose their own identity and the language in which they communicate.

The international provisions and the practice of the states do not know the notion of „language of interethnic communication”. The states can impose the obligation to know the official language of a country to facilitate the communication between the citizens of that country and for an effective administration. Imposing a language of a minority as a „language of interethnic communication” represents a discrimination of both the persons from the majority and the persons of the other minorities, because all are subjected to unequal treatment, contradicting the Article 20 from the Framework Convention for protecting national minorities that states that the protection of the rights of the persons belonging to national minorities cannot be made without the respect for the rights of other persons.

A „language of communication is senseless because if a language does not meet the requests for an official language, for the same reasons it cannot be imposed as a language of communication between ethnical minorities. At the same time, the official language is also the language of communication between the ethnical minorities.

The idea of a language of communication is supported by another concept, which does not belong to the laws related to ethnical communities, including the minority ones, a concept called „russio-phone population”. The use of this concept related to persons from different ethnical minorities that know Russian is against the very definition of an ethnical identity and represents a discrimination of the ethnical minorities and majority.

By its provisions, the law of the Conception on national policy contributes to an incorrect relation between the ethnical communities in the Republic of Moldova where the majority has a
behaviour of national minority and the Russian minority acts as a majority. It became natural that all persons from the majority know the official language and Russian and the ethnic Russians know and use in public only Russian.

Another unacceptable provision of the law of the Conception on national policy is the problem of responsibility of the persons and organisations, including the political ones, for not respecting the provisions of the law. Establishing responsibilities that go up to dissolving parties or NGO’s for not observing the provisions of the Conception law is against the right of the persons to identity and the public manifestation of the identity, as well as against the right of the persons to their own opinion, the right of free expression and the right to free association. The consequences of the provisions of the law of the Conception of national policy is an open way for charges in front of the European Court on Human Rights against the Republic of Moldova. Because of the lack of practical efficiency, the Conception was not entered into force and we could say that it is not applicable.

Another important issue in the political debates is linked to the requests of autonomy and secession of an ethnic minority, the Gagauz (Christian Turks). The Gagauz minority requested the autonomy for Gagauz Eri for protecting their identity and a better opportunity for managing the economical development of the region inhabited by Gagauz. We have to remind here that in the Odessa region lives a more important ethnical Gagauz minority that never requested autonomy there.

Until the establishment of the autonomy there was no evolution or development of the Gagauz language or Culture and the economic growth and the standard of leaving are the lowest among the regions of Republic of Moldova. The only output of the creation of the autonomy is the isolation of Gagauz Eri from the rest of the Republic of Moldova and the conservation of the Soviet perceptions and way of living, despite the wide spread belief of good practice in Gagauz Eri, since the violent conflict was closed down.

The solution to the issues linked to the interethnic relations in the Republic of Moldova is linked to:
1. ethnical minority should learn the official language in school;
2. the official language should be learned by all persons of the ethnical minorities as an element of integration in the public life;
3. changing the article 13 of the Constitution and recognising the Romanian as the name of the official language in the Republic of Moldova;
4. enabling as unconstitutional the provisions of the law on the Conception on National Policy.
5. Avoiding the political involvement in the discussions related to identity or the name of the language and observing the international rules on the rights of self-identification of the citizens.

The Case of Ukraine

Being a multiethnic state, Ukraine, according to the 2001 census, is home to over 130 different ethnicities, of which, however, only a few express distinct will and ability to self-organise and mobilise in order to maintain and further develop their own ethno-cultural identity. Revival of different ethnic, religious, and linguistic communities is not a threat to young Ukrainian statehood or an obstacle to consolidation of Ukraine’s society; to become a modern European civic nation, Ukrainian ethno-national policy should support this process, ensuring, at the same time, restoring and developing the identity of Ukrainian titular ethnus, subjected to forcible Russification by the Tsarist and Soviet Empires. These ongoing processes closely relate to the general course on European integration, inseparable from the observance of European norms and standards in the realm of minority protection.
Certain problems may arise in view of the largest Russian minority, constituting 17.3% of the whole population and consisting, according to the data of the 2001 census, of 8 ml 334.1 thousand people. Russians of Ukraine are sometimes called “more than minority”, and their – mostly self-proclaimed – political leaders often denounce the status of just a minority group, although the largest and the most important. Instead, they claim to be recognised as the second “state-forming nation” of Ukraine and insist on providing for Russian language a status of second ‘official’ or state language. These and similar claims, exploiting the idea of Russian or, sometimes, “Slavic unity”, are actually nurtured by the nostalgia for the USSR – the imperial multinational “super-state” where Russians and Russian language kept undoubtedly dominant position – and became especially pronounced in the course of the election campaigns.

Such activities usually target the heavily populated eastern and southern regions of Ukraine, well known for larger share of Russophones, deeper and longer lasted processes of Russification and, therefore, stronger sentiment towards Russia and Russians. However, the results of the successive election campaigns have shown that this tactics, although stirring heated political and public debates, are so far not especially successful. Even in Crimea – the only region of Ukraine with ethnic Russian majority – political movements or parties, based on the exploitation of the “Russian idea”, such as “Russian Bloc”, “Soyuz” etc., usually gain rather poor electoral support and never overcome a threshold needed for obtaining representation in national parliament. It is obvious that ethnic Russians in Ukraine perceive themselves secure and comfortable enough to not plan or realise anything resembling en mass emigration to the Russian Federation or fighting to prevent Ukraine’s earlier strive for independence and later, her course for European integration.

However, Crimea, the only region of Ukraine with the predominantly Russian population and the record of pronounced (although never taking a violent, bloody form) separatist/irredentist conflict, remains a security threat burdened with a conflict potential. This region was granted the special status of administrative-territorial autonomy (rather odd for a constitutionally unitary state of Ukraine) named the Autonomous Republic of Crimea. Crimea is the homeland to the Crimean Tatar people, subjected to mass deportation by the Stalin regime in May 1944 and prevented to repatriate until the late 80s. Crimean Tatars have no kin-state elsewhere, thus being not a typical “national minority” but rather a stateless nation with its own distinct ethno-cultural and religious identity. Although Ukraine with the support of the international community succeeded in granting Ukrainian citizenship for the over 90,000 Crimean Tatar repatriates, current arrangements do not provide firm guarantees for the full restoration of their rights. This and artificially maintained mistrust between their community and Crimean Slavic population cause interethnic and inter-religious tensions aggravated by political manipulations. Regionally and globally growing Islamophobia is another factor negatively affecting social cohesion of the Crimean population and complicating the processes of re-integration of the Crimean Tatar people.

