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**Lucian Blaga University of Sibiu  
Faculty of Social Sciences  
and Humanities  
Department of International Relations,  
Political Science and  
Security Studies**

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ISSUES RELATING TO THE IDEOLOGICAL CONFLICT BETWEEN GLOBALISM  
AND SOVEREIGNTY AND THE BEGINNING OF THE PROCESS OF  
DISINTEGRATION OF THE GLOBAL WORLD AND THE EUROPEAN UNION  
– Suggestive memories –

<b>Abstract:</b>	<i>Britain's exit from the European Union and the election of President Donald Trump at the White House are events that are part of a broader global world change project that dominated international political life in the US's sphere of interest and influence in the post-World War II period.</i> <i>The article highlights some of the causes that led planners in Washington and London to make radical changes in their future projects. It highlights how the US has lost over the past decade and a half its international influence and the internal crisis generated by the priority promotion of global interests in the face of the deep interests of the US. It also shows that Britain, after fighting hard with great losses in two world wars as the winner, found itself in a situation where, within the EU, Germany would make the most important decisions.</i> <i>The article highlights the way how it started and then stalled the process of encouraging the American doctrine of Europe of nations.</i>
<b>Keywords:</b>	<b>Donald Trump; Stephen Bannon; Hillary Clinton; Matteo Salvini; Henry Kissinger; globalization; European disintegration; nationalism; national protectionism; Brexit</b>
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Spring 2016 was the moment of the onset of new developments in the Euro-Atlantic sphere of influence. On the one hand, in the US, the Republican Party was propelling Donald Trump to the first white house seat, whose speeches heralded the will for a change in the globalist political system, on the other hand, in Europe, in the United Kingdom, among political forces and intelligence services were preparing the steps for the country's exit from the European Union, which came to be considered outdated and inappropriate., in the West and a new form of colonialism, for some Eastern European states.

The candidate, later President Donald Trump, has repeatedly spoken of globalization as "the lie forced down on peoples' throats" and about supranational bodies, known as the World's most influential

forces (Bilderberg, Committee of 300, Council on Foreign Relations, etc.) spoke with resentment, their members derogatorily called "enlightened" and threatened them, including with prison. Public enemy number one has become the "enlightened" George Soros, who, through the foundations he created, at the expense of the Judge-Globalists, supports the fight against national-protectionism, the new doctrine strengthened in the US in 2016-2021, in general and Donald Trump in particular.

During the election campaign, Donald Trump threatened to imprison the representative of the globalists, Hillary Clinton, stating strongly that she, together with Barack Obama, created the terrorist organization ISIS. The threat was strong and emotional, so that on the first day of Donald Trump's installation in the White House,

Barack Obama called on President Donald Trump to respect the tradition of previous U.S. presidents to spare the defeated opponents and not arrest Hillary Clinton. Barack Obama was simply begging for clemency and immunity. This request was unprecedented. At the same time, it was a confirmation of a well-known fact, Polichinelle's truth: Justice is not free anywhere in the world and can act at any time at the behest of those who control power, be they politicians or, especially, secret services.

Donald Trump has always talked about the fact that the US economy has dissolved all over the globe. The former highly successful American companies have become multinational companies, with the majority of shares spread abroad, all over the World. Tens of millions of American workers, some highly skilled, remained unemployed, in the care of the US government and then in complete poverty, after the companies they worked for relocated to China, Mexico and around the globe. Globalization, much praised by supporters of the Euro-Atlantic system, has been revealed as the leading cause of evil in the US and in all over the world. Public opinion from many states has found its own situation in the revelations made by President Donald Trump.

In the interest of dominating and expanding the entire sphere of US influence, globalists have made concessions to European and other parts of the world. It so happened that through treaties and economic and financial agreements concluded, through all kinds of facilities granted to these allies, by the total elimination of protectionism, the USA came to have unfavorable balances in trade relations with its main trading partners. The big problems in the US economy and finance have tried to be covered by loans and massive dollar issues, without coverage in gold, goods and services. For all these loans, the American people pay exorbitant interest rates that enrich the world's great bankers. Because of this, some BRICS states, including major economic powers, have excluded the dollar from bilateral and third-party exchanges.

US globalists have allowed their military allies in NATO not to meet their

financial obligations, so the US has been forced to bear 75% of the expenses of the North Atlantic Treaty Organization. At the beginning of President Donald Trump's term, only Germany's debt to NATO amounted to about 350 billion euros, with no late penalties calculated. During Chancellor Angela Merkel's visit to Washington in February 2017, the issue failed to resolve, much to President Trump's anger. From partners, the EU and Germany have come to be labeled as "enemies". This situation is unprecedented in the history of the Second World War, even though the two countries have imposed economic sanctions at other times<sup>1</sup>.

In a desire to control power in the White House, the great Judge-Globalist bankers have always lent the American government, then imposing their desired policies. Who gives the money, decides, is the rule of the financial-banking. At the same time, the globalist governments of the White House also borrowed from China, which became the largest US lender. The US government also sold its own gold reserves, including the nearly 200-tonne deposit with which it had secured the International Monetary Fund loans. The scandal of the arrest of International Monetary Fund President Dominique Strauss-Kahn, with the diversion of rape allegations, was made to try to block the disclosure that the US had sold the gold with which it had secured the loan to the International Monetary Fund. At the time of writing of these lines, the duty of the U.S. government is approx. \$22,000 billion.

All these and many more that we do not insist on, weakened the US and brought it on a path that led to a constant loss of power and international influence, the degradation of domestic socio-economic life and the loss of attachment of American citizens to the state which is the worst risk factor for national security, even worse than the impossibility of securing their own databases, which Washington government institutions have been facing for years. From here, was felt the need for a major change in the essence of the US political regime.

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<sup>1</sup>Corvin Lupu, *Europa în sistemul relațiilor internaționale*, Editura Elion, București, 2016, pp. 164-168



Donald Trump promoted a doctrine that had the motto "America First!" and protectionist economic-financial and social policies. At the same time, a new political regime was born in the United States, which I called the National Protectionist. After all, this political regime is one that supports the sovereignty of the United States and its Western partners. In a historic speech at the World Economic Forum in Davos, Donald Trump said that the future of humanity does not belong to globalism but to sovereign states, those that cultivate their traditions, culture and everything that identifies and makes them more beautiful.

In the US, the national-protectionist/sovereigns political regime is mainly based on the old US population, the descendants of European, white and Christian settlers, those who built the US with a shovel, paper and pickaxe and who, from their work, have created the prosperity to which millions of Venetians, of all colors, of all eye shapes, of all religions and customs, including millions of Muslims who do not accept to integrate into the civilization of other peoples, but want to impose on others their own habits, which sometimes become "grabs". They often join those blacks in the US who feel they no longer have to work, because they have worked hard enough for their ancestors brought as slaves from Africa.

It is clear that Donald Trump was supported not only by ordinary Americans who voted, but also by very important forces in the Pentagon and the intelligence services. In fact, in a deep-sea analysis, we also have to ask ourselves whether Donald Trump actually won the election. Popular vote was majority on Hillary Clinton's side. Most of the press and the "illuminates" were on her side. The tens of millions of migrants who have come to the US in recent years and welcomed with open arms by globalists, also voted majority with Hillary Clinton. As a result, did it seem at least strange that voters voted majority with Donald Trump?! And not by any majority, but by the largest majority in the history of the U.S. election! Beyond any propaganda, it is common now that democracy has obvious limits, and elections are also influenced, directed and sometimes falsified. On

November 3rd, 2020, the allegations of fraud, the evidence to this effect, brought by President Donald Trump's team were overwhelming. American democracy turned out to be a myth. There can be no democracy with falsified elections, manipulated and then accompanied by a face-to-face censorship practiced by the press and social media.

As I was saying, democracy/"democracy" does not go so far that very big decisions of historical relevance are left to the will/hand" of the street. In these situations, the people at the base of the society, "stupid people", do not decide to quote SilviuBrucan (Saul Brukner), the diversionist of sad memory from the period of the Soviet military occupation of Romania, the military coup of December 1989 and the post-Ceaușescu regime in Romania. The deep structures of the states, in which we refer, of the US and the United Kingdom, have the means and experience in the field to make the political line taken behind closed doors triumphant. That's how it's done. The non-professionals and the naive must be allowed to believe everything else.

That's not to say that most British didn't support leaving the EU, nor that it would neither be possible for Donald Trump to have won the US election fairly. We think most British really wanted to get out of the EU, but the decision-makers who decided Brexit couldn't rely on it. They took all the measures, in time, starting, most of the time, with manipulated public opinion polls, in which, as the events approach, the two alternative situations are brought to percentages very close to each other, so that they can easily tip the scales in favor of either option. In the UK, public opinion polling institutes are also influenced / controlled by the secret services. In Romania, too, the election results have changed several times, in accordance with the interests of Romania's foreign hoarders. We no longer exemplify.

We do not make any statements without coverage, we just think of possible analogies with situations of this kind encountered in various parts of the US area of influence at various other times. On the other hand, contrary to these possibilities that we globalists, with the support of the Democratic

Party, have stated with strength and with certainty that the US election and the Brexit referendum have been manipulated, especially through the illegal involvement of the Russian Federation, by complex means of influence and by IT means, this Russian meddling being decisive in both cases. A commission has also been set up in the US in order to investigate this alleged involvement. The fact is known and we do not insist on it.

But beyond these claims, there is a problem that relates to the prestige and honor of the US, the country that claims to be the most powerful in the world. For the neutral observer, it is obvious that if Russia has indeed managed to influence and decide the winner of the US elections and the historic decision to separate Britain from the European Union, then Russia is truly the most powerful country in the world, in many ways. In the propaganda that is done in many parts of the Euro-Atlantic area of influence, however, Russia is presented as a much weaker state than the US, with great problems of all kinds, and the US is still presented as the only superpower. Paradoxically, it is precisely those who support the thesis of total US superiority that assures us that Russia is "guilty" of influencing the two historic decisions, which are represented by Brexit and the election of Donald Trump. This "logic" seems to us a real attempt to our minimum intelligence.

From another point of view, today it is known that Russia, respectively the former Soviet Union, decisively influenced the election as US president of Francis Delano Roosevelt<sup>1</sup>. So, for connoisseurs of real contemporary history, Russia's involvement in the U.S. election would come as no surprise.

Brexit and the election of Donald Trump are rightly addressed "packaged", as two phenomena that are part of the same strategy of the securocratics, that is, of the holders of power in the defense and security system of the countries, that is, of important generals who often have greater power than politicians. We looked forward to the

outcome of the Brexit referendum and the US election, convinced that the two events express not so much the popular will as, more importantly, the political orientation of the big planners in Washington and London, who are collaborating and always agreeing. It is a constant of modern and contemporary history for the great international decisions to be made by the London government of convince with their US partners.

Henry Kissinger, a prominent member of the "Illuminati" group, was asked what he thought of Donald Trump. He responded that Trump is the kind of personality that heralds the end of a historic era, which was surprising, in the sense that the answer gave the impression of a certainty of change, on the one hand, and that the great American thinker and diplomat is at peace with the idea of this change in the political regime in Washington. Kissinger said that Donald Trump: "it could be one of those figures in history that appears from time to time to mark the end of an era and force us to give up old appearances"<sup>2</sup>.

It was for the first time in U.S. history when an internal ideological battle was launched in the country. The system has been one and the same from the founding of the US to Barack Obama. The earthquake in American society and the entire Euro-Atlantic area of influence caused by national-protectionism was a particularly large one. Democrats and opponents of the new national-protectionist regime have launched a strong offensive through the press, through congressmen, through supporters in the secret services, through Judiciary supporters and among European allies, all globalists supported by "illuminati" and their bankers.

It has been seen that some important US generals and the president-elect no longer want to lead the Euro-Atlantic empire on the basis of the provisions of supranational bodies, the "recommendations" of the Council on Foreign Relations, in a word they want to get rid of under the domination of the "illuminati". Many of the generals who supported Donald Trump and the president

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<sup>1</sup> Corvin Lupu, Grațian Lupu, *Istoria relațiilor internaționale (1919-1947)*, Editura Universității Naționale de Apărare "Carol I", Bucharest, 2013, pp. 61-62

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<sup>2</sup> Robert Mihăilescu, *Kissinger, about Trump: He could be one of those figures in history who sometimes appears to mark the end of an era*, in HotNews.ro of July 20<sup>th</sup> 2018

himself wanted to hold all the power and not get provisions out of nowhere.

The Trump administration has only been able to take over some of the power it is vested in by winning the election. Globalists have held back in every possible way the measures of the American government and the implementation of the new national-protectionist regime. If the heads of the CIA and FBI were changed immediately after the investment (January and March 2017) and appointed new heads of the two services, it did not bring them into line with the new political course. The secret services always have their own agenda. The majority in the Supreme Court was obtained by the new Trump administration only after about a year. Half a term and borderline, with five judges being pro-Trump and four anti-Trump, so most of the decisions were made with the unconvincing score of 5 against 4. But at the end of the term, when the U.S. Supreme Federal Court had to prosecute fraud in the November 3, 2020 election, the files containing overwhelming evidence, a judge, appointed by Donald Trump (!), refused to prosecute fraud and cited procedural grounds for not judging the trial. This represents a crushing defeat of democracy in the US and throughout the US sphere of influence, negotiated with the USSR and the United Kingdom at the end of World War II and still in force today. This decision of the US Supreme Federal Court can lead to disastrous consequences for American society, deepening the rift within it and causing social-political conflicts that will consume the nation's energies and cause the world power of the US to continue to decline, compared to the main opposing political-military organization (Shanghai-5) and adverse economic (BRICS).

The leadership of the EU and the main European states, which constitute the continent's globalist elite, has been greatly affected and dissatisfied with developments in the US and the UK. Since the election campaign in the spring of 2016, Donald Trump has been presented by the globalist press as a lack of balance, with unacceptable ideas, a danger to the US, the EU and Humanity. After the success of globalists in

rigging the November 3rd, 2020 election (in the opinion of many tens of millions of people), President Donald Trump has been declared several times as "crazy" and censored by the press and social media all owned by globalists.

With regard to Brexit, we would like to mention that the main motivation, put forward by politicians but also manifested in public opinion, was that the British want to have an independent country and not leave their fate in the "hand" of the European Commission's decisions. It is a usual aspiration, in our opinion, a natural one. The EU started out as a networked, horizontally located organization with its first Member States in positions of full equality. At the beginning of the European Community, during the European Coal and Steel Community and then the Common Market, Luxembourg, a state which is only a city and a few surrounding lands, had the same weight at the negotiating table with Germany and France. The interests of large and small states were treated equally. When it came to EU accession, the public opinion of eastern European states was shown the "wall host" of entry into a democratic structure of sovereign and equal states, in which the interests of all are promoted, and then moved to the promotion of a supranational pyramidal organizational system, including an internal periphery, the one in which Romania is located, to which a colonial regime was imposed.

This aspiration for sovereignty is not only of the British. The Swiss have announced that they no longer want to be euged, practically for the same reasons. Switzerland always looks at the US and the UK, the powers it is most connected to. Slovaks and Czechs also want, in large numbers, difficult for us to quantify on these occasions, a referendum of this kind, and such voices are also in France. Further on it went to the Netherlands, where a poll was published showing that the majority of the population wanted to leave the EU. Sweden and Denmark also have many supporters of leaving the Union. Let us not forget Austria, which was the first country on the verge of such a decision to leave the EU in the first

decade of the current millennium, requiring the assassination of Georg Heider, the charismatic leader of the Austrian right, the most popular Austrian since Hitler, who was found dead in a car "accident" but with his head pierced by an iron. Not to mention about the sovereign and severely critical manifestations of the EU, coming from Hungary and Poland. It is certain that the European Union is creaking from all wrists.

An important aspect comes into play here. Demonstrating for national sovereignty and for independent decisions, Eurosceptics are practically protesting against the system, which is really "villainous", as the former President of Romania, Traian Băsescu, said. Eurosceptics are not "black sheeps" as they are subtly and derogatorily projected by the propaganda of the leaders of Brussels and Bucharest. Then, from an economic point of view, within the EU, Germany's interests come first, and the main decisions are most influenced from Berlin. Britain fought in two world wars against Germany, spent huge resources and suffered millions of lives, won wars and found itself, after a few decades, ruled by Germany!

At the time of the Brexit referendum, the President of the European Commission, as well as that of the European Parliament, were ethnic Germans and this was taking effect. Blood is only made of water in globalist propaganda. Scientists psychologists and sociologists have shown that in the global era the national consciousness does not disappear. So, if we are to follow this line of thought, homoeuropeus and homoglobalus are stage "jaws" of this whole globalization effort. Moreover, the Leninist, Trotskyist and Stalinist communists initiated "proletarian internationalism", with Soviet internationalists acting in the same direction of world domination as today's Judge-Globalists. The Communists also aspired to the "new man", also a kind of homoeuropeus/homoglobalus and the spread of their power throughout the Globe.

Britain wants to decide its own fate, the Queen has supported Brexit, and President Donald Trump has said Britain must retake precedence in Europe. We remember that at the end of the Second World War, when the

spheres of influence were divided, Western and Central Europe, with the exception of Germany and Austria, was a British sphere of influence. Germany and Austria were under the common domination of the war-winners, respectively the USA, the USSR, the United Kingdom and France.

In 2014, President Vladimir Putin said in an interview that those agreements after World War II ended "for all eternity", only that the "traitors" Gorbaciov and Elțin allowed their violation. Therefore, in Malta, on December 2nd and 3rd, 1989, the Presidents of the USA and the USSR could only conclude a verbal agreement, their older treaties prohibiting the amendment of the agreements. Under the old agreements, the Allies can make other arrangements, but they cannot modify the old ones. On his Facebook page, then, in 2014, President Putin said that the Sovietic-American-British agreements were very well made, only that in Moscow there were the two traitors remembered, suggesting that one (Gorbaciov) broke the agreements and another (Elțin) respected the damage, but that the current Russian Federation no longer wants to admit what the traitors did. So, in the future, things could get complicated...

In addition to these and many other considerations, the vote for Brexit was one against high-level policy in the EU, against banks, against large EU-backed corporations, generally an anti-system vote, to the liking of the smallest, in dispute with the biggest ones. This time the majority popular aspirations, those at the heart of society, coincided with the American-British action, tacitly supported by Russia and China, of subtle and covered undermining of the economic-political colossus that is the European Union. History, the queen of humanities, tells us that every time Europe was at a standstill, the US and Russia took advantage. Britain is much closer to the US and more connected to it than to Germany and France.

