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CONFLICT IN TRANSNISTRIA AND OSCE EFFORTS FOR ITS SETTLEMENT: ISSUES OF INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

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Ahmadov E.M. Conflict in Transnistria and OSCE efforts for its settlement: issues of international law and international relations.

The academic work is dedicated to the analysis of legal and political aspects of one of the ongoing prolonged conflicts that began after the end of the Cold War – the conflict in Transnistria. Compared to other post-Soviet conflicts, the armed clashes in the Transnistrian region at the onset of the conflict were not as destructive and large-scale, and the subsequent situation in the region has been predominantly characterized by stability. Nevertheless, the mere fact of the continuation of this conflict, which is referred to in scientific circles as one of the so-called “frozen conflicts,” indicates that international efforts to resolve this conflict are clearly insufficient.

As is known, negotiations for resolving the conflict in Transnistria are conducted in the “5+2” format and through separate specialized working groups. In the “5+2” format, a key role is played by mediators, represented by the OSCE, Ukraine, and Russia. Naturally, the most influential and authoritative mediator is the OSCE, represented by the Special Representative of the OSCE Chairperson-in-Office. The activities of the OSCE Mission to Moldova, established in early 1993, play an important role in the overall international efforts of the OSCE. In particular, the Mission’s staff conduct field operations on Moldovan territories, through which numerous local incidents occurring on both sides of the Dniester River are effectively resolved.

Therefore, such multifaceted activities of the OSCE in resolving the conflict in Transnistria provoke significant scientific discussions and debates. Studying the OSCE’s practices, relying on the scientific works of scholars in the field of international law, gives this research a distinctive specificity among scientific works dedicated

exclusively to the political aspects of the conflict in Transnistria.

The central issue in the Transnistrian settlement is considered to be the question of Transnistria’s status. This issue is the cause of numerous discussions between the parties, each of which offers its own narratives to justify its position. The legal arguments justifying this or that option for resolving the issue of Transnistria’s status also vary significantly. Therefore, during the research, an analysis of legal norms was carried out that can serve as a basis for identifying the most objective options for resolving the status of Transnistria.

The aim of the scientific article is to study the legal and political issues of the Transnistrian settlement and to identify the main shortcomings of international practice in resolving such conflicts. As a result of the research, the main factors hindering more effective OSCE activities in resolving the conflict in Transnistria were identified.

Key words: Moldovan government, autonomy, OSCE Mission in Moldova, OSCE Parliamentary Assembly, legal framework, Transnistrian conflict, “5+2” format, Constitution, civil society, Gura Bicului bridge, “package of eight”, military equipment, mediation efforts, negotiation process, working groups.

Ахмедов Е.М. Конфлікт у Придністров’ї та зусилля ОБСЄ щодо його врегулювання: питання міжнародного права та міжнародних відносин.

Академічна робота присвячена аналізу правових і політичних аспектів одного з триваючих затяжних конфліктів, що почався після закінчення Холодної війни, – конфлікту в Придністров’ї. Порівняно з іншими пострадянськими конфліктами, збройні сутички в Придністровському регіоні на початку конфлікту не були

такими руйнівними та масштабними, а подальша ситуація в регіоні здебільшого характеризується стабільністю. Проте, сам факт продовження цього конфлікту, який у наукових колах називають одним із так званих "заморожених конфліктів", свідчить про те, що міжнародні зусилля щодо вирішення цього конфлікту явно недостатні.

Як відомо, переговори щодо вирішення конфлікту в Придністров'ї ведуться у форматі "5+2" та через окремі спеціалізовані робочі групи. У форматі "5+2" ключову роль відіграють посередники, представлені ОБСЄ, Україною та Росією. Звичайно, найвпливовішим та найавторитетнішим посередником є ОБСЄ, представлена Спеціальним представником Діючого голови ОБСЄ. Діяльність Місії ОБСЄ в Молдові, створеної на початку 1993 року, відіграє важливу роль у загальних міжнародних зусиллях ОБСЄ. Зокрема, співробітники Місії проводять польові операції на молдовських територіях, через які ефективно вирішуються численні місцеві інциденти, що відбуваються по обидва боки річки Дністер.

Тому така багатогранна діяльність ОБСЄ у вирішенні конфлікту в Придністров'ї викликає значні наукові дискусії та дебати. Вивчення практик ОБСЄ, опираючись на наукові праці дослідників у галузі міжнародного права, надає цьому дослідженню особливу специфіку серед наукових робіт, присвячених виключно політичним аспектам конфлікту в Придністров'ї.

Центральним питанням у придністровському врегулюванні вважається питання статусу Придністров'я. Це питання є причиною численних дискусій між сторонами, кожна з яких пропонує свої власні наративи для обґрунтування своєї позиції. Юридичні аргументи, що обґрунтовують той чи інший варіант вирішення питання статусу Придністров'я, також суттєво різняться. Тому під час дослідження було проведено аналіз правових норм, які можуть слугувати основою для визначення найбільш об'єктивних варіантів вирішення статусу Придністров'я.

Метою наукової статті є вивчення правових і політичних питань придністровського врегулювання та виявлення основних недоліків міжнародної практики у вирішенні таких конфліктів. В результаті дослідження було виявлено основні фактори, що перешкоджають більш ефективній діяльності ОБСЄ у вирішенні конфлікту в Придністров'ї.

Ключові слова: уряд Молдови, автономія, Місія ОБСЄ в Молдові, Парламентська асамблея ОБСЄ, правова основа, Придністровський конфлікт, формат "5+2", Конституція, громадянське суспільство, міст Гура Бікулуй, "пакет з восьми", військова техніка, зусилля з посередництва, переговорний процес, робочі групи.

Problem statement. As is known, the conflict in Transnistria is one of the protracted conflicts within the OSCE area. For over thirty years, the OSCE has been providing all possible assistance in resolving the conflict. However, instead of increasing, the likelihood of a final resolution of the conflict has been declining over time. This is not surprising, because the longer the conflict lasts, the more the parties become accustomed to the existing situation and subsequently feel anxious about any potential changes. In other words, the parties develop a habit of maintaining the status quo, and they participate in negotiations with the aim of gaining as much benefit from the other side as possible, without intending to make mutual concessions. This situation, of course, is an obstacle to the final resolution of the conflict.

The insufficient effectiveness of the OSCE's activities in resolving the conflict in Transnistria has sparked numerous opinions in academic circles among international law experts and political scientists regarding the methods and means that could enhance the OSCE's capabilities in conflict resolution. The relevance of analyzing the OSCE's activities in this area, using the Transnistrian conflict as an example, is explained by the OSCE's colossal multifaceted efforts to resolve it, including active cooperation with civil society representatives.

Main material. The emergence of the conflict in Transnistria indeed had significant peculiarities, at least because the term "Transnistria" did not exist in the USSR until 1988, and, of course, there was no administrative unit within the USSR that could be considered a predecessor of Transnistria either [1, p. 25].