Concerning other sizable and compactly living minorities, their position, including educational rights and representation in state administration and elective bodies, could be considered as quite adequate. For example, the 156,600 Hungarians have never created major problems for either Ukraine or their kin-state Hungary. They are well represented in local administrations and regional and district councils of the Transcarpathian oblast. 147 Hungarian deputies in local and city councils constitute 12.8% of all deputies that is slightly above the proportionate representation (Hungarian share in the population of the Transcarpathia is 12.5%), whereas Romanian minority, constituting 2.6% of the population, have 15 deputies (1.3%).

Ukraine ratified both legally binding CoE’s documents: the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.
Despite the adoption of the Law on national minorities of Ukraine as early as in June 1992, further development of national legislation was halted and can be considered as outdated.

The main problems faced now by minority groups have been created by the following factors:
1) failure of developing a strategic vision of state ethno-politics in full compliance with Ukrainian Constitution and European standards, including the Copenhagen criteria and the two new EU laws, or so-called Equal Treatment Directives that have been enacted in the area of anti-discrimination in 2000;
2) the gap between the provisions of national legislation and obligations under international treaties, and their practical implementation;
3) under-funding of the state programmes aimed at supporting vulnerable minority groups.

6. Citizenship issues

6.1. Assessment: citizenship policies

Since 1989 and 1991 nationality laws in Romania and respectively Republic of Moldova and Ukraine, have been adopted in order to reflect the new political transformation and to address the territorial or population changes that took place during and after World War II, issues that were considered taboo during the long period of the Soviet domination. New citizenship laws in these states encompassed therefore an important national dimension: after decades of political isolation from Diaspora and dual citizenship prohibition, most of these states have resumed policies of ‘positive discrimination’ toward their co-ethnics abroad.

Romania

Since the establishment of the Romanian national state in the second half of the nineteenth century through the union between the principalities of Moldova and Wallachia (1859), Romanian legislation emulated the French ‘state-national’ legal system, based on the *jus sanguinis* principle in ascribing citizenship, and a selective *jus soli* policy of naturalisation. The 1971 ‘Law on Romanian Citizenship’ reconfirmed and valued the principle of *jus sanguinis* as the very foundation of a homogeneous national community. In regard of double citizenship, since the 1948 Constitution proclaimed Romania as a popular democracy, Romania signed bilateral treaties with Hungary (1949), the USSR (1957), and Bulgaria (1959), in order to eliminate cases of dual citizenship generated by border changes after World War II.

The ‘Law on Romanian Citizenship’ of March 1991 stipulated that Romanian citizenship can be acquired in the following ways: a) by birth into a marriage involving a Romanian parent; b) by adoption by a Romanian citizen; c) by repatriation; and d) by naturalisation (Art. 4) The Law on Romanian Citizenship of March 1991 has consecrated two major innovations in the Romanian citizenship legislation. First, it allows Romanian citizens to hold dual citizenship. Second, it goes beyond the commonly accepted standard on repatriation, enabling individuals re-acquiring Romanian citizenship to retain not only their first citizenship, but also that of their domicile abroad. The main beneficiaries of the Law were the Romanians exiled by force by the Communist regime and stripped by their Romanian citizenship and, latter on, the inhabitants of the former Soviet Socialist Republic of Moldova, and those of the provinces of Northern Bukovina and Southern
Bessarabia, in the Ukraine. Since, following the Soviet occupation (1940–1942, 1944–1991), the inhabitants of Bukovina and Bessarabia were stripped of their Romanian citizenship, the 1991 law enabled them to retrieve their lost citizenship rights. Alongside repatriation, the law introduced a new form of access to Romanian citizenship that can be generically called ‘restoration of citizenship’. Article 37 read that former Romanian citizens who, before 22 December 1989, lost their Romanian citizenship for various reasons’ can reacquire Romanian citizenship by request ‘even if they have another citizenship and they do not settle their domicile in Romania’.

The 1991 law has thus consecrated two major innovations in the Romanian citizenship legislation: First, it allows Romanian citizens to hold dual citizenship; second, it goes beyond the commonly accepted standard on repatriation, enabling individuals who re-acquire Romanian citizenship to retain not only their first citizenship, but also their domicile abroad. 1991 law have generated unpredictable domestic and international consequences, affecting Romania’s relations with Republic of Moldova, Hungary, and Ukraine. The Romanian law attracted a great deal of criticism in Ukraine, including speculations and allegations that, through its inclusive citizenship policy, Romania was conducting a policy of ‘creeping expansion’ with the final aim of ‘reacquiring Northern Bukovina and Southern Bessarabia’.

The Romanian citizenship can be granted upon application made by a foreign citizen or by a person without citizenship. The following are the conditions:

1) At the time of application, the person had to have been born in Romania and still residing there or, in case that he / she was not born there, he / she had been legally living in Romania for at least 8 years. If married to a Romanian citizen, the person must have been legally living in Romania for at least 5 years.

2) His / her own behaviour, attitude and actions must prove loyalty towards the Romanian State; the individual does not support or is involved into any actions or activities against Law or against the national security; the individual must also state that he/she has never been involved into this type of actions in the past.

3) He/She is 18 years old or older

4) Benefits from proper living conditions

5) He / She must enjoy a good reputation among the other citizens; he / she has never been convicted in his own country or abroad for any infractions that makes him / her unworthy of becoming a Romanian citizen.

6) The individual is able to speak, read and understand Romanian and has basic notions and knowledge of the Romanian history and civilization to such an extent that he / she can socially adjust.

7) Has sufficient knowledge of the Romanian Constitution.

The terms provided for granting the Romanian citizenship for a foreign citizen or person without citizenship can be reduced to half if the applicant is a renowned personality on an international level or if he/she has invested more than 500,000 Euros in Romania.

The clarification of the Romanian citizenship process is rooted in the specifics of the region with the borders moving all over the history. Persons whose ascendants (parents or grandparents) were Romanian citizens, can apply for a clarification of their citizenship. According to “Law of Romanian citizenship” nr.21 / 1991 republished, modified and completed and following the procedure of clarification of citizenship, those persons will be issued documents proving the Romanian citizenship.
Law on Fast-Track Citizenship

On 6th March 2000, the Romanian government took additional measures meant to speed up the procedure for the restoration of citizenship, which took on average three and a half months.

