

# From Confidence Tricks to Confidence Building: Resolving Conflict in the OSCE Area

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It is based on written and oral contributions made by participants at a workshop on confidence-building measures in the OSCE area. It reflects the *rapporteur's* interpretation of the discussions and does not necessarily represent the views of all other participants.

Sharpening its international profile and broadening its reach to Europe and beyond, IPI announced the establishment of its new Vienna office in September 2010.

IPI has had a forty-one-year partnership with Austria, manifested by the annual Vienna Seminar that brings together policymakers, academics, and military experts to discuss pressing issues of peace and security, and to explore ways of improving the global system of conflict prevention and risk management.

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*On April 3, 2011, the International Peace Institute (IPI) convened in its Vienna office a meeting to discuss confidence-building measures in the OSCE area. The meeting's participants included representatives of the OSCE's participating states, executive structures, and Parliamentary Assembly, as well as international experts. Discussions were held under the Chatham House Rule of nonattribution.*

## Background

The Organization for Security and Co-operation in Europe (OSCE) was a pioneer in introducing confidence- and security-building measures (CSBMs). For example, it did so in the 1986 and 1994 Vienna Documents, which have since been updated. These measures are designed to improve transparency and predictability in achieving disarmament, and to build trust between parties, in order to reduce tensions and avoid the use of force. CSBMs have been instrumental in reducing tensions in, for example, Southeastern Europe and the South Caucasus.

However, the nature of conflict has changed. Inter-ethnic disputes, intrastate conflicts, and low-level, multicausal conflicts (e.g., concerning language, education, use of symbols, and power-sharing) are replacing the more traditional interstate conflicts, which were previously the domain of highly centralized political and military commands. Economic issues and transnational threats are also having an increasing impact on stability.

As the causes and types of conflicts change, so too must the responses. There may be occasions when nonmilitary confidence-building measures (CBMs) can play a key role in reducing tensions. Examples include people-to-people contacts; joint solutions to humanitarian problems; cultural, educational, and sports exchanges; and joint economic projects. Such measures should be considered as part of a cumulative process to increase confidence and build understanding between communities. This is vital for preventing conflict and fostering postconflict rehabilitation.

During the Corfu process (initiated in 2009 to strengthen the effectiveness of the OSCE), OSCE participating states on several occasions discussed the need to strengthen confidence-building measures. For example, in the context of enhancing the role of the OSCE in early warning, conflict prevention, and resolution, there was a call for the organization to pay more attention to CBMs among affected communities. CBMs were also discussed in the context of further developing the OSCE's cross-dimensional approach to security.<sup>1</sup>

1 See OSCE, *Interim Report Summarizing Proposals Put Forward Within the Corfu Process*, OSCE Doc. CIO.GAL/117/10, July 2, 2010.

In the *Astana Commemorative Declaration* of December 2, 2010, OSCE participating states reaffirmed their commitment “to strengthen security, trust and good-neighborly relations among our States and peoples.” They also recognized that the OSCE “continues to provide a unique forum” for “promoting open dialogue, preventing and settling conflicts, building mutual understanding and fostering co-operation.” Furthermore, they acknowledged “the Organization’s significant role in establishing effective confidence- and security-building measures.”<sup>2</sup>

What are CBMs? How are they different from, and complementary to, CSBMs? How can they be more effectively applied in the OSCE area? This was the focus of a workshop hosted by IPI on April 3, 2011. The meeting was held on the eve of the “5+2” negotiations—involving Moldova, Transnistria, the three mediators (Russia, Ukraine, and the OSCE), and two observers (the United States and the European Union)—which are designed to promote the settlement of the Moldovan-Transnistrian conflict. This meeting report reflects the discussions during the workshop.

## What are CBMs?

The first panel looked at CBMs in general, including lessons learned and examples from international experience.

The first speaker characterized CBMs as “an essential element of repairing any distorted relationships by de-demonizing the other.” He underlined the challenge of changing the historical perception and narrative of each party to the conflict.