On September 2, 1990, Transnistria declared itself a separate Soviet republic under the name Transnistrian Moldavian SSR, thereby seceding from the Moldavian SSR. The region declared its final independence from the Soviet Union on August 25, 1991 [2, p. 377].

It should be emphasized that until the official collapse of the USSR, the change in the status of the Transnistrian region by local authorities on September 2, 1990, was not recognized by Moscow. This fact can be considered one of the pieces of evidence confirming the absence of a constitutional legal basis for the creation of an independent state in Transnistria [3, p. 306].

The cause of the confrontation between the Moldovan government and Transnistrian authorities, which began in November 1990, was the disagreements between them regarding the foreign policy course of the Republic of Moldova and its language policy aimed at strengthening integration processes with Romania. Protests by the pro-Russian Transnistrian authorities and a large part of the region's population quickly

escalated into an armed conflict involving Russian military forces, resulting in 100,000 internally displaced persons and several hundred deaths. Nevertheless, the armed confrontation here did not have the same large-scale character as in other post-Soviet conflicts of a similar nature [4, p. 8].

Russian lawyer O.V. Tsukanova draws attention to the mass violations of human rights associated with the Transnistrian conflict. In particular, the most pronounced violations, in her opinion, were the rights of linguistic minorities by the Moldovan government, which became the main cause of the conflict. However, O.V. Tsukanova emphasizes that for Moldova, as well as for Russia, the commitments made within the framework of the OSCE should serve as an important guide in international relations [5, p. 57].

The proclamation of Moldova's independence on August 27, 1991, related to the failure of the "August Coup," triggered a reaction from Transnistria in the form of adopting a constitution and beginning to form its own armed forces in September 1991. To lend international legitimacy to Transnistria's independence, a referendum was held in December 1991, resulting in the proclamation of the independent "Transnistrian Moldovan Republic" (TMR). Simultaneously, the first president of the self-proclaimed state, Igor Smirnov, was elected [3, p. 306].

At the annual session of the OSCE Parliamentary Assembly, held in early July 1992 in Budapest, a resolution was adopted aimed at ending the bloodshed in Transnistria. The resolution contained the following provisions: 1) the demand for an immediate cessation of hostilities; 2) the request for urgent measures to stop the participation of Russia's 14th Army in the military actions, which has no legal basis to be on the territory of Moldova, an independent and sovereign UN member state; 3) the demand from the CSCE Council to take the necessary measures to implement the first two provisions [6].

The armed conflict in Transnistria ended with the signing of the Moscow Agreement on July 21, 1992. After the ceasefire, active international efforts began to mediate the settlement of the conflict in Transnistria. From April 1993, the OSCE Mission to Moldova started supporting Russia's mediation efforts. Ukraine, in turn, joined the international mediation efforts in September 1995 [7, p. 91-92].

The OSCE Mission in Moldova was established in February 1993. The first and main office of the Mission was opened in Chisinau in April 1993. In Report No. 13, prepared by the OSCE Mission in Moldova in November 1993, it was proposed to resolve the Transnistrian issue by respecting Moldova's territorial integrity and sovereignty

while granting a special status to Transnistria. It was noted that Transnistria should be considered an integral part of the Republic of Moldova. The final status of the region was to be determined based on an agreement between the conflicting parties. The results of the agreement were to be reflected in the new Constitution of the Republic of Moldova.

According to Report No. 13, Transnistria was offered autonomy, similar to the autonomies of territories such as South Tyrol in Italy, the Basque Country in Spain, and the Åland Islands in Finland. It was also emphasized that if the Republic of Moldova wished to unite with any state in the future, particularly Romania, the "special status" of Transnistria would allow this territory to exercise its right to "external self-determination" [8, p. 162].

To enhance the overall operational efficiency of the OSCE Mission in Moldova, in addition to the OSCE office in Chisinau, two new field offices were opened in Tiraspol in 1995 and in Bender in 2003.

German legal scholar Lia Neikirch notes that although the offices in Tiraspol and Bender are staffed only by local residents, this does not prevent these field offices from acting as an "antenna for the OSCE in the region" and a foothold for international staff who visit the Transnistrian region several times a week [9, p. 194].

The new Constitution of Moldova, which is still in force today, was adopted on July 29, 1994. Article 11 of the Constitution contains provisions directly related to the possibility of foreign military forces being present on the country's territory. Paragraph 1 of Article 11 proclaims Moldova's permanent neutrality, and Paragraph 2 of Article 11 explicitly emphasizes that Moldova does not allow foreign troops to be stationed on its territory [10].

In May 1997, the leaders of the Moldovan and Transnistrian sides signed the "Memorandum on the Bases for Normalization of Relations Between the Republic of Moldova and Pridnestrovie." This document is also known as the "Moscow Memorandum" or the "Primakov Memorandum."

The provisions of the Primakov Memorandum were not without flaws. In particular, the generalized and insufficiently specific nature of its conditions led to sharply conflicting interpretations of the document's provisions by the conflicting parties. Numerous disputes arose over the term "common state," which the parties sought to interpret in the most favorable way for themselves.

Immediately after the signing of the document, intermediaries from the OSCE, Ukraine, and Russia sought to grant its provisions the status of binding international legal norms. However, further contradictions in the positions of the parties prevented the implementation of the principles of the Primakov Memorandum, and to this day, the

conditions of the document remain on paper and have no practical value in the negotiation process [7, p. 85].

The Primakov Memorandum also provided for the harmonious division of powers between Moldova and Transnistria, in particular through the coordination of Moldova's national and foreign policy strategy with Transnistria, insofar as it would affect the latter's interests. According to the terms of the document, Transnistria would also have the opportunity to participate in international relations in cultural, economic, and other areas, but only with the agreement of various aspects of such relations with the Moldovan government.

The text of the Primakov Memorandum was signed by the OSCE Chairman Helveg Petersen and the presidents of Russia and Ukraine [8, pp. 162-163].

Following the OSCE Istanbul Summit in 1999, the mandate of the OSCE Mission in Moldova included arms control in Moldovan territories, in particular by providing assistance and ensuring transparency in the removal and destruction of Russian weapons remaining from the Soviet era.

In the early 2000s, the OSCE Mission in Moldova served as a guarantor of transparency and carried out direct monitoring during the withdrawal and destruction of military equipment on the territory of Moldova belonging to Russia. In 2000-2001, Russia withdrew 141 units of various types of armored vehicles from Moldova and destroyed 108 T-64 tanks and 139 units of various military equipment on-site. These actions were confirmed by the OSCE Mission in Moldova.

Starting from March 2004, measures by Russia aimed at the withdrawal and destruction of military equipment were completely halted. Currently, Moldova still has 20,000 tons of ammunition and a significant amount of military equipment, and 2,000 Russian soldiers, who are not part of the tripartite peacekeeping forces, continue to illegally remain in the Transnistrian region of Moldova [11, p. 230-232].

