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Editorial Board: Vlad Lupan, Victor Chirilă, Liubomir Chiriac, Veaceslav Berbeca, Sergiu Lipcean, Carolina Ungureanu, Eduard Țugui, Veaceslav Ioniță, Ion Tăbârță, Mihai Țurcanu

PRESIDENT MAIA SANDU'S VISIT TO KYIV – REALITIES AND PERSPECTIVES

Ion TĂBĂRȚĂ

Following the visit of the President of Romania, Klaus Iohannis, to Chișinău at the end of 2020, at the beginning of 2021, the President of the Republic of Moldova, Maia Sandu, undertook her first visit abroad as head of state, meeting in Kyiv with her Ukrainian counterpart - Volodymyr Zelensky. Thus, even from the start of her mandate, President Sandu gave a clear signal that the relationship with the neighbours is a priority of the foreign policy of the Republic of Moldova. Regarding the visit of the Moldovan president to Kyiv, its purpose is to overcome the period of “freezing” of relations between Chișinău and Kyiv, a freezing caused by the former president – Igor Dodon, but also to contribute to bringing the bilateral Moldovan-Ukrainian relationship to another level.

The totals of the Kyiv visit

During the January 12, 2021, visit of President Maia Sandu to Kyiv, the high-level Moldovan-Ukrainian political dialogue was relaunched. During the visit, an evaluation of the Moldovan-Ukrainian bilateral relationship was performed, with the goal of fostering cooperation between Chișinău and Kyiv in order to jointly overcome the existing problems between the Republic of Moldova and Ukraine. Summarizing the results of his visit to Kyiv, President Maia Sandu specified that talks with the Ukrainian side focused on 3 important dimensions: European integration, regional security, and the bilateral agenda.

The first two dimensions refer to regional processes, involving several state actors, and do not concern only to the relationship between the Republic of Moldova and Ukraine. The two states decided to intensify dialogue and coordination on the subject of European integration through the Eastern Partnership platform. The two states also announced that they will support each other in combating the territorial separatism they both face, and committed to respect the territorial integrity of each other.

The visit resulted in the following concrete results:

- the launch of a new, high-level, format for cooperation between the Republic of Moldova and Ukraine – the Council of Presidents, in order to help develop strategic policies, resolve existing issues and monitor the implementation of mutual agreements;
- *the Memorandum on the development of the transport and transit potential of the Republic of Moldova and Ukraine* was signed.¹ According to this document, the aim is to expand and use

¹ Memorandum on the development of the transport and transit potential of the Republic of Moldova and Ukraine. / The President of the Republic of Moldova, Maia Sandu, during the official visit to Kyiv: "We want to be more than neighbors, we want to be friends", January 12, 2021. / <https://www.presedinte.md/rom/comunicate-de-presa/presedintele-republicii-moldova-maia-sandu-in-cadrul-vizitei-oficiale-la-kyiv-ne-dorim-sa-fim-mai-mult-dect-vecini-ne-dorim-sa-fim-prieteni>

efficiently the transit potential of the Republic of Moldova and Ukraine by creating a road transport corridor to ensure the connection between Chişinău and Kyiv, in order to shorten the distance between the two cities, so that, in the future, this route would become the fastest one going from the central region of Ukraine to the countries of Central and South-Eastern Europe. In achieving this ambitious intention, it was agreed to develop the road infrastructure on the Chişinău-Soroca-Iampol-Kyiv route, with the construction of a bridge over the Nistru at Cosăuţi-Iampol.

In Kyiv, Sandu and Zelensky also talked about:

- the ecological situation of the Nistru River and the Nistru Hydropower Complex;
- cooperation on state border control in order to combat smuggling, with special reference to the Transnistrian segment of the Moldovan-Ukrainian border;
- cooperation in the energy field, namely on the project of gas transit from Europe to Ukraine through the Republic of Moldova, as well as the transit of electricity from Ukraine to Romania;
- investigating the schemes related to the Moldovan properties in Ukraine, requesting the help of the Ukrainian side in elucidating and investigating the cases of damage to our state;
- facilitating people-to-people contacts by simplifying border crossing procedures, such as the possibility for citizens of both states to travel with identity cards, as well as the liberalization of transport transit, in order to eliminate the necessary transit permits.

Follow-ups on the visit to Kyiv of January 12, 2021

Undoubtedly, the visit of the President of the Republic of Moldova, Maia Sandu, has a positive connotation and represents an opportunity for boosting the Moldovan-Ukrainian political dialogue. The relationship with Ukraine is a very important one for the Republic of Moldova in several respects. Ukraine has a key role to play in the evolution of the two key issues for Moldova: European integration and the Transnistrian dispute. President Sandu's intention to increase the role of Kyiv in the two issues of utmost importance for Chişinău is evident from the proposal to establish a strategic partnership between the Republic of Moldova and Ukraine.