Massive influx of new citizens from Republic of Moldova raised the question of their socio-political and electoral impact on Romanian society.

The number of applications for Romanian citizenship from Republic of Moldova and Ukraine reached a record level in January 2002, when Romanian citizens were granted visa-free travel in the Schengen space. Facing criticism from EU side, on 15th January the Romanian government decided to suspend for a period of six months the restoration of citizenship to former citizens living abroad under Article 35 of the 1991 law. However, as a result of internal criticism in 2002, the Romanian government issued an emergency ordinance - Ordinance No. 68 - which re-instituted and further simplified the procedure for the restoration of citizenship. It was the fast track, cost-free procedure for regaining Romanian citizenship, which was suspended for six months. The legislation applied to those whose citizenship was revoked by communist authorities or those individuals forced to renounce it due to „circumstances beyond their volition,” for example, immigration or by reason of living in territories lost by Romania after World War II. It also applied to the descendants of those individuals. The government justified the suspension by pointing to the „explosive” increase in the number of people reapplying for citizenship — more than 13,000 since August 2002. This massive demand for Romanian citizenship alerted the government, which issued another Ordinance No. 160/2002 suspending the stipulation on repatriation introduced by the earlier regulation. There were more amendments introduced to the new citizenship law adopted in 2003, which coordinating the procedure for the restoration of citizenship with that on repatriation.

On 22nd May 2003, the Romanian Senate approved a bill allowing former Romanian citizens and their descendants to apply for the restoration of their citizenship. Several months before, on 21st November 2002, Republic of Moldova had amended its constitution to allow dual citizenship that came into effect later in October 2003. The process of restitution was abandoned earlier that year after some 30,000 citizens of Republic of Moldova descended on offices in Romania to apply for citizenship in a single month when they believed Romania’s accession to the EU was imminent. Pursuant to the new procedure approved by the upper house, applications must be submitted to Romanian consular representations abroad. According to the Romanian legislation, those who are granted dual citizenship can benefit from the right to visa-free travel in Schengen-zone countries after four years. One of the reasons for Romania’s decision to amend its legislation was to stem the large number of citizens of the Republic of Moldova who hoped to freely travel and seek work in the EU after Romania joins that organisation.

Republic of Moldova

Adopted in 1991, the citizenship law was liberal and conferred full citizenship rights to all permanent residents of the republic. All inhabitants have become citizens of the Republic of Moldova, irrespective of their ethnicity or birthplace.

Republic of Moldova’s citizenship legislation conflicted with Romania’s legislation in two important respects. First, the 1991 Republic of Moldova law granted citizenship to all inhabitants of the republic, thus resembling the ‘new state’ model of citizenship. The 1991 Romanian law granted potential rights to restoration of citizenship only to citizens of the Republic of Moldova who had held Romanian citizenship and to their descendants (reportedly making up circa two-thirds of
Republic of Moldova’s current population), and excluded those persons who settled in the province in the Soviet period. Second, until October 2003, Article 18 of the Constitution of Republic of Moldova states that ‘the citizens of the Republic of Moldova can be citizens of other states only in cases of international agreements to which Republic of Moldova is a party’ (Chapter I, Title II). Since there were no convention signed with Romania, holders of Romanian and Republic of Moldova dual citizenship were in violation of Republic of Moldova’s internal legislation.

The overlap between the Romanian and Republic of Moldova citizenries caused genuine concern among Republic of Moldova policy-makers. In 2000, Republic of Moldova issued a draft agreement stipulating the specific rights and duties of holders of dual citizenship on key issues such as taxation, military service, and the right to buy real estate, and expressed Republic of Moldova’s intention to sign treaties regulating dual citizenship issues with Romania, Russia, and Israel. Following bilateral talks in Bucharest, on 28th March 2000 the Romanian Foreign Minister Petre Roman and his counterpart, Nicolae Tăbăcaru, agreed to negotiate a bilateral accord on dual citizenship. Chișinău requested Bucharest providing data on dual citizens to Chișinău, in order to achieve a greater transparency between the two countries.

Following failed attempts to prevent the proliferation of dual citizenship, on 21st November 2002, the parliament of the Republic of Moldova approved the second and final reading of constitutional amendments addressing the issue of dual citizenship. The new legislation gives Republic of Moldova citizens the right to hold dual citizenship. Republic of Moldova legislation allowing dual citizenship went into effect on October 18th, 2003.

**Issue of dual citizenship in Republic of Moldova**

Overall, in August 2003 an important part of Republic of Moldova citizens held dual citizenship, being nationals of Romania, Russia, Bulgaria, Israel or Ukraine, in addition to the Republic of Moldova.

In the Republic of Moldova, what was supposed to be an exception, the double citizenship, became a large social phenomenon. Between the causes of such a situation was the Romanian law on citizenship that put some estimated 750,000 persons in the position of demanding the Romanian citizenship, besides the 92,000 that have already obtained the citizenship in the last 16 years. A same level of access for Bulgarian citizenship did happen specially beginning with June 2006, but the phenomenon is far less in the media. Russia has also a law that grants the citizenship for every former citizen of the Soviet Union, and the available information showed that the number of Russian citizens is quite high.

The sensibilities of the authorities of the Republic of Moldova on Romanian citizenship are linked with the provisions of the article 10(1) of the Law on Romanian Citizenship nr. 21/1991, that stipulates that the former Romanian citizens which loose before 22nd of December 1989 the citizenship on motifs that could not be put in their charge or if this citizenship has been retreated without their free expressed will, as well as their relatives up to the second degree, could regain their citizenship.

The law does not contradict the international provisions and is perfectly in line with the practice of other states, including those of the EU. The provisions are similar to those of the German law, as it is the case of the similar laws from Russia, Italy and Portugal. The overwhelming majority of European states, however, do not allow dual citizenship; those cases are exceptions rather than widespread legal norms.
Moreover, even the law of the Republic of Moldova has the same provisions as those stipulated in the article 10 of the Romanian law. The article 12 of the Law on citizenship nr.1024-XIV/02.06.2000 is stating that the citizenship of the Republic of Moldova is granted to every person who lived until the 28th of June 1940 in Bessarabia, the North of Bukovina and the Herta region, as well as in the Autonomous Soviet Socialist Republic of Moldova, as well as to their relatives, if they live legally and usually on the territory of the Republic, as well as to the refugees or deported persons from the territory of the Republic of Moldova after 28 of June 1940, as well as to their relatives. If we compare it to the Romanian law, the Law of the Republic of Moldova extends much more the categories that can take advantage on its provisions.