The European Union is a supranational organization which has a historical, fleeting character. In history nothing is eternal, every coin has a front and back, every road has a shower and turn, and the "wheel of history" always spins. As a

result, to present a phenomenon as irreversible, as the Euro-Atlantic integration process has been presented to the public, is a manipulation. Tens of thousands of politicians, propagandists, journalists, fake analysts and gullible participated in this manipulation! In the midst of the era of science, coming to bring about fleeting historical phenomena as if they were eternal and irreversible, is an offense to the minimum capacity of social-political understanding of specialists. Nothing is irreversible in history.

We are not venturing into predictions of how long the EU will last. Futurology is not science, in our opinion, even if it is sometimes based on the analysis of past and present-day realities, scientifically proven. It is certain that the whole process of globalization is nothing more than the struggle of the big interest groups in the US, the "enlightened" and some of their allies for the widest possible world domination. Over the centuries, this struggle for domination has come in its way, with Euro-Atlanticism and globalization being some of them. In reality, we find ourselves at a historic time when the influence of the US is increasingly curtailing over the past decade and a half.

The unipolar world of Gorbaciov and Elĭn, when the US remained the only superpower, ended for several years. Russia, along with china, with their partners in the Shanhai Cooperation Organization and the BRICS, is spreading its influence on growing parts of the Globe. From a political-military point of view, the US must increasingly take into account the will of these two great powers, and from an economic point of view it must take into account the EU, the BRICS and Japan. Africa is controlled to the greatest extent by China. The world has become bipolar again and tends towards tripolarity, and the US sphere of influence is increasingly restricted to the territories negotiated at the end of World War II. Those deals turned out to be enduring.

It is clear that the Washington regime was the main brake on globalization during the years of Donald Trump's presidency. In 2015 and 2016, the years leading up to the Brexit decision, the priority target of globalists in Europe was the destruction of the

nations of the old continent, so that with the destruction of nations and nationalism. Bringing millions of Muslims across European peoples by force, through abuse, is also part of the project of destruction of European nations, the national and nationalist cores being the ones that save the majority nations and ethnicities. As France, totally defeated in World War II, was rebuilt by the Americans, it was given, in large part, into Jewish hands, and behold, today the French people were invaded by millions of blacks, yellows, Muslims, etc., whose place should be in their countries, not in Europe. Of course, this situation is also a reverse of an old medal: six of the Western European states ruled colonial empires that covered most of the Globe. For hundreds of years, European colonialists looted the colonies, leaving them poor and backward, with small slavish and profiteering elites, with which they perpetuated the transfer of prosperity from those colonial countries to Europe. Hence the gaps in the international world, including within Europe. Hence European peoples worked to secure their livelihood and the necessary ones, while others looted the colonies, enriched themselves and developed. Now, the latter would indeed have a moral obligation to take with them the citizens of the former colonies that they have robbed and impoverished. But not all states have this moral obligation. Romania certainly has no such obligation at all.

Globalist politics in France also has its reverse. A large number of French, dissatisfied with the fact that global interests are increasingly being promoted at the expense of those of the French ethnicity, have approached the nationalist party led by Marine Le Pen, which in the last presidential election won a large number of votes, despite a campaign by globalists to demonize her party and her family. Let us not forget that in her speeches, Marine Le Pen had declared that if she became president of France, she would hold a referendum on France's exit from the EU...

Regarding Brexit, Donald Trump said that the British "took their country back". We believe that, in the future, it is possible and even likely that this process of disintegration

of the EU will continue and that other countries will leave the Union. The issue of widespread recognition of the failure of the EU project, at least in some parts of the continent, such as Romania, is only a matter of time. The great dissatisfaction of some states with the dictatorship policy of the European Commission and Germany within the EU, such as the Vişegrad Group states, is well known.

In the first part of President Donald Trump's term, one of his closest collaborators, Stephen Bannon, set up a Brussels-based foundation called "The Movement", which seeks to develop national movements and right-wing policies in Europe<sup>1</sup>. As I have shown, Donald Trump called the European Union an "enemy" of the United States. The "Mişcare" Foundation advocates for a Europe of nations. Stephen Bannon aims to provide polls and advice to right-wing, nationalist personalities on the political ladder who do not have strong organizations to support them. The New York Times, a longtime globalist fiefdom, wrote about the 2018 tour of the founder of the "Mişcare" Foundation: "Stephen Bannon sank the establishment. Now he wants the destruction of Europe." Stephen Bannon met with right-wing politicians from across the European continent, including former Ukip chief Nigel Farage, Marine Le Pen and Hungarian Prime Minister Viktor Orban. Italy, a country with an important share in the EU and NATO, is a fundamental step in this strategy. Matteo Salvini's Project of the Northern League to leave the Euro zone was in line with the very close ties maintained by former Deputy Prime Minister and Interior Minister Matteo Salvini with Vladimir Putin's United Russia party and his firm policy of empathic immigration from Africa and Asia to Europe, a fundamental project of the globalist policy of destroying European nations. Against these developments in Italy, Stephen Bannon said: "Italy is the heart of modern politics. If (national movement n.a.) goes there, it can

succeed anywhere. You will see individual nation-states with their own identities, with their own borders"<sup>2</sup>.

Stephen Bannon also had words of appreciation for the "yellow vest" uprising.<sup>3</sup>

Asked if he was "playing with fire" by operating in Europe in the direction of right-wing nationalism, which might recall a black period and the Nazi era, Stephen Bannon said: "In the elections in Hungary and Italy, populist nationalists won two-thirds of the vote. We have not seen riots and we have not seen fire in these countries, but discussions and dialogue. Globalists want to say you're <playing with fire>. Show me where he was <fire> in Italy and Hungary. Globalists liked liberal democracy until they started losing the election. After that, after being destroyed in certain European countries, globalists suddenly claim that we are playing with <fire>"<sup>4</sup>.

After the European Parliament elections on May 26th 2019 and the defeat of Emmanuel Macron's pro-European list by that of the French far right in the National Rassemblement (RN), Stephen Bannon said: "The European integration project died on Sunday"<sup>5</sup>.

Stephen Bannon revealed George Soros actions as opposed to European sovereign states<sup>6</sup>.

EU leaders also reacted to the new US positions. Thus, on January 31<sup>st</sup> 2017, just one

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<sup>1</sup> Emilian Isăilă, *Trump has called the European Union an enemy, and Steve Bannon wants to destroy it, to Putin's delight. Will he succeed ?*, Ziare.com of July 25th 2018; *Trump confiscates nationalism in Europe*, in Ortodoxinfo.ro of July 23<sup>rd</sup> 2018

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<sup>2</sup> Gabriela Anghel, *Steve Bannon finances a far-right populist uprising in Europe*, „Free Romania” on July 23, 2018

<sup>3</sup> Ștefana Radu, *Steve Bannon's adventure in Europe. Populist parties no longer want to associate with Trump's former strategist*, „Adevărul” from March 5, 2019

<sup>4</sup> Călin Marchievici, *Steve Bannon, fighting the globalist „hyenas” and the „Davos Party”*, „Daily” of May 26, 2018

<sup>5</sup> Valentin Vidu, *The European integration project „died” on Sunday, Steve Bannon considers*, „News.ro” from May 28, 2019

<sup>6</sup> As an example, we mention that he stated that: „I think George Soros has a very harmful influence all over the world. I think he did a lot to hurt Europe. I believe that this problem with migrants and open borders has affected countries such as Hungary, Austria and Italy. All this came from the initiatives led by Soros”. See Mihai Mihai, *Steve Bannon: „George Soros is the cause of all the evils in the USA and in the world*, in „Moldova Suverană” from April 8, 2018

week after the investment of Donald Trump, the President of the European Council, Donald Tusk, sent a letter to the leaders of the 28 EU member states, in which he warned that: „The (power) changes in Washington put Europe in a difficult situation, with the new administration seeming to question the last 70 years of US foreign policy," and further identified as a risk factor for the EU and "worrying statements by the new US administration". At the end of the letter, Donald Tusk issued an exhortation: "today we must clearly defend our dignity, be it Russia, China, the United States or Turkey"<sup>1</sup>.

For his part, in the autumn of 2018, when the preparatory work of the European Parliament elections was already feverish, Günther Oettinger, the former European Commissioner for Budget and Human Resources, in Bucharest, said: "Steve Bannon, Trump's adviser in the presidential election, is currently walking around Europe with fake news and new methods. So it's a way to run a very unserious election campaign and we don't have to sit around and accept that"<sup>2</sup>.

Indeed, European globalists have acted on multiple fronts to stop the promotion of national-protectionism in Europe and the creation of a continent of sovereign nations.

In parallel with the fierce struggle of US globalists to curb the implementation of national-protectionist projects, the same line was taken in Europe. The first force mobilized to support globalism was the media. National manifestations of governments and politicians are derogatorily classified as "populism". Moreover, changing the meaning of some terms and giving negative or derogatory nuances to the dictionary meanings of some terms, is part of the manipulative arsenal of globalist propaganda.

In the UK, globalists, with strong support from the US and especially the EU, have tried to challenge Brexit and overturn the decision, delaying the country's exit from

the bloc and trying to instill the decision to give up Brexit. In December 2020, when Britain and the European Union signed an agreement, the EU President said it was time to put Brexit behind. This speech expresses the European aspirations to bring Britain back into the European conclave led by the European Commission in Brussels.

If in the first part of President Donald Trump's term, the US administration and the European residences of the secret services acted to support European groups and personalities who were speaking out against the current EU leadership model, or even to leave their EU states in 2019, these operations have slowed or even been stopped. Thus, globalists have achieved electoral successes. Although the "populist" parties scored high in the May 2019 European Parliament elections, they did not live up to the forecasts.

In Italy, Matteo Salvini fell from power and was brought to trial on alleged acts committed many years ago. In Romania, the head of the ruling party (PSD), Liviu Dragnea, who came to be seen following his declarations of intent a possible future Viktor Orbán of Romania, was twice sentenced to prison, currently executing its sentence. Dragnea's convictions are more than controversial, the first time for sending emails calling for people to go out to vote (!), second time for accusations that have not been proven, but only made. Also, the author of the PSD's governance programmer, Darius Vâlcov, who provided for sovereign political-administrative measures, refused as Minister of Finance to conclude a new agreement with the International Monetary Fund and tried to promote measures to eliminate the pro-European political police, was put on trial for acts that happened more than a decade ago, for which he has been tried for many years, but he is not definitively convicted for lack of evidence! This is usually the mode of action of the political police, carried out by magistrates under the control of the secret services. This model from Romania is implemented throughout Europe, through the newly created European Public Prosecutor's Office, headed by the former head of the National Anticorruption Directorate of Romania.

<sup>1</sup> Ovidiu M. Curea, *World War III: Multinationals against Trump*, „Orthodox Word" of April 6, 2017

<sup>2</sup> Oettinger in Bucharest: *Steve Bannon, Trump's adviser, is currently walking around Europe with fake news and new methods*, „Financial Intelligence", October 30, 2018

The EU leadership has taken action against Poland, the country that does not allow its secret services and justice to act under the control of Brussels leaders and which, like Hungary, does not allow the implementation of European decisions contrary to Poland's national interests.

At the same time, especially through the voice of France, some western European states are putting pressure on the US and the UK with the project to establish a European army other than NATO. Germany continues extensive economic cooperation projects, especially energy, with the Russian Federation, despite the opposition of the White House and sanctions imposed by the US government due to the construction of oil and gas pipelines linking the EU with Russia.

Even if no one openly declares the existence of the danger that, in the event of the break-up of the EU, Germany will have to throw itself totally into the arms of Russia and China and through them the BRICS, this danger to the US sphere of interests is one that cannot be minimized. Russia and China are continuously growing in international influence, and Turkey, with a continuously developing economy, has turned its back on Euro-Atlanticism and turned to Asia. The political project of the Russian Federation to preserve the country's integrity and maintain the regime of Bashar al-Assad has been implemented in Syria. The Iraqi government has called on the United States to withdraw troops from the country. All these, as well as other aspects, can be explanations for the decline in 2019 of the US support of national movements in European countries. In the face of the ongoing political and ideological struggle within the United States and the country's international vulnerabilities, the postponement of EU restructuring can be seen as necessary. In fact, without being noticed by many analysts, the Queen of Great Britain said in her speech on the occasion of the crushing victory of Boris Johnson's Conservatives in the early elections of December 2019, the winners being unconditional supporters of Brexit, that even small steps offer certainties of projects.

Donald Trump opened many fronts and faced huge adversities. He ended a term

in which he did not wage any war and withdrew the US armies from Syria, Iraq, Afghanistan. Donald Trump refused to make war on rich Venezuela and North Korea, with whom he ended up reconciling. This upset the huge US military industry. It has limited the penetration of millions of migrants from all continents, coming into one to the "land of promise", which limits the army of supporters of globalists. Building the wall on the border with Mexico, equipped with state-of-the-art underground scanning systems, video surveillance, etc., affects the huge interests of human, drug and arms trafficking, which are controlled by the upper echelons of US law enforcement and intelligence. Supporting the national sovereignty of the peoples, Donald Trump dissatisfied the European states, the former partners and allies of the Judeo-Globalist regimes in Washington. Donald Trump said a state cannot be sovereign if it does not have full control over its central bank. This was the most frightening message received by Jewish bankers, led by Rothschild, Rockefeller, Morgan, etc., who saw the nationalization of the Federal Reserve, the only issuer of dollars, which would mean the dispossession of Jewish bankers of world financial power, which would be taken over entirely by the White House. This perspective, very difficult to fulfill, would represent the most revolutionary measure in US history, implicitly in the history of the entire area of influence obtained through negotiations at the end of World War II.

With or without Donald Trump at the helm of the White House, sovereigns doctrine has emerged and can no longer be killed. Ideas do not die with those who initiated and supported them. The struggle between sovereignty and globalism will continue throughout the American sphere of influence.

All this and other dissatisfaction created by the "illuminati" made the globalists grouped around the Democratic Party to prepare intensively for the elections of November 3, 2020 and, it seems and is said, to commit a fraud of colossal dimensions.



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## THE VULNERABILITIES OF THE UN SECURITY COUNCIL IN THE COVID-19 CRISIS MANAGEMENT

<b>Abstract:</b>	<p><i>Currently, we assist to a conditional reality imposed by the COVID-19 pandemic, with both immediate and long-lasting repercussions on international system and on the behavior of each state. For this reason and because the new virus has a dynamic evolution in time and space, a research of the impact of the new virus is needed not only from a biogenetic perspective but also in the context of other fields, including the international relations realm.</i></p> <p><i>The events we are witnessing at present challenge to keep up with the transformations taking place on the international arena, especially those in the field of virology. As epidemics over time have shown, viruses change and what is sure is only the fact that they will always influence not only interpersonal relations but impose conditions for new realities in the system of international relations.</i></p> <p><i>This article aims at highlighting the main gaps in the work of the institution responsible for maintaining peace and security on the international arena, especially in the context of the COVID-19 crisis.</i></p>
<b>Keywords:</b>	<b>pandemic; impact; state; politics; coronavirus; international relations; The United Nations; The Security Council of the UN</b>
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One of the most discussed issues, both in academic environment and in the discourse of polemologists, political scientists, economists and specialists in other fields, is the impact of COVID-19 on international security. Although, during the first three months of 2020 the full attention of the international community was focused on the emergence of the COVID-19 pandemic and its impact on individual, society, human and interpersonal relationships, an indispensable attention should be paid, also, to the activity or inactivity of institutions responsible for maintaining peace and security on the international arena. The United Nations (UN) is the main organization with such responsibilities in the security sphere, especially the Security Council as a decisive forum. Thus, on the background of outbreaks of the virus at global scale, the activity of the

Security Council is particularly observed by the international community. Currently, in the event of epidemics, especially in the case of a pandemic, occur the greatest disasters concerning the extent of involvement of the UN Security Council in settling the COVID-19 crisis.

For a better understanding of efforts or weaknesses of the UN Security Council, there is a need for a careful analysis of the work of the institution, including its management by UN Secretary-General, Antonio Guterres. Thus, at an interval of approximately 5 months since the emergence of COVID-19, the Secretary-General of the United Nations has warned that the world body is facing the "worst test" since its founding 75 years ago, as global peace and security are threatened by the coronavirus pandemic. It is the first time in the history of UN when its 15 ambassadors

met to discuss a pandemic<sup>1</sup>. The UN Secretary-General Antonio Guterres warned the UN Security Council that the coronavirus pandemic threatens international peace and security, as it could lead to an increased social unrest and violence that would significantly undermine the capacity of the community to fight the disease<sup>2</sup>, and in the future, "the commitment of the Security Council would be essential to maintain peace and to reduce the impact of Covid-19 crisis on international security". The Security Council has fifteen members, five of them are permanent, France, the United Kingdom, the United States, China and Russia, representing the main body for maintaining international peace and security. Its decisions are coercive, the latter having a wide range of powers if it finds a threat or an attack on international peace and security<sup>3</sup>.

"To overcome the pandemic, according to the Secretary-General, it is necessary to unite all efforts<sup>4</sup>. The meeting of the Security Council was convened at the Germany's initiative, because the Security Council has been deafening silent since the emergence of the virus", mentioned ambassador Christoph Heusgen. In his speech, Heusgen noted the efforts of the permanent members (United States, Russia, China, France, United Kingdom) to develop a resolution<sup>5</sup>.

Thus, the strongest institution of the United Nations, which has remained silent on COVID-19 crisis since it began to spread around the world causing the death of tens of thousands of people, issued its first press

release. According to the document, dated 23 March 2020, support was expressed for all efforts related to the possible consequences of the COVID-19 pandemic in conflict-affected countries and recalled the need for unity and solidarity with all those affected. Although the international community is at an early stage of the COVID-19 crisis, it is expected that, with collective efforts, worldwide, in the next 6 months, the violent advance of the virus will stop<sup>6</sup>.

From this perspective, the United Nations Security Council should strongly assert the subject of coronavirus. It is problematic to understand the passive response of the organization responsible for detecting threats to international peace and security, as it had experience in monitoring other epidemics. In the case of AIDS, the disease has been declared through resolutions as one of the greatest challenges for the development, progress and stability of societies, which has consequently required a global and exceptional response. More recently, the Security Council addressed the spread of the Ebola virus in Liberia (2014) and Congo (2018), declaring the epidemic as a threat to the region and stressing the need to consolidate all efforts of the international community in fighting epidemics. Given the number of countries affected by coronavirus, including the number of infections and deaths, as well as the impact it has on the world economy, it is unexpected that the Security Council at the meeting on March 23, 2020 did not consider to declare Covid-19 an unprecedented threat to international security. Along with China, the United States and Russia, there are now five European countries that can promote this stance: France and the United Kingdom, as permanent members, and Germany, Belgium and Estonia as non-permanent member-states<sup>7</sup>.