The status of Transnistria has always been and remains a fundamental problem in achieving a final settlement of the conflict in Transnistria. Clarifying the most objective options for resolving the status issue is impossible without referring to relevant legal sources that could support one or another solution.

Thus, on August 27, 1991, Moldova declared its independence within the borders of the Moldavian SSR. This meant that the Transnistrian region also automatically became part of the Republic of Moldova. From a legal standpoint, this is quite natural. Similar cases often refer to the work of the Badinter Commission, which thoroughly examined and developed the international legal aspects of cases of gaining independence during

the dissolution of federal states, using the example of the Socialist Federal Republic of Yugoslavia. In the discussions and arguments of R. Badinter, the principle of *uti possidetis juris*, well-established in international legal practice, occupies a central place. This principle is fundamental in determining the borders of states formed during the dissolution of a particular federal state. According to the principle of *uti possidetis juris*, the new borders of states that have gained independence are the same borders that existed during the period of the federal state [12, p. 165-166].

Thus, no unnatural or extraordinary conditions are established when determining borders by this principle. Nevertheless, the "naturalness" of the principle of *uti possidetis juris* is often unacceptable and even "unfair" for autonomous republics or autonomous regions that existed within a particular republic that was part of a large federal state.

However, regarding the case of Transnistria, such "injustice" is also excluded, because unlike other cases of territorial separation that occurred during the collapse of the USSR or SFRY, Transnistria did not have any status even remotely similar to the concept of autonomy.

To illustrate, the following examples can be considered:

a) Abkhazia was an "Autonomous Soviet Socialist Republic" within the Georgian SSR (Article 85 of the 1977 USSR Constitution).

b) South Ossetia was an "Autonomous Region" within the Georgian SSR (Article 87 of the 1977 USSR Constitution).

c) Nagorno-Karabakh was an "Autonomous Region" within the Azerbaijani SSR (Article 87 of the 1977 USSR Constitution) [13].

d) Kosovo was a "Socialist Autonomous Province" within the Socialist Republic of Serbia (Article 2 of the 1974 SFRY Constitution) [14, p. 255].

As can be seen from the above examples, the mentioned secessionist territories, which now claim independence, had a certain degree of autonomy even during the existence of the federal state. Therefore, it is not correct to fully equate and draw a "classical" analogy between Transnistria and the aforementioned conflicts.

Thus, Transnistria, which was an ordinary territory within the USSR, belonging to the Moldavian SSR, does not have a legal basis for existing as a separate state entity. However, this does not exclude the right of the population of the Transnistrian region to self-determination in the form of an autonomous entity, which is permissible and even necessary from the perspective of modern international law.

Various initiatives have been put forward by the OSCE to resolve the issue of the region's status, one of which is the idea of federalizing Moldova.

In particular, the well-known OSCE diplomat Klaus Neukirch conducts an interesting analysis of the prospect of implementing a federal model in Moldova to finally resolve the Transnistrian conflict. K. Neukirch believes that federalization, compared to granting autonomy, may lead to much fewer restrictions for the Moldovan government in addressing the status of Transnistria. He explains this by the fact that decision-making within an autonomy occurs in parallel and simultaneously separate from central government structures, whereas federations lack this drawback since they are characterized by inclusiveness, meaning the comprehensive involvement of all federation subjects in the decision-making process [15, p. 152].

From our perspective, federalization, in some cases, might offer certain advantages over granting autonomy to Transnistria. However, the decentralization of Moldova in connection with the establishment of a federal model could lead to significant negative consequences, primarily for Moldova's sovereignty and territorial integrity. Therefore, when discussing the idea of federalization, it is essential to carefully consider the risks associated with its implementation.

In 2006, a referendum on joining Russia was held in Transnistria. As a result, 97% of the population voted in favor of joining the Russian Federation. Naturally, this referendum did not have any legal consequences, at least because the Transnistrian Moldavian Republic is still not recognized as an independent state by any UN member, including Russia. Therefore, without Transnistria having de jure independence, ipso facto the decision to join the Russian Federation cannot have any legal effect [11, p. 230].

As a result of the meeting of mediators in the Transnistrian conflict resolution, which took place on February 19-20, 2002, in Bratislava, an initiative was adopted titled "On Organization of the Negotiation Process on the Pridnestrovian Settlement." Among the key provisions of this initiative, the following can be highlighted:

a) Representatives of all five participants in the Transnistrian conflict resolution negotiations from the OSCE, Ukraine, Russia, Transnistria, and Moldova decided to create, within the already functioning five-sided negotiation format, the "Permanent Conference on Political Issues in the Framework of the Pridnestrovian Settlement Negotiation Process";

b) The goals and objectives of the negotiation mechanism included "developing, coordinating, and documenting" specific provisions of the final document on the comprehensive resolution of the conflict;

c) It was also envisaged to hold meetings of sectoral experts, and the agreements reached

during these meetings would be discussed at the next session of the "Permanent Conference..." for inclusion in the corresponding final document [16].

Thus, February 20, 2002, is considered the official date when the platform for negotiations in the "5+2" format was created. Initially, this format was not called "5+2," as it only consisted of the "five." The five-party format, comprising three mediators and two sides, evolved into the current "5+2" format after the inclusion of the USA and the EU (+2) as observers, based on the decision made following the meeting held in Odesa on September 26-27, 2005. The meeting protocol included a provision to hold the next round of negotiations, scheduled for October 27-28, 2005, in the "5+2" format.

At the Odesa meeting, the participants approved a document drafted by the OSCE, "The Rights and Responsibilities of Observers in the Negotiating Process," as an appendix to the meeting protocol.

The document "The Rights and Responsibilities of Observers in the Negotiating Process," dated September 27, 2005, contains important provisions regarding the scope of powers and limitations of observers in the "5+2" negotiations. The powers of observers include: a) the right to participate in official meetings and discussions within working groups; b) the ability to express their viewpoint on various issues; c) the right to initiate official meetings or seminars that can play a key role in resolving contentious issues; d) the ability to comment on various events occurring during the negotiation process; e) the right to conduct consultations with each negotiation participant individually.

Conversely, the limitations for observers, as established in the document "The Rights and Responsibilities of Observers in the Negotiating Process," include: a) they cannot directly participate in the decision-making process; b) they do not have the authority to sign documents adopted at the meetings; c) they cannot convene meetings and sessions of the negotiation participants; d) they are prohibited from presiding over negotiation sessions [17].

N.V. Shevchuk notes that the status of observers in the "5+2" format is practically closer to that of parties and mediators. In particular, observers cannot sign documents from official meetings, but in practice, they have found a way to bypass this restriction by drafting and signing joint statements on various agreements reached in the negotiation process. Although such statements by observers were often ignored by Transnistria and Russia, the OSCE included these documents in the overall list of negotiation process documents [18, pp. 113-114].