We consider that the plurality of citizenships should not be a theme of conflict in the case of the Republic of Moldova and Romania, but a good premise for a better cooperation between the two states and a good step forward in an open support for the European integration of the Republic of Moldova.

Ukraine

One of the basic principles of Ukrainian legislation on citizenship is single citizenship - citizenship of the state of Ukraine that rules out the possibility for existence of a citizenship of administrative-territorial units of Ukraine. Should a citizen of Ukraine acquire a citizenship (nationality) of another state or states, then in legal relations with Ukraine, such a citizen shall be acknowledged as the citizen of Ukraine only. Should an alien acquire the citizenship of Ukraine, then in legal relations with Ukraine, he shall be acknowledged as the citizen of Ukraine only.

Adopted in October 1991, the first citizenship law of the Ukraine allowed dual citizenship only when a bilateral treaty between countries already existed. Due to the territorial litigation over Crimea, no such treaty was signed with Russia. Furthermore, on 30th October 1996, the Ukrainian Parliament adopted a new citizenship law totally barring dual citizenship. The new law stated that anyone who had lived in the Ukraine since 1991 could be naturalised, as well as individuals living abroad who could prove Ukrainian origins. The new law put forward an inclusive citizenship policy toward permanent residents, but did not allow for any dual citizenship attachment. The law was adopted against strong political resistance of political elites in Crimea, who lobbied for acquiring dual Russian-Ukrainian citizenship, especially in regions heavily populated by ethnic Russians.

According to the amendments, made in accordance with the Laws N 2508-IV (2508-15), dated 05.04.2005, and N 2663-IV (2663-15), dated 16.06.2005, to the “legal representatives” definition the adoptive parents and foster parents were inserted. Also amended were terms of obligation to terminate foreign citizenship, as well as definition of the reason beyond control of a person for his failure to obtain a document concerning termination of his foreign citizenship and declaration on renunciation of a foreign citizenship. Moreover, specific definition of a declaration on renunciation of a foreign citizenship by a person that has been granted the status of a refugee or asylum in Ukraine was inserted. It shall mean a document whereby the alien that has been granted the status of a refugee or asylum in Ukraine testifies to his renunciation of the citizenship (nationality) of such other state, which is deemed under the Law of Ukraine ‘On refugees’ the state of his citizenship affiliation. The requirement to assume an obligation to surrender the passport of a foreign state shall not apply to the persons that have been granted the status of a refugee or asylum in Ukraine.

As well, as grounds for Acquisition of the Citizenship of Ukraine are stated:
- placement of the child in a childcare or healthcare institution, family children’s home or adoptive family;
- placement in the care of foster parent family and recognition of parenthood or affiliation.

Also, a person born in Ukraine to aliens (provided such person did not acquire by birth a citizenship of any parent) or stateless parent (provided such person did not acquire by birth a citizenship of the parent who is an alien), shall be a citizen of Ukraine regardless whether parent/s reside on the territory of Ukraine on a permanent basis. With regard to the conditions of admission to the citizenship of Ukraine, residence permit is changed with permit to immigration, and for the persons who entered Ukraine as stateless persons the said term is established for three years from the moment when they entered Ukraine (instead of obtaining residence permit).

Named and alike amendments introduced by the Law on Introduction of Amendments to the Citizenship Law of Ukraine on 16th June 2005 ensured compatibility of national legislation with international norms, which provided Ukraine with an opportunity to ratify the 1997 European Convention on Human Rights and Fundamental Freedoms (Law of Ukraine of 09.02.2006 ¹ 3435-IV ), and is providing opportunity for future ratification of the 1961 Convention on Reduction of Statelessness simultaneously as well as considering the accession to the 1954 Convention on Stateless Persons.

The citizenship of Ukraine is acquired:

1. By birth;
2. By territorial origin:
   a) All citizens of former USSR permanently residing within the territory of Ukraine at the moment of declaration of independence of Ukraine (24th August 1991);
3. Due to granting the citizenship of Ukraine:

   A foreigner or a person without citizenship may be at their instance granted the citizenship of Ukraine. One of the conditions is continuous residence within the territory of Ukraine on legal grounds during the last five years. This provision shall not apply to aliens or stateless persons who have been married to a citizen of Ukraine for over two years as well as to aliens or stateless persons who were married to citizens of Ukraine for over two years, where such marriage was terminated due to the death of respective spouse. The two-year period of marriage shall not apply to aliens or stateless persons who were granted an immigration permit pursuant to clause 1 of part three of Article 4 of the Law of Ukraine “On immigration”;

4. Due to renewal of the citizenship of Ukraine;
5. Due to adoption;
6. Due to establishment of tutelage or guardianship over a child;
7. Due to establishment of guardianship over an incapable person recognized in that capacity by a court;
8. Due to citizenship of Ukraine of one or both parents of a child;
9. Due to affiliation;
10. Due to other grounds foreseen by the international treaties of Ukraine.

6.2. Trilateral common position

The trilateral think thank expert group supports all the policies that ensure the statehood of Republic of Moldova, the sovereignty, independence and integrity of the state. Since in Europe there is not a common approach to citizenship, the policy of dual/multiple citizenship is up to the
authorities of the state in question, but we fully reject the restrictive policies that does not observe the right of the citizens and their aspirations of a better future.

The trilateral group recognises the right of the citizens to demand and to regain a citizenship that they never reject and that was lost due to historical troubles. It is their right to take advantage of their citizenship that they never renounce at through formal and legal ways. Trilateral group will encourage that those persons that obtain another citizenship will remain in their respective countries and contribute to the reforms and changes needed in the countries where they use to leave.

7. Transnistria

7.1. Recent evolutions: scenarios and threats to the security of the Republic of Moldova

The trilateral Group of Experts did identify three types of threats to the security of the Republic of Moldova, related to the Transnisterian issue.

a. ”Warming” the Transnistrian conflict

The first category of threats is linked to the conflict itself, blocking any solution or the sudden de-freezing of this conflict. The existing situation cannot exclude two scenarios linked to the possible “warming” or “over-heating” of the conflict, and those scenarios have to be followed with maximum attention.