Another speaker said that effective confidence building is about demonstrating a commitment to seeing the other side receive a dividend. In doing so, the credibility of the demonstrator is enhanced and there is greater confidence that current and future commitments will be fulfilled, thereby creating a positive or beneficial spiral in relations. Thus, confidence building is about honoring agreements, so that deeds and not just words can be taken seriously in order to reshape relationships.

Confidence building is inherently about creating the right context for peace processes to be successful. By changing relations and behavior, one can create a new context for resolving a conflict. Following this logic, CBMs are about steps that can give your opponent confidence in you as a reliable, accountable, and trustworthy interlocutor.

The underlying premise is that small steps are a necessary means to foster an improved political climate and lead to further steps, agreements, and, ultimately, cooperative relations. However, CBMs are not about package resolutions to conflicts, but about measures to change the climate in which these more complex and fundamental issues can be negotiated.

It was observed that communication is an indispensable, but not sufficient, component of building trust and confidence. Other essential ingredients are political will and interlocutors who demonstrate integrity, act with predictability, and remain consistent in their policies.

CBMs should come from the bottom up as well as the top down. Indeed, the former can stimulate the latter. Several years after a conflict, people on either side of the divide may no longer know each other. Cooperation in the spheres of education, trade, culture, sport, or tourism can bring people back together, and create new bonds that overcome old misunderstandings. Joint research and study tours can also open up new channels of thinking and ways of communicating. Civil society can be the vanguard for stimulating such people-to-people contacts.

Such contacts are most beneficial when they address real daily needs; for example, cooperation among fire departments, police, and people dealing with humanitarian issues or natural disasters. In this way, small, practical steps at the community level can create a public climate conducive to higher-level political cooperation.

Events can trigger CBMs, even unintentionally. Examples include sports diplomacy (like the recent India-Pakistan cricket match during the World Cup and the Armenia-Turkey football match) and natural-disaster diplomacy, leading to support programs in situations after earthquakes or

2 *Astana Commemorative Declaration*, 2010, available at <http://summit2010.osce.org/sites/default/files/documents/444.pdf>.

tsunamis, as was the case between Turkey and Greece and between Indonesia and Aceh.

In some cases, a political gesture may create the opening for reconciliation. As one speaker pointed out, gestures of political will that signal positive intent can be a significant contribution to confidence building. He stressed that one should not underestimate the power of symbolism to shift perceptions and change the way opponents see one another, because symbolic acts can demonstrate that a party is prepared to take seriously the interests, concerns, and grievances of its current or erstwhile opponent.

One example is Willy Brandt in 1970 kneeling at the monument to the victims of the Warsaw Ghetto Uprising, a gesture that contributed to a context in which West Germany and Poland were able to sign a peace treaty and a border agreement (a policy of “change through rapprochement”). Other unilateral steps aimed at building confidence include Anwar Sadat’s November 1977 trip to Jerusalem and address to the Knesset, which eventually paved the way to the *Camp David Accords* of 1978; Mikhail Gorbachev’s speech before the United Nations in 1988, which signaled the end of the Cold War; and, more recently—and perhaps as yet unfulfilled in all their aspirations—Barack Obama’s June 2009 Cairo speech pledging a new beginning between the US and Muslims around the world and his earlier initiative to “reset” relations with Russia.

It was pointed out that there is no blueprint for CBMs. Parties—or interested local groups—need to identify opportunities and issues, and have the courage to reach out to the other side. Over time, such actions can build trust among adversaries, and lead to joint processes and shared objectives.

Another speaker defined confidence-building measures as having the objective to prevent, manage, and resolve crises that are likely to escalate into violent conflicts between states or between states and nonstate actors. CBMs can be unilateral, bilateral, or multilateral depending on the nature of the conflict. They are often facilitated and supported by third parties, including regional and international governmental and nongovernmental organizations. CBMs can be military, diplomatic, political, or cultural in their nature, and they can be applied equally in conflicts between, across, and within states.