Currently, the official name of the platform or mechanism on which negotiations for the

Transnistrian conflict settlement are based is the "Permanent Conference on Political Issues in the Framework of the Pridnestrovian Settlement Negotiation Process." The frequently used expression "5+2 format" only indicates the composition of the participants in the negotiation process, but nevertheless, this expression allows for a concise reference to the platform for the Transnistrian settlement, avoiding verbosity.

One of the basic legal documents regulating the negotiation process in the "5+2 format" is the "Principles and Procedures for the Conduct of Negotiations as part of the 'Permanent Conference...'" The text of this document was agreed upon on April 18, 2012, but it was officially adopted at a meeting of the negotiation participants in the "5+2 format" held in Vienna on July 13, 2012.

Section I of the document contains the following provisions regarding the basics of the negotiation platform: a) it emphasizes that the legal and organizational basis of the "Permanent Conference..." is the Bratislava Document of February 20, 2002, with additions from September 27, 2005, and other subsequent additions; b) the participants of the "Permanent Conference" are parties, mediators, and observers; c) the main responsibility for the final settlement of the conflict lies with the parties, who, for the effectiveness of the negotiations, must consider the initiatives of both mediators and observers [19].

Thus, in the "5+2 format", "5" refers to international mediators and the parties to the conflict, and "2" refers to international observers. The international mediators are the OSCE, Ukraine, and Russia, the parties to the conflict are Transnistria and Moldova, and the international observers are the USA and the EU [7, p. 23].

The status of Transnistria as an official party to the conflict in the "5+2" negotiations indicates its privileged and equal position with Moldova in the discussions. This circumstance explains the higher effectiveness of this format compared to its counterparts, particularly the Trilateral Contact Group, where representatives of the self-proclaimed separatist republics in eastern Ukraine were not considered official negotiating parties [20, p. 95].

The "5+2" format is not limited to negotiations exclusively at the level of the heads of delegations but also involves meetings at the level of joint working groups, where more delicate and specialized issues are discussed. Parallel discussions in working groups are generally considered one of the measures to build trust.

The unofficial support of the negotiation process by non-governmental organizations, both international and national, is significant for the effectiveness of the "5+2" format. Non-

governmental organizations often receive political, technical, and financial support from the OSCE to coordinate and organize their activities in this area [7, p. 23].

In March 2010, the participants of "5+2" gathered in Vienna for an informal meeting. As a result of the meeting, the participants agreed on the necessity of holding an official meeting by the end of 2010, although they could not achieve this goal. At the next informal meeting, held in Moscow on September 22, 2011, the "5+2" participants again emphasized the need to resume official meetings in the "5+2" format. This time, the agreement was realized, and on November 30, 2011, at an official meeting in Vilnius, the "5+2" participants sat down at the negotiating table.

During several informal meetings held in 2010–2011, the "5+2" participants did not show initiative in resolving the status of Transnistria; instead, each party to the conflict focused on the issues they considered most important at that time. The Moldovan side, in particular, showed special interest in resolving the issue of freedom of movement of people, goods, and services. The Transnistrian side, in turn, sought to ensure maximum guarantees for the agreements already reached in the "5+2" format. To facilitate reaching a common agreement on these issues, significant efforts were made by the OSCE during the meetings, particularly by drafting a brief guide on specific issues that the parties needed to resolve to ensure freedom of movement and reviewing the agreements reached to ensure their compliance between the parties [21, p. 143].

In the practice of the "5+2" negotiation process, there were often instances when, after the conclusion of the next meeting, the heads of the delegations of the participants would make sharply contradictory statements to the media about the results of the meeting, leading to the misinformation of public opinion. The contradictory statements and interpretations of the results of the "5+2" meetings resulted in a loss of trust between the parties and inappropriate disputes, ultimately nullifying the results of the meetings.

As an example, one can cite the contradictory statements by participants of the "5+2" format that occurred in April 2012. However, the OSCE mediator found an effective way to prevent such scenarios after subsequent "5+2" meetings. The OSCE mediator resolved the problem by organizing collective briefings after each series of negotiations, which he personally conducted starting from July 2012. In the briefings, which included the head of the OSCE Mission in Moldova, representatives of the "5+2" format parties, and the OSCE mediator himself, the main final outcomes of the respective meeting were presented, effectively preventing

further speculation or misunderstandings in the interpretation of the negotiation process results.

Video recordings of the briefings were available at the OSCE office in Chisinau, where Transnistrian and Moldovan journalists often gathered to access the relevant information. As a result, such briefings played no less a significant role in strengthening trust between the conflicting parties compared to the negotiation process itself [7, p. 68].

Considerable efforts in resolving the Transnistrian conflict were also invested by the OSCE Parliamentary Assembly (OSCE PA). After consultations with the leaders of Moldova and Transnistria, the OSCE PA established a special committee on Moldova, the Moldovan Group of the OSCE PA, in January 2000. Such committees within the OSCE PA are usually created to address issues of the highest significance in the work of the OSCE PA.

The Moldovan Group of the OSCE PA consists of 4-5 parliamentarians from different OSCE participating states. The main goals of this committee include promoting peace, security, and the rule of law throughout Moldova. Facilitating the resolution of the Transnistrian conflict is one of the most prioritized directions in the activities of the Moldovan Group of the OSCE PA.

The first meeting of the Moldovan Group of the OSCE PA with Moldovan and Transnistrian parliamentarians, held in March 2000, concluded with the signing of a cooperation agreement between the highest legislative bodies of the conflicting parties.

Due to the fact that the agreement on the final settlement of the conflict must go through the approval procedure in the Supreme Council of Transnistria and the Parliament of Moldova, the very idea of close parliamentary dialogue was considered highly promising. Additionally, inter-parliamentary dialogue could ensure comprehensive participation in the OSCE's general mediation efforts, involving various population groups from both sides in the settlement process.

During its operation, the Moldovan OSCE PA group organized three seminars dedicated to various forms of self-governance. By involving various experts in law, political science, and other fields, it facilitated a clearer presentation of the advantages and disadvantages of different options for resolving Transnistria's status. Moreover, within a short period of its operation, the Moldovan OSCE PA group prepared and presented several conflict resolution projects to parliamentarians.

Since 2004, due to the intensification of contradictions and disagreements between the political elites of the Transnistrian and Moldovan sides, it has become increasingly difficult to bring their parliamentarians to the negotiating table. This circumstance confirms the idea of the direct

dependence of parliamentarians on executive authorities. In this regard, the question arises of how to promote effective parliamentary dialogue even when executive authorities want to hinder inter-parliamentary cooperation.

In any case, the work of the Moldovan OSCE PA group clearly demonstrated that alternative communication channels between conflicting parties, particularly parliamentary dialogue, can offer highly advanced and pragmatic methods for a comprehensive impact on the conflict resolution process [7, pp. 120–123].