The first type of “warming” the conflict is linked to the control of the internal situation in the separatist part by the acting separatist authorities. We have here a risk situation – and we have seen how some organizations evolved and how they have public actions, as it is the case of “Proryv”, a member of the so-called “civil society” from Transnistria, an organisation that participates and coordinates the “Che Guevara” schools, real camps that prepare and train young people for paramilitary activities “behind the front line”, schools that are in the way of qualifying a new generation of terrorists. We have seen their activities in Tiraspol, at the OSCE mission, at the seminars of workshops organised by other colleagues from the civil society, genuine ones that time. The same kind of action has been realised at the seminars organized by Stefan Uritu and the Helsinki Comity in the Republic of Moldova. We have noticed, also, how this very same organisation acts in Crimea – where the leader of the organisation has been expelled in Russia after inciting and organizing unrests against a planned NATO-PiP exercise, as well as in the separatism movement of the peninsula from Ukraine. We have also noticed and understood the separatist intentions of the branch of the same organisation from the former historical region of Ruthenia, now in Ukraine.

We have also noticed a high vulnerability: we have registered a number of rivalries in Tiraspol, at the level of the authorities. At the same time, we have an increased number of groups of organised criminality that did use the region as a safety heaven, with the agreement of the separatist authorities, because they had problems in the states of origin of the involved persons. Step by step, the region and those groups transformed their status, that becomes more and more unclear, because of their intent to be involved in politics, business and the control of the region.

We can also underline a situation of direct threat. We have recorded two explosions in the public transport, with the respective motivation. We have also noticed – even if they are not known at a public level, but they are registered – a number of fights and solutions of domestic interpersonal disputes with the use of weapons in the civilian possession. The weapons are kept at home by a large number of inhabitants from the eastern districts of the Republic of Moldova and are used, more and
more, for solving the dispute with the neighbour who cut a branch of some tree. The real quantity of small weapons in the possession of the civilians in the separatist region is well-known, weapons hidden from the times of the war or bought afterwards at the market for some food or alcohol.

The sum of these data, risks, vulnerabilities and even threats shows us that one of the probable scenarios is losing control in the region by the very separatist authorities.

The second scenario that we have to warn about, and which is related also to the “warming” of the conflict, is the one related to the provocations in the security zone. The Minister of Reintegration from Chişinău, Vasili Şova, accepted, to some respect, the existence of such a possibility that small groups provoke some divergences with the local population – forbidden access to the camps for their harvest, blocking the access on some bridge, imposing taxes for the free circulation in the security zone. The sum of those points together with the number of people that have access to weapons, the lack of capacity of the Unified Control Commission to assume the responsibility for the security zone, shows us that this second scenario of “warming” the conflict must by taken in consideration.

b. A bad resolution of the Transnistrian issue

The third category of threats to the security of the Republic of Moldova, related to the very existence of the Transnistrian issue, is linked to the bad management and solution of this issue that could lead to a new spiral of accumulation of tensions and the reliance of the conflict. Form this point of view, we believe that it is important for everybody who comes with a solution on the table to think of the side effects of applying such a solution and to assume from the beginning that the sustainability of such a solution is possible only if it is both right and correct.

In the same sphere of preoccupations linked to the bad solution for the Transnistrian issue related to the security of the Republic of Moldova and the whole region, we find the frozen or de-legitimisation or destroying the credibility of the 5plus 2 format of negotiations by creating alternative separate bilateral formula of negotiation without consulting the partners and members in the official format of negotiation. This is even more important if the specific weight of the actors is disproportionate in the bilateral negotiation, a fact that could not guarantee to Chişinău a good representation of its own interests. That’s why, from the first place, the enlargement of the 5 format accepted EU and US as observers, to balance the actors on the negotiations for a fair and correct solution. This type of action raises huge questions on the transparency and sincerity of this enlargement of the negotiation format that includes the EU and US with unthinkable costs for long term for the Republic of Moldova itself.

c. Delaying the reform process in the Republic of Moldova

Finally, the third category of threats to the security of the Republic of Moldova linked to the Transnistrian issue, is blocking the reforms in the very region under the control of official legitimate authorities of the Republic of Moldova, invoking the existence of the conflict as a motive for stopping, delaying, or even faking to make the reforms that should be made for the benefit of the citizens of the Republic of Moldova from both parts of the Nistru river, according to the commitments taken in the framework of the European Council, the EU-Republic of Moldova Action Plan, the IPAP with NATO.

The actual situation of the Transnistrian issue is in a stage where the “window of opportunity” – if such a window ever existed – has been shut. We are in a pre-electoral period in the
Russian Federation and the costs linked to assuming a radical change in the negotiation process, with a step forward, are extremely high for everybody in Moscow, thus making a radical step forward rather unlikely.

This doesn’t mean that the efforts for solving this issue must be abandoned. On the contrary, we are supporting the niche that represents assuming the costs linked to the steps forward at the regional level, as a trilateral commitment orientated approach, for solving the Transnistrian issue. This niche of the trilateral Romania-Ukraine-Republic of Moldova, oriented for assuming the costs and the reforms, observing the commitments taken by the three parts related to the changes requested at home, in the respective countries, for getting closer to a solution of this issue, is an important step forward. We welcome Ukraine’s initiative in Vienna, at the OSCE secretariat, for an alternative form of dialogue at a level of NGO’s.

**Priorities for a solution to the Transnistrian issue**

Three are the elements that we consider to be important as targets for the horizon of solving this issue, at any moment that such an opportunity is offered to us: the withdrawal of the Russian troops and demilitarisation of the region, in the context when we know the specific weight of the armed forces and “law enforcement” troops under the control of the legitimate authorities from Chisinau, the actual situation is unacceptable. In the process of demilitarisation, one of the important components will be the de-criminalisation, with a process of “essential harvest” type for taking the small weapons from the civilians, including from the unofficial paramilitary forces in the separatist region.

The second point is to draw and constitute a formula for a European police mission that should eventually take the place of the so-called peacekeeping forces in the region. The third direction is to prepare the premises of a general fiscalized economy, both on the right bank and in the Eastern districts of the Republic of Moldova and a transparency of the public spending.