A participant explained how the purpose of CBMs changes over time. In the short term, they aim to arrest an escalating crisis before the outbreak of major violence or to stabilize an immediate post-ceasefire situation. In the medium term, CBMs are meant to increase contact and trust between conflict parties and socialize them into a new approach to addressing their dispute. In the long term, they can play a crucial role in paving the way to, and sustaining, a meaningful conflict settlement.

The case of Northern Ireland was cited: for example, a joint declaration in 1993 by the British and Irish prime ministers gave essential commitments to the conflict parties in Northern Ireland about both the principal parameters of a settlement and assured them that no solution would be imposed without their consent. It required a cessation of violence in exchange for inclusive talks. This quasi-unilateral declaration by the two governments thus offered a concrete inducement, essentially to Sinn Féin and the IRA to end their campaign of violence and enter a meaningful negotiation process. Over the next five years, a negotiation process took place which eventually led to the *Good Friday Agreement* in 1998. The Northern Ireland example illustrates the need for reciprocity in order to achieve progress and the need for credibility in order to ensure that offers are seen as genuine and are followed up on.

While concessions or symbolic gestures are important, success is more likely if they are part of an orchestrated process that enables the action to be followed up on, and ideally, to be reciprocated. The 1955 *Bonn-Copenhagen Declarations*, for example, were coordinated, simultaneous unilateral declarations by the West German and Danish governments on the treatment of each other’s national minorities. They were almost immediately followed by relevant changes in the legal and policy frameworks for the treatment of the German minority in Denmark and the Danish minority in Germany, thus bringing to an end a long-standing disagreement between the two states and removing an important obstacle to West Germany’s NATO membership.

Another speaker pointed out how the opening of borders, ports, and transit corridors can build confidence. For example, starting in 1974 the Green Line partitioned Cyprus and acted as a de facto border administered by the United Nations. In

April 2003, in support of UN-sponsored negotiations, Turkish Cypriots opened crossing points on the Green Line. Similarly, Israel has regularly closed its borders to Palestinians because of security concerns. In 2005, Israel and the Palestinian Authority negotiated an *Agreement on Movement and Access*, which opened a series of Israeli-run checkpoints to Palestinians and Palestinian goods. The 1979 peace agreement between Israel and Egypt guaranteed Israeli ships and ships travelling to and from Israel the right of free passage through the Suez Canal. In this situation, the confidence-building measures of regular transit service between Israel and Egypt served to help reinforce and consolidate the 1979 peace treaty.

Once substantive political negotiations commence, confidence building remains essential if momentum toward a sustainable settlement is to be maintained. Here, regional and international organizations play an important role, especially in relation to security issues, and it is at this stage that confidence building often requires and allows a more bilateral approach—that is, the parties are able to agree to joint measures and initiatives rather than relying on unilateral, albeit reciprocal, steps.

For example, in the 1997 *Protocol on Military Issues* to end the civil war in Tajikistan, the conflict parties requested that the United Nations through its observer mission monitor the process of implementation of agreements. Agreeing to appoint an impartial third party to monitor and verify implementation of the various negotiated agreements increased both sides' confidence in each other's willingness to uphold their commitments. In the 1996 Sierra Leone peace agreement, the parties established an international Neutral Monitoring Group responsible for monitoring and investigating breaches of the ceasefire. The 2006 *Comprehensive Peace Agreement* for Nepal confined Maoist rebel troops to cantonments under UN supervision.

Confidence building is also important when parties move into formal, substantive negotiations and reach an agreement. Here the main issue is about achieving mutual confidence in the durability of an agreement. In other words, parties need to commit to guarantees for their final conflict-settlement agreements and third parties can be helpful in adding an international legal

dimension to domestic legal and constitutional guarantees. An example of “pre-negotiation” confidence building is the 1994 *Framework Agreement for the Resumption of the Negotiating Process* in Guatemala in which the parties agreed on a range of parameters and subjected their commitments to verification by the UN. The 2001 *Ohrid Framework Agreement* included specific amendments to the constitution of the former Yugoslav Republic of Macedonia, as well as specifics on individual laws to be changed.