Professor William H. Hill, based on his experience as the head of the OSCE Mission in Moldova, highlights several privileges of OSCE activities in the Transnistrian settlement:

1. The functioning of the OSCE Mission in Moldova as a field operation opened up opportunities for the OSCE that were not available to other organizations. On-the-ground presence provided OSCE staff with access, authority, and awareness of events. Additionally, through direct interaction with local residents, they managed to establish themselves as neutral yet trustworthy peacekeepers. The ability to quickly respond to changing situations, such as verifying information about one side's armament build-up and taking measures to prevent these actions or denying such claims as false, contributed to neutralizing various provocative actions.

Therefore, the OSCE Mission in Moldova obviously had significant advantages compared to the diplomatic personnel of interested states and international staff who work exclusively in their offices, which are often located in capitals. Thanks to the respect and authority earned among the local population, OSCE staff managed to provide access to the Transnistrian region to other intergovernmental and non-governmental organizations, in particular, IAEA and WHO staff.

2. The potential of the OSCE in organizing various projects aimed at facilitating the accomplishment of various tasks can have a significant impact on resolving problematic issues in the context of the Transnistrian settlement. One such project was the Voluntary Fund established under the OSCE's auspices, aimed at providing financial support for the disposal of Russian munitions and military equipment located in Moldova. Voluntary contributions from OSCE participating states amounted to about 20 million euros, which was a significant sum for providing substantial assistance in achieving this goal. Although many Russian munitions and military equipment still remain in Moldova to this day, efforts in the early 2000s, including through the Voluntary Fund, led to a significant reduction in their overall quantity in Moldova.

3. Thanks to the existence of various institutions within the framework of the OSCE, the overall efforts to reduce tensions in Moldova become more organized and multifaceted compared to separate international efforts to resolve the conflict. For example, the OSCE High Commissioner on National Minorities has provided significant assistance to the OSCE Mission in Moldova to ensure the functioning of Moldovan schools in Transnistria. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) can play an important role in resolving the issue of Transnistria's status by ensuring the transparency of the referendum and elections in the Transnistrian region.

4. Alongside using its own potential, the OSCE has often acted as a bridge or linking element to access the overall international potential in resolving the conflict in Transnistria. In particular, the OSCE has found ways to attract a wide range of European and global experts from other intergovernmental and non-governmental organizations. The OSCE has served as an important means of establishing direct contacts between representatives of the parties and the involved experts, allowing the parties to become acquainted with various advanced practices and concepts whose application could significantly enhance the overall effectiveness of efforts to resolve the conflict in Transnistria [22, pp. 288-289].

The German legal scholar Lia Neikirch emphasizes an important feature of the OSCE Mission in Moldova, which is its clear mandate to assist and support OSCE participating states in complying with international human rights obligations in Transnistria [9, pp. 193-194].

Moldovan legal scholar Igor Munteanu draws attention to a significant shortcoming in the activities of the OSCE Mission in Moldova, namely the absence of economic projects in OSCE initiatives. Economic development issues become particularly acute in a fragmented society during periods of ethno-confessional conflicts. Therefore, I. Munteanu asserts that an economic component could play a key role in easing the positions of the parties and significantly influencing the overall effectiveness of international efforts to resolve the conflict in Transnistria. As an argument, he cites the fact that one of the fundamental problems underlying such conflicts is the black market economy, which, according to statistical data provided by independent experts, accounts for more than 50% of the country's GDP. Thus, limiting the role of the OSCE in Moldova, since 1992, mainly to diplomatic efforts without due attention to economic issues, does not fully align with the goal of a final settlement of the Transnistrian conflict [23, p. 151].

In this regard, it should be noted that one of the factors increasing the success of international

mediation on Transnistria is Moldova's European integration. The active efforts of the Moldovan government to ensure the smooth, flexible, and multi-faceted functioning of the free trade zone with the European Union have a significant impact on the peace process with Transnistria. Trade exchange between Chişinău and Tiraspol within the broader free trade zone fosters a spirit of cooperation between them and creates a favorable ground for reaching compromises on important conflict issues. Additionally, Transnistria benefits the most from these economic relations, while Moldova faces significant economic risks [4, p. 8].

Overall, the promotion of various economic programs is one of the pragmatic tools for the peaceful resolution of conflicts, as in any conflictual relationship, the primary issue is improving the overall relationship background and creating a "warm atmosphere" for direct contacts, and strong economic ties serve these interests.

One of the most productive meetings in the "5+2" format can rightfully be considered the session held on November 27-28, 2017, in Vienna. According to the protocol of the Vienna meeting in 2017, the parties managed to agree on their positions regarding the following key contentious issues: a) the apostille of Transnistrian educational documents; b) the commissioning of the bridge between the villages of Gura-Bîcului and Bîcioc, separated by the Dniester River; c) the use by Moldovan farmers of their land holdings located in the Dubăsari district; d) the normal functioning of Moldovan schools in the Transnistrian region, where education is conducted based on the Latin script; e) the implementation of measures aimed at improving interaction in the field of telecommunications and telephony [24].

It is worth noting that the bridge connecting the villages of Gura-Bîcului and Bîcioc was commissioned back in Soviet times but was destroyed in June 1992 during the fighting in Moldova. Although the bridge was repaired in 2001, disagreements between the conflicting parties prevented the restoration of vehicle traffic over the Gura-Bîcului bridge until 2017.

Professor William H. Hill notes that the successes of the November 2017 meeting were highly appreciated by the OSCE Council of Ministers at the meeting held on December 7-8, 2017, in Vienna. Additionally, during the meeting, OSCE participating states expressed their support for the "small steps" approach to conflict resolution, which had been adhered to by recent OSCE chairmanships [25, p. 193].

The so-called "package of eight" and other issues related to the Transnistrian conflict represent issues of various natures, such as administrative, social, environmental, and others. Most of these problems arose in the early 1990s when the

conflict was in its acute phase. The platforms and mechanisms for discussing all these issues are the "5+2" format, working (expert) groups, as well as meetings in the "1+1" format.

Returning to the "package of eight," we highlight these eight issues, which are of key importance in the Transnistrian settlement:

1) the procedure for ensuring the normal functioning of schools using the Latin script, which are officially Moldovan schools and are subordinate to the Ministry of Education of Moldova, but are located on the territory of Transnistria;

2) the procedure for the international recognition of vehicle registration plates issued by Transnistrian authorities, as well as the assessment of the advisability of such recognition;

3) the coordination and subsequent implementation of environmental regulations and standards for the operation of the Dniester River basin;

4) the procedure for the international recognition of Transnistrian diplomas through the apostille by the relevant Moldovan authorities, but first, it is necessary to ensure the advisability of this measure;

5) the procedure for handling criminal cases initiated by the authorities of one side against officials of the other side;

6) the issue of access for farmers living in Moldova to their lands in the Transnistrian region;

7) the procedure for licensing and operating telecommunications in Transnistria;

8) ensuring the freedom of movement of people, services, and goods across the Moldova-Transnistria border, particularly via the Gura-Bîcului Bridge [26, pp. 146-147].