The Trilateral Group of Experts did identify some emergencies related to the commitments necessary to be fulfilled by the authorities from Chisinau, for a rapid solution to the Transnistrian issue. Those are not related to financial cost-effect issues, nor to a foreign actor, but exclusively of the good governance and applying the reforms in the region under the full control of legitimate authorities from Chisinau. The democratisation of the Republic of Moldova must be made on the entire territory. The fact that the democratic deficit of the Eastern districts is obvious doesn’t have to prevent the enforcement and implementing of the requests in the right bank. The process of democratisation must not be stopped, slowed or delayed in the territory under the legitimate authority control.

The commitments from the EU-Republic of Moldova Action Plan should be implemented in the form and the spirit of these provisions, in all their components. Another important thing is that there are not parts of the administration that must not be democratised and reformed, where the rules must not be applied. The whole society, the whole institutional system must take the steps of the reform, if the showed and affirmed will is doubled by a political will and sincerity.

This means that the reform, the restructuring and democratisation of the security sector, a real civilian control, a real parliamentary oversight on the force structures, institutionalizing a real political, financial, civilian, democratic control on the force structures, all these are indispensable
parts of the reforms that the Republic of Moldova must make, even if it has as objective, from the
first moment, exclusively the accession in the EU or at least getting closer to the moment in which
a window of opportunity will offer the chance to apply for entering the EU.

One of the fundamental mistakes, that begin to be very well seen related to the Republic of
Moldova security, on all dimensions, is the temptation of over-value the neutrality included in the
Constitution, in the framework of bilateral separate negotiations with the Russian Federation. This
is a dead end and the costs related to such kind of negotiations are very high, and those costs will be
charged, in short term, for the Republic of Moldova and for its authorities that forces unacceptable
compromises, compromises that announce not a sustainable solution to the Transnistrian issue, but
new tensions and explosive moments in the community, in the very near future.

7.2. Kosovo is not a precedent for Transnistria

A lot of discussions have been taking place related to the fact that the eventual solution to
Kosovo conflict by granting the independence, sovereignty and statehood will be a precedent for all
unrecognized entities in the post soviet space to obtain their own recognition. Russian Federation has
stated several times and at different occasions that Moscow opposes any solution that will not
preserve the independence of Serbia. At the same time, some statements of Russian officials warned
that recognition of Kosovo as an independent state will be followed by the recognition of all
unrecognized entities in the post-soviet state – Transnistria, Abhazia, South Ossetia, Nagorno-
Karabah.

We consider that such a behaviour is not admissible and that Russian Federation should be
the first to observe the actual borders in Europe, since it faces the biggest request of independence
from several autonomies including Chechnya and others.

The Trilateral group of experts is stating that no precedent could be drawn through the
solution in Kosovo because of the following arguments that makes Kosovo unique:
- Kosovo was a place where the human rights were severely obstructed, at a level of ethnical
genocide. This was confirmed by the UN Security Council.
- The international community was forced to intervene after a decision of the Security Council (with
the Russian veto) by suspending Yugoslavian sovereignty on Kosovo because of the ethnical
cleansing in the region.
- A war followed in which the whole international community ensures the victory against Belgrade
and the acceptance of the decision to exercise the international administration and control in
Kosovo through UNMIK and the security protection through KFOR forces.
- In all the cases of the frozen conflicts in the post-soviet space we have conflicts developed in
independent sovereign states with the help or direct involvement of the Russian troops situated in
those regions without mandate, by failing to comply with international agreements and regulations.
Those very troops were assuming the “peace keeping” operations, in fact the preservation of the
frozen conflicts in Georgia and the Republic of Moldova.
- The international community did not accept and validate the situation of suspending the sovereignty
of the independent states in a part of their territory and never granted the status of international
peace-keepers to the Russian army situated in those regions, without the agreement of the
independent states.
- Even in Kosovo, the UNMIK should restore the sovereignty of Belgrade in Kosovo, before or at
the same time of applying any agreement between Belgrade and Pristina or the possible acceptance
of Belgrade to grant any kind of status to Kosovo – including the sovereignty of the region.
7.3. The influence of an Ahtisaari type imposed solution in Kosovo on frozen conflicts in the post-soviet space

Blocked negotiation process on Transnistrian conflict settlement is partly explained by the expectations on the side of Transnistrian authorities – as well as leaders of other unrecognised post-Soviet separatist enclaves – for the decision on Kosovo to be taken by the UN-led international Contact Group made up of six countries: Britain, France, Germany, Italy, Russia and the U.S. In case Kosovo does succeed in its fight for internationally recognised independence, this event would by all means have serious repercussions throughout the region and beyond, and would be widely used as a pretext for similar demands by the yet illegitimate leaderships of breakaway territories of Moldova, Georgia and Azerbaijan.

All main stakeholders of the settlement process maintain that the solution for Kosovo crisis is unique and by no means provides a “precedent” or “model” for settling other secessionist conflicts. Sharing this notion and expressing full support for this vision, our joint expert group nevertheless is concerned that providing first “supervised independence” and, eventually, full state independence for this territory – legally still province of Serbia – might have negative impact on some other troubled areas ridden by secessionist conflicts. Therefore, we believe, in particular, that the proposed solution for Kosovo crisis, irrespective of its future success or failure, also the negotiation process itself and accompanying events and responses should be thoroughly studied by the expert community dealing with post-Soviet “frozen conflicts”.

We regard the NATO air strikes against targets in Kosovo and Serbia in 1999 as an adequate response and the only means to stop violence and ethnic cleansing perpetrated by the Slobodan Milosevic’s regime, indeed. After Serbian military forces were driven out, the UN took over the administration of the province with a fourfold mandate: to set up a civil administration, build a police force and judiciary, establish democratic institutions and oversee economic reconstruction.

However, according to analytical reports, the following six years were not marked by any substantial progress in any of the four fields for which the UN took responsibility. Interethnic relations between the two groups – Albanian majority and Serb minority – did not improve and were often assessed as deteriorating. Kosovo Serbs became a victimised minority group that feels threatened by its Albanian neighbours. Very few have returned to their homes after roughly 200,000, or two-thirds of the pre-war Serb population, fled the province after the 1999 war.

Although their enclaves are guarded by NATO peacekeeping force, harassment is still commonplace. The Albanian leadership has done practically nothing to foster tolerance of Serbs and other minorities, to facilitate their return to the province, or to guarantee their safety. Moreover, Kosovars exhibit growing hostilities against international presence in the area, seen by them as an obstacle to reaching independence rather than protection.