Of equal significance for lasting confidence is a joint commitment by the parties concerning dispute-resolution mechanisms in case of disagreements over the implementation or subsequent interpretation of such a law. This frequently takes the form of references to special domestic or mixed domestic-international dispute-resolution bodies (such as the Joint Council established under the 2002 *Aceh Ceasefire Agreement* or the National Human Rights Commission foreseen in the 2006 *Comprehensive Peace Agreement* for Nepal) or the constitutional court or equivalent judicial bodies (such as provided for in the 2001 *Bougainville Peace Agreement*). Dispute-resolution mechanisms can also be international in nature, such as those established by the 2003 *Comprehensive Peace Agreement* for Liberia and its reference to dispute settlement through ECOWAS-led mediation in collaboration with the African Union and UN, or the 1994 *Quadripartite Agreement on Abkhazia*, which gave a specific role in dispute settlement to the Russian Federation and the UN High Commissioner for Refugees.

More generally, international or regional organizations can enable such confidence-building measures by providing monitoring and verification “services.” These have a specific and often narrow mandate (including limited duration), and limited enforcement powers, as, for example, illustrated by the EU Observer Mission in Georgia, the EU/ASEAN Aceh Monitoring Mission, and the UN Verification Mission in Guatemala. Beyond their role to verify and monitor ceasefires, disarmament, and demobilization, such international missions are used frequently in relation to human rights provisions in conflict settlements (such as in the 2006 *Comprehensive Peace Agreement* for Nepal) and more broadly in the monitoring of agreement

implementation (such as in the 1999 *Lomé Peace Agreement* for Sierra Leone).

Another speaker pointed out that while third-party monitoring is important, over the long term CBMs are about transforming relationships and should therefore operate through self-regulation, which itself contributes to the transformed behavior and attitudes.

The relationship between military confidence- and security-building measures and CBMs was explored. The question was asked, Can you have one without the other? The feeling was that they are two complementary pillars.

It was stressed that CBMs need to be regarded as initiatives that can bridge divides not just between military protagonists or civilian leaders but between societies as well. The degree of permissiveness that exists for societal involvement, often framed as civil-society engagement, says much about the political elite's willingness (including the government and opposition) to see more open societal relations postconflict. Parliamentarians can play a crucial role: for example, by finding common ground between elite interests and public opinion, and by engaging in public policy that can generate the wide support needed for a paradigm shift in relations with a former adversary.

Indeed, one of the biggest challenges of CBMs is not only to change perceptions of the former adversary, but to change attitudes at home that create the possibility of engaging with the other side. This requires significant internal dialogue to prepare the way. As one speaker put it, confidence building is not about external actors delivering you something on a plate, and it is not about demanding something from the other side. Rather, it is about demanding something from yourself and your own community. He paraphrased John F. Kennedy: "think not of what your opponent can do for you, but of what you can do for your opponent."

It was noted that CBMs are sometimes used in isolation, as if they could be brought out of cold storage when politically or tactically expedient, and then put away again. As one speaker put it, "without a strategic commitment to confidence building as a sustained policy to change relations and behavior, the CBM is a catch phrase, used as a means to curry favor with internationals but not to alter one's own behavior."

Another speaker summarized the optimal characteristics of CBMs, as follows:

- Initiatives must promote a sense of security and confidence in a party, not endanger or expose risk.
- Measures must be feasible—otherwise they serve to damage relations and undermine confidence.
- Adaptation is possible—there are not set models.
- CBMs should be separated from final outcomes: process, not product. If a CBM is designed to promote a desired outcome for one party then it will be perceived as prejudicing the interest of the other party and this latter party will be less inclined to engage.
- It is important to engage in an honest and self-critical assessment of the needs and fears of the other side, to stand in the shoes of the other, and to not make the mistake of self-deception, expecting the other side to jettison its bottom line.
- CBMs should not be confused with concessions or pressuring a party to give up something important.
- It is necessary to promote the CBMs both within one's own community and with interlocutors across the divide, neither of which is monolithic.