The visit of the OSCE special representative Franco Frattini to the Transnistrian region in March 2018 had a significant impact on the dynamics of the negotiation process. In particular, it is believed that this visit made it possible to sign a complex step-by-step agreement between the parties on April 24, 2018, concerning one of the main issues in the Transnistrian settlement – the registration of Transnistrian vehicles by Moldovan authorities. This agreement was approved at a "5+2" format meeting held on May 29-30, 2018, in Rome. The Rome meeting recognized the high significance of the progress already achieved and simultaneously emphasized the need to reach an agreement on the issue of criminal cases, which constitutes one of the significant problems in the Transnistrian settlement [25, p. 197].

The well-known American professor William H. Hill, who twice held the position of head of the OSCE Mission in Moldova, notes that even before the annual meeting of the OSCE Ministerial Council, which took place in Milan in December 2018, there were significant progressive changes

that occurred in the Transnistrian settlement over a very short period – just 3-4 years. These changes were related to the implementation of agreements reached earlier at the end of 2017: a) free movement of cars across the Gura-Bicului bridge and planning of expert discussions regarding the possibility of allowing heavy goods vehicles to move across this bridge; b) ensuring continuous and unhindered access for Moldovan farmers to their agricultural lands in the Dubăsari district, most of which is under the control of the Transnistrian authorities; c) effective apostille of Transnistrian diplomas in Moldova; d) normal functioning of 8 schools in Transnistria using the Latin script, with proper access for students and teachers to these institutions [27, p. 164].

The year 2019 was characterized by Slovakia's chairmanship of the OSCE, which, from the very beginning of the official assumption of these functions, was distinguished by very active efforts to resolve the Transnistrian conflict. On January 19, 2019, the head of the Slovak Ministry of Foreign Affairs, M. Lajčák, who is the new acting chairman of the OSCE, paid an official visit to Moldova and met with the highest political officials of both the Moldovan and Transnistrian sides. During his meeting with officials from both sides, M. Lajčák emphasized the importance of "small concrete steps forward," which were a key factor for success on a wide range of contentious issues; therefore, continuing intensive dialogue is the key to success in the Transnistrian settlement.

William H. Hill notes that to ensure the continuity of OSCE mediation efforts in the "5+2" format, the Slovak chairmanship retained the Italian diplomat Franco Frattini as the special representative of the OSCE chairman in the negotiation process. In general, it is considered in international practice that ensuring the continuity of mediation efforts has very favorable consequences for the effectiveness of negotiations, so this step by the Slovak representation is rational and justified.

The period from the end of 2018-beginning of 2019 until the end of spring 2019 was characterized by abundant political events related to the conflict in Transnistria. Professor William H. Hill describes the situation during this period as "ominous political clouds gathering over Moldova." However, he also notes that due to the active intervention of the OSCE, it was possible to prevent the development of a negative scenario of events in the region. The OSCE's activity was partly inconspicuous, aimed at discussing the main traditional problematic issues, while on the other hand, efforts were directed towards identifying and including in the range of discussed issues those that could potentially contribute to progress in conflict resolution and simultaneously align with the interests of both sides of the conflict [27, p. 165].

Professor William H. Hill notes that for many generations of mediators, it was unclear why the Moldovan and Transnistrian sides could not reach agreements on the issues from the "package of eight," seemingly on very simple issues, the solutions to which practically suggest themselves. As a result, international staff and observers often had the impression of the negotiators' ignorance on both sides.

Nevertheless, according to the very fair remark of William H. Hill, such a strategy by the parties, which hinders effective negotiations, did not stem from their ignorance, but from fears that even the slightest concessions could weaken their positions concerning the most fundamental issue in the Transnistrian settlement – the issue of Transnistria's status. These fears were also fueled by mutual distrust of the ruling elites of each side, which had many reasons, particularly the mutual failure to fulfill promises and agreements over many years.

As a result, during negotiations regarding status, maximalist tendencies in the positions of the parties were often observed to the extent that Transnistria demanded complete independence, while Moldova demanded the full extension of its power and laws in Transnistria [26, p. 147].

The resolution of the issue of Transnistria's status is complicated by the fact that the Transnistrian government, politics, and society increasingly and unequivocally express their intention to join the Russian Federation, and their mood clearly indicates the absence of even the intention to exist as an independent state. For instance, in 2016, the President of Transnistria, Yevgeny Shevchuk, considering the deterioration of Russian-Ukrainian relations as a favorable situation for joining Russia, signed a special law providing for the implementation of the results of the 2006 referendum, the very one about joining the Russian Federation.

The progress in determining the status of Transnistria can be considered as the commitment by the Moldovan government to develop a concrete strategy and key elements of a special status for Transnistria during a meeting with OSCE Chairperson S. Kurz in February 2017.

The UN General Assembly also contributed to the Transnistrian settlement during this period by adopting a resolution on June 22, 2018, demanding that Russia withdraw its arms, troops, and military equipment from Moldova [11, pp. 231-232].

At the Stockholm meeting of the OSCE Ministerial Council held on December 2-3, 2021, foreign ministers reaffirmed their strong commitment to resolving the Transnistrian conflict based on the principle of Moldova's sovereignty and territorial integrity within its internationally recognized borders. It was emphasized that the

conflict resolution should be accompanied by the provision of a special status for Transnistria, guaranteeing the observance of all rights and fundamental freedoms of its population.

Simultaneously, the foreign ministers emphasized the importance of the "5+2" format as the only mechanism for the Transnistrian settlement and the indispensable role of the OSCE in it as a co-mediator. In this regard, the ministers noted the advisability of resuming meetings in the "5+2" format [28].

It should also be noted that in 2021, the unified budget of the OSCE Mission in Moldova amounted to 2,302,700 euros. The total number of Mission staff was 52, of which 13 were international and 39 were local staff. As of 2021, the head of the OSCE Mission in Moldova was Klaus Neukirch [29, p. 39].

In the framework of OSCE efforts in the Transnistrian settlement, establishing close ties with representatives of civil society by the OSCE chairpersons, heads of the OSCE Mission in Moldova, and special representatives of the OSCE chairperson was of considerable importance. In particular, in 2012, during Ireland's chairmanship of the OSCE, a Civil Society Forum was organized by the special representative of the OSCE chairperson to inform civil society members from both banks of the Dniester River about various issues of the Transnistrian settlement [7, p. 59].

OSCE Mission staff in Moldova actively participate in various meetings of non-governmental organizations operating throughout Moldova, including Transnistrian and Gagauz non-governmental organizations. The primary goal of OSCE staff is to ensure that members of civil society are well-informed with the necessary knowledge on crisis management and effective conflict resolution. OSCE staff play an especially indispensable role in neutralizing the aggressive tendencies of radical youth non-governmental organizations and the hostile attitudes of Transnistrian and Moldovan civil society members [7, p. 66].