To made things worse, the abundance of weapons in the province is available to any would-be insurgent. It has been estimated that more than 300,000 small arms remain in the hands of Kosovo Albanians. In 2003, the UN launched a month-long disarmament campaign, offering reward and an amnesty to anyone who turned in a gun. The plan was to take tens of thousands of arms out of circulation, but only 155 were surrendered. On their part, Kosovo Serbs also did not try to come to terms with the Albanian side or reach reconciliation, boycotting the elections to the Kosovo Assembly and refusing to participate in the working groups established to implement the UN standards.
Under such unfavourable conditions the long-awaited process of settling Kosovo’s status began on November 15th, 2005 with the appointment of former Finnish President Martti Ahtisaari as the U.N. Secretary General’s Special Envoy for Future Status Process for Kosovo. He developed, in close consultations with the EU and U.S., a plan intended to satisfy both Serbian government and negotiators from Kosovo; UN-sponsored difficult talks on final status for Kosovo that began in February 2006 were further complicated by the new Serbian constitution approved by a referendum in October 2006 that declared Kosovo an integral part of the country.

On negotiations that ended in the deadlock because of not surmounted bitter divisions between the Serbian and Albanian sides. High Serbian authorities defined the proposal as “a breech of international law”, and “the most dangerous precedent in the history of the UN which will result in new redrawing of borders and endanger the foundation on which international order is based.” At the same time, ethnic Albanians were also not happy with the proposed solution, insisting that they’d accept nothing short of full independence, and having seen the Ahtisaari’s plan as offering too many concessions to Kosovo’s Serbs. In February 2007, Albanians’ street protests caused violent clashes with the UN police force that eventuated in the deaths of two protesters and more than 80 people injured.

Despite these negative trends, the EU, NATO and U.S. have officially endorsed the Ahtisaari plan, as has UN Secretary-General Ba Ki Moon. The EU, having made the Balkans a priority of its external policy, is well advanced in its preparations to take over from the UN the exercise of international authority in Kosovo. However, it turned out that a split would prevent the EU from speaking with a single voice when the UN Security Council will discuss the issue. Slovakia, Greece and Spain want more time for negotiations between the Serb and Kosovar leaders instead of an imposed settlement. Slovakia’s position has an additional weight because it is now a temporary member of the UN Security Council. Each of the countries mentioned above have their own objections to the proposed settlement rather than just “expressing solidarity” with Russia that also has opposed the Ahtisaari’s report.

For the EU neighbouring post-Soviet states, and in particular, for the four GUAM countries (Georgia, Ukraine, Azerbaijan and Moldova) the decision to give Kosovo independence bears even more reasons for concerns than for the EU and NATO members. Ukraine, in particular, already expressed such concerns, being motivated, obviously, by not only a potential of a separatist conflict in Crimea, but also by an unavoidably negative impact of such a solution for Kosovo on the negotiating process on Transnistria. Romania’s position is also not favouring the solution for Kosovo proposed by Ahtisaari’s plan.

In view of the those said above, after analysing and weighting all factors and risks accompanying the decision to provide independence – especially as an “imposed settlement”, without gaining the accord of the other side, Serbia, that recently demonstrated its observance of the established “rules of the game” by not fighting against the independence of Montenegro – our joint expert group agreed upon considering this move as a dangerous step with potentially destabilising effect on the regional security.

Final Recommendations

Recently, regional co-operation in the Black Sea region has received a new impetus. Old frameworks for co-operation have been developed, while new frameworks are being created. All of them have extended their mandate to include issues relevant both for the region and for its strategic partners and such situation is beneficial for Ukraine, the Republic of Moldova and Romania.
Although, yet the official documents of NATO and the EU prefer not to mention the “regional dimensions” concentrating on individual countries of the region, number of common weaknesses and obstacles cause the necessity of regional approach and regionally oriented EU and NATO programs to be stipulated.

Due to the recognition of the need to build strong international framework aimed to support democracy, security, market reforms, rule of law and protection of human rights in the Wider Black Sea Region, trilateral working group offers the following recommendations:

To the EU

- Develop Black Sea dimension, which is supposed to embrace security, trade, energy, human rights, rule of law and democracy promotion issues as priorities. Regional approach is strongly needed in order to bring multilateralism and transparent politics in this heterogeneous region. Formulating clear positions of the EU in the sensitive areas in order to avoid misuse and misinterpretation of the EU goals, values and interests, in particular: stress on consolidation of democratic institution and rule of law, diversification of energy sources, solution of regional conflicts on the basis of territorial integrity.
- Encourage and support bilateral and multilateral initiatives, especially those between new EU member states and non-members aimed to achieve objectives mentioned above.
- Continue specific regional initiatives on the basis of EUBAM experience. Provide stronger support to countries of the region in the areas of border management, fighting corruption, dealing with soft security threats.
- Principally recognise the fact that all Black Sea countries aspiring to the EU membership are in the position to be covered by the provision of Article 49 of the Treaty on European Union about their right to apply for the EU membership.
- Take all necessary steps to further promotion, development and consolidation of the EU common strategy on energy security, in particular, by ensuring diversification of energy supplies and transportation routes by developing TRACECA and Nabucco projects.
- Provide support for and endorse a newly reached agreement between Poland, Ukraine, Georgia, Azerbaijan, Lithuania and Kazakhstan to establish an energy consortium aimed, in particular, at realisation of the Odessa – Brody – Plotsk pipeline project.
- Urge Russia to ratify European Energy Charter making this move conditional to further access to the EU internal market and infrastructure, including gas distribution networks.
- To strengthen prospects for the successful implementation of the EU-prioritised Nabucco project, - enhance the project’s investment attractiveness by engaging, in addition to the European Investment Bank commitments, more investors, including those from the US;
- invest into the Azerbaijan’s Shah Deniz field to secure enough gas supply for Nabucco at the first stage, and develop a valid strategy to engage Kazakhstan and Turkmenistan for increasing supply for the next stages of project realisation;
- urge the incumbent Hungary’s government to re-confirm its earlier commitments as a member of the Nabucco consortium; encourage policies pursued in solidarity with the EU, in particular, renouncing support for a rival Blue Stream project that might compete with Nabucco for investments or, according to Hungary’s proposal to combine the two pipeline into a single project, undermine the very idea of reducing the EU’s overdependence on a monopolist supply sources and transportation routes;
- use diplomatic and political leverage to convince Russia to take more constructive position in negotiating a legal status of Caspian Sea; that would help to realise any kind of projects on transportation of Caspian oil and gas to Europe.
To NATO

• Ensure further cooperation in the framework of Black Sea Naval Task Force (BLACKSEAFOR) might be of added value in case of Ukraine’s further Euroatlantic integration. The experience of search and rescue operations, humanitarian assistance, mine counter measures, environmental protection and good will visits might be beneficial for the neutral RM as well, specially, taking into account that since March 2005, the force’s mandate was extended: by now it includes the fight against terrorism and proliferation of weapons of mass destruction (WMD), were Russia is also a contributor.