## Experiences in the OSCE Area

The second panel examined experience with CBMs in the OSCE area. CBMs have been used in a number of cases, for example in Southeastern Europe and the South Caucasus, and frequently in the work of the OSCE High Commissioner on National Minorities as a way of reducing tensions between ethnic groups.

The specific case of Georgia was cited, particularly the Economic Rehabilitation Programme, launched in 2005, that was designed to encourage the peaceful resolution of the Georgian and South Ossetian conflict through investments of human and financial resources in infrastructure rehabilitation and economic development in the Zone of Conflict. In a joint needs assessment, Georgian and South Ossetian experts identified joint projects to improve the livelihoods of both sides under the auspices of a control commission and a steering

committee. There was an evident willingness to cooperate at the grass-roots level on a range of practical initiatives. The speaker observed that even after the August 2008 events, there was still a willingness to work together, although this did become more difficult. In the discussion that followed, it was observed that this case demonstrates how economic confidence-building measures cannot be divorced from political CBMs and CSBMs.

One speaker pointed to the fact that armed hostilities in the Southern Caucasus in August 2008 revealed the real danger of “unfreezing” and escalating conflicts. The ability of the OSCE to handle the early warning and prevention of such crises was questioned.

He pointed out that contradictions among the OSCE participating states seriously complicate, and sometimes block, the possibility of an expedient use of all existing instruments. This was evident when trying to reach consensus on the OSCE Action Plan at the Astana Summit in December 2010.

Based on his experience of dealing with conflicts in the OSCE area, one speaker underlined the importance of having adequate channels for normal, regular communication between the parties to the conflict. He cautioned that mediators alone cannot achieve much if the conflicting sides are still in the process of trying to intimidate, blackmail, insult, and threaten each other. He stressed that the time for CBMs comes when heads are cool, emotions are set aside, and the intention to arrange normal conditions for survival and peaceful coexistence under changed circumstances becomes the leading motivation for accepting mediation services of outside well-wishers.

In theory, the promotion of CBMs involves the collective efforts of all the direct and indirect participants, mediators, and observers to determine major alternative variants of action; assess the advantages and disadvantages resulting from the implementation of each of the existing options; separate the probable from the possible; convince the other side to respect the arguments of the former adversary; resist the temptation to demand immediate results or set artificial and unrealistic deadlines; and adopt, as a matter of principle, flexibility as opposed to rigidity as the way to move the process forward.

One practitioner cautioned that while there may be a formal mutual agreement to promote CBMs, some key elements required in theory are most of the time either missing or ignored in practice due to the promotion of selfish agendas. Insistence that only one’s own position contains rational elements and a reluctance to accept the validity of arguments put forward by the other side too often prevent consensus from being reached on the implementation of otherwise reasonable ideas related to CBMs. To implement specific CBMs, one needs well-entrenched confidence and trust at the political level. Without the political will of the highest decision-making bodies to engage seriously in conflict-settlement processes, any noble intentions of mediators, however eloquent they may be, will not materialize in practical measures, he said.

That said, some positive examples were given, including the Incident Prevention and Response Mechanisms (IPRM) both in the South Ossetia and the Abkhaz contexts. The resumption of the Ergnety-Dvani IPRM in 2010, after several months of disruption, was cited as a positive example that consistent efforts of persuasion can turn into something tangible.