British legal scholar K.D. Gray notes that the central role of the OSCE in the peaceful process of post-Soviet conflicts arises from the encouragement and approval of its leading role in political settlement and peacekeeping activities in conflict zones directly by the UN Security Council. According to the British author, this explains the dominant role of the OSCE in the negotiation process for conflict resolution in Moldova, South Ossetia, Nagorno-Karabakh, and others. In turn, the role of the UN Security Council in all these conflicts has been mainly to support the efforts of the OSCE without directly delving into the process of their resolution [30, pp. 374-375].

The Czech author P. Dočekalová notes that the impartiality and influence of the OSCE as a regional

organization make its mediation a very attractive option for the conflicting parties. However, in her opinion, the potential of the OSCE to influence the course of conflicts is significantly limited by the consensus nature of decision-making and the lack of sanction mechanisms applicable to offending states [3, p. 311].

British legal scholar Thomas D. Grant notes that OSCE staff often reject the expression "frozen conflict"; in particular, in 2008, the OSCE HCNM stated that there are no "frozen conflicts" in international practice, only "frozen negotiation processes" regarding a particular conflict. Nevertheless, as T.D. Grant points out, the expression "frozen conflict" is sometimes used on official OSCE websites, and even during its addresses to the UN Security Council, the organization has repeatedly used this term [2, p. 367].

In any case, the conflict in Transnistria is a "frozen conflict" in the sense intended by the doctrine of international law when using this term. At the same time, the parties to any frozen conflict are obliged to make every effort to resolve it.

An expert in international law, Professor E.A. Pushmin, notes that each "frozen" dispute can have a significant impact on international relations by increasing political tension in the corresponding region. For this reason, in his opinion, any state that does not make sufficient efforts to resolve its conflict can quite reasonably be considered a violator of the obligations imposed on that state by the UN Charter [31, p. 11].

Czech author P. Dočekalová emphasizes that the Transnistrian conflict is not considered an interstate conflict, since, despite the factual statehood in Transnistria, this separatist entity is not recognized as a subject of international law. For these reasons, this conflict is a purely internal conflict [3, p. 304]. In this regard, formally according to the UN Charter, the obligation to promptly resolve the "frozen conflict" in Transnistria primarily lies with Moldova and Russia.

At the Vancouver meeting of the OSCE Parliamentary Assembly, held from June 30 to July 4, 2023, more than ten resolutions were adopted, one of which is explicitly titled "Resolution on the Republic of Moldova." This resolution contains quite noteworthy provisions regarding the ongoing conflict in the Transnistrian region of Moldova, among which the following should be highlighted:

a) It is emphasized that the continuation of the conflict in Transnistria poses a serious threat to security and stability in the pan-European space (point 7 of the Resolution);

b) The important role of inter-parliamentary dialogue and the active participation of parliamentarians in resolving frozen conflicts

within the OSCE area is noted (point 10 of the Resolution);

c) The primary goal of the peaceful process in Transnistria is identified as achieving a long-term and comprehensive solution that respects the territorial integrity and sovereignty of Moldova within its official borders. At the same time, the provision of a special status for Transnistria is envisaged, provided that this status does not negatively affect the viability of a reunified Republic of Moldova (point 11 of the Resolution);

d) Support for the activities of the OSCE Mission in Moldova is expressed, particularly noting the special importance of the information obtained during the Mission's work on events in the conflict zone in such a complex geopolitical environment (point 12 of the Resolution);

e) Given the complete stagnation in the "5+2" negotiation process due to Russia's aggression against Ukraine, the efforts of the OSCE Mission in Moldova to create conditions for dialogue in the "1+1" format, aimed at solving emerging problems for the benefit of the local population on both banks of the Dniester River, were highly appreciated by the OSCE Parliamentary Assembly (point 13 of the Resolution);

f) A demand for Russia to withdraw its troops and ammunition from Moldova in compliance with the obligations imposed on it by the OSCE Istanbul Summit in 1999 and UN General Assembly Resolution No. 72/282 of June 22, 2018. It is also noted that the presence of Russian military forces contradicts the provisions of the Constitution of Moldova regarding its neutral status (point 14 of the Resolution);

g) Encouragement of the OSCE Mission in Moldova's initiative for the Mission to also act as a guarantor of the transparency of the process of removing and/or destroying Russian military equipment, artillery weapons, and ammunition located in Transnistria (point 15 of the Resolution).

A special mention should be made of paragraph 16 of the Resolution, which proposes that the interested parties in the Transnistrian conflict begin discussions to transform the OSCE Mission to Moldova into a "multilateral civilian mission ... that would reflect the genuine needs on the ground" [32].

The authors of the Resolution clearly had in mind a fundamental structural transformation of the Mission, without changing its civilian nature. In this regard, one of the most acceptable options for such changes could be to endow the OSCE Mission with police functions to prevent provocative incidents in the border area between Moldova and Transnistria. These measures, in our opinion, could significantly reduce tensions between the parties and create conditions for productive negotiations based on mutual respect and trust [33, p. 572].

N. Douglas and S. Wolff point to the negative consequences of the war in Ukraine for the negotiation process in the "5+2" format. At the moment, the Russian military presence in Moldova is perceived more painfully than before 2022, as it is seen as a real threat to the country's security. Additionally, since July 2022, the Transnistrian authorities, represented by the region's leader V. Krasnoselsky, have sought international security guarantees from the participants of the "5+2" format, further increasing the uncertainty of the situation. The Moldovan government did not deem it necessary to respond to such appeals from the Transnistrian authorities, which, according to N. Douglas and S. Wolff, indicates a hardening of Moldova's position and that of its allies in the "5+2" format. Under such circumstances, further international efforts to build trust between the parties initially become meaningless, and at the same time, the natural question arises about how realistic the chances are for resuming negotiations in the "5+2" format [34, pp. 1-2].

N.V. Shevchuk notes that the radical transformation of the geopolitical situation due to the war in Ukraine enhances the significance of meetings in the "1+1" format and within working groups, as these communication channels can become the "thread" through which the participants of the "5+2" format manage to resume previous multilateral negotiations. In this regard, in her opinion, the cessation of the OSCE Mission in Moldova is also not beneficial for Russia, as the activities of OSCE staff on both sides of the Dniester play an important role in ensuring constant communication between the parties to the conflict. Therefore, winding down the OSCE field operation could lead to the final blockade of Transnistria by the Moldovan side and, consequently, to an economic collapse in the region [35, p. 73].

Regular meetings in the "5+2" format contributed to maintaining the status quo in the Transnistrian region, which generally aligned with the interests of the political elites on both sides, leaders of business conglomerates, representatives of the shadow economy, as well as local residents. However, the war initiated by Russia in Ukraine undermined the reasons why the status quo had been the preferred option until then. Following the start of the war, the "5+2" format, which operated thanks to active efforts by the OSCE, effectively ceased its activities. Currently, the primary mechanism for managing the conflict in Transnistria and responding to local incidents are informal meetings in the "1+1" format [34, pp. 2-3].