<sup>1</sup> *Coronavirus, uno de los mayores retos de la ONU desde su creación.* <https://www.voanoticias.com/a/coronavirus-uno-de-m%C3%A1s-grandes-retos-de-onu-desde-su-creaci%C3%B3n/5366900.html> (12.11.2020)

<sup>2</sup> *COVID-19 amenaza la paz internacional, dice jefe de ONU.* <https://www.20minutos.com/noticia/273161/0/as-eguradoras-podran-recibir-dinero-por-perdidas-en-obamacare/> (12.11.2020)

<sup>3</sup> *Charte des Nations Unies de 1945.* <https://www.un.org/fr/charter-united-nations/>

<sup>4</sup> *Covid-19: le Conseil de sécurité de l'ONU exhorté à s'unir, sa "raison d'être".* <https://www.lesoleil.com/actualite/covid-19/covid-19-le-conseil-de-securite-de-lonu-exhorte-a-sunir-sa-raison-detre-a8407ed02e3a0d32225b70398b4cc9e4> (12.11.2020)

<sup>5</sup> *Idem*

<sup>6</sup> El potencial impacto del coronavirus covid-19 en la seguridad <https://www.ventasdeseguridad.com/2020033111968/noticias/empresas/el-potencial-impacto-del-covid-19-en-la-seguridad.html> (12.11.2020)

<sup>7</sup> *La seguridad humana como prioridad global.* [https://elpais.com/elpais/2020/03/22/opinion/1584878347\\_635255.html](https://elpais.com/elpais/2020/03/22/opinion/1584878347_635255.html) (7.11.2020)

At the international level many organizations act daily to fight the Covid-19 pandemic and/ or its consequences, in accordance with specialized principle. WHO, the UN specialized agency is the leading organization that responds by identifying, for example, manufacturers of diagnostic kits, also by focusing on vaccine research and development, fundraising, monitoring the global spread of the virus, etc. Other organizations, such as the World Trade Organization (WTO) and the International Monetary Fund (IMF), also have a role in managing the pandemic outbreak - economic and financial.

Moreover, according to the Secretary-General, the pandemic represents 8 risks to international security:

- The COVID-19 pandemic threatens to further erode trust in public institutions.
- The economic fallout of this crisis could create major stressors, particularly in fragile societies, less developed countries and those in transition.
- The postponement of elections or referenda, or the decision to proceed with a vote – even with mitigation measures – can create political tensions and undermine legitimacy.
- In some conflict settings, the uncertainty created by the pandemic may create incentives for some actors to promote further division and turmoil.
- The threat of terrorism remains alive. Terrorist groups may see a window of opportunity to strike while the attention of most governments is turned towards the pandemic.

• The weaknesses and lack of preparedness exposed by this pandemic provide a window onto how a bioterrorist attack might unfold – and may increase its risks. Non-state groups could gain access to virulent strains that could pose similar devastation to societies around the globe.

• The crisis has hindered international, regional and national conflict resolution efforts, exactly when they are needed most.

• The pandemic is triggering or exacerbating various human rights challenges. It could be observed stigma, hate speech, and

white supremacists and other extremists seeking to exploit the situation.

The United Nations (UN) faces one of the unprecedented challenges in its history<sup>1</sup>, according to UN Secretary-General Antonio Guterres, calling on March 25, 2020 to immediately cease hostilities in Yemen<sup>2</sup>, after launching two days earlier a call for a global ceasefire as the international community faces a common enemy: COVID-19, the speed of pandemic's spread showing that to continue a war is meaningless. Also, the Secretary-General launching the appeal for ceasefires explicitly called to end the escalation of violence and armed conflict to focus efforts on the real fight against the COVID-19 crisis<sup>3</sup>. The world is at war with COVID-19.

The silence of the Security Council is only an official silence, because, late, the meetings began to be organized practically, to some extent in artisanal conditions, which only aggravated the feeling of inability to react. From March 12 to March 30, 2020, officially, from the Security Council, no attitude was seen. China, which chaired the Council until April 1st, 2020, first canceled meetings on March 16, and then suspended all activities from the official agenda, and for many days it remained the only element on the Security Council's website, following to be updated.

However, the permanent delegations of certain Security Council Member States announced on the social network Twitter that an informal virtual meeting, as a test, was organized on March 24, 2020 - more than a week after suspension of Council's activities. The meeting was not included on the agenda of the Security Council and taking place

<sup>1</sup>*L'ONU, temple du multilatéralisme ébranlé par le coronavirus*, 15 mars 2020, en ligne: [https://www.lepoint.fr/monde/l-onu-temple-du-multilateralisme-ebanle-par-le-coronavirus-15-03-2020-2367193\\_24.php](https://www.lepoint.fr/monde/l-onu-temple-du-multilateralisme-ebanle-par-le-coronavirus-15-03-2020-2367193_24.php) (18.10.2020)

<sup>2</sup>*Resolution 2515. Non-prolifération/Democratic People's Republic of Korea. Letter from the President of the Council on the voting (S/2020/246, added)* <http://unscr.com/en/resolutions/2515> (12.11.2020)

<sup>3</sup>*Face à l'ennemi commun, la COVID-19, le Secrétaire général appelle à un cessez-le-feu mondial: « L'arrêt des combats. Partout. Tout de suite.* <https://www.un.org/press/fr/2020/sgsm20018.doc.htm> (7.11.2020)

during a brief time - only over an hour - was not clear the subjects of discussion, moreover, could not be found a report, the official website of the United Nations presenting any information regarding the given meeting. Therefore, the only information available is the one disseminated on social networks and press, that cited an anonymous diplomat who acknowledged that the operation of the meeting was "rather artisanal"<sup>1</sup>. After a second virtual meeting on March 26, announced by the Chinese mission, again on Twitter, regarding the work of the United Nations Support Mission in Libya (UNSMIL)<sup>2</sup>, a meeting directly focused on the problems of the Covid-19 virus took place. Further, at the informal meeting held on March 30, the discussion focused on certain conflicts. For the first time since March 12, France communicated, via the website of the French delegation to UN, the content of its interventions at this meeting, aimed to examine the threat of Covid-19 crisis expansion, in Syria and Palestine<sup>3</sup>.

A careful analysis of UN works regarding the COVID-19 crisis indicates that the existence of certain decisions on the current situation have been published only on 31st of March. Thus, the member states of the Security Council communicated in a "very chivalrous" manner, because, again, these are only montages published on Twitter, regarding the unanimous adoption of four resolutions at the March 30 meeting: the resolution 2515 on North Korea, resolution 2516 on Somalia, resolution 2517 on Sudan and resolution 2518 on peacekeeping<sup>4</sup>.

<sup>1</sup>*Le Conseil de sécurité de l'ONU s'essaie, difficilement, à la visioconférence.* <https://www.lefigaro.fr/international/le-conseil-de-securite-de-l-onu-s-essaie-difficilement-a-la-visioconference-20200324> (12.11.2020)

<sup>2</sup>*Déclarations officielles de politique étrangère du 12 mars 2020.* <https://cz.ambafrance.org/-Declarations-officielles-de-> (12.11.2020)

<sup>3</sup>*Maurel R.L'(in)activité du Conseil de Sécurité face au COVID-19 : où est confinée la « communauté » internationale ?* <http://www.revuedlf.com/droit-international/linactivite-du-conseil-de-securite-face-au-covid-19-ou-est-confinee-la-communaute-internationale/> (9.11.2020)

<sup>4</sup>*Covid-19: le Conseil de sécurité de l'ONU exhorté à s'unir, sa "raison d'être".* <https://www.lesoleil.com/actualite/covid-19/covid-19->

However, the texts remain unknown, no report has been published so far on the official website of the United Nations, mentioning the work and agenda of the Security Council. In other words, the premier global body for maintaining international peace, the temple of post-World War II multilateralism, has not met officially since March 12. It was only twelve days after the interruption of its activity that a perfectly informal meeting took place in "artisanal" conditions; it took a total of 18 days after the interruption of the physical sessions for an informal meeting and probably punctuated by connection problems, to finally settle problems raised by the global pandemic, without adopting a resolution directly related to Covid -19 outbreak and without the possibility to be verified, in the absence of decisions' texts.

In this case, the Security Council has generated by its absence, considering the practice since 1945 and its functions, an expecting horizon that justifies confusion, if not disappointment, for the international community. Thus, there are many reasons to believe that the Security Council should concentrate on the Covid-19 issue, rather than standing deafening silent. There could be highlighted four main reasons:

*First*, the Security Council tends to undertake various issues, not necessarily within its area of commitment, but it missed an opportunity to "take note" of a global situation, even when it is likely to fall within its sphere of competence, and often welcomed by the international community. Since the 1990s, it has not hesitated to delineate such a region of the world or even in general, as a "threat to stability"<sup>5</sup> and sometimes as "threat to peace"<sup>6</sup> a situation that goes beyond

[le-conseil-de-securite-de-lonu-exhorte-a-sunir-sa-raison-detre-a8407ed02e3a0d32225b70398b4cc9e4](https://www.un.org/press/fr/2015/pi2146.doc.htm) (5.11.2020)

<sup>5</sup>*Le Conseil de sécurité des Nations Unies adopte une résolution historique sur la jeunesse, la paix et la sécurité* <https://www.un.org/press/fr/2015/pi2146.doc.htm> (12.11.2020)

<sup>6</sup>*Résolution 2118 du Conseil de sécurité des Nations unies* [https://fr.wikipedia.org/wiki/R%C3%A9solution\\_2118\\_du\\_Conseil\\_de\\_s%C3%A9curit%C3%A9\\_des\\_Nations\\_unies](https://fr.wikipedia.org/wiki/R%C3%A9solution_2118_du_Conseil_de_s%C3%A9curit%C3%A9_des_Nations_unies) (12.11.2020)

peaceful relations between states, even without a direct link to interstate relations. Humanitarian tragedies have been the subject of Council resolutions, using Chapter VII of the Charter, which allows it to take measures that can go as far as authorizing the use of force; we are thinking of "smuggling of migrants and human trafficking" in the Mediterranean, the situation in Libya<sup>1</sup>. More recently, the main organization responsible for the maintenance of peace has been able to take into consideration the effect of natural disasters, the risks of such disasters or climate change on certain security situations in Somalia<sup>2</sup>, Mali<sup>3</sup> or more recently in the Democratic Republic of Congo<sup>4</sup> - these are just a few examples. Even characterized as threat to international peace and security, it is absolutely surprising that the Security Council does not officially take over this world news as chaos dominating certain Covid-19 affected states susceptible to threaten subtle security balances.

*Second*, this official silence is deafening because there is a remarkable precedent. By resolution 2177 of 19 September 2014, the Security Council undertook actions in case of the Ebola health crisis escalation, intervening where it was not necessarily expected and calling it a threat to international peace and security<sup>5</sup>. Given this precedent, which is in fact, only a confirmation of the inclusion of health issues among security subjects<sup>6</sup>, we therefore have

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<sup>1</sup>Resolution 2240 (2015) / adopted by the Security Council at its 7531st meeting, on 9 October 2015 <https://digitallibrary.un.org/record/806095> (12.11.2020)

<sup>2</sup>Resolution 2472 (2019) / adopted by the Security Council at its 8537th meeting, on 31 May 2019 <https://digitallibrary.un.org/record/3807184> (3.11.2020)

<sup>3</sup>Résolution 2447 du 13 décembre 2018, S/RES/2447 (2018). <https://www.un.org/securitycouncil/fr/content/resolutions-adopted-security-council-2018> (4.11.2020)

<sup>4</sup>Resolution 2502 (2019) / adopted by the Security Council at its 8692nd meeting, on 19 December 2019. <https://digitallibrary.un.org/record/3840347> (8.12.2020)

<sup>5</sup>Resolution 1308 (2000) / adopted by the Security Council at its 4172nd meeting, on 17 July 2000. <https://digitallibrary.un.org/record/418823> (8.12.2020)

<sup>6</sup>Idem

the right to expect at least a formal reaction from the Security Council.

*Third*, this silence is deafening, as certain tasks can only be exercised by the Security Council. Although, very exceptionally and in the event of impasse, the United Nations General Assembly can remedy the deficiency of the Council, which has only the primary, and not the exclusive, responsibility for maintaining peace and security<sup>7</sup>, only the latter has the political legitimacy, institutional power and legal instruments to organize a strong global response to the COVID-19 pandemic. Among many possible means of action, the Council could, thus, impose corridors for transporting medical equipment and, at the very least, coordinate the actions of organizations fighting the pandemic.

*Fourth*, the official silence of the Security Council is more deafening in the context of discourse and commitment of other international actors, compensating for its inaction. Besides the press starting to analyze this astonishing silence<sup>8</sup>, the attention is directed to the General Secretary who mobilizes, continuously using the rhetoric of war<sup>9</sup>. Moreover, on March 25 was launched a "COVID-19 Global Humanitarian Response Plan"<sup>10</sup> and the Security Council would probably take note of it only afterwards. Thus, referring to immediate meetings of the international economic forums. The G7 heads of state and government met by videoconference on March 16 to seek for a coordinated response and, the final statement

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<sup>7</sup>Résolution 377 (V) DE L'ASSEMBLÉE GÉNÉRALE [https://legal.un.org/avl/pdf/ha/ufp/ufp\\_ph\\_f.pdf](https://legal.un.org/avl/pdf/ha/ufp/ufp_ph_f.pdf) (8.12.2020)

<sup>8</sup>La réponse au coronavirus fait débat au sein du Conseil de sécurité de l'ONU. <https://www.la-croix.com/Monde/reponse-coronavirus-fait-debat-sein-Conseil-securite-ONU-2020-03-25-1201085971> (8.12.2020)

<sup>9</sup>« L'ONU, temple du multilatéralisme ébranlé par le coronavirus », 15 mars 2020, en ligne : [https://www.lepoint.fr/monde/l-onu-temple-du-multilateralisme-ebanle-par-le-coronavirus-15-03-2020-2367193\\_24.php#](https://www.lepoint.fr/monde/l-onu-temple-du-multilateralisme-ebanle-par-le-coronavirus-15-03-2020-2367193_24.php#) (8.12.2020)

<sup>10</sup>Idem

of which was published<sup>1</sup>. On March 25, another meeting of G7 foreign ministers took place<sup>2</sup> to discuss their joint actions in response to the pandemic<sup>3</sup> and the G20, also, convened an emergency virtual summit on March 26<sup>4</sup>. The UN Secretary-General has even written a letter to the G20 calling for concerted and decisive action to face the current global health crisis and to establish a plan, stressing the need for international solidarity and cooperation to eradicate the virus<sup>5</sup>. This fact conveys that the Secretary-General is appealing to the Group of Twenty (G20) for support giving the inaction of the Security Council. In view of the above, it seems incomprehensible the Security Council passivity or delay to manage the state generated by Covid-19.

According to some opinions, the Security Council blocked due to Russia refusal for fifteen days to hold a decision-making convention based on a procedural aspect. If the statements of the Russian representative should be presumed true, the Charter of the United Nations does not allow the organization of virtual meetings and, specifically, to make decision on-line<sup>6</sup>. According to the Russian argument, Article 28 (3) of the Charter, stipulating that "the

Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work", provides only for physical meetings. In addition, and predominantly, no provision would allow for a virtual decision, the vote being usually made by a show of hands during the sitting.

At least three elements demonstrate the great weakness of this argument. On the one hand, Russia seems to present a surprising formality here, if we refer to the practice of the Security Council. Procedural formalism is not what most characterizes the Security Council, which remains above all a political body. Thus, the chapter "Voting" in the Provisional Rules of Procedure of the Security Council contains a single simple rule: "the voting procedure of the Security Council is in accordance with the relevant articles of the Charter and the Statute of the International Court of Justice". This formalism invoked by Russia contrasts with the actual practice of the Council at its three meetings on March 24, 26 and 30 (no statement on the official agenda - not even as part of the informal consultations - no minutes) published contrary to provisions of the Article 54 of the Regulation<sup>7</sup> and with the the general practice of the Organization. It should be mentioned that the United Nations, like many other international organizations, is not formalist. Thus, it was observed that certain decisions on the Security Council commitment, for example, regarding the transparency of its activity, were taken based on a simple note of the President of the Security Council without further formality and presenting any problems<sup>8</sup>.

To this end, the consideration on formalism seems implausible. On the other hand, more formal international organizations have quickly adopted a derogatory procedure to convoke virtual meetings in the appropriate manner. The issue of meeting and voting

<sup>1</sup>G7 Biarritz : Conférence de presse à l'issue du sommet <https://www.elysee.fr/emmanuel-macron/2019/08/27/g7-biarritz-conference-de-presse-a-l-issue-du-sommet> (8.12.2020)

<sup>2</sup>Coronavirus - Déclaration du ministre de l'Europe et des affaires étrangères à tous nos compatriotes à l'étranger (17 mars 2020). <https://www.diplomatie.gouv.fr/fr/le-ministere-et-son-reseau/actualites-du-ministere/informations-coronavirus-covid-19/coronavirus-declarations-et-communiqués/article/coronavirus-declaration-du-ministre-de-l-europe-et-des-affaires-etrangees-a> (8.12.2020)

<sup>3</sup>« L'ONU, temple du multilatéralisme ébranlé par le coronavirus », 15 mars 2020, en ligne : [https://www.lepoint.fr/monde/l-onu-temple-du-multilateralisme-ebanle-par-le-coronavirus-15-03-2020-2367193\\_24.php#](https://www.lepoint.fr/monde/l-onu-temple-du-multilateralisme-ebanle-par-le-coronavirus-15-03-2020-2367193_24.php#) (9.12.2020)

<sup>4</sup>Idem

<sup>5</sup>Nations Unies, Point de presse quotidien du Bureau du Porte-parole du Secrétaire général de l'ONU, 24 mars 2020, en ligne : <https://www.un.org/press/fr/2020/dbf200324.doc.htm>

<sup>6</sup>Résolution 2447 du 13 décembre 2018, S/RES/2447 (2018). <https://www.un.org/securitycouncil/fr/content/re-solutions-adopted-security-council-2018> (8.12.2020)

<sup>7</sup>Règlement intérieur provisoire du Conseil de sécurité. <https://www.un.org/securitycouncil/fr/content/ripes/chapitre-8> (18.10.2020)

<sup>8</sup>Note n°507 du Président du Conseil de sécurité du 26 juillet 2010, S/2010/507. <https://www.un.org/securitycouncil/fr/subsidiary/wgdocs/notes> (8.12.2020)

procedure appears more significant for the EU institutions, their acts may be abolished, if necessary, by the Court of Justice of the European Union - which is not the case with the Security Council and the legal context of the United Nations. Thus, on 23 March the Council of the European Union approved a temporary derogation from its rules of procedure “in view of these exceptional circumstances, and with a view to ensuring institutional continuity in the decision-making of the Council, it is necessary to temporarily derogate” from the relevant provisions of the Council’s Rules of Procedure for a duration of one month, renewable<sup>1</sup>. It is difficult, given the few formal requirements of the Security Council, to admit that such a procedure would not be possible - provided Russia accepts it.