To Romania

• Use its position as EU and NATO member state to initiate, support and promote initiatives aimed at building closer relations between both organisations, on one hand, and Ukraine and the Republic of Moldova, on the other hand. Provide support for Ukraine’s and Republic of Moldova’s search to have stronger contractual relations with the EU in the process of negotiations on new enhanced agreements which are to replace PCA’s. Supporting continuation of open door policy of both the EU and NATO.
• Intensify and further support for and cooperation with GUAM countries, in particular Republic of Moldova and Ukraine, in all issues relating to diversification of energy supplies and developing additional transportation routes to Europe, first and foremost, by linking closer together Black Sea and Caspian Sea regions with the EU.
• Back up involvement of both the Republic of Moldova and Ukraine into the EU energy projects of which Romania is a participant.
• Provide full support to Ukraine’s intention to become a member of the Nabucco consortium.
• Intensify scientific and technological cooperation with most advanced EU countries to promote energy-saving industries and expanding the usage of renewable sources of energy; share thus acquired experience with neighbouring Republic of Moldova and Ukraine.

To Ukraine

• Conduct sustainable and consistent policy aimed to achieve a membership in the NATO and the EU. Avoid policies, which can be considered as evidence of the lack of accountability and political will or absence of clear political course in domestic and international affairs.
• Make all planned and undertaken deals in energy sphere in a transparent way, complying with European standards and requirements and not subjecting them to narrow, private interests of certain lobbyist groupings, contributing in such a way to regional and European energy security that is in Ukraine’s best national interest.
• Intensify efforts to ensure a success of the Odessa – Brody pipeline and other projects to deliver oil and gas to European markets, in particular, to Baltic countries.
• Re-confirm commitment, readiness and ability to participate in the EU energy projects, in particular, Nabucco and TRACECA.
• Provide stronger financial and priority support for scientific research and technological advancement oriented at reducing industrial and public energy consumption, developing alternative supplies of traditional energy sources and promoting increased share of non-fossil, renewable sources of energy.
• Update and enforce the legislation on minority-related issues in compliance with EU policies and Council of Europe recommendations, including those of the Venice Commission.
• Develop a comprehensive anti-discrimination legislation, taking into close consideration the EU Equal Treatment Directives (the Racial Equality Directive, 2000/43, and the Employment
Equality Directive, 2000/78), and relevant laws passed in a number of Central and Eastern European countries.

- Take decisive steps at all levels, including strong engagement of civil society and media, to combat negative trends of growing xenophobia, in particular, Islamophobia, anti-Semitism and widespread prejudices against Roma; curb activities of extremist groupings originated both internally and externally (especially in Crimea).
- Contribute to re-integration of the Republic of Moldova by engaging in common projects and activities members of the Ukrainian minority, living in the Transnistrian region and the rest of Moldova.
- Learn the experience of Romania in implementing legal measures to ensure minorities’ political participation in decision-making.

To the Republic of Moldova

- Confirm the EU-oriented commitments, avoid counter-productive positions and rhetoric that can be perceived as an irrational attack against EU;
- Prove by act and facts the commitment to join the EU
- Avoid the separate negotiations on Transnistria outside the 5+2 format.
- Open a dialogue with Romania, Ukraine and other countries on the citizenship issues;
- Use the Romanian and Ukrainian experiences in order to close the most advantageous deals of readmission with neighbours and migration source countries, and visa facilitation with the EU;
- Acquire expertise from EU member countries, including Romania, for the means and conditions of visa free regime with the EU and make suitable reforms to be a credible candidate for this goal.
- Re-consider national policy on minority education to switch from the predominantly Russian-minority language system to the bilingual – state language-minority language – one, promoting in such a way a better integration of minorities into the mainstream society (instead of integrating them into Russian-speaking environment).
- Develop and implement projects based on identifying some common needs and interests of minorities living on both banks of the Nistru River, thus promoting re-integration of minorities residing in the Transnistrian region of the RM.

To the Republic of Moldova, Romania and Ukraine

- Recognise fundamental fact that European and Euro-Atlantic integration, strengthening and further enlargement of the EU and NATO is the top priority and primarily national interest for all three countries. This recognition should underline substantial coincidence of both short-term and long-term national priorities of all three countries.
- Conduct confidence-building measures between all three countries in order to overcome the legacy of history-rooted mistrust. Level and intensity of dialog should be strengthened to avoid misinterpretation of national position in such sensitive areas as national sovereignty and territorial integrity, citizenship, migration, visa policy, environment, border management, transport infrastructure etc. All three countries should try to avoid unilateral actions, which can be considered by others as examples of irrational, unfriendly and non-transparent policy.
- Solve all actual disputes (such as shipping in Danube delta or granting citizenship) on the basis of transparency, dialog and consensus-based decision-making approach.
- Focus on the European solidarity based approach towards common threats and challenges. Moreover, it is necessary to admit that solidarity basis is rather value based and European oriented, than institutionally based and “club insiders oriented”.
- Strengthen dialogue (including that in trilateral format) on the issues of shared interest: conflict solution (Transnistria), border and customs issues, transport, and environment.
• Develop international transport infrastructure between three countries. Finding sustainable solution on train connection between Kyiv and Chisinau. Introduction of direct modern express train connection Chisinau-Kyiv, Chisinau-Odessa. Solving disputes between Ukraine’s and RM’s air companies, resuming of daily direct flight connection between Kyiv and Chisinau. Establishment of direct flight connection between Kyiv and Bucharest.
• Develop a roadmap towards visa free travel for citizens of Ukraine and RM to the EU. It should be based upon the reasonable application of the EU criteria used before towards Romania and Bulgaria, which were graduated for the EU visa “black list” in 2000.
• Consider establishment of permanent trilateral initiative (in the form of regular forum or network) to facilitate cooperation governmental bodies, business and NGOs between two countries.