According to the panelist, to build confidence it is essential that the tendency to divide issues into categories of greater and lesser significance is resisted. If one manages to establish a decent level of trust among conflicting parties while working on humanitarian problems—like clarifying the fate of missing persons or facilitating farmers’ access to pastures and vineyards—then appropriate goodwill for dealing with the political issues surrounding the non-use of force and security guarantees can be gradually established, improving the chances for regular functioning CBMs. He said that this was the case in the area of the Transdnistria settlement.

He stressed that a rather effective way to convince the parties to think and to act in a constructive manner is to provide them with a map of problems in the realm of freedom of movement of people, goods, and services. Accompanied by relevant recommendations for next steps, such a map can serve as a basis for practical measures on the ground, in a way becoming an agreed roadmap for the implementation of the CBMs.

“While we may never entirely agree on the past, what counts is that we agree on the way forward,

foremost in the realm of CBMs,” he concluded.

Among the issues raised in the discussion session was how mediators could encourage the parties to take the “leap of faith” often necessary to overcome a crisis. The relationship between CSBMs and CBMs was also discussed. Other points raised included CBMs concerning national minorities, the danger of politicizing CBMs, and the problem of mainstreaming CBMs into the wider settlement process. It was stressed that confidence building is a process, and efforts to predetermine the outcome could be counterproductive insofar as one party would feel that a solution was being imposed.

### CBMs in Moldova<sup>3</sup>

The third panel of the workshop looked at the past and present experience of implementing confidence-building measures in Moldova, as well as prospects for the future.

The long record of attempts to implement CBMs in Moldova was recalled. It was noted that such measures are essential since the major blockage to resolving the conflict is lack of trust over political control (and its implications) rather than any deep-seated ethnic or religious problem, or territorial dispute.

It was explained that the settlement of the Transdnistrian conflict has two main components. Firstly, at a political level, a settlement is being discussed in the “5+2 format.” Secondly, a more technical process is being carried out at the level of experts in the framework of the “Working Groups” in order to build confidence between the two sides and to find common solutions to problems facing the population due to the unresolved conflict.

It was noted that there have been numerous meetings to hammer out agreements. The problem has been implementing these agreements without the parties defecting.

The general view was that the situation in Moldova is no longer a conflict, and the issues at stake are quite tractable. As one participant put it, “the resolution of the Transdnistrian conflict is one of the lowest hanging fruits in the OSCE area.” And yet a solution has not been possible for the

past twenty years. In that period, the peoples on both sides of the Dniestr River have drifted apart. This is why confidence-building measures are so important.

Indeed, while CBMs were seen as a low priority in the past,<sup>4</sup> there is a growing understanding that measures to promote economic, social, and cultural integration are the cornerstone of the settlement process itself. It was pointed out that CBMs and the political settlement (or status talks) should be pursued on two parallel tracks. Ideally the two processes should be simultaneous and mutually reinforcing; however, absence or lack of political negotiations should not be used as an excuse to halt the CBMs.

One participant suggested that restoration of a single economic space encompassing Moldova and Transdnistria is the best way to work toward political unification. In the initial phase, this process should focus primarily on dismantling artificial barriers to trade, investments, transport, and the movement of people.

A number of specific measures were proposed for building confidence across the Dniestr River. It was suggested that Chisinau could do the following:

1. Enable direct exports by railways. Much can be done to solve the issue of direct exports from the Transdnistrian region. According to the Moldovan Customs Code, all exports have to be conducted through the Moldovan customs check points. This leads to unjustifiable transport costs. EU experts have recommended direct exports by railways. This arrangement, if realized, should in no way contradict the existing customs regime between Moldova and Ukraine on the basis of the so called Tarlev-Yachanurov Declaration of December 30, 2005.
2. Improve the import system, especially that for raw materials to the Transdnistrian region. The European Union Border Assistance Mission (EUBAM) long ago presented proposals on the scheme of direct imports on the basis of pre-arrival information exchange between the customs services of Moldova and Ukraine.
3. Resume railway traffic. This is crucial, not only

<sup>3</sup> For more on confidence-building measures in Moldova, see Walter Kemp, “Bridge over the Dniestr: Confidence-Building Measures in Moldova,” New York: International Peace Institute, March 2011.