Finally, and perhaps most importantly, Russian reluctance seems to be in total contradiction with Article 28 (1) of the Charter of the United Nations - the same Article 28, advanced to block the decision-making process - which states that “The Security Council shall be so organized as to be able to function continuously”. This provision should serve without difficulty as a basis for the adoption of exceptional procedural rules. Even not in emergency circumstances, this paragraph seems to justify the development of an already inflexible decision-making procedure. But the functioning of the Security Council, as political body, is such that the Russian refusal, whether founded or not, blocks the organization of meetings and, especially, the decision-making process. The Embassy of the Russian Federation further claims that there is no reason to fear the meeting at the United Nations headquarters. Equally embarrassing, the Russian blockade could have led to a violation of rule 1 of the Rules of Procedure, stipulating that the Security Council shall meet “at any time he deems necessary, but the

interval between meetings shall not exceed fourteen days”.

The evolution of the Security Council work, whose members triumphantly announced on Twitter, after agreeing on March 30 to unanimously adopt four resolutions, could primarily nuance all the above remarks.

Within the circumstances created by its activity, The Russian Federation considers the operation of the Security Council as “satisfactory”. At least three out of four resolutions –unpublished by present day – refer, undoubtedly, to provisions that are in general terms consensual; among these, two resolutions, along with the resolution 2515, still needed to be adopted urgently. In conditions of the UNMISOM mandate ending on March 31, 2020, seems unreasonable the fact that the Council of Security did not considered to renew it even for one year, thus the resolution 2516 (2020) regarding the situation in Somalia would not appear as “imposed”<sup>2</sup>. North Korea, as well, was and continue to be the subject of intense discussions. Permanent member states China and the Russian Federation stated in favor of removing the sanctions<sup>3</sup>. A technical decision was, although, expected on 27 March, given the reason of the resolution 2515<sup>4</sup>. Only the resolution 2518 on peace maintaining missions do not provides for a restricted calendar; nevertheless, the Council did not enforce a resolution in this regard in 2019 – the last resolution concerning peace maintaining missions dating from 2018<sup>5</sup>.

To this end, given these rationalities, the UN Security Council did not react in due

<sup>1</sup>Décision (UE) 2020/430 du Conseil du 23 mars 2020 portant dérogation temporaire au règlement intérieur du Conseil eu égard aux difficultés de déplacement causées dans l'Union par la pandémie de COVID-19, JOUE du 24 mars 2020, L88 I/1. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:32020D0430> (18.10.2020)

<sup>2</sup>Le Conseil de sécurité proroge jusqu'au 30 juin 2020 le mandat de la Mission d'assistance des Nations Unies en Somalie (MANUSOM) <https://www.un.org/press/fr/2020/sc14151.doc.htm> (18.10.2020)

<sup>3</sup>Résolution 2495 du 31 octobre 2019, S/RES/2495 (2019). <https://www.un.org/securitycouncil/fr/content/r%C3%A9solutions-adopt%C3%A9es-par-le-conseil-de-s%C3%A9curit%C3%A9-en-2019> (18.10.2020)

<sup>4</sup>Resolution 2515.Non-prolifération/Democratic People's Republic of Korea. Letter from the President of the Council on the voting (S/2020/246, added) <http://unscr.com/en/resolutions/2515>

<sup>5</sup>Résolution 2447 du 13 décembre 2018, S/RES/2447 (2018). <https://www.un.org/securitycouncil/fr/content/re-solutions-adopted-security-council-2018> (18.10.2020)



time. Consequently, the elements described above indicate that the Council of Security not only failed to convoke for a deliberation on Covid 19 pandemic crisis and the global health issue, it also concluded its operations hardly, through a collective agreement on procedures to approach the current problems. Given that, it is to expect the meeting announced via Twitter on March 31, 2020, regarding Afghanistan relates to the report on the United Nations Assistance Mission in Afghanistan (UNAMA). Another integrated and multidimensional peacekeeping mission on stabilizing the situation in Mali (MINUSMA) will be organized soon. The Security Council follows, to a certain extent unofficially, its schedule without including in the top of agenda on prioritized global issues the Covid -19 crisis. In this context, could be expected the resolution will be focused on the current conditions in each country<sup>1</sup>.

This position seems, at current stage, surrealistic, and is difficult to come to a conclusion other than observing the fact that fragile legal arguments presented by the Russian Federation did not resist the need to convoke for an analysis of the Covid -19 outbreak impacts, and that traces untenably a principle, obviously shared by China that chairs the Council.

Moreover, observing the activity of the UN Security Council during the COVID -19 pandemic crises, could be outlined several weaknesses. In this context, should be mentioned that Russia, China and United State are not, at present stage, supporters of UN and of its institutions, continuing to criticize publicly their activity. At the beginning of the health crisis that could be seen at international dimension around March 12, it was possible to presume that members of the Council, especially the permanent members, were preoccupied by the pandemic on the territories of their states. In other more banal terms, permanent and non-permanent members had "other concerns" than

convening the Security Council. This inference already reveals a deficiency of the UN institutional system and seems to be based on the idea that nothing catastrophic can happen to the five great powers and they have the capacity to ensure stability in the world. In these circumstances, could be noticed an official strengthening of the position of states in combating the COVID-19 crisis. The case of France can serve as an example, since March 12 making efforts to fight the pandemic<sup>2</sup>. France has also contributed to accelerate the cooperation of the international community to settle problems related to COVID-19 outbreak<sup>3</sup>.

At the same time, there are some contexts that aggravated the dispute, and here could be remarked the comments of Chinese Foreign Minister spokesperson, arguing that coronavirus is of American origin<sup>4</sup>. The media made the Chinese hypothesis public to the entire world<sup>5</sup>, while US authorities insist on "Chinese virus". The US officials also accuse China and the Russian Federation of conducting a campaign to misinform the population and the entire international community.

The image appears all the less bright when it refers to an informal international government. Meanwhile, the two G7 meetings - without Russia and China - issued final statements, the major economic powers declaring they are "convinced that the current difficulties imposed by COVID-19 pandemic require a closely coordinated international

<sup>1</sup>Maurel R.L'(in)activité du Conseil de Sécurité face au COVID-19 : où est confinée la « communauté » internationale ? <http://www.revuedlf.com/droit-international/linactivite-du-conseil-de-securite-face-au-covid-19-ou-est-confinee-la-communaute-internationale/> (18.12.2020)

<sup>2</sup>Déclarations officielles de politique étrangère du 12 mars 2020. <https://cz.ambafrance.org/-Declarations-officielles-de-> (17.10.2020)

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<sup>4</sup>« Corona-complotisme : Pékin accuse sans preuve les Etats-Unis d'avoir apporté le virus en Chine », 13 mars 2020. <https://www.nouvelobs.com/coronavirus-de-wuhan/20200313.OBS25985/corona-complotisme-pekini-accuse-les-etats-unis-d-avoir-apporte-le-virus-en-chine.html> (18.11.2020)

<sup>5</sup>« Coronavirus : la Chine accuse les Etats-Unis d'être à l'origine de la pandémie », 24 mars 2020. <http://www.leparisien.fr/international/coronavirus-la-chine-accuse-les-etats-unis-d-etre-a-l-origine-de-la-pandemie-24-03-2020-8286891.php> (16.10.2020)

approach"<sup>1</sup>. At the request of Saudi Arabia, concerned about the oil economy<sup>2</sup>, the G20 in exceptional circumstances convoked a meeting on 26 March. The G20 member states, which go far beyond purely economic and financial discussions, committed to "strengthen" the WHO's mandate to coordinate the international fight against the pandemic, particularly, staff protection and first-aid health care, and the provision of medical equipment, especially diagnostic tools, treatments, pharmaceuticals and vaccines. Thus, the G20 meeting recognized the need for urgent short-term action to intensify global efforts to resolve the COVID-19 crisis"<sup>3</sup>. It seems legitimate to ask whether the G20 does not outstep its informal tasks<sup>4</sup>. The introduction of the Final Declaration undoubtedly highlights the importance that G20 members attribute to the UN framework in the circumstances of the COVID-19 crisis. Together with the World Health Organization (WHO), the International Monetary Fund (IMF), the World Bank, the United Nations and other international organizations, the G20 is committed to undertake all measures necessary to overcome the pandemic<sup>5</sup>. The flexibility of the G7 and G20 actions is to the detriment of the Security Council. These fora have essentially

economic vocation, but concerns about the state of the world economy have led them to pay particular attention to the COVID-19 crisis.

Although there is a lot of criticism regarding the (in) activity of the Security Council, it is reasonable to believe that, so far, the absence of a resolution on Covid-19 is justified by the maintenance of these two antagonistic positions. The assumption of the political situation can be summarized as follows: The United States threatens to reject any proposal to reduce sanctions, and the two Eastern states block any proposal that could evoke responsibility for resolving the COVID-19 crisis. In any case, this blockade implies the slowdown of the UN mechanism. Both the official silence and the uncomfortable advanced discourse to justify the situation highlight the UN institutional formalism and contribute to the discrediting, by its own actors, of the main instrument of multilateralism. Covid-19 seems to affect the institutional multilateralism that is already attacked, often unjustifiably, by leaders advocating unilateralism or bilateralism.

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## NATO'S ACTIONS DURING THE COVID-19 PANDEMIC

<b>Abstract:</b>	<i>Covid-19 pandemic requires a review of the working mechanism within the Alliance due to global enlargement and serious consequences. During this difficult period of time, NATO's international assistance demands show that some military structures are able to manage and react quickly even in civil emergencies.</i> <i>In recent years, NATO has played an important role in providing humanitarian and other assistance during major disaster, through civilian and military structures. The Covid-19 pandemic crisis has involved a process of updating NATO's strategy, meaning to design of new entities and tools in order to manage this crisis as efficiently as possible.</i>
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### Introduction

Covid-19 pandemic requires a review of the working mechanism within the Alliance due to global enlargement and serious consequences. During this difficult period of time, NATO's international assistance demands show that some military structures are able to manage and react quickly even in civil emergencies. In recent years, NATO was involved in managing humanitarian, through civilian and military structures, as well as other assistance during major disaster.

In the pandemic period, given the importance of the collaboration between different entities, could be ascertained the differences in the specific capabilities purpose, roles between the North Atlantic Treaty Organizations, European Union and United Nation. All these organizations are engaged to provide response in case of disaster in an effective manner by assistance and address to the real problems of the affected population, even if the location of crises are in Europe, the Euro-Atlantic area or not. In order to have an overview of our research, we intend to present a brief description these organizations, from the

perspective of subordinate institutions involved in the pandemic crisis management.

NATO<sup>1</sup> is a political and military alliance between the US, Canada and most European countries and has as its responsible structure the Euro-Atlantic Disaster Response Coordination Center (EADRCC)<sup>2</sup>.

European Union<sup>3</sup> is primarily a political and economic union of European states in which many of the member countries belong to both organizations. The existence within the European Commission of the Department of Civil Protection and Humanitarian Aid Operations (ECHO)<sup>4</sup> and the Emergency Response Coordination Center (ERCC)<sup>5</sup> contribute to EU actions in the field of global disaster relief.

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<sup>1</sup>North Atlantic Treaty Organization, <https://www.nato.int>, (24.08.2020)

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<sup>3</sup>European Union, <https://europa.eu>, (25.08.2020)

<sup>4</sup>European Civil Protection and Humanitarian Aid Operations, [https://ec.europa.eu/echo/index\\_en](https://ec.europa.eu/echo/index_en), (24.08.2020)

<sup>5</sup>European Civil Protection and Humanitarian Aid Operation, [https://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc\\_en](https://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc_en), (24.09.2020)

United Nations<sup>1</sup> is the world's leading organization for international cooperation and plays a leading role in coordinating global disaster relief operations through United Nations Office for the Coordination of Humanitarian Affairs (OCHA)<sup>2</sup>. It is important to emphasize that the UN retains its leading role in coordinating international disaster relief operations and provides the framework in which each actor as EU, NATO, etc. can contribute to the overall emergency response with a sudden onset.

### **NATO's structures and instruments involved in pandemic crisis management**

ALLIED ARMED FORCES are playing an essential role in supporting national responses, including logistics and planning, the transport of patients, field hospitals, disinfection of public areas, and at border crossing.

NATO's Euro-Atlantic Disaster Response Coordination Centre (EADRCC) is NATO's principal civil emergency response mechanism in the Euro-Atlantic area, being active all year round, operational on a 24/7 basis, and involves all NATO Allies and partner countries. It functions as a clearing-house system in order to coordinate both requests and offers of assistance mainly in case of natural and man-made disasters<sup>3</sup>. This structure is carried out in close cooperation with the United Nations Office for the Coordination of Humanitarian Affairs<sup>4</sup>, which has the primary role in the coordination of international disaster relief operations. EADRCC offers assistance to cope with the consequences of major crises such as the Covid-19 pandemic<sup>5</sup>.

<sup>1</sup> United Nations, <https://www.un.org/en/>, (24.08.2020)

<sup>2</sup> United Nations Office for the Coordination of Humanitarian Affairs, <https://www.unocha.org/>, (24.08.2020)

<sup>3</sup> Euro-Atlantic Disaster Response Coordination Centre, [https://www.nato.int/cps/en/natohq/topics\\_52057.htm](https://www.nato.int/cps/en/natohq/topics_52057.htm), (24.08.2020)

<sup>4</sup> United Nations Office for the Coordination of Humanitarian Affairs, <https://www.unocha.org/>, (14.08.2020)

<sup>5</sup> North Atlantic Treaty Organization, *NATO's Response to the Covid-19 Pandemic*, April 2020, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2020/4/pdf/200401-factsheet-COVID-19\\_en.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2020/4/pdf/200401-factsheet-COVID-19_en.pdf), (14.08.2020)

NATO Support and Procurement Agency (NSPA), established in 1958, operates, acquires, and maintains everything through an unbiased link between industry and the nations, such as fuel delivery, airfield logistics, weapon systems, medical and catering services or base support services for troops stationed across the world<sup>6</sup>. NSPA has a leading role in responding to the crisis, providing logistics support and managing the transport of key supplies and equipments to Allies, partners and other international organizations<sup>7</sup>. It is NATO's primary enabler, managing effective and cost efficient multinational solutions to the Alliance to 30 nations and partners.

NATO's Rapid Air Mobility (RAM)<sup>8</sup> is an initiative that has simplified procedures for military relief flights, by using NATO call sign (OAN)<sup>9</sup> by NATO's Supreme Headquarters Allied Powers Europe (SHAPE)<sup>10</sup> for crisis deployment through fast-track flight planning and airspace handling, mainly for for any craft designate and expediting Air Traffic Control clearances. This initiative is a collaboration between NATO and EUROCONTROL<sup>11</sup>, updated in March 2020, facilitating the delivery of medical supplies and protective equipments, personnel during the pandemic crisis, to Allies in need. The OAN call allows EUROCONTROL to coordinate with the relevant air traffic controllers along the flight path and to remove flight restrictions,

<sup>6</sup> NATO Support and Procurement Agency, <https://www.nspa.nato.int/about/nspa>, (14.08.2020)

<sup>7</sup> North Atlantic Treaty Organization, *NATO's Response to the Covid-19 Pandemic*, April 2020, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2020/4/pdf/200401-factsheet-COVID-19\\_en.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2020/4/pdf/200401-factsheet-COVID-19_en.pdf), (14.08.2020)

<sup>8</sup> Rapid Air Mobility, [https://www.nato.int/cps/en/natohq/topics\\_175432.htm](https://www.nato.int/cps/en/natohq/topics_175432.htm), (16.08.2020)

<sup>9</sup> *Using NATO call signs for military flights, allows NATO military forces to expedite delivery of life-saving medical supplies*, <https://shape.nato.int/news-archive/2020/nato-expedites-delivery-of-covid19-supplies-between-allies>, (10.08.2020)

<sup>10</sup> Supreme Headquarters Allied Powers Europe, <https://shape.nato.int/>, (15.08.2020)

<sup>11</sup> EUROCONTROL, <https://www.eurocontrol.int/>, (16.08.2020)

enabling a faster response. North Atlantic Council activated RAM on 31 March 2020 in response to the Covid-19 pandemic and used to support relief flights carrying supplies critical to the fight against pandemic. The activation of the RAM flights was approved by the North Atlantic Council on April 2; is owned by the North Atlantic Council, through periodic reviews, and is non-permanent arrangement.

Movements Coordination Centre Europe (MCCE)<sup>1</sup> optimizes the use of airlift, sealift and land movement assets or armed forces, providing logistical support for its 28 member nations from NATO and European Union, such as coordination services, comparing military movement request and available transport assets, both military and chartered. In order to function MCCE operate under a technical agreement signed by its member nations and is based in the Netherlands<sup>2</sup>.

NATO Science for Peace and Security Programme<sup>3</sup> is a program that brings together together broad network of scientists and research institutions in NATO and partner countries to find innovative solutions against the spread of the coronavirus. The main purposes are to address emerging and ongoing security challenges, such as the Covid-19 pandemic crisis<sup>4</sup>. "This project is very important, especially in the context of new indispensable tools that we will have to deal with in the second phase of the health emergency" stated Professor Silvio Brusaferrò, President of the Italian National Health Institute, at the launch of the project<sup>5</sup>.

NATO Science and Technology Organization (STO)<sup>6</sup> as its main activity

deliver advice, innovation and scientific solutions to ensure NATO maintaining its military and technological edge to face the actual and future security challenges. In April 2020, as a response to the challenge set by the NATO Chief Scientist to identify solutions regarding the pandemic crisis, over 40 responses to the challenge were received<sup>7</sup>. In this context, the Centre for Maritime Research and the Experimentation (CMRE)<sup>8</sup>, which represents NATO's own laboratory, assists the US state of Connecticut in its handling of the Covid-19 lockdown and to develop a new modelling approach to forecast the spread<sup>9</sup>.

Other instruments:

- Bilateral assistance between Allies and between Allies and partners;
- Supporting local communities in NATO areas of operation;
- Reinforcement of NATO deployments with medical teams;
- Cooperation with partner countries and international organizations.