The future Moldovan-Ukrainian bilateral strategic cooperation is expected to be extremely ambitious. The Moldovan-Ukrainian strategic partnership is to be achieved on three levels: 1) solving the old problems, accumulated in the dossier of the bilateral relationship between the two states; 2) joint actions to move on strategic issues: European integration and solving problems related to separatism, and of the full spectrum of derivatives arising from these issues; 3) realization of mutually beneficial projects with the potential to bring closer and strengthen the Moldovan-Ukrainian relationship. Logically, the question arises: how feasible are the intentions laid out by Presidents Sandu and Zelensky in Kyiv on January 12, 2021?

The solution to the old problems, which derive from the agreements on the state border and the right to property, still existing in the Moldovan-Ukrainian relationship, will not be easy to solve for Chişinău. In particular, we refer to the topic of Kyiv's expansion of the Nistru Hydropower Complex in Novodnistrovsk, which derives from the two past Moldovan-Ukrainian agreements. There is a different perspective between the two states in approaching this subject. If, for Chişinău, the construction of the hydropower complex downstream the Nistru River is equal to an ecological catastrophe,² for Kyiv, the fortification of the Novodnistrovsk hydropower plant is not a problem with a negative impact on the environment (on the contrary, the interpretation of the Ukrainian side is that it will play a positive role in minimizing the consequences of catastrophic floods on the course of the Nistru River³) and is in line with Ukraine's energy security plans, adopted in the *Energy Strategy to 2030*.⁴

² Declaration of the National Platform of the Civil Partnership Forum of the Eastern Partnership on the protection and sustainable use of the Nistru River, January 21, 2021.. / <https://www.eap-csf.md/declaratia-platfomei-nationale-a-forumului-societatii-civile-a-parteneriatului-estic-privind-protectia-si-utilizarea-durabila-a-fluviului-nistru/>

³ Ambassador of Ukraine to Moldova: Relations between our countries are "doomed" to be good-neighborly. / Noi.md information portal, January 12, 2021. / <https://noi.md/md/interviuri/ambasadorul-ucrainei-in-moldova-relatiile-dintre-tarile-noastre-sint-condamnate-sa-fie-de-buna-vecinatate?fbclid=IwAR13LLIOjS00hwVPbWlwPYSyD-TEBz9NsnJNaeCouTZVHHSmM5E02L2qNRA>

⁴ Energy strategy of Ukraine for the period up to 2030. / <https://zakon.rada.gov.ua/laws/show/n0002120-13#Text>

Legally, the Republic of Moldova will find it difficult to negotiate with the Ukrainian side and oppose the implementation, by the Kyiv government, of this hydropower project. Chişinău lost control of the Nistru Hydropower Complex following the Protocol signed on February 1, 2010, which amended the Agreement on Property Rights of August 11, 1994 (entered into force on January 26, 2012).⁵ Stopping Ukraine's intentions to strengthen its energy potential at the expense of an ecological impact on the Nistru River's ecosystem can be achieved by the Republic of Moldova only by involving the European Union as a mediator on the matter.

Chişinău must insist that environmental institutions at the European level estimate the impact on the environment caused by the expansion of the Nistru Hydropower Complex in Novodnestrovsk. This is the approach Romania took in a dispute also with Ukraine on the Bâstroe canal, which the Ukrainian state intended to build in the Danube river delta. In that case, the Espoo Convention⁶ ruled that Ukraine violated international environmental rules with the Bâstroe canal construction project.

The Moldovan-Ukrainian infrastructure project is a very ambitious one, which would greatly facilitate communication between the two states. This project, with great prospects, will be difficult to carry out in the near future. Such a large project takes time and is very expensive. Neither the Republic of Moldova nor Ukraine have the money for such a project. Although Ukraine has said that the construction of the Cosauti-lampol bridge, which will be part of the future Chişinău-Kyiv highway, will be carried out using funds coming from the Ukrainian state budget, it is unlikely that the two states will have the financial capacity to implement the project on their own. Such a project can be carried out with the help of European donations and loans from international bodies. The text of the memorandum signed on January 12, 2021, stipulates that the Republic of Moldova and Ukraine will use foreign funds. This project is not a new one, as it was previously expected to be carried out by the governments of the two states.

Moldovan-Ukrainian cooperation can evolve on a number of technical topics, with mutually beneficial potential for the citizens of the two states. For example, intensifying people-to-people contacts by facilitating border traffic between the two states, fighting cross-border smuggling, including through an increase in the number of common customs posts (through which Chişinău would be able to control the Transnistrian segment of the Moldovan-Ukrainian border), elucidating corruption schemes etc.

There is also potential to develop trade and economic relations between the two countries. The volume of trade between the two countries in 2019 amounted to USD 649.12 million, with Moldovan exports to Ukraine amounting to USD 80.16 million, and Ukrainian imports to the Republic of Moldova amounting to USD 568.96 million.⁷ In order to coordinate the economic relations between Chişinău and Kyiv, there is already a common institutional platform – the Moldovan-Ukrainian Joint Intergovernmental Commission on Trade and Economic Cooperation, established in 1994, and whose activities need to be intensified.

At the macro level, the Moldovan-Ukrainian relationship needs to be developed on the two issues of strategic importance for both states: European integration and the issue of territorial separatism. A possible Moldovan-Ukrainian strategic partnership is very important in establishing a common agenda of the Republic of Moldova with Ukraine on these strategic issues. Both European integration and the solution of the issue of separatism are two complex issues, involving the major international actors – the EU, the USA, and Russia. A common Moldovan-Romanian agenda will strengthen the positions of the Republic of Moldova and Ukraine in the discussions and negotiations with the major actors. In this way, the voice of the two states will be heard more distinctly.

⁵ Protocol between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine referring to the operation of a modification in the agreement between the Government of the Republic of Moldova and the Government of Ukraine in the recovery of reciprocity and reprogramming of the 1994 report. / https://www.legis.md/cautare/getResults?doc_id=117823&lang=ro

⁶ The Espoo Convention is an international organization that regulates environmental impact assessment in the event that a particular project has a transboundary impact.

⁷ Evolution of trade between the Republic of Moldova and Ukraine in 2015-2019. / <https://ucraina.mfa.gov.md/ro/content/rela%C5%A3ii-comercial-economice>

Certain actors from both outside and inside these two states are not interested in the progress of the Republic of Moldova and Ukraine on strategic issues. Abroad, Russia, which claims geopolitical influence over the two post-Soviet states (Moscow is directly involved in fostering territorial separatism in Moldova and Ukraine by supporting unconstitutional leaders ruling separatist regions), will oppose the intentions of the Chişinău and Kyiv governments to make progress on the dossiers of European integration and of the solution of the issue of territorial separatism. Internally, it should be noted that the political processes in the two states are strongly influenced by the oligarchic elements, who do not want European-style democratic reforms. Territories outside the control of the unconstitutional authorities are a profitable source of illicit enrichment for the oligarchic elites of the Republic of Moldova and Ukraine who profit through various gray economic schemes.

Conclusions

The main conclusions of President Maia Sandu's visit to Kyiv on January 12, 2021, are:

- 1.** Moldovan-Ukrainian bilateral relations needed a reset in order to get out of the “deadlock” in which the pro-Kremlin government of the Republic of Moldova brought them in the last year, but also in order to overcome a series of problematic, still unresolved, reminiscences between the two states. The intention to establish a strategic partnership aims to raise the Moldovan-Ukrainian bilateral cooperation to a higher level;
- 2.** In order to reach another level in bilateral relations, the Republic of Moldova and Ukraine need to carry out ambitious projects together, including projects of regional importance. But the two states do not have sufficient financial resources to carry out grandiose projects on their own, despite optimistic statements from public officials, especially Ukrainians. For example, the project to build the bridge over Nistru at Soroca (Cosăuți)-Iampol is an older one, but it remained only in the discussion phase due to lack of financial resources. In order to reach the implementation phase of the infrastructure project agreed in Kyiv, the Republic of Moldova and Ukraine will, most likely, use European funds and international financial bodies;
- 3.** There are still enough “thorny” issues between the two states inherited from the past, with latent potential to provoke animosities between the Republic of Moldova and Ukraine in the future. Obviously, the topic related to the Nistru hydropower complex in Novodnestrovsk will be the “cornerstone” of the Moldovan-Ukrainian bilateral agenda, which will showcase the will of the two states to accept mutual concessions for identifying solutions to several existing problems on the Chişinău-Kyiv agenda.
- 4.** The Republic of Moldova and Ukraine have in common two strategic issues – the aspirations for European integration and the solution of the problem of territorial separatism – which can be managed more efficiently by the two states through mutual cooperation. Progress on the two issues will clash with the geopolitical interests of the Russian Federation in the region, but there will also be great difficulties due to endemic problems (such as corruption, lack of rule of law, non-functioning of state institutions etc.) in Moldovan and Ukrainian societies.
- 5.** The Moldovan-Ukrainian bilateral agenda is at the discretion of the relations between the Republic of Moldova and Ukraine. But the two states have enough internal obstacles in implementing this agenda on their own. Moreover, the two states will have difficulty advancing on their own in strategic matters. In order to increase the consistency of the future Moldovan-Ukrainian strategic partnership, it should be strengthened from the outside, by states directly interested in the Republic of Moldova and Ukraine advancing their dialogue with the EU on European integration and which would, on the issue of territorial separatism, promote their interests in the grand chancelleries. An institutionalized international format, consisting of the Republic of Moldova, Ukraine, Romania, and Poland, would substantially increase the chances of success of the Moldovan-Ukrainian strategic partnership.