<sup>4</sup> The point was raised that numerous agreements have been made between the parties in the past twenty years: over 170 by one estimate. Some contain CBMs. But few have been followed up, and a systematic revision should be carried out.

for Transdnistria, but also since the Odessa-Tiraspol-Chisinau railway line is part of the ninth European transport corridor, linked to the Baltics and Northern Europe via the “Viking” line.

4. Open corresponding accounts by Transdnistrian banks at Moldovan banks.
5. Share international cargo permits.
6. Cancel the environmental fee for Transdnistrian companies.
7. Register the Transdnistrian Chamber of Commerce and Industry in Chisinau.
8. Cancel the ban on exports of grain.
9. Enable the import to the Transdnistrian region of radioactive materials needed for the treatment of cancer.
10. Find a solution to the use of Transdnistrian licence-plate numbers, possibly on the basis of EUBAM proposals.
11. Dismantle all non-peacekeeping posts on the internal boundary between the two river banks. Internal customs checkpoints should be replaced by mobile customs units.
12. Cancel criminal cases against a number of Transdnistrian politicians and officials.

For its part, Tiraspol could build confidence by

- dismantling non-peacekeeping check points;
- cancelling 100 percent of customs duty for goods brought from the right bank of Moldova;
- implementing tax reform by introducing a value-added tax, which would facilitate trade between the two banks of the Dniestr River;
- opening the Gura Bicolui bridge built by EU funds;
- guaranteeing access by the Moldovan customs officers for inspections carried out in relation to the issuance of Moldovan certificates of origin of goods;
- cancelling all possible restrictions on freedom of travel by members of the Moldovan Parliament and the government; and
- resolving issues related to Moldovan Latin-script schools in Transdnistria.

This list is by no means exhaustive. But it illustrates how a few small steps—at no cost—could improve the general atmosphere and the lives of

ordinary people on both sides of the Dniestr River.

But what will it take to implement such measures? And why hasn’t there been progress thus far?

One observer suggested that some influential parties were actually quite comfortable with the status quo. He suggested that there is in fact a great deal of confidence between certain influential parties on both sides of the river. However, this kind of confidence serves private interests over the public good. “Personalities often making nasty references to one another in public appear to have great mutual interest in secretly collaborating on making piles of money off the current stalemate,” remarked one observer. He said that “looking at the incidents undermining the process through a cynical lens one may suppose collusion between hard-liners on both sides to ensure that talks are sabotaged.” In such a climate, bottom-up, people-to-people contacts take on added significance.

It was pointed out that the word “confidence” has several uses in English, among them not only those implying faith and reliability, but also the opposite, as in “confidence scheme,” or “confidence man.” Bearing that in mind, the challenge in Moldova (and elsewhere) is to get from confidence tricks to confidence building; from a situation in which people profit from the failure to resolve the conflict to one in which there is an incentive to solve the problems it causes.

It was noted that the beginning of a new breakdown in trust coincided with the failure of the Kozak Memorandum in late 2003, after which the sides took increasingly aggressive actions against one another, locking the region in a vicious circle of tit-for-tat.

It was also noted, however, that the situation may in some respects be improving. In September 2009, a new alliance came into power in Moldova and Prime Minister Vlad Filat backed efforts to engage with the Transdnistrians and build up confidence by solving problems.

The “confidence-building working groups,” initially proposed by the Moldovan side in 2007, represent one such attempt to strengthen cooperation. During 2010, twelve meetings of the working groups were held to build confidence in health and social protection; humanitarian assistance; road and rail infrastructure development; agriculture



and environment; economy and trade; and crime control. A working group on telecommunications was set up. Other areas being explored are customs administration, civil registration, and education.