The prolonged break in the negotiation process in the "5+2" format, an almost five-year "pause" in its work, could lead not only to the official abolition

of the "5+2" format but also to the complete cessation of OSCE peacekeeping activities in Moldova and the loss of any possibility for OSCE personnel to be present on Moldovan territories. Evidence of this can be seen in Russia's position at the OSCE Permanent Council meeting on June 29, 2023, when the consensus for extending the OSCE Mission in Moldova for six months was accompanied by reservations from the Russian side. Outlining the essence of its reservation, the Russian side noted that the main task of the OSCE Mission in Moldova is to facilitate negotiations on resolving the conflict in Transnistria, with the key platform for these negotiations being the "5+2" format. Therefore, if the OSCE Mission's efforts in Moldova prove insufficient to resume negotiations in the "5+2" format, the Russian side will conclude that the Mission has failed in its primary task and, as a result, will refuse to extend the work of this OSCE field operation [35, p. 65].

As of July 2024, the last meeting in the "5+2" format remains the meeting in Bratislava, held on October 9-10, 2019. Subsequent events on the international stage, namely the pandemic that continued through 2020-2021, the escalation of the conflict in eastern Ukraine in 2021, culminating in Russia's aggressive war against Ukraine on February 24, 2022, have reduced the chances of holding meetings in the "5+2" format to a minimum [34, p. 5].

Conclusion. Based on the study of OSCE activities in resolving the conflict in Transnistria, several conclusions can be drawn about the reasons for the insufficient effectiveness of the overall efforts of this organization.

1. Unfortunately, at present, Russian military forces and a significant amount of ammunition remain on the territory of Moldova. Since the beginning of the Transnistrian conflict, this circumstance has been one of the factors that have extremely negatively affected the peace process and the effectiveness of international mediation, with the OSCE being a central figure.

As mentioned earlier, Russia committed to withdrawing its troops from Moldovan territory at the OSCE Istanbul Summit in 1999. However, as of 2024, the Russian side has not fulfilled this commitment. The failure to implement decisions made within the framework of OSCE directive bodies, especially at OSCE summits, gradually undermines the foundations of European security due to the emergence of nihilism towards obligations within the OSCE. Therefore, OSCE member states should take their obligations within the organization more seriously.

Peace negotiations, as a rule, should take place in an environment where there are no threats of the use of any kind of force between the parties to the conflict, as the foundation of successful

negotiations is trust between the parties. The buildup of armaments and the massive transfer of military forces to the borders of another state, with which a given state is in a conflictual relationship, contributes to the escalation of the conflict, excluding the favorable course of the peace settlement process. At the same time, threats of force imply not only the use of military threats but also the application of political and economic force.

In the works of well-known international legal scholars, the buildup of armaments in border areas is qualified as a threat of force, which constitutes a violation of the principle of non-use of force or threat of force. The threat of force precludes friendly coexistence of peoples and the pursuit of cooperation, particularly for the peaceful settlement of existing disputes. Moreover, the lack of mutual trust renders any negotiations or attempts at peaceful settlement completely ineffective.

Soviet international law specialist Professor D.B. Levin notes that the non-use of force and threat of force, unlike the principle of non-aggression characteristic of international law before World War II, has two new features: first, the prohibition on the use of not only armed force but also political, economic, and any other form of force; second, the principle also establishes a prohibition on cases of threat of force [36, p. 3].

Soviet legal scholar G.V. Sharmazanashvili notes that the mobilization or concentration of a state's troops on the border, if this state has carried out this action first, is generally considered a threat of force. In his opinion, the threat of force also includes the creation of military bases and the conduct of demonstrations by land, sea, and air forces near the borders of another state [37, pp. 64-65].

Leland M. Goodrich and Edvard Hambro, explaining the concept of the threat of force, note that armed demonstrations also fall under this concept and, as a consequence, are prohibited by the UN Charter [38, p. 70].

Regarding the Republic of Moldova, for more than thirty years, there has not just been a demonstration of military force, but the actual presence of this "military force" on Moldovan territories, i.e., Russian military forces without legal grounds and corresponding permission from the Moldovan government. Thus, this factor, in our opinion, is one of the main reasons for the ineffectiveness of the OSCE mediation in the "5+2" format.

2. The general imperfection of the OSCE mediation mechanism, which lies in the lack of continuity in mediation efforts, hinders the accumulation of more effective methods and the formation of the most professional mediation

practices within the OSCE. This is facilitated by the annual change of OSCE mediators in negotiation processes, which is directly related to the annual rotation of the chairmanship among OSCE member states, as OSCE mediators are usually special representatives of the current OSCE chairman. Although in practice there are cases where OSCE mediators serve for two years, these cases are exceptions and depend on the decision of the new OSCE chairmanship. Nevertheless, to form a solid mediation practice within the OSCE, the minimum duration of a mediator's work should be at least five years, meaning that two-year periods of mediators' work do not solve the problem of ensuring the continuity of the OSCE's mediation practice.

3. Direct involvement of leaders from seceded territories or separatist entities in the negotiation process for peaceful conflict resolution is a desirable phenomenon. The negotiation process in the "5+2" format is exemplary in this regard, as Transnistria, which is not an international legal entity, holds the status of an official party in the "5+2" format. Platforms for negotiations to resolve other conflicts in the OSCE area, related to separatism of a particular territory, unlike the "5+2" format, do not grant separatists the status of an official party in the negotiations.

In particular, due to the Georgian side's unwillingness to recognize the status of representatives from Abkhazia and South Ossetia as official parties, the status of participants in the Geneva International Discussions has not yet been officially established. Naturally, such a feature of negotiation mechanisms does not align with the goal of strengthening trust between the parties and significantly reduces the overall potential of the negotiation process [7, p. 71].

Thus, the status of an official party for representatives of separatist entities is unequivocally a necessary condition for the most effective negotiations. However, alongside this, one important issue must be addressed, directly related to the leaders of separatist entities and their special representatives in negotiation formats. This concerns the transparency of the selection of the leader of a separatist entity, as there are numerous cases on the international stage where so-called "locally elected" leaders are, in fact, appointees of certain influential states. As a result, representatives of such leaders in the negotiation process serve the interests not of the local population, such as linguistic, ethnic, or other minorities, but of the state that appointed a particular individual as the leader of the separatist entity.

Therefore, the OSCE should pay more attention to ensuring the transparency of procedures for selecting leaders of separatist entities. In our view, these measures are one of the key factors

for the success of negotiation processes within various platforms. This task could be successfully performed by the OSCE ODIHR, of course, if consensus can be reached within the OSCE regarding the admission of OSCE ODIHR staff, particularly in Transnistria.

In our opinion, the above-mentioned proposals are quite sufficient for significantly optimizing the OSCE's mediation efforts in resolving the conflict in Transnistria.

Considering that the OSCE has the necessary tools for multi-faceted influence on the conflict resolution process, we believe that enhancing the OSCE's effectiveness in this area, including regarding the conflict in Transnistria, can be considered a realistic task, provided there is political will from the OSCE participating states.

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