### **Requests for international assistance in response to Covid-19**

Any country, member or NATO partner that has signed the documents establishing the initiative can submit a request for international assistance. There is an exception in this case, Russia being excluded after the illegal annexation of Crimea. The EADRCC, after receiving the policy directions from NATO, forward the request for assistance to all member and partner countries, which in turn, respond by communicating their offers of assistance to EADRCC and/or the affected country. The Center keeps track of the assistance provided (including assistance from other international

<sup>1</sup> Mouvement Coordination Centre Europe, <https://www.mcce-mil.org>, (17.08.2020)

<sup>2</sup> North Atlantic Treaty Organization, *NATO's Response to the Covid-19 Pandemic*, April 2020, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2020/04/pdf/200401-factsheet-COVID-19\\_en.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2020/04/pdf/200401-factsheet-COVID-19_en.pdf), (14.08.2020)

<sup>3</sup> Science for Peace and Security, <https://www.nato.int/cps/en/natolive/78209.htm>, (22.08.2020)

<sup>4</sup> *Fighting Covid-19 with science*, <https://www.nato.int/cps/en/natohq/174592.htm>, (23.08.2020)

<sup>5</sup> Idem

<sup>6</sup> NATO Science and Technology Organization,

[https://www.nato.int/cps/en/natohq/topics\\_88745.htm](https://www.nato.int/cps/en/natohq/topics_88745.htm), (23.08.2020)

<sup>7</sup> *Coronavirus: Alliance scientists respond to the challenge*,

[https://www.nato.int/cps/en/natohq/news\\_177180.htm](https://www.nato.int/cps/en/natohq/news_177180.htm), (23.08.2020)

<sup>8</sup> Science & Technology Organization. Centre for Maritime Research & Experimentation, <https://www.cmre.nato.int>, (22.09.2020)

<sup>9</sup> Cmre Pao, *CMRE collaborates to develop new Covid-Covid-19 modelling approach*, <https://www.cmre.nato.int/rockstories-blog-display/528-cmre-covid19-model>, (24.08.2020)

organizations and actors), assistance accepted by the affected country, delivery and assistance data still needed, and data on the actual situation on the ground. All information is provided to NATO and partner countries in the form of status reports and is also published on the EADRCC website. When the situation requires, upon request, the Euro-Atlantic Disaster Response Unit (EADRU) provided by a NATO designated country and comprising voluntary multinational civilian and military elements, qualified rescue personnel, medical units, equipment and materials, transport, etc. Can be activated and deploys in the affected area. During the deployment, it will work in cooperation with the UN, other international institutions and national disaster response structures. In recent years, the EADRCC has responded to more than 60 requests<sup>1</sup> for assistance from nations. These included floods, forest, fires, earthquakes, heavy snowfalls, Ebola, the refugee crisis, and so on.

A number of seven allied and nine partner nations requested international assistance in their response to Covid-19, through the Euro-Atlantic Disaster Coordination Center. In addition, the United Nations Office for the Coordination of Humanitarian Affairs also requested international assistance through the EADRCC. Republic of Moldova issued a second request for international assistance<sup>2</sup>

✓ 23.03.2020 – Spain<sup>3</sup>;

✓ 26.03.2020 – Ukraine<sup>4</sup>;

✓ 26.03.2020 – Montenegro<sup>5</sup>;

✓ 26.03.2020 – Italy<sup>6</sup>;

✓ 27.03.2020 – Albania<sup>7</sup>;

✓ 30.03.2020 – North Macedonia<sup>8</sup>;

✓ 01.04.2020 – Republic of Moldova<sup>9</sup>;

✓ 02.04.2020 – Bosnia and Herzegovina<sup>10</sup>;

✓ 03.04.2020 – Georgia<sup>11</sup>;

✓ 06.04.2020 – Colombia<sup>12</sup>;

✓ 14.04.2020 – Slovenia<sup>13</sup>;

✓ 23.04.2020 – Afghanistan<sup>14</sup>;

✓ 23.04.2020 – Mongolia<sup>15</sup>;

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[https://www.nato.int/cps/en/natohq/news\\_174481.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174481.htm?selectedLocale=en), (18.08.2020)

<sup>5</sup> *Montenegro request international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174576.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174576.htm?selectedLocale=en), (18.08.2020)

<sup>6</sup> *Ministry of Interior of Italy requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174572.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174572.htm?selectedLocale=en), (18.08.2020)

<sup>7</sup> *Albania requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174612.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174612.htm?selectedLocale=en), (18.08.2020)

<sup>8</sup> *North Macedonia requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174753.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174753.htm?selectedLocale=en), (18.08.2020)

<sup>9</sup> *Republic of Moldova requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174829.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174829.htm?selectedLocale=en), (18.08.2020)

<sup>10</sup> *Bosnia and Herzegovina requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174917.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174917.htm?selectedLocale=en), (18.08.2020)

<sup>11</sup> *Georgia requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174948.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174948.htm?selectedLocale=en), (18.08.2020)

<sup>12</sup> *Colombia requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_174955.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_174955.htm?selectedLocale=en), (18.08.2020)

<sup>13</sup> *Slovenia requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_175121.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_175121.htm?selectedLocale=en), (18.08.2020)

<sup>14</sup> *Afghanistan requests international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_175385.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_175385.htm?selectedLocale=en), (18.08.2020)

<sup>15</sup> *Mongolia requests international requests in their response to Covid-19*;

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<sup>1</sup> Ștefan Oprea, *Criza Covid-19. Răspunsul NATO la situații de urgențe civile*, în „Monitorul Apărării și Securității”, 30.03.2020, <https://monitorulapararii.ro/criza-covid-19-raspunsul-nato-la-situatii-de-urgente-civile-1-30208>, (24.09.2020)

<sup>2</sup> NATO Euro-Atlantic Disaster Response Coordination Centre, *EADRCC Situation Report #19 Covid-19*, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2020/07/pdf/200702-EADRCC-0107\\_sitrep19.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2020/07/pdf/200702-EADRCC-0107_sitrep19.pdf), (18.08.2020)

<sup>3</sup> *Spain requests international assistance in their response to Covid-19*, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2020/03/pdf/OPS-EADRCC-2020-0066-request-spain.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2020/03/pdf/OPS-EADRCC-2020-0066-request-spain.pdf), (18.08.2020)

<sup>4</sup> *Ukraine requests international assistance in their response to Covid-19*,

- ✓ 06.05.2020 – Tunisia<sup>1</sup>;
- ✓ 05.05.2020 – Bulgaria<sup>2</sup>;
- ✓ 20.05.2020 – Iraq<sup>3</sup>;

## Conclusions

The Covid-19 Pandemic crisis has been a challenge for NATO and at the same time an opportunity to upgrade to an unprecedented situation, with serious effect on the population. NATO's actions in the field of humanitarian aid, together with the European Union and the UN, have proved their effectiveness over the last decades. With this experience, the Alliance has built a strategy based on existing institutions; good practices, but also created other tools and new mechanisms.

Another essential aspect noticed in our research refers to the importance of civil-military collaboration, in the context in which the medical military personnel proved their efficiency in the relationship with the civilian authorities.

The military medical community, in the context of the current Covid-19 pandemic, has an essential role in dealing with the consequences of the envolving crisis situation, playing a key enabling and support act within NATO and helps to improne the interoperability, coordination and standardization in the medical field.

NATO and the Allied Forces played a key role in supporting the efforts of civilians in the fight against Covid-19.

NATO și Forțele Aliate au avut un rol determinant în sprijinirea eforturilor civililor în lupta împotriva Covid-19 through delivering hundreds of tons of critical cupplies, transporting patients, helping with

tests, construction of more than one hundred field hospital or securing borders.

Already dealing with a difficult situation inside the organization, NATO is focused on coordinaton with partenrs and international institutions. The main goals, such as: crisis management, collective defence, cooperative security needs a coordinated and comprehensive approach.

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[https://www.nato.int/cps/en/natohq/news\\_175638.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_175638.htm?selectedLocale=en), (18.08.2020)

<sup>1</sup> *Tunisia request international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_175635.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_175635.htm?selectedLocale=en), (18.08.2020)

<sup>2</sup> *Bulgaria request international assistance in their response to Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_175628.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_175628.htm?selectedLocale=en), (18.08.2020)

<sup>3</sup> *Iraq requests international assistance in the fight against Covid-19*, [https://www.nato.int/cps/en/natohq/news\\_175940.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_175940.htm?selectedLocale=en), (18.08.2020)



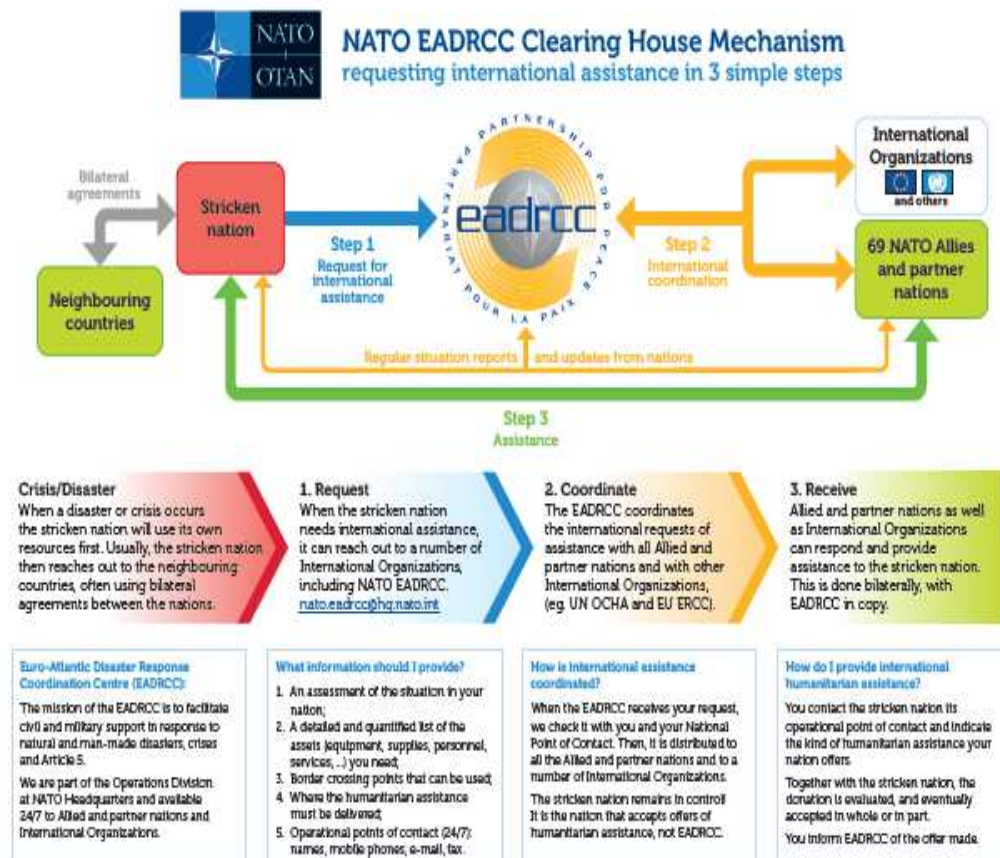


Fig. 1 Requesting international assistance in 3 simple steps<sup>1</sup>

<sup>1</sup> NATO EADRCC Clearing House Mechanism requesting assistance in 3 simple steps, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2020/4/pdf/200401-EADRCC-Requesting-assistance-in\\_3.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2020/4/pdf/200401-EADRCC-Requesting-assistance-in_3.pdf), (17.09.2020).

## **IMPERATIVE OBLIGATION OF STATUS ENSURING THE HUMAN SECURITY AT THE NATIONAL LEVEL IN THE LIGHT OF MILITARY INTERVENTION – RELATED PROVISIONS UNDER THE INTERNATIONAL LAW**

<b>Abstract:</b>	<i>The concept of international security in the context of modern international law defines literally the trends of its development and codification. Or, today, not only the segment of state sovereignty has been emphasized, but also the segment of human security, which has to be strictly regulated in respect of the international law and to not be doubtful in this sense. Moreover, the segment of restoring the society degraded after a military intervention perfectly authorized from the international law point of view.</i>
<b>Key words:</b>	<b>security; sovereignty; intervention; human rights; reconstruction; reconciliation</b>
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### **Introduction**

The evolution of the international law points the development trends of the international community *in integrum*. Therefore, a half a century ago, if the states were refusing categorically to discuss matters related to their domestic policies, including in cases where human rights and freedoms were seriously disrespected, there were ethnical purifications, non-international armed conflicts etc., motivating it by the sovereign right to organize the society and not admitting the implication of external factor, then once the “cold war” ended, it was observed the trend of reviewing this classical doctrines, which were defending only the official interests of the states, being emphasized the fundamental human rights and freedoms protection, becoming in the second half of the XX century a “religion” for the international community. The truth is that the development of this concept has faced all these years a fierce opposition from the part of states, who

did not want to renounce, in their opinion, to a part of sovereignty, considering that they become more vulnerable to challenges that might occur from interior and exterior.

Meanwhile, the international law develops widely the concept of human rights, elaborating the doctrine of human security according to which the state has the main role to ensure a good functioning of the state institutions in the benefit of all citizens, regardless of criteria. Moreover, it is insistently promoted the concept of military intervention strictly regulated from the international law point of view, concept that should prevail in relation to sovereignty in cases of international crimes, endangered peace and international security.

### **Responsibility to protect**

In September 2000, the Government of Canada, responding to the suggestion of the UN General Secretary, announced the

creation of the International Commission for Intervention and Sovereignty of States (CISE). As independent body, the Commission has the purpose to foster a better understanding of difficulty to conciliate the intervention for human protection and sovereignty, it should work hard to achieve an international political consensus about the manner to overcome the polemic toward an action within the international system, especially through United Nations. The Commission's members supposed to reflect equitably the prospects of the developed countries ensuring a geographically large representation, including from the experience point of view. They were aware of the fact that in case they could achieve a consensus, it would be at least a chance to encourage the institution of a similar consensus at the level of the entire international community<sup>1</sup>.

The Commission reunited for the first time at Ottawa on November 5<sup>th</sup> – 6<sup>th</sup>, 2000. It was defined within this reunion a strategy allowing a mandate of activity for 1 (one) year, being mentioned that the working methods had to be transparent, open and international. The Canadian Government supported the creation of a research direction with the involvement of other governments and big foundations, sharing and organizing a series of regional round tables national consultations aimed at contacting the Commission with multiple and varied points of view, contributing meanwhile to updating the public opinion about the work and the objectives of the Commission. It was especially emphasized the need to administer and settle the governments, intergovernmental and non-governmental organizations, civil societies representatives and affected people views, which will be examined and considered<sup>2</sup>.

The state was and remains the main subject, characterized by the fact that it is the

unique subject holding sovereignty and solely creating international law norms. Therewith, the international law imposes certain international obligations to the states, especially in relation to the protection of human rights and freedoms, being emphasized the fact that these guarantees has to include the entire population, *in absentia* of discriminatory criteria – political, gender, race, religion etc.

The truth is that the sovereignty of the states implies a responsibility, by which namely it – the state, firstly, is responsible to protect its people. Consequently, when a population suffers seriously consequences of a civil war, an insurrection, repressions from the part of the state or the failure of its policies, and meanwhile the respective state is not capable of halting these endurances or avoiding them, the international responsibility to protect has priority in relation to the principle of non-intervention.

The foundation of the responsibility to protect in time as directing principle for the international community of states relies on:

A. Inherent obligations of sovereignty notions;<sup>3</sup>

B. Article 24 of UN Charta assigns to the Security Council the responsibility to maintain the peace and the international security;<sup>4</sup>

C. Special juridical imperatives enounced in declarations, pacts and treaties related for human rights and populations protection, the international humanitarian right and national legislation.

D. Increased practice of states and regional organizations, and Security Council.

The responsibility to protect all three special obligations:

-1- the responsibility to prevent: to eliminate at a certain moment the deep and direct causes of internal conflicts and other crises produced by the man that endangers the populations;

<sup>1</sup> *La responsabilité de protéger. Rapport de la Commission internationale de l'intervention et de la souveraineté des Etats*. Décembre 2001, [https://diplomatie.belgium.be/sites/default/files/downloads/rapport%20intern%20comm%20inzake%20interv%20en%20soev%20staat%20over%20beschermingsver\\_fr.pdf](https://diplomatie.belgium.be/sites/default/files/downloads/rapport%20intern%20comm%20inzake%20interv%20en%20soev%20staat%20over%20beschermingsver_fr.pdf), (21.07.2020)

<sup>2</sup> *Idem*

<sup>3</sup> Vitalie Gamurari, Nicolae Osmochescu, *Suveranitatea și dreptul internațional: probleme teoretice și practice actuale*, CEP USM, Chișinău, 2007, pp. 34

<sup>4</sup> *UN Charter*, signed in San Francisco on June 26, 1945, <https://www.un.org/en/sections/un-charter/chapter-v/index.html>, (21.07.2020)

-2- the responsibility to react: to react in the situations where the protection of human beings is an imperative need, using the necessary measures that may take the form of coercive measures, as sanctions and international prosecutions, and in extreme cases, the recourse to military intervention;

-3- the responsibility to rebuild: to provide, especially following the military intervention, a support at all levels in order to facilitate the renewal of activities, reconstruction and reconciliation, acting on the cases where the intervention had to end them or had as object to avoid them.

The prevention is the main dimension of the responsibility to protect: it is necessary to use every time any possibility of preventing before foreseeing and intervention and to dedicate more determination and resources. When we have to assume responsibilities of preventing and reacting, we have to follow every time the intrusive and less coercive measures before passing to interventions with a higher coercive level.

### **Responsibility to protect: principles for military intervention**

The military intervention for the purpose of human protection has to be considered as an exceptional and extraordinary measure. In order to be justified, it is necessary that a serious and irreparable damage affecting the human beings had to take place or may produce as:

- Considerable losses of human lives, effective or presumed taking from the intention of genocide or other type, which may be assigned either to deliberate actions of the state, either to its ignorance, either to its incapacity to react, or to the state's failure;
- A largely effective or presumed "ethnic purification", followed by murders, forced expulsions, terror and rapes.

The military interventions have to take into considerations certain precaution principles.

First of all, it is about good intention. Therefore, the primordial purpose of intervention, other motivations submitted by the states that interfere matter less, has to be the cessation or the avoidance of human

suffering. In order to meet better the principle of good intention, the operations have to have a multilateral character and to benefit of a manifested support from the part of the public opinion from the region and affected victims.

Secondly, the military intervention has to be in a certain way the last recourse. Or, the military intervention may be justified, after any non-military option of prevention or amiable regulation of crisis was explored, being expected that there are reasonable grounds to consider that measures less radical will not produce the expected result.

In the third, it is imperatively to consider the proportionality of the means, given the fact that by its amplexness, duration and intensity, the expected military intervention has to correspond to the minimum necessary to achieve the objective of defined human protection.

In the fourth, there have to be reasonable prospects. Or, the intervention cannot be justified, only if it does not have reasonable chances to stop or to avoid endurances that motivated it, the consequences of action cannot be tougher than those of the inaction.

Despite the arguments in the favor of the interventions in situations of crisis, it is important to respect the legal framework regulating the competences of the authority entitled to adopt this kind of decision. Or, therefore, a precedent may be created, when the Great Powers will decide unilaterally, considering their national interests, in what case and under what conditions may be authorized a military intervention. Primarily, there is not a body or institution more competent than the Security Council of UN to authorize a military intervention for the human protection. It is not about the substitution of the Security Council as a source of authority, contrarily – it is necessary that this important institution function more efficiently than previously.

Furthermore, the authorization of the Security Council has to be requested in all cases before undertaking any action of military intervention. Those who foresee an intervention, have to request officially the authorization to undertake actions or to obtain the agreement of the Security Council, who

approaches this matter from the initiative of own chief or General Secretary, in respect of the article 99 of UN Charter.

The Security Council has to establish the infringement without delay under any request of intervention authorization in case losses of human life or massive ethnical purifications are confirmed. It has to decide to proceed to a sufficiently deep verification of facts or situation susceptible to justify a military intervention. The five permanent members of the Security Council should accept the idea to give up to the right of *veto* in the decisions where their vital interests are not brought in the game, therefore hindering the adoption of resolutions authorizing the military interventions, which, aimed at human protection, gathers the majority of votes. In case the Security Council rejects the request of intervention or does not act on the request in a reasonable term, other possible options are the following:

- The General Assembly regroups in emergency extraordinary session within the official procedure of “union for peace maintenance” to examine the issue;
- The regional and subregional organizations, under the reserve of previous authorization of the Security Council, may react according to its competence based on the Chapter VII of UN Charter.

Meanwhile, the Security Council should consider in all deliberations that if it does not assume the responsibility to protect in a situation shocking the consciousness, imposing an emergency intervention, we have to expect that the affected state will try by any mean to face the seriousness and the emergency of such situation, and the UN prestige and credibility may be affected.

A military intervention has to have certain operational principles ensuring the legality and the credibility from the international law point of view. Or, otherwise, we may say only about a provisional, moment success, without lasting positive effects in the context where one of the main objectives is to rebuild the society and the national reconciliation, unachievable objectives under the conditions of credibility loss in the performed mission and the applied

mechanisms. Thus, the operational principles are:

- Clear objectives, clear mandate, without ambiguities and appropriate resources;
- Adoption of a common military plan with different partners in the case, the homogeneity of the command structure: a chain of command and clear communication and without ambiguities;
- Accepting certain limits, the progressive increase of exercised pressure and the gradualism in applying the force, the purpose being the people’s protection and not the defeat of a state;
- Rule of engagement corresponding to the clearly enounced operational concept, reflecting the principle of proportionality and implying the strict respect of international humanitarian law;
- Accepting the fact that the protection through force does not have to become the pursued main objective;
- A possibly tight coordination with humanitarian organizations.

### **Dilemma of intervention**

“The humanitarian intervention” raised each time controversies, either by its presence or its absence<sup>1</sup>. The events of Rwanda of 1994 showed to the entire world the errors to which may lead the inactions. The UN General Secretary and several permanent members of the Security Council knew that the responsible persons that had tight connections with the government of that period, prepared to produce a genocide; while the UN forces were insufficiently present at beginning; there were not credible and good strategies to prevent or at least to minimize the volume of massacre that followed. Regretfully, the Security Council refused to undertake the necessary measures. The international volition – civil courage – committed an error at the highest level. This deficiency had not as a simple consequence a humanitarian catastrophe for Rwanda: the

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<sup>1</sup> Vitalie Gamurari, *Problema raportului dintre intervenția umanitară și principiul neamestecului în afacerile interne ale statelor în dreptul internațional la etapa contemporană*, “Revista de Filozofie și Drept a Academiei de Știință a Republicii Moldova”, 2004, pp. 67-76

genocide destabilized the entire region of Great Lakes and this destabilizing effect in this zone. Consequently, numerous African people became aware that despite all speeches related to the universality of human rights, certain human lives had less importance in relation to others in the view of international community.

Another example is Kosovo, where in September 1999, a military intervention took place, an intervention that focused the attention on other aspects of the matter<sup>1</sup>. This operation approached matters of great importance related to the legitimacy of the humanitarian intervention in a sovereign state. Was the case justified? The disrespects of the human rights committed by the authorities from Belgrade or the threats to commit them were they sufficiently serious to justify an exterior intervention? Wasn't this exterior intervention influenced by separatists to promote their own political objectives? Were all methods regulating peacefully the conflict used? Was the intervention authorized? How may be justified the fact that the UN system hid and marginalized by a "good will coalition", acted without the agreement of the Security Council? Observing the way in which it was imposed, the intervention did not aggravate in the end the humanitarian situation which it had to remediate? Or we can center on vice versa – we couldn't say that if NATO would not interfere, Kosovo would become the theater of a bloody and endless destabilizing civil war or worse, a genocide similar to the one from Bosnia, which took place four years previously?

The case of Bosnia and especially the UN incapacity and other instance to prevent the massacre of thousands of refugees in UN "security zones" in Srebrenica in 1995, is another example that had important repercussions on the current political debates related to the intervention for the human protection. If the principle is that the intervention is the equivalent of the word given to a people in difficulty, then we should ascertain that this word was betrayed openly.

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<sup>1</sup> Vitalie Gamurari, *Soluția „Kosovo” – crearea unui precedent în soluționarea conflictelor înghețate: pro și contra*, „Revista Moldovenească de Drept Internațional și Relații Internaționale”, № 3-4. 2007, pp. 22-31

The failure, then the retreat of pacifying operations of the United Nations in Somalia in 1992-1993, is another example of international intervention aimed at saving lives and restoring the order, but it suffered itself from the disastrous consequences of its deficient planning, errors committed at their execution and the excessive dependency of the military forces.

We notice that these four cases coincided with a period when "the cold war" ended, under the conditions where the expectations of a collective action were bigger. These four cases – Rwanda, Kosovo, Bosnia and Somalia – had deep repercussions in relation to the way in which the issue of intervention is perceived, analyzed and defined.

Meanwhile, the big axes of the current political debates that take place constantly at UN headquarters, at New York, and other capitals of the world, are already sufficiently clear. There are persons sustaining that the international community does not interfere sufficiently and there are persons sustaining that unjustified interventions are made. If some consider that the only true issue is that the coercive interventions be sufficient, for others is more important the approach of legacy aspects, the respect of rules and the risks of suing abusively the precedents. For some, these interventions create a new World, where the human rights predominate in relation to the state's sovereignty, for others – they open the way to a World where the Great Powers impel their position to the weak ones, manipulating with speeches of humanity and human rights. These controversies raised background cleavages within international community. For the interest of all victims that suffer and die because the leaders of the institutions are incapable to react, it would be logically that these cleavages cease or do not exist.

The UN General Secretary, Kofi Annan, reacted to this subject. Addressing to the participants of the 54<sup>th</sup> session of the UN General Assembly in September 1999, he asked himself about "the prospect of the human security and the intervention in the future century". The General Secretary recalled the incapacity of Security Council to

react in Rwanda and Kosovo and encouraged the UN states member “to find a land for an agreement to join the principles to Charter and the active defense of our common conditions of human beings”. He emphasized that “if the collective consciousness of humanity ... does not see in United Nations its big tribune, it risks highly to look for the peace and the justice in another part”<sup>1</sup>. In the Report of Millennium presented to the General Assembly a year later, the General Secretary reformulated the dilemma and reiterated the encouragement:

... in case the humanitarian intervention is effectively an inadmissible attempt to sovereignty, how we should react in situations we witnessed in Rwanda or Srebrenica and in flagrant, massive and systemic disrespects of human rights, which are contrary to all principles constituting our condition of human being?<sup>2</sup>

### **Responsibility to build**

As we mentioned above, the concept of military intervention cannot be seen separately from the obligations resulting the end of the active phase of the operation. Or, the military intervention itself, in the absence of a strategy and a plan of rebuilding an environment of trust between the former rivals. Moreover, a possible, unavoidable failure leads to revenge ideas and consequently, to return of confrontation state in society. That is why, any military intervention has to consider from the beginning the programs of rebuilding the country and reconciling the society post-conflict.

The responsibility to protect implies not only the responsibility to prevent and to react, but also to complete the reaction and to rebuild. Therefore, in case a military intervention is decided, as a state fell or gave up to its capacities, including the power to

assume own responsibility to protect, it has to be a true commitment to contribute to reestablishment of a sustainable peace, the promotion of sustainable government and development. Or, the international agents have to restore the security and the public order in partnership with the local authorities, the final goal being the progressive transfer to the last of the power and the responsibility of rebuilding.

Meanwhile, ensuring the rebuilding and the sustainable redressing need financial resources and of other type in sufficient volume, and a tight cooperation with the local population, and it may have the purpose to maintain the foreign representatives in the country for a period of time, after the objectives pursued by the intervention were achieved. In the past, the responsibility of rebuilding was not sufficiently recognized, the retreat of the interventions was weakly monitored, the willing to help to rebuild was insufficient and the states, in the end, face the same background issues they had at the starting of the initial intervention.

The need to have a post-strategy intervention is of a major importance and has to be considered when planning the military intervention. The last is one of the usual tools to hinder the occurrence of the conflicts and the situations of humanitarian crisis, the intensification, the extent, their continuity or renewal. The objective of a post-intervention strategy has to be the provision of support to hinder the factors that stimulated the military intervention reoccur and simply to rebuild the zone.

The reconciliation processes that give the best results are not necessarily those that interfere within the political dialogues at high level or within procedures quasi judiciary (we know well the positive role the commissions for truth and reconciliation may have in certain post-conflict contexts). The best way to achieve a true reconciliation is to work for the basic rebuilding, when the formers opponents reunite their efforts to rebuild its communities or to create reasonably good life and occupation conditions in new places. A true and sustainable reconciliation will be the result of the sustained efforts, applied daily for the repair of the infrastructure, rebuilding

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<sup>1</sup>Kofi Annan souligne la nécessité pour l'ONU de passer d'une culture de réaction à une culture de prévention. SG/2059, 9 septembre 1999, <https://www.un.org/press/fr/1999/19990909.sg2059.doc.html>, (21.07.2020).

<sup>2</sup>We the Peoples. The Role of the United Nations in the 21<sup>st</sup> Century, (Millennium Report of the Secretary-General), [https://www.un.org/en/events/pastevents/pdfs/We\\_The\\_Peoples.pdf](https://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf), (21.07.2020).

the places, planting, harvesting and cooperating within all productive activity. The support of reconciliation efforts from exterior has to consider the need to encourage this cooperation and to establish dynamic connections with development actions made by the former opponents.

The UN General Secretary described very clearly the nature and the reason to strengthen the post-conflict peace in his report of 1998 regarding the causes of the conflicts and the promotion of the peace and sustainable development in Africa; by the peace strengthening, I expect the ensemble of decisions made at the end of the conflict to restore the peace and to prevent a renewal of hostilities. The experience shows that the peace strengthening is necessary to eliminate the multiple causes of a conflict or of a risk of conflict. The strengthening of peace may include the creation and the increase of national institutions, the monitoring of elections, the defense of human rights, organizing the programs of reinsertion and recuperation and searching the conditions of retaking the development. The strengthening of peace does not replace the humanitarian and development activities organized in countries that exited the crisis. On the contrary, it aims at completing and reorienting its activities to reduce the risk of conflict resurgence and to contribute to the creation of most appropriate conditions for reconciliation, rebuilding and recuperation.<sup>1</sup>

In the same report, the General Secretary described also in a more detailed manner what needs a society after a conflict or an intervention, mentioning that a society exiting a conflict has special needs. In order to avoid the hostilities resurgence, putting the fundamentals of a strong development, it should attack previously its imperatives as reconciliation, respect of human rights, representativeness of political regime and national unity, repatriation, quick and safe reinstallation of refugees and displaced persons, reinsertion of former combatants in a

productive society, absorption of small weapons mass, circulation and mobilization of internal and international resources for economic rebuilding and redressing. Each of these imperatives are tightly related to others, and the success needs a concerted and coordinated effort on all segments.<sup>2</sup>

The message is express – nothing may replace a clear and efficient post-intervention strategy.

Another aspect is providing and maintaining the security. Or, one of the essential functions of an intervention force is the adoption of a security and basic protection of all members of the population, despite their ethnical origin or the connection with the precedent power in territory. The post-conflict situations are sometimes the theater of massacres committed as reprisals or ethical purifications as reply, as the groups that were previously victims want to revenge against considered allies of former oppressors. It is essential that this risk be provided from the beginning of post-intervention operations and the intervention forces ensure efficiently the security of the entire population, regardless of the origin of one or another, once they are placed in the territory with mandate of pacificator. However, there can be no "guilty minority" formula in the post-intervention phase. Everyone has the right to the basic protection of own life and property.

One of the most difficult and important issues that constantly arises in the post-intervention phase reflects the disarmament, demobilization and reintegration of local security forces. In general, reintegration takes longer, but the whole process cannot be considered successful as long as it has not produced positive effects. It also appears as a necessary element in restoring order in a country, in the sense that a demobilized soldier who is not re-enlisted in society at fair value in his / her view, with sufficient income, risks to commit crimes with the use of weapons or engage in an armed political opposition. Successful disarmament of members of the armed and security forces, as well as other measures of collecting small arms, as well as limiting the

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<sup>1</sup>*Les causes des conflits et la promotion d'une paix et d'un développement durables en Afrique. Rapport du Secrétaire général (A/72/269), file:///C:/Users/User/Downloads/N1724042%20(1).pdf, (21.07.2020)*

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<sup>2</sup> *Idem*



entry of new weapons, are an important element of this effort.

This problem reflects another aspect - to know to rebuild a new army and a national police, which can integrate elements of the former armed forces or rival military forces. This process is crucial for national reconciliation and for the protection of the rebuilt state once the intervention forces retract. However, often in the past, for example in Cambodia, but also in other countries, this process has proved to be too long for the intervention authorities and too expensive and delicate for international donors, who at the same time cannot be blamed in such situations of contributing to the rearmament of former enemies.

Paradoxically, but all over the world, officers constantly complain that they are responsible for interventions and after that, positions for which they were not trained and fall more under police control. We can answer this simply - the civil police is not able to operate truly, except in countries where there are legal and judicial systems in working order. The presence of a police element throughout the military operation may be necessary at first, especially until the formation of the local police, it would probably be difficult to find a solution other than the current practice of early deployment of military forces, the gradual introduction of a presence of a civilian police with the improvement of the situation and the reconstruction of government institutions.

For policy makers as well as for the military, the definition of a *liberation strategy* (which is not identical to a *liberation schedule*) of intervention troops is an essential element of preliminary intervention planning. The argument is relevant: the failure of such a strategy, any military intervention can not be very risky, in the sense that any unplanned or even harder, driven in a hurry, liberation can have disastrous or less disturbing consequences for the country and in the lastly, to discredit the positive aspects of the intervention.

### **Justice and reconciliation**

In many cases, the country where the military intervention takes place may never

know of a non-corrupt judicial system or one that has worked properly, whether it is the judicial instances or the police, if this system has not broken down or disappeared with the beginning of the failure of the state itself. Since the UNCTAD operation in Cambodia in the early 1990s, we have realized more and more in the UN environment, but also in other structures, how important it is to implement the transitional justice commitments during an operation and restore the judicial system as soon as possible. The reason is simple, to know if an intervention force has the mission of protecting populations against human rights violations, only if there is no system in place to bring the guilty persons to justice, not only the mission of the force is from this point of view unachievable, the whole operation itself risks losing credibility, including domestically and internationally.

Several non-governmental organizations have developed "justice programs" that can be adapted to the circumstances of a broad framework of operations and will need to be seen as an integral part of any peace building strategy following an intervention, pending restoration of local institutions. These programs will have to include a standardized model of criminal code, which could be used in any situation when there is no appropriate *legal corpus* that can be applied and this code will have to take effect immediately with the start of the operation to ensure the protection of minorities and to allow the intervention forces to detain the perpetrators of crimes.

A related issue concerns the return of refugees to the legal rights of returnees from ethnic or other minorities. Differences in treatment in basic services, repatriation assistance, employment practices and property rights often serve to make it clear to returnees that they are not welcome. Discrimination in reconstruction aid has been a major problem in Croatia, for example, where it has been established by law. In many cases, all over the world, returnees, who have appealed to the court to evict those who have temporarily occupied (often themselves refugees) its premises and the recovery of property that legally belonged to them, have known rather disappointments than success in

attempts instead to recover his property. Laws either do not provide sufficient protection of property rights or have been designed to prevent repatriation candidates from returning and injuring those who dare to do so.

Among the obstacles to be overcome in this regard are the difficulties in proving the rights of occupation of property, which previously came from collective ownership, the main form of ownership in the former Yugoslavia, for example the lack of legal justifications and the constant obstruction by the local authorities. The problem of refugees and internally displaced persons taking possession of their property has taken an acute form, especially in urban areas. Political pressure to relocate other families to vacant places has often been an obstacle to the return of former occupants, and little has been done to revise texts on the legal rights of tenants in urban areas.

In order to facilitate the return, administrative and bureaucratic obstacles related to return must be removed, a culture of impunity must be set in relation to known or suspected war criminals and non-discriminatory property rights laws must be adopted. That being said, expulsions do not regulate all repatriation issues. In particular, the real estate stock needs to be increased in all countries in such a situation, and as a result, donor-funded projects are of capital importance to help such a need.

Among other things, the issue of the viability of return, which is one of the most important to be addressed, as it is about ensuring the long-term success of repatriation, must be dealt appropriately. Ensuring the viability of returns means creating good socio-economic conditions for those who intend to repatriate. It also means ensuring access to health, education and other basic services, as well as engaging in reforms in other areas: eliminating corruption, promoting good governance and long-term economic regeneration of the country.

Any military intervention must have as its ultimate goal, in terms of peace building, the encouragement of economic growth, the revival of markets and sustainable development as far as possible. These issues are extremely important, because economic

growth has public consequences, it is just as crucial for the country's overall recovery. The logical corollary of this objective is that the intervening authorities must find as soon as possible the possibility to put an end to the coercive economic measures they applied to the country before or during the intervention and not to prolong the global or punitive sanctions.

In particular, the intervening authorities commit to organize a rapid and regular transfer of responsibilities for the development and execution of managers projects and other local actors, with the assistance of national and international development bodies. This step is not only important for long-term development, it is also an effective increase in short-term security measures such as those examined above: this positive contribution results from a simultaneous effort to train demobilized combatants for new remunerative activities, and the implementation of social and economic reintegration projects. If demobilized combatants are quickly aware of the ways and possibilities offered and if the community provides concrete evidence that life can effectively return to its normal course in safety, their response will certainly be more positive on the issue of disarmament, but also other related issues.

## **Conclusion**

The study addresses an extremely important topic, the topicality of which has become even more pressing with the end of the "cold war", which has allowed the consolidation of political forces at the UN level, especially the permanent members of the Security Council, so the international community to be able to react to the crises that have taken place and continue to take place in various parts of the globe.

Obviously, the number of crisis situations, unfortunately, is constantly increasing, we have referred to only four of them, those that have shaken the international structures responsible for maintaining peace and security at the international level, first of all we refer to the UN Security Council - Rwanda, Bosnia, Kosovo and Somalia - because they could set a precedent, either

positive or negative, in arguing the possibility and capacity of the international community to respond to the crisis situations that have arisen. There is no firm answer in this regard, the discussions continue even today. However, to this tragic list, with the outbreak of the “Arab Revolution” in 2011, are added other states, especially Syria and Libya, around which there are armed struggles, but also fierce diplomacy.

We are witnessing attempts to interpret unilaterally the right to armed intervention, even if in each of those cases there is an applicable international regulatory framework. We refer to the operation launched against Afghanistan in 2001, Iraq in 2003, the attempt to stabilize the situations in Syria and Libya, as mentioned above, but also the open aggressions of Russia against Georgia in 2008 and Ukraine in 2014, which under various pretexts tries to be brought into the bed of international law, although strictly speaking we are facing open aggression in the sense of resolution no. 3314 adopted by the UN General Assembly in 1974 on the definition of aggression.

The dilemma, the international actors face, is what are the limits of a possible military intervention in a crisis situation? It is clear that the best option is the presence of a resolution launched by the UN Security Council based on the provisions of Chapter VII of the UN Charter. But if it is blocked by the right of veto of the permanent members of the Security Council, a right that Russia used permanently after the occupation of Crimea? Can the lack of an argument from the point of view of international law to intervene by force for subjective reasons in relation to the suffering of the populations in the territories affected by humanitarian crises, acts of genocide, ethnic purification etc. prevail? Discussions continue!

On the other hand, military intervention must not be the only goal, it must be seen in the context of the recovery of the society hit by the crisis. This presupposes the presence of a program, of a lasting strategy, which would allow the reconciliation of the society, the restoration of the trust in the state institutions, but also the preservation of the credibility of the carried out operation.

Obviously, a special role belongs to political actors at the national level, but the truth is that in the absence of financial, logistical, human and other resources, the presence of a spirit of revenge and mistrust between former enemies, in the absence of involvement assets of external partners, the implementation of such a program is practically impossible.

What characterizes international law during this period is the recognition of the imperative nature of the rules that constitute the “core” of fundamental human rights and freedoms, which in the second half of the twentieth century became a new “icon”, which in turn prevails in relation to such norms-principles of international law such as the sovereign equality of states or non-interference in the internal affairs of a state. However, the main condition remains the same - any intervention and interpretation in this regard must take place in strict accordance with the provisions of international law and the UN Charter. This in turn will allow the restoration of credibility in the international institutions empowered with a mandate to ensure peace and security at the international level, a system that is becoming more widespread through the emergence of an increasing number of actors at international and regional level who monitor and make transparent the decision-making process and the process of implementing programs for the reconstruction and reconciliation of societies affected by humanitarian crises, armed conflicts, totalitarian regimes with respective consequences.

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## TRANSHUMANISM AND PANDEMICS – REAL RISKS FOR HUMAN SECURITY AND WELLBEING

<b>Abstract:</b>	<i>The main objective of this article is to demonstrate the actuality of the critical analysis of the main transhumanist concepts related to environmental degradation and the use of new convergent technologies. The negative tendencies of the development of contemporary civilization and their adverse influences on the human body and psyche are not fatal, nor indelible, from the perspective of many transhumanists and posthumanists</i> <i>Also inconsistent are the transhumanist and posthumanist concepts about the transfer of the human intellect to the machine or the robot. The same advanced technologies, technique and science in general, including the socio-humanistic sciences, can be directed by man towards overcoming the global ecological crisis and solving global problems in the interests of man, society and earthly nature.</i>
<b>Keywords:</b>	<b>transhumanism; posthumanism; postmodernism; convergent technologic; deantropologization, robotics</b>
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### Introduction

Transhumanism- a variant of posthumanism, a current of contemporary thought, which in turn is nothing more than overcoming postmodernism or more precisely, postpostmodernism<sup>1</sup>.

The term transhumanism was introduced into scientific circulation by English biologist Julian Hacsli in 1957. Addressing the issue of new technologies for the physical and mental improvement of man J. Hacsli unjustly ignored the ethical issues of this improvement. The term transhumanism appeared later than postmodernism, but before philosophers used the *postmodern* concept. Today, transhumanism is considered a version of posthumanism, which has many versions. Possibly the only thing that unites all conceptions of posthumanism is the firm intention of theorists to declare that besides

man in the world there are other subjects - "individuals", "agents", "essences"<sup>2</sup>.

Posthumanism, according to A. Pavlov, is an alternative to cultural postmodernism, which excludes nature from its attention<sup>3</sup>.

However, what are the essential ideas and features of transhumanism? Can it constitute an objective reality or does it remain a subjective one, a hypothesis or a utopia? We will continue to strive to answer these and other similar questions. Certain thoughts are dedicated to the new coronavirus and its lessons

### Methods and materials

The philosophical, culturological literature and the objective reality of the new technologies, epidemics and COVID 19 pandemic, the reality of the global ecological crisis and of the human situation in the

<sup>1</sup>A.B Павлов *Постгуманизм: преодоление и наследие постмодернизма*, Вопросы философии, № 5, М., 2019, pp.27-35

<sup>2</sup>*Ibidem*, p. 28

<sup>3</sup>*Ibidem*, p.27

contemporary world have served us as investigative material.

The methods used in this article are: dialectics, generalization, extrapolation, prediction and comparison.

### **The essential features of transhumanism**

Transhumanism does not in itself present a unitary philosophical current, with principles and ideas recognized by all its representatives. Moreover, it is represented not only by philosophers, but also by biologists of different orientations, by various representatives of the art of writing, of art and culture in general. This does not ensure the unity of ideas and conceptions, nor the consolidation and security of the ranks of the followers and representatives of transhumanism.

Some of its features are taken from post-modernism, both literary and philosophically. Also, from the representatives of posthumanism, a variant of which, as we have already mentioned, he represents<sup>1</sup>. What are these features? We could first mention the tendency of human anthropology and the debiologization of nature<sup>2</sup>. Another would be the absolutization of the negative consequences of contemporary civilization for human corporeality and for the organic world in general. The absolutization of the achievements of advanced technologies and the technicalization of man until the transfer of human intellect to the machine, robots and the emergence of the posthumous and posthumanist reality<sup>3,4</sup>, would be other features of transhumanism. The absolutism of the 50s of the XXI century as a radical turning point in the trajectory of the evolution of contemporary human civilization. The latter are also peculiar to transhumanism and not

only to posthumanism, postpostmodernism or postmoral culture<sup>5,6</sup>.

We would mention that there are absolute or firm posthumanists and moderate posthumanists. It is the latter that could be considered as alarmists, so necessary for the further development of society. Why? Because they sound the alarm for humanity to take radical measures that could stop the global ecological crisis and direct the path of development of human civilization towards progress and not regression.

These issues are the focus of most transhumanist authors<sup>7,8</sup>. According to D.I. Dubrovsky, main problem with transhumanists and the "Russia-2045" social movement is the future of terrestrial civilization threatened by the approach of anthropological catastrophe<sup>9</sup>. He considers that the possibility of survival of the terrestrial civilization, its transition to a new higher stage of development, depends on the processes of anthropotechnological evolution. It is already manifesting itself in accelerated rhythms and it is impossible to stop it. All these have suddenly updated the old idea, of transhumanism which manifests itself in the form of various conceptions<sup>10</sup>. He also considers that the main philosophical problem of our times is nothing but that of the global crisis of terrestrial civilization<sup>11</sup>. But we consider that this problem consists in something else, really the main one - the problem of man or man as the first global

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<sup>1</sup>*Ibidem*

<sup>2</sup>П.С. Гуревич, *Феномен деантропологизации человека*, „Вопросы философии”, № 3, Москва, 2009, pp. 19-31

<sup>3</sup>И.Ю. Алексеева, В.И. Аршинов, В.В. Чеклецов, „Технолюди” против „Пост людей”: НБИКС – революция и будущее человек, „Вопросы философии”, № 3, М., 2013, pp.12-21

<sup>4</sup>Д.В. Ефременко, О.Н. Яницкий, П.О. Ермолаева, О социобиологических системах, „Вопросы философии”, № 5, Москва, 2019, pp.138-147

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<sup>5</sup>Şerban H.A., *Etica solicitantă a culturii postmoraliste?*, „Revista de filozofie”, Nr. 2, Bucureşti 2015, p. 183-193

<sup>6</sup>Т.В. Кузнецова, З.М., Оруджев, *История и проблема робота*, „Вопросы философии”, № 1, Москва, 2016, с.72-81

<sup>7</sup>Д.И. Дувровский, (редактор), *Глобальное будущее 2045. Ковергентные технологии (НБИКС) и трансгуманистическая эволюция*. Москва: МБА, 2013

<sup>8</sup>А. Д. Урсул, Т.А. Урсул, *Будущее человечества: Апокалипсис или дальнеящая эволюция?* Политика и общество, Москва, 2012, с. 59-72

<sup>9</sup>Д.И. Дувровский, К вопросу о глобальном будущем будущем и трансгуманистической эволюции (ответ П.Д. Тищенко), „Вопросы философии”, № 3, Москва, 2015, pp.214-220

<sup>10</sup>*Ibidem*, pp. 215

<sup>11</sup>*Ibidem*, pp. 217

problem. The latter includes in itself all other global issues, including the one highlighted by D.I. Dubrovsky.

Man as the first global problem in turn involves the issue of communication, the need for world peace, the aestheticization and labeling of values, the human paradigm in all human activities, including the military<sup>1,2,3,4,5</sup>. military<sup>1,2,3,4,5</sup>.

The de-anthropization of man is one of the tendencies that characterize transhumanism and posthumanism in general. The Russian philosopher P. S. Gurevich wonders "why does the human body disappear?". We consider that namely the disappearance of the body signifies the phenomenon of human anthropology. Why the body, lacking organs from the beginning (the postmodernist concept of "the body without organs", further mutated so much that the effect of human anthropologization appeared). We, says Gurevici, continue to talk about man, but he ceases to be perceived as an erroneous human essence. Man has not only lost his identity. He gradually comes to nothing. He dies anthropologically. Everything, about which philosophers wrote for centuries, which tended to penetrate the essence of human nature, its integrity, self-identity, historicity, gradually loses its meaning<sup>6</sup>. "We," says S.A. Smirnov, we must must already speak not of man, but of

humanoids, of various forms and species of humanoid life, in the midst of which ordinary man is in fact only one of the species, which besides this is also on the verge of extinction"<sup>7</sup>.

The existing literature confesses to us that today in the most serious way the problem of man's debiologization, of the transmutation of his intellect to a non-biological substrate is discussed. It is considered that carriers of human intellect can also be inorganic forms of matter, and the human body can be easily recreated. Not only fantasy writers but also some biologists write about them. Why, they wonder, the sexual functions and those of secretion are performed by the same organs in the human body. They say the genitals should be divided and moved somewhere under the arm and be endowed with the ability to move and hide. Man, by virtue of evolution, would fall to have a stretched neck and long limbs. The eye must be one (cyclopic) and the teeth very small. An all-seeing eye, in their vision, is more preferable than two symmetrically seated ones. All this refers to biological evolution. But today it is being replaced by genetic and technical construction. The technoid may in general have no human clues. He may have the appearance of a device. Who said he must have a human face? At this preliminary stage, the heart can be replaced with a fire engine, and the limbs with mini-wings. The brain can be replaced with a chip system, the nervous system with thin metal fibers.

Man (anthropoid, technoid, humanoid) by virtue of the fundamental requirement of diversity will agree to be fractured. It promises hypertrophy of any quality. Man will turn into a detail of the superorganism built like a swarm of bees or a swarm of ants. The perspective of the unique specialization of the individual appears<sup>8</sup>.

But is there a need for such specialization or de-anthropology in general? I firmly believe not. Humanity must make every effort to radically change the premises and conditions capable of leading to such a thing. Or, this means the destruction, the

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<sup>1</sup>Ion Sîrbu, *The human paradigm in communication: security issues*, „Studia Securitatis”, vol. XIII, No.2, Sibiu, 2019, pp. 49-60

<sup>2</sup>Ion Sîrbu *The need for the world spece for the security security of life how could it be achieved*, „International Journal of Communication research”, vol. 9, Issue 2; 2019, pp. 120-127

<sup>3</sup>Ion Sîrbu, *Estetizarea valorilor și securitatea umană* „Convergențe spirituale, Iași-Chișinău”, Nr. 14-15, Iași, 2019, pp. 220-228

<sup>4</sup>Ion Sîrbu, *The human - universal paradigm in knowledge and human activity* (Security aspects), „Eastern European Journal of Regional Studies”, vol. 5, Issue 2, 2019, pp. 60-69

<sup>5</sup>Ion Sîrbu, *Human paradigm in the military area. A philosophical approach*, Proceedings international scientific Conference strategies XXI. The complex and dynamic nature of the security environment, Vol. 2, Bucharest, 2019, pp. 73-81

<sup>6</sup>П.С. Гуревич, *Феномен деантропологизации человека*, „Вопросы философии”, № 3, Москва, 2009, pp. 19-31

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<sup>7</sup> *Ibidem*, pp. 19

<sup>8</sup> *Ibidem*, pp. 20

disappearance of the human species, of man as such. This is inadmissible.

### **The negative consequences of contemporary terrestrial civilization**

The achievements of contemporary human civilization cannot be ignored at all. They have immeasurably facilitated human life and activity. Simultaneously with the positive, beneficial consequences of the achievements of civilization, certain negative aspects are highlighted, evil for man in his integrity and for the natural environment. There are truly real threats to man and to human society, to human life in general.

Today, humanity consumes in one year such an amount of resources that the Earth can reproduce in a year and a half. It's not just about biological resources, but also about water, air, etc. If the current rates of consumption are maintained, then by 2030 a second Earth will be needed. It is not hard to imagine, says Dubrovsky, that already in the coming years the fight without compromising resources will suddenly intensify. The investigations carried out show that the deepening of the ecological problem is related to the exacerbation of other global problems, to the increase of contradictions and social conflicts<sup>1</sup>.

More than 36 million hectares of forests are cut annually on the globe. Every day the World Ocean absorbs 30 million tons of carbon dioxide, raising its acidity and temperature. This is one of the factors of global warming. Right now, a fungus capable of destroying 80% of the world's wheat crop has emerged and is spreading. In recent decades, many new infectious diseases have emerged that can kill hundreds of thousands and even millions of human and animal lives. Among them is COVID - 19, one of the most horrible one. Thousands of lives and sufferings have also brought about 50 wars, which have had occurred since the year 2000 until now. One of their results is the occurrence of many ecological catastrophes related to pollution of water basins, soil and atmosphere.

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<sup>1</sup>Д.И Дувровский, *К вопросу о глобальном будущем и трансгуманистической эволюции (ответ П.Д. Тищенко)*, „Вопросы философии”, № 3, Москва, 2015, pp.217

Prolonged heat waves, more and more frequent droughts lead not only to the decrease of food products that are already in deficit, but also to huge forest and vegetation fires of thousands and millions hectares, either in Australia, Russia, Brazil, etc. They lead not only to the destruction of vegetation, animals, but also the homes of thousands and thousands of people. Many of the insects, animals and plant species disappear and will not be able to be invigorated. The rhythms of hurricanes, tornadoes, floods, earthquakes and other disastrous natural phenomena have also intensified. The number of natural cataclysms increased from 300 cases in 1980 to 900 in 2012. Approximately as many times increased the number of various social conflicts<sup>2</sup>.

Who can deny all that is listed? No one. Or, all these are real, objective. The conclusions, however, are different. Some transhumanists (and not only them), state that the human body, like many other organisms, biological species, will not be able to survive the being in the extreme conditions that can appear on Earth starting about the middle of the 21st century.

The future of man, and therefore of biology and the human body, are closely linked to the problem of the development of technologies, which change the living environment and man himself. Still in the 60s of the past century, the French philosopher J. Ellul stated that the living environment of man today is not nature, but technics. Today in the 21st century, we can certainly say that "we live in technologies, technologies live in us"<sup>3</sup>.

According to the Russian philosophers I. Alexeeva, V. Arsinov and V. Cecletov, it is important to consider not only the problems of human adaptation to the technological environment, but also of the coevolution of the increasingly technological man with the increasingly anthropological environment. In the context of the ecological crisis, the problem of the human future is cautious as the problem of preventing the degradation of man

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<sup>2</sup> *Ibidem*, p. 218

<sup>3</sup>И.Ю Алексеева, Аришинов В.И., Чеклецов В.В., *Технолюди, против „Пост людей”: НБИКС – революция и будущее человека*, „Вопросы философии”, № 3, М., 2013, pp.12



and nature, of achieving the coevolution of nature and society, of consolidating the new noospheric civilization<sup>1</sup>.

The new noospheric civilization, we believe, presupposes the appearance and existence of the phenomenon of sociobiotechnical systems at local and global level. This phenomenon presupposes the appearance of the constant interconnection between the social, natural and technical components in a unitary system<sup>2</sup>, which would be one of the ways to overcome the global ecological crisis and most of the problems of this kind. This would also be the way to avoid human anthropology. Deanthropologization would mean the disappearance of the human species and man as a natural and social being. Or cars cannot replace man and cannot create a society and work in it like humans themselves. Society, with its institutions, can function only through people as thoughtful and moral beings, as creators of culture and product of culture. A culture and a morality of machines, robots cannot appear and function. It presents nonsense in itself. Moreover, a postmoral culture is impossible even for people in their current ordinary dimensions.

As H.A. Serban mentions, in the consumer society, people are "reduced" to consumers, and the consumer is not an individual (from whom creativity, high values, etc. are expected). Consequently, the happiness promised by this society is not yet seen, especially since, in order to achieve happiness, people must be engaged in movements supported by great ideas, reaching to act in the sense drawn by them<sup>3</sup>.

Man, says P.S. Gurevici, presents in itself a species of protein form of life. The organics of man is his anthropological given thing. Therefore, all attempts to replace life by mechanisms by definition are rejected by philosophical anthropology. Or, the question

may not be about a transformation of human nature, but about its liquidation<sup>4</sup>.

The man came from the animal. Work, language and communication, life in society have led not only to the division of man from animal, but also to the emergence of culture that being a product of it separates him from the animal world, contributing essentially to the formation of subsequent human generations. The problem of human origin also has to do with the problem of human nature, as opposed to the biological nature of animals. The animal has a memory, but no past, much more "accumulated past" in the sense of culture. Man differs from the animal in that biologically formed, he continues to form historically<sup>5</sup>.

Can man create an analogue of his without biological nature and at the same time possess creative qualities? In such a case it is an essence, which ceases to be human. In any case, this would be a product not of biological evolution, but exclusively of creative activity. One such product is the robot, which is not human. The robot is created by man so that he can be "released" from the need to attract a large number of workers<sup>6</sup>.

We could ask ourselves the question to which most transhumanists answer in the affirmative way: will the robot be able to achieve its own way of being? We know that today robots can create other "new" robots. In addition, robots can work freely instead of work teams, but under the control of the "service" man. But it has not yet been the case for the robots alone to plan their own development by going beyond the man-made program of activity. If the robot creates something then it is not the result of his own creative activity, of his ingenuity. His "creative activity" is possible only if man will implement in him the logic of activity, struggle, poetic creation, etc. already existing before the robot.

<sup>1</sup>*Ibidem*, pp. 12-13

<sup>2</sup>Ефременко Д.В, Яницкий О.Н., Ермолаева П.О., *О социобиологических системах*, „Вопросы философии”, № 5, Москва, 2019, pp.139

<sup>3</sup>Serban H.A, *Op cit*, „Revista de filozofie”, Nr. 2, București 2015, pp. 183-193

<sup>4</sup>Гуревич П, *Феномен деантропологизации человека*, „Вопросы философии”, № 3, Москва, 2009, pp. 19-31

<sup>5</sup>Кузнецова Т.В, Оруджев З.М, *История и проблема робота*, „Вопросы философии”, № 1, Москва, 2016, pp.72

<sup>6</sup>*Ibidem*, pp.74-75

Today, no one can say how the robot will be able to own the creative activity of man<sup>1</sup>. Even if they assimilated robots in the absence of humans, they would have no incentive to develop themselves.

Natural living species evolve from one species to another, while retaining something from the preceding species. The subsequent species has always become "more perfect" than its predecessors, acquiring new attributes and qualities corresponding to the conditions of the constantly changing living environment. Biological organisms, including humans, have internal stimuli for self-development.

The main difference between animal and human, says T.V. Cuznetsova and Z.M. Orudjev consists in the fact that the basis of human knowledge about the surrounding world is the "accumulated past", while the knowledge of the animals is the "accumulated experiences", ie the knowledge of common sense. Every human being, like the animal, has "accumulated experience", but the developing man goes beyond the boundaries of experience. Animals can accumulate experiences as much as their biological possibilities allow (they learn to wade and save themselves from danger, from their parents and members of the pack), and man possesses the laws of logic (this is already the "accumulated past"), which allow him mastering a priori thinking. The animal at most possesses "microapriorism", which can be seen interacting with animals and observing them in the experiment.

Apart from instincts and emotions," says L.V. Cruşinsky, the body possesses wonderful mechanisms, which present in themselves various forms of learning and serve to adapt to the multiple conditions of the living environment"<sup>2</sup>.

The "microapriorism" of the animal does not allow the universal properties in one sphere or another of the world, as it succeeds in man, even if man himself cannot free himself from some specifically biological types of his own activity. Otherwise he would generally cease to be a man with his changing

needs. On the other hand, without biological needs, man would not have had the goal of acquiring knowledge about the world around him and its properties<sup>3</sup>. If someone and somewhere will dare to formulate clearly the assumption that man-made robots can replace or exceed his activity entirely and the main - to ensure their own existence independently, the question will necessarily arise: but what would be the need for the robot appeared in its own independent existence? The needs of man, arising from primates remain from the beginning to the fullest extent that was in the animal world. Man's new demands have emerged as his own way of life changes as he adapts to the changing world.

The robot has no biological needs of its own. Man, who essentially changed his own way of existence, acquired his second nature (suprabiological), has not escaped the biological requirements so far. Moreover, he developed them in the direction of the future evolution of his capacity for thought, not to mention a stronger and more varied memory than that of the animal - his ancestor<sup>4</sup>.

The specificity of the human being has always been linked to the past. The "accumulated past", ie the unity of the past time and the accumulation of activity, presents the main spiritual factor, which makes the future of man potentially infinite. The specificity of human existence includes in itself increasingly complex ways of thinking. It transcends all possible boundaries that no one has ever crossed. Since man's "accumulated past" has no limits, as he has them in the case of "accumulated experience" then there are no boundaries beyond which human activity can end. The robot is not capable of such a thing<sup>5</sup>.

We consider that regarding robots and robotics, as such, I have exposed my own attitude in the above lines, but also in other previous publications<sup>6</sup>. Regarding the new

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<sup>1</sup>*Ibidem*, pp. 77

<sup>2</sup>*Ibidem*, pp. 73

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<sup>3</sup>*Ibidem*, pp. 74

<sup>4</sup>*Ibidem*, pp. 79

<sup>5</sup>*Ibidem*, pp. 79-80

<sup>6</sup>Ion Sîrbu, *Robotics and human perspective*, Proceedings the 13<sup>th</sup> international scientific conference „Strategies XXI”. Tehnologies – military applications, simulation and resources, Buharest, 2017, pp. 448-452

convergent technologies, I also expressed my opinion in a series of articles<sup>1,2,3,4,5</sup>. The technologies in question can have not only beneficial but also harmful consequences.

The convergence of NBICS, says D.I. Dubrovsky, now expresses the main arena of anthropotechnological transformations, which encompass man and society as a whole. The convergence of these technologies (NBICS) plays the main role in the processes of coevolution of consciousness, corporeality and the environment. It is not too early to ask for results from her. Innovations based on NBICS convergence are growing rapidly. Some of them, according to Dubrovsky, have already acquired strategic status, including new ways of transforming human nature and the entire system of social life. It is enough to remember the artificial creation of the first single-celled organism by Kreyg Venter, the important results in the sphere of deciphering the codes of psychic phenomena in the brain, the creation of the handprosthesis guided by the brain, ie thinking, and more - the creation of the exoskeleton that allows the paralyzed person to get out of the cart, walk and perform certain activities.

Important are also the successes of technoscience in the elaboration of the artificial body and self-organized systems of nonbiological type, able to replace or reproduce some psychic functions<sup>6</sup>.

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<sup>1</sup>Ion Sîrbu, *The human paradigm in communication: security issues*, „Studia Securitatıs” Security Studies Magazine, Vol. XIII, Nr.2, Sibiu, 2019, pp. 49-60

<sup>2</sup>Ion Sîrbu, *The need for the world's peace for the security of life how could it be achieved*, in „International Journal of Communication research”, Vol. 9, Issue 2; 2019, pp. 120-127

<sup>3</sup>Ion Sîrbu, *Estetizarea valorilor și securitatea umană*, „Convergențe spirituale, Iași-Chișinău”, Nr.14-15, Iași, 2019, pp.220-228

<sup>4</sup>Ion Sîrbu, *The human - universal paradigm in knowledge and human activity (Security aspects)*, „Eastern European Journal of Regional Studies”, Vol. 5, Issue 2, 2019, pp. 60-69

<sup>5</sup>Ion Sîrbu, *Human paradigm in the military area. A philosophical approach*, Proceedings international scientific Conference strategies XXI. The complex and dynamic nature of the security environment. Vol. 2, Bucharest, 2019, p. 73-81

<sup>6</sup>Д.И Дувровский, *К вопросу о глобальном будущем и трансгуманистической эволюции (ответ П.Д. Тищенко)*, „Вопросы философии”, № 3, Москва, 2015, pp. 218

From all these findings, the transhumanist Dubrovsky, like many other transhumanists, concludes that in the future man will have to give up his present corporeality. The adverse conditions of the terrestrial environment at a certain stage of evolution will lead to this inevitable end, say transhumanists. Dubrovsky states that, in the way of fulfilling the task: the radical prolongation of life to cyber immortality, great discoveries and inventions are definitely waiting for us. They already appear today and serve the most important practical problems (artificial heart, prostheses directed by the brain, and exoskeletons, hybrid systems, which create a new type of self-organization and new ways of performing information processes, etc.). On the agenda are quantum computers, nanorobots and avatars<sup>7</sup>.

All this can be associated with fantasy rather than philosophical literature. We could say the same about the concepts of "posthuman", "posthumanism", "humanoid", "technoid", "superorganism", etc. Transhumanists and not only them, in the most serious way, talk about the posthuman stage, which chips will be inevitable as a result of the real technobioevolution already existing. It is not surprising that this idea is associated with the most diverse discussions about the biotechnological future of humans. For example, F. Fukuyama, who glorified himself in the 90s of the 20th century with the publications about the end of history, at the beginning of 2000 published a book about the end of man, which turns into "posthuman".

Technobiological evolution does not mean the transformation of man into a "posthuman". Technobioevolution is a reality, but in its process, man does not cease to be a human being, but becomes more and more a technological human being. When we talk about technohumanas a result of this evolution, we do not identify man with "posthuman" or "biorobot". The techno-man does not replace the rational man, but presents a stage in his development - the technological rational man<sup>8</sup>.

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<sup>7</sup>*Ibidem*, p.220

<sup>8</sup>И.Ю Алексеева, В.И Аршинов, В.В Чеклецов, *Технолюди” против* , Пост людей: НБИКС –

No one has yet shown that reason, intellect, human creativity can be completely transferred to the car, the robot. If this were ever possible, then we could no longer speak of man. Humanity's efforts must be directed towards solving crises and problems and not towards transferring human intellect to the machine or robot<sup>1</sup>. These must serve man and not take his place. This is possible notwithstanding all the problems facing man and society<sup>2,3</sup>.

The improvement of the human body, including through cosmetologists, rehabilitologists, plastic surgeons in general, outside the values can lead to its degradation and standardization. "Ethics are strictly necessary in human activity in nature, including human nature, society, medicine, to balance aestheticization. Only the harmonization of aesthetic processes with those of aestheticization and not their opposition can be productive"<sup>4</sup>.

Transhumanism through its antihuman conceptions presents in itself an anesthetic utopia, even if its representatives dream of "cyber immortality". The solution of the serious problems of contemporary civilization, including the problem of man as the first and foremost global problem of contemporaneity, can take place in the conditions of world peace. Only world peace and solidarity of all nations and ethnicities are able to ensure the security and safety of earthly life, including that of man<sup>5</sup>.

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революция и будущее человека, „Вопросы философии”, № 3, М., 2013, с.12-21

<sup>1</sup>Sîrbu Ion, *Robotics and human perspective*, Proceedings the 13<sup>th</sup> international scientific conference „Strategies XXI”. Tehnologies – military applications, simulation and resources, Bucharest, 2017, pp. 448-452

<sup>2</sup>Sîrbu Ion, *The human - universal paradigm in knowledge and human activity (Security aspects)*, „Eastern European Journal of Regional Studies”, Vol. 5, Issue 2, 2019, p. 60-69

<sup>3</sup>Ion Sîrbu, *Human paradigm in the military area. A philosophical approach*, Proceedings international scientific Conference strategies XXI. The complex and dynamic nature of the security environment. Vol. 2, Bucharest, 2019, pp. 73-81

<sup>4</sup>Ion Sîrbu, *Op cit*, p. 226

<sup>5</sup>Sîrbu Ion, *The need for the world's peace for the security of life how could it be achieved*, „International Journal of Communication research”, vol. 9, Issue 2, 2019, pp. 125-126

Transhumanism and posthumanism in general pose an eminent danger to man, society, and terrestrial nature. Their conceptions disappoint people and shake their confidence in the future, and this leads to the illusion of losing safety and security. Hence, the need to combat transhumanist and posthumanist ideology, in general, in which the socio-human sciences, and first of all – philosophy.

A real danger for man and humanity is also presented by the various epidemics and future pandemics similar to COVID 19. The era of globalism and globalization in which we operate today, has brought us and will surely bring us many pleasant and unpleasant surprises. Among the latter we could name the appearance in recent years of a whole series of epidemics such as swine flu, bird flu, Ebola, etc. But a special place belongs to the pandemic of the new coronavirus - COVID 19. It is haunting the world today and has led to the infection of millions of people and hundreds of thousands of deaths. But no one knows what the final figures will be.

Outbreaks outlined in general have been overcome by the efforts of WHO and several states. We cannot say the same about the new coronavirus pandemic. It has spread to most states of the world. We could say that for the first time in human history a disease has "kneeled" practically all of humanity.

### COVID 19 pandemic and its lessons

The new coronavirus (COVID 19) by its spread seems to have surpassed the two world wars, which did not cover 197 states as it did. The manifestation of this pandemic requires a change in the behavior of all states, of humanity as a whole and of each individual taken apart. The pandemic in question has given mankind a series of lessons that will need to be learned.

The number one lesson, I consider, is that of honesty or organizational, institutional and individual morality. Emerged and gotten out of control in China, COVID 19 was not disclosed and acclaimed in time, but kept secret for a relatively long time, which led to adverse consequences.

The WHO could and should have declared the outbreak of this pandemic much

earlier, in order to take measures to stop it. But this mess did not happen. That is why the COVID 19 pandemic has spread rapidly in most countries of the world, relentlessly hitting the most advanced health systems in different countries (Italy, France, Great Britain, Germany, etc.). The pandemic hit the most developed country in the world - the USA, where most illnesses and deaths are recorded. Today, virtually no state in the world denies that the new coronavirus is an unprecedented catastrophe in world practice. The consequences of the pandemic are very serious and manifest in all areas (political, economic, social, cultural, etc.).

Could this horrible pandemic have been avoided? I think so. Or, Ebola, a more ruthless virus, was located and stopped. The combined efforts of the WHO and several states since its inception have not turned the disease into a pandemic. Unfortunately, this did not happen in the case of COVID 19.

Strategic communication and transparency were lacking here.

From the outset, the lack of solidarity and mutual aid between the world's states, including the EU, has played their negative role, contributing to the uncontrolled spread of the epidemic to a pandemic. If China communicated about the loss of control over the virus from the beginning, but also its real consequences, the pandemic may have remained at the epidemic stage. The same thing happened in the case of EU countries, if they joined forces to stop the spread of the virus in Italy and Spain, but did not isolate themselves to defend each other, maybe this virus could have been stopped and the pandemic status would not be reached.

The mocking hanging of COVID 19 by many political leaders in different countries has also played a role in the spread of this virus. Lack of high morality and manipulation have cost mankind dearly<sup>1</sup>.

Based on the above, we can say that lesson 2 of the pandemic is about human solidarity and mutual aid between states and regions of the world.

A third lesson is the absolutization or overestimation of the possibilities of national health care systems by politicians, doctors and a large part of the population. In many countries and in certain segments of the population, especially the religious ones, there are certain inconsistencies and even contempt for this horrible virus. It even went so far as to deny its existence and its danger to man and humanity. Healthcare systems have been virtually unprepared for such a state of affairs. Hence the numerous losses not only of the population, but also of medical workers.

The immorality of the Chinese communist state manifested itself not only in the non-transparency and concealment of real things about the virus, but also in the production and marketing of low-quality means of protection and treatment.

The pandemic has shown that the economy, the education system, education as a whole, including medical and military education, need profound reforms. It has accelerated digitization in virtually all areas. He also pointed out that epidemiological science and practice are at the forefront today. In the foreground is also robotics<sup>2</sup>, which must replace man in many areas, including hospitals. All of these could be called a fourth lesson.

Lesson five is about the need to exclude wars with weapons of mass destruction from human practice, or they can lead to the destruction of the human species or even of all terrestrial life<sup>3</sup>. Only in conditions of peace can humanity progress and the coexist. War would be the biggest "pandemic".

Lesson six refers to the radical reform of International Organizations, whose activity no longer corresponds to the current conditions (UN, WHO, Council of Europe, OSCE, etc.).

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<sup>1</sup>Ion Sîrbu, *Manipulation – a social phenomenon*, „International Journal of Communication research”, Vol .9, Issue 3, 2019, pp. 204-212

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<sup>2</sup>Sîrbu Ion, *Robotics and human perspective*, Proceedings the 13<sup>th</sup> international scientific conference „Strategies XXI”. Technologies – military applications, simulation and resource, Bucharest, 2017, pp. 448-452

<sup>3</sup>Sîrbu Ion, *The need for the worldspace for the security of life how could it be achieved*, „International Journal of Communication research”, vol. 9, Issue 2, 2019, pp. 120-127

Sooner or later the pandemic caused by COVID 19 will be overcome, but other pandemics may occur in the future, and the experience gained today will serve as a model for overcoming them. COVID 19, future pandemics as well as transhumanist predictions are not fatal to humanity. By radically changing its behavior, humanity will overcome all dangers.

## Conclusions

Transhumanism absolutizes the negative tendencies of convergent technologies, of contemporary civilization in general. In his theories he deals with the de-anthropization of man, the transmission of his intellect to the machine, the robot and the debiologization of nature.

According to transhumanism, the human body and all forms of terrestrial life have no future. Only by transmuting the intellect of the machine will man attain "cyber immortality."

Transhumanism presents in itself a utopia, an antihuman ideology. The most important task of the socio-human sciences and philosophy, at the present stage, consists in the critical analysis and combating of this reactionary utopia and ideology. However, they are in themselves a real danger to human safety.

Man must regain his confidence in tomorrow, so the safety and security to which he really has full rights and well-founded hopes. The latter are based on the following: the honesty or morality of the states of the world; solidarity and mutual aid between states; objective assessment of national and international health care systems and their appropriate material and human "arming" to combat any epidemics and pandemics; profound reform of the economy, the educational system, education; digitization, robotization, epidemiological training considered as avant-garde elements of human progress; the exclusion of war from human practice as a desideratum for the protection of all forms of life, including human life; reforming international organizations according to the