At the beginning of 2011, the working group on the economy and the one on transport infrastructure held their meetings, discussing a wide range of issues related to confidence-building measures. The working group on the economy has agreed to continue discussions on improving the existing framework of cooperation between financial institutions from both banks of the Dniestr River. Chisinau has also provided a short overview of the current stage of negotiations with the European Union on the association agreement and the deep and comprehensive free trade agreement.

It was pointed out, though, that there has been little progress through these working groups, either due to lack of preparation by one or another of the parties, lack of agreement, or lack of follow up. In 2010, a 5+2 meeting suggested that an agreement between the sides on a set of regulations for the CBMs working groups would be helpful. Chisinau and Tiraspol are apparently in the final stage of drafting this regulation and in the coming months it should be ready for signing by political representatives of both parties.

The point was made that ultimately the working groups cannot function in isolation; they need to be part of an integrated negotiation mechanism that includes the 5+2, and the 1+1 format that opens a meaningful channel of communication between the leaders of the two sides.

One discussant said that in this light, when it comes to producing confidence, the best thing the international community can do is “prime the pump”—that is, help the sides find the minimal level of understanding without which confidence-building measures cannot operate. An important actor in this regard is the OSCE Mission to Moldova. But as an international civil servant pointed out, “ultimately, we can only help: it is the sides themselves who have to build confidence.”

It was therefore interesting to hear from the parties. The Moldovan representative explained that in spite of some differences in mentality and the negative impact of the violent war in 1992, people living on both banks of the Dniestr do not hate each other. Moldovans, Ukrainians, Russians,

and other ethnicities on both sides—mostly Orthodox Christians, united through deep historical roots, kinships, mixed marriages, common culture and traditions—are compatible and capable of living together in the same state in peace and understanding. They all share the common desire to finally get rid of the daily obstacles that hinder them from having a normal and better life, he said.

In the view of the Moldovan government, despite different perspectives and views over the nature of the Transdnistrian conflict, the absolute majority of the population and political forces on both banks of the Dniestr River are deeply interested in overcoming the problems created by this conflict. “Its settlement would undoubtedly contribute to solving the numerous problems affecting common people on both banks of the river and open new perspectives to speed-up economic development, build a modern, democratic, and prosperous state and satisfy its European aspirations,” he said.

It was pointed out that, for the country’s entire existence, every Moldovan government has considered Transdnistria part of Moldova. With the advent into power of the new government, there has been an increasing readiness to resolve practical problems on a technical level, while waiting for the possibility to reach a comprehensive political solution to the conflict. “We are trying to help solve the Transdnistrian problem also by helping to improve the lives of Transdnistrian people,” said a senior Moldovan official.

The European Union has become more active in the settlement process, and in promoting CBMs. For example, the EU and the United Nations Development Programme are contributing more than €13 million to CBMs in Moldova over the next three years. This assistance will be used for capacity building and the implementation of concrete projects on the ground.

It was stressed that CBMs should be depoliticized and status-neutral, with tangible effects for the people concerned. This could contribute to an overall improvement of the political climate, as well as help to address everyday concerns.

A participant noted that one benefit of CBMs is that they enable both parties to have a voice and to be heard and understood by a broader audience. He stressed that CBMs should be placed within a predictable framework since complications can

arise when unilateral moves undermine the equilibrium of established processes. Similarly, to be effective, CBMs must respect some criteria: the parties' expectations should be acknowledged; no one should lose sight of the origins of the conflict; and each side must have the equal right to participate in the process, bearing the same privileges and prerogatives. Furthermore, it was emphasized that agreements made in the past should be respected, and that the process should not be prejudiced by one side's preconceived notion of the outcome.

In the discussion that followed a number of considerations were raised, including the role of women in building confidence; the analysis of reasons for lack of trust; and the question of whether confidence was a prerequisite for starting CBMs, or if CBMs in fact raise confidence.

It was concluded that CBMs have an important role to play in the settlement of the conflict in Moldova and that they can contribute to easing tensions and building trust in a number of situations across the OSCE area.

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