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TRANSFORMING THE WESTPHALIAN DILEMMA: GERMAN MEDIATION OF THE TRANSNISTRIAN CONFLICT AND LESSONS FOR UKRAINE

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As one of the largest EU member-states, Germany has played a pivotal, though often disputed, role in shaping the diplomatic prospects of the post-Soviet frozen conflicts landscape. This article analyses the evolution of German policy towards the Transnistrian conflict, including the broader negotiation framework of '5+2'. Special attention is also given to the Meseberg Process (2010), Berlin Protocol (2016), and 'Berlin Plus' package for identifying key lessons learned from Berlin's mediation efforts, with its possible scaling up to the context of the Russian-Ukrainian war.

Introduction

The Westphalia system, the foundation concept of the sovereignty of states, rooted in the Peace of Westphalia (1648) can seem anachronistic when applied to contemporary conflicts, such as that in Transnistria. Nevertheless, it underlies the guiding principles in interstate relations. According to this, each state possesses complete sovereignty over its own territory and internal affairs. It is primarily codified in the UN Charter and the Final Act of Helsinki, along with the principle of non-interference¹.

The Westphalia system was significantly impacted by European colonisation practices

in the 19th century and the two World Wars in the 20th century. The rise of globalisation and the internalisation of world economics in modern times, as well as debates regarding humanitarian intervention, have further challenged its universality².

The post-Soviet dynamic is another challenge to this principle. External support of de facto (quasi) states creates a 'Westphalian Dilemma', a situation where adherence to the principle of non-interference paradoxically enables the subversion of a state's integrity and sovereignty. The Transnistrian conflict, a protracted confrontation between the Republic of Moldova and a separatist entity backed by the Russian 14th Army, serves as a quintessential example of such a dilemma.

1 E.L. Dabova, *The Westphalian Principles: Dead or Transformed and Adapted to New Reality?*, *International Journal of Humanities and Social Science Invention*, Vol. 3, Issue 7, July 2014, pp. 43–54.

2 *Ibid*

'Quasi-states', which are characterised by their capacity to exert effective control over a defined territory,³ provide governance to populations, and even enjoy a certain degree of popular support, while simultaneously lacking widespread international recognition of their proclaimed sovereignty. Such regions typically operate with direct or indirect support from an external state.



Germany has played a significant role in diplomatic efforts around the Transnistrian conflict, seeking to establish an independent position in this conflict resolution

Transnistria exemplifies this quasi-state phenomenon, having operated as a de facto independent entity since the 1990s, despite consistent international recognition of the territory as an integral part of Moldova, with the Russian Federation exercising effective control over it⁴, through maintaining a military presence and leveraging economic support to the de facto government⁵. The Council of Europe recognised it as occupied in 2022⁶, while the Moldovan government had been calling on the Russian Federation to withdraw its troops for years prior to that.

This conflict is typically depicted as 'frozen', with territory remaining outside the control of the central government, but with full-scale hostilities having ceased three decades ago. Still, no political settlement has been achieved, and the conflict transformed into a challenge for the European security architecture even before the Russian Federation started its full-scale aggression against Ukraine in 2022⁷.

Germany's Mediation Role

Germany has played a significant role in diplomatic efforts around the Transnistrian conflict, seeking to establish an independent position in this conflict resolution process that is proportional to its influence in Europe⁸. Nevertheless, Germany's policy towards Moscow had drawn criticism for its perceived naivety and a strong focus on economic interests, often conducted without coordination with its Eastern European partners⁹.

This approach contributed to the perpetuation of the 'Westphalian Dilemma' by normalising a de facto situation in Transnistria. It also highlights a critical tension in the foreign policy of the major European powers between pragmatic economic and security cooperation with a revisionist power, and the principled upholding of international law.

3 M. Rywkin, The Phenomenon of Quasi-states, *Diogenes*, Vol. 53, Issue 2, May 2006, pp. 23–28. DOI: <https://doi.org/10.1177/0392192106065969>

4 The Place of Unrecognized States in the Foreign Policy of the Russian Federation – The Case of Transnistria, *Blog – NYU Jordan Center*, 20.04.2021, <https://bit.ly/46kdSw9>

5 Frozen Conflict Is Not Peace – Just a Trap, *UkraineWorld*, 25.03.2025, <https://ukraineworld.org/en/articles/analysis/frozen-conflict-not-peace-just-trap>

6 Parliamentary Assembly of the Council of Europe, *Escalation of violence in Russia's war of aggression against Ukraine*, Parliamentary Assembly of the Council of Europe (PACE), Doc. 15728, 13.10.2022, <https://pace.coe.int/en/files/29885/html>

7 The Transnistrian Conflict: 30 Years Searching for a Settlement, *Utrikespolitiska Institutet*, 2021, <https://www.ui.se/forskning/centrum-for-osteuropastudier/sceeus-report/sceeus-report-no-4/>

8 V. Socor, Russian-Ukrainian War Should Doom the '5+2' Negotiations on Transnistria, *Jamestown Foundation*, 1.02.2023, <https://bit.ly/4pKMMHo>

9 How Germany Lost the Trust of Eastern Europe, *Internationale Politik Quarterly*, 4.01.2023, <https://ip-quarterly.com/en/how-germany-lost-trust-eastern-europe>

Germany's experience underscores how well-intended, incremental approaches can inadvertently legitimise the status quo of a 'frozen conflict' and rely on the biased structural settlement framework, where an aggressor maintains the role of a negotiator, while undermining core international norms. Thereby it is imposing the 'Westphalian Dilemma', which questions the fundamentals of international law and global order.

Therefore, the Transnistrian experience offers a crucial test case for Ukraine in understanding both Russia's 'frozen conflict' strategy as an instrument of pressure designed to maintain its influence, and potential scenarios for the implementation of various negotiation frameworks by the other international actors. Ukraine must, hence, avoid such traps in future negotiations over territorial integrity, and secure its European future while maintaining active involvement in the negotiation process; while this can become not only a pathway to conflict resolution but also a space for the competing interests of other states.

Transnistrian Genesis and Evolution

A defining characteristic of most of the de facto states, including Transnistria, is their reliance on external support from a patron state, which often intervenes in their internal affairs. Transnistria, as a quasi-state, emerged as a result of the Transnistrian conflict, which was driven not by ethnic or religious divisions, but

such external support, in particular, by the actions of Soviet elites seeking to preserve their economic status and privileges amid the collapse of the Soviet Union, as well as by Russophile sentiments inside the Moldovan society in the Transnistrian region, in response to linguistic reforms introduced by the newly independent Moldovan state.

The Transnistrian conflict initially dates back to the dissolution of the Soviet Union, and the subsequent independence of the Republic of Moldova. A short but intense war erupted between 1990 and 1992, pitting pro-Transnistrian forces, supported by the Russian 14th Army stationed in the region, against Moldovan forces¹⁰. The military conflict of 1992, marked by direct Russian military intervention on the side of the local separatists, inflicted dire and profound consequences on Moldova, including its incapacity to exercise effective control over its entire territory¹¹. A ceasefire agreement, signed on July 21, 1992 between Moldova and Russia, established the presence of a peacekeeping corps¹². Until today, Russia continues to maintain a military contingent there, which remains the means for Russia to exert considerable influence over Moldova's foreign policy¹³.

Since the cessation of hostilities, Transnistria has functioned as a de facto independent entity. This status endures, despite Transnistria's international recognition as an integral part of Moldova, even by the Russian Federation. However, its survival for over more than three decades has mainly been contingent upon the region's (and Moldova's)

10 The Transnistrian Conflict: Geopolitic Realias, IBN – *Institutul Bibliotecii Naționale a Republicii Moldova*, https://ibn.idsi.md/sites/default/files/imag_file/164-174.pdf

11 The Transnistrian Conflict: 30 Years Searching for a Settlement, *Utrikespolitiska Institutet*, 2021, <https://www.ui.se/forskning/centrum-for-osteuropastudier/sceeus-report/sceeus-report-no-4/>

12 DISINFORMATION: The Transnistrian Conflict, Caused by Russophobia and Romanianism, *Veridica*, 15.05.2025, <https://bit.ly/4pOkFY0>

13 The Place of Unrecognized States in the Foreign Policy of the Russian Federation – The Case of Transnistria, *Blog – NYU Jordan Center*, 20.04.2021, <https://bit.ly/46kdSw9>


essential relationship with the Russian Federation, providing ample economic and energy support that underwrite the local economy to a major extent¹⁴.

While Transnistria's economy has relied on Russian energy supplies, provided free of charge, and other subsidies following the conflict, it has also become increasingly integrated with the European Union over time, particularly after the implementation of the EU-Moldova Association Agreement in 2016. Currently, nearly 80 percent of Transnistrian exports are flowing to EU markets (as do Moldovan goods without contributing taxes to the state budget)¹⁵. This shapes the internal Transnistrian political landscape, fostering the formation of an oligarchic business conglomerate (known as 'Sheriff'), whose influence is derived from both its relations with state authorities, and Russian military and political backing¹⁶.

The Russian Federation, moreover, keeps a dominant influence over Transnistria, exerting a significant military presence, political manipulation, and economic leverage, while controlling the enforcement agencies within it.

Military presence remains the core prerequisite of Russian influence and the security trigger for Moldova and the region. Russia maintains a military contingent in Transnistria, known as the Operational Group of Russian Forces (OGRF), which

is a direct successor to the Soviet 14th Army. This force is estimated to comprise approximately 1,500 soldiers. However, according to some estimates, other quasi-military elements, as well as reserve staff, can reach up to 20,000 personnel under Russian command¹⁷. The primary task of the OGRF is to guard the massive Soviet-era ammunition depot at Cobasna, which reportedly holds up to 20,000 tons of weapons¹⁸.



Russian political leverage is best illustrated by the ill-fated Kozak Memorandum, which was intended to be imposed in 2003

The 'peacekeeping' mission was launched as a result of the agreement between Moldova and Russia in 1992. Russian and local propaganda consistently glorifies this military 'peacekeeping' mission, promoting the narrative that Moscow is acting as an honest mediator genuinely interested in regional stability¹⁹. This narrative, however, actively blurs Russia's proven role as a party to the conflict and a key supporter of the separatists²⁰.

Russian political leverage is best illustrated by the ill-fated Kozak Memorandum, which was intended to be imposed in 2003. This proposal, put forth by Moscow, aimed to achieve a final settlement by establishing

14 Twenty Years of de facto State Studies: Progress, Problems, and Prospects, *Indiana University ScholarWorks*, July 2017, <https://scholarworks.indianapolis.iu.edu/bitstreams/ad28efa2-1b10-41cc-ac61-4ab33e5f0288/download>

15 Florent Parmentier, Transnistria's Art of Survival: Navigating the 2025 Gas Crisis, *Georgetown Journal of International Affairs (GJIA)*, 23.04.2025, <https://gjia.georgetown.edu/2025/04/23/transnistrias-art-of-survival-navigating-the-2025-gas-crisis/>

16 *Ibid*

17 Operational Group of Russian Forces, *Wikipedia*, https://en.wikipedia.org/wiki/Operational_Group_of-Russian_Forces

18 DISINFORMATION: The Transnistrian Conflict, Caused by Russophobia and Romanianism, *Veridica*, 15.05.2025, <https://bit.ly/4pOkFY0>

19 The Transnistrian Conflict: 30 Years Searching for a Settlement, *Utrikespolitiska Institutet*, 2021, <https://www.ui.se/forskning/centrum-for-osteupastudier/sceeus-report/sceeus-report-no-4/>

20 *Ibid*.

a unified, asymmetric federal Moldavian state²¹. The plan would have permitted Russia to maintain military forces in Transnistria for an extended period of time, and would have granted Transnistria disproportionate power within a bicameral parliament, thereby effectively giving Moscow significant influence over Moldovan politics²². Moldova ultimately rejected the Memorandum, due to widespread fears of the ‘Transnistrianisation’ of the country²³.

The ‘5+2’ format, established to resolve the Transnistrian conflict, involves Moldova and Transnistria as parties, with Russia, Ukraine, and the OSCE as intermediaries, and the United States and the European Union as observers²⁴. This format has been widely criticised for “conflict conservation, namely on Russian terms”²⁵. Russia’s consistent insistence on the format’s ‘indispensable and immutable’ nature, even during periods of prolonged inactivity²⁶, highlights its strategic value to Moscow in maintaining the status quo.

The ‘5+2’ format, rather than being a neutral mediation platform, has functioned as a mechanism of strategic paralysis, allowing Russia to maintain its leverage and perpetuate the ‘Westphalian Dilemma’. The inclusion of Russia as a ‘mediator’, despite

its direct involvement on the side of the separatists, creates an inherent conflict of interest.

The format was explicitly designed by Russia for conflict conservation on Moscow’s terms. The Western powers, by accepting these Russian-defined terms to act as observers, legitimised a process that was structurally biased towards maintaining the status quo favourable to Russia. The prolonged inactivity of the format,²⁷ and Russia’s continued insistence on its indispensability, further demonstrate its utility as a tool for strategic paralysis, preventing any genuine movement towards a resolution that would undermine Russia’s influence.

The Western actors, including the EU and the US, joined the ‘5+2’ format in 2005 in subordinate roles as observers, accepting the Russian ‘acquis’ regarding its structure, semantics, procedures, and goals. Their presence, while intended to facilitate resolution, “seemed to legitimise it without remedying it”²⁸. The format’s prolonged inactivity since 2019²⁹ underscores its ineffectiveness as a genuine conflict resolution mechanism. Since launching its full-scale aggression against Ukraine in 2022, the Russian Federation continues to insist on this format.

21 T. Luchin, *The Transnistrian Issue: from Supremacy to International Cooperation*, [in:] *Dialoguri de pace în Moldova: integrare socială, politici și strategii de acomodare din perspectiva academică*, Chișinău, 18–19 September 2015, Centrul Editorial-Poligrafic al Universității de Stat din Moldova: Chișinău 2015, pp. 214–216.

22 DISINFORMATION: The Transnistrian Conflict, Caused by Russophobia and Romanianism, *Veridica*, 15.05.2025, <https://bit.ly/4pOkFY0>

23 *Ibid*

24 The Transnistrian Conflict: Geopolitic Realias, *IBN – Institutul Bibliografic Național*, 2018, https://ibn.idsi.md/sites/default/files/imag_file/164-174.pdf

25 V. Socor, Russian-Ukrainian War Should Doom the ‘5+2’ Negotiations on Transnistria, *Jamestown Foundation*, 1.02.2023, <https://bit.ly/4pKMMHo>

26 *Ibid*

27 *Ibid*

28 V. Socor, Russo-Ukrainian War Should Doom the ‘5+2’ Negotiations on Transnistria (Part Two), *Jamestown Foundation*, 30.01.2023, <https://bit.ly/4pM3F4z>

29 V. Socor, Russian-Ukrainian War Should Doom the ‘5+2’ Negotiations on Transnistria (Part Four), *Jamestown Foundation*, 1.02.2023, <https://bit.ly/4pKMMHo>

Objectives, Approaches, and Outcomes of Germany's Mediation in the Transnistrian Conflict

Germany's foreign policy approach towards Russia and Eastern Europe in the post-Cold War era has been subject to criticism, often described as a blend of naivety and "unabashed mercantilism"³⁰. This approach prioritised close trade relations with Russia, and was perceived by some Eastern European partners as being conducted 'over their heads'.

In the early 1990s, including during the conflict's violent phase, Transnistria was not a priority for German foreign policy. At the time, Chancellor Helmut Kohl's government was primarily focused on the historic task of German reunification. Chancellor Kohl later recalled that during President Boris Yeltsin's visit to Germany, when the two countries signed a cooperation pact, Yeltsin expressed satisfaction with the apparent resolution of conflicts involving Moldova, Georgia, and South Ossetia³¹.



In the early 1990s, including during the conflict's violent phase, Transnistria was not a priority for German foreign policy

Following this achievement, Germany shifted to deepening European integration, and strengthening the European Union's institutional architecture. The disintegration of the Soviet Union opened a period of regional instability. Still, Berlin's response remained cautious and diplomatically

measured, aiming to preserve European consensus, while avoiding direct engagement in the unresolved conflicts across the post-Soviet space.

Germany's more active involvement in the Transnistrian conflict began in the 2000s, as its foreign policy evolved towards a more proactive role in European security. The legacy of Ostpolitik,³² their foreign politics approach, initiated in 1969, with its core principle of 'change through rapprochement', partly inspired this engagement, due to Germany's tradition of constructive dialogue with Eastern Europe, and an evolving belief that unresolved 'frozen conflicts' posed risks to the broader European security architecture.

Negotiations regarding conflict resolution initially began under the auspices of the OSCE in a format involving the OSCE, Russia, and Ukraine, as well as the directly affected parties of Chisinau and Tiraspol. Russia, which played a dominant role in the region, presented the so-called 'Kozak Plan' in 2003 as an attempt to resolve the conflict. Backed by the EU and the USA, the Moldovan government managed to reject this concept, and Brussels and Washington joined the negotiations as observers, establishing what has since been referred to as the '5+2' format. But by then, the efforts to resolve the conflict had come to a dead end.

Following the EU's increased engagement in the region, the Transnistrian conflict became a key issue on the Russian-European security agenda. The so-called Meseberg Process, initiated in 2010 by the German Chancellor Angela Merkel and the Russian President Dmitry Medvedev, brought new

30 How Germany Lost the Trust of Eastern Europe, *Internationale Politik Quarterly*, 4.01.2023, <https://ip-quarterly.com/en/how-germany-lost-trust-eastern-europe>

31 H. Kohl, *Erinnerungen 1990–1994*, München 2007

32 G. Niedhart, Ostpolitik: Transformation through Communication and the Quest for Peaceful Change, *Journal of Cold War Studies*, Vol. 18, No. 3, 2016, pp. 14–59.

momentum to the settlement process, at first sight. This established a joint EU-Russia Political and Security Committee (EU-R-PSC) on the ministerial level (comprising EU High Representative Catherine Ashton and Russian Foreign Minister Sergey Lavrov) as “a forum for the exchange of views on current topics of the international political and security agenda”. It elevated the Transnistrian conflict to one of the main issues in bilateral relations between the EU and Russia³³.

The German government has defined the conflict in Moldova’s Transnistria region as the issue most likely to demonstrate that the EU can work one-on-one with Russia on European security. Therefore, Germany’s primary motivation for diplomatic engagement in Transnistria was the desire to establish the European Union’s capacity for practical security cooperation with Russia. Berlin aimed to incentivise Moscow to unblock negotiations, with the ultimate objective of achieving Russian troop withdrawal and Moldovan reunification. This stance was also influenced by a perceived decline in confidence regarding US policies, and a growing inclination towards direct arrangements with Russia, sometimes sidelining the United States and NATO³⁴.

While Germany was pursuing its special path towards deeper bilateral relations with Russia, Moscow has since strategically used this opportunity to expand its presence in the regional focal point of Transnistria. As part of this policy, Berlin sought ways to gradually include Russia in the decision-making processes of the European Union

and NATO. Outflanking EU-Russia relations, Germany appeared to initiate security arrangements within the EU with Russia, separately from the United States and NATO, potentially reducing the relevance of both.



The so-called Meseberg Process, initiated in 2010 by the German Chancellor Angela Merkel and the Russian President Dmitry Medvedev, brought new momentum to the settlement process

Germany’s most visible role came during its 2016 OSCE Chairmanship, under the leadership of Foreign Minister Frank-Walter Steinmeier³⁵. The OSCE Special Representative, Cord Meier-Klodt, revived the stalled negotiation process, drawing on Germany’s reputation as an impartial actor, as noted by Almut Wieland-Karimi of the Centre for International Peace Operations. The process culminated in the signing of the Berlin Protocol, a meaningful step in confidence-building between the parties.

Signed in June 2016, the Berlin Protocol laid the groundwork for the ‘Berlin Plus’ package, which comprises eight practical priorities negotiated since 2012. These focused on improving day-to-day life across the conflict line, rather than resolving Transnistria’s political status. The reopening of the Gura Bîcului-Bîcioc bridge between two villages, the apostilisation of Transnistrian university diplomas, the continued functioning of Moldova-administered Latin-script

33 V. Socor, Meseberg Process: Germany Testing EURussia Security Cooperation Potential, *Eurasia Daily Monitor* – *The Jamestown Foundation*, Vol. 7, Issue 191, 22.10.2010, <https://jamestown.org/program/meseberg-process-germany-testing-eu-russia-security-cooperation-potential/>

34 *Ibid*

35 C. Nünlist, Building Trust in a Turbulent Year: Germany’s 2016 OSCE Chairmanship, *Security and Human Rights Monitor*, 22.12.2016, <https://www.shrmonitor.org/building-trust-turbulent-year-germanys-2016-osce-chairmanship/>

schools in Transnistria, improved access for Moldovan farmers to their farmlands, and provisions for Transnistrian vehicles to participate in international traffic, were presented as a considerable success³⁶. However, it caused significant criticism, and was seen as implicitly strengthening Transnistria's political identity³⁷.



Despite some successes, the 'Berlin Plus' package ultimately showed the limits of a pragmatic approach. While incremental progress was achieved, the fundamental issue of Transnistria's status remained untouched

Despite some successes, the 'Berlin Plus' package ultimately showed the limits of a pragmatic approach. While incremental progress was achieved, the fundamental issue of Transnistria's status remained untouched. Moldova insists on reintegration under a special status, while Transnistria continues to seek independence or alignment with Russia. Russia's dual role, as both a mediator and the leading supporter of the breakaway region, undermines the Westphalian Principle it claims to uphold.

The Bavarian Conference process³⁸ is another example of Germany's involvement in resolving the Transnistrian conflict. The German government hosted a series of

informal meetings involving relatively large delegations from Chişinău and Tiraspol, in various Bavarian localities. These meetings were presented as operating under the auspices of the OSCE, and linked to the broader '5+2' process. A key criticism of this format was that it fostered the impression of "political equivalence between the Moldovan government and the unrecognized Tiraspol authorities"³⁹. The process was eventually suspended in 2019, primarily due to Moldovan electoral cycles and the subsequent rise of pro-Western political forces⁴⁰.

Conclusions

Germany's mediation efforts in the Transnistrian conflict, while well-intended, legitimised the de facto state, and entrenched Russia's influence, thereby deepening the 'Westphalian Dilemma'. By facilitating measures such as issuing distinct Transnistrian license plates, recognising their diplomas, or discussing state ownership of land, these initiatives implicitly strengthened Transnistria's political identity, and contributed to Moldova's 'de-sovereignisation'⁴¹.

Germany's approach towards the settlement of the Transnistrian conflict, focused on practical, accumulative solutions, without a firm and consistent demand for Russian troop withdrawal and full Moldovan sovereignty, has inadvertently lent legitimacy to the separatist entity and its patron, Russia. This reveals a critical flaw in traditional frozen

36 Confidence-Building Measures, "Berlin-plus" package, OSCE, May 2019, <https://www.osce.org/mission-to-moldova/391502>

37 V. Socor, Russian-Ukrainian War Should Doom the '5+2' Negotiations on Transnistria, (Part Four), *Jamestown Foundation*, 1.02.2023, <https://bit.ly/4pKMMHo>

38 Bad Reichenhall, Bavaria conference reinforces German OSCE Chairmanship's emphasis on an outcomes-based Transnistrian settlement process, OSCE, 14.07.2016, <https://www.osce.org/cio/253901>

39 V. Socor, Russian-Ukrainian War Should Doom the '5+2' Negotiations on Transnistria, (Part Four), *Jamestown Foundation*, 1.02.2023, <https://bit.ly/4pKMMHo>

40 *Ibid*

41 V. Socor, Russo-Ukrainian War Should Doom the '5+2' Negotiations on Transnistria (Part Two), *Eurasia Daily Monitor*, Vol. 20, Issue 17, Jamestown Foundation, 30.01.2023, <https://bit.ly/4pM3F4z>

conflict mediation: a focus on confidence-building and small steps, without addressing the fact that the fundamental breach of sovereignty can inadvertently normalise and entrench the de facto situation.



Germany's approach towards the settlement of the Transnistrian conflict, focused on practical, accumulative solutions, without a firm and consistent demand for Russian troop withdrawal

The 'Westphalian Dilemma' refers here to the notion that pragmatic approaches, unless firmly grounded in a principled defence of territorial integrity, can undermine the very international order they aim to stabilise. This is a crucial lesson for future international mediation efforts, particularly in contexts where an external power benefits from the unresolved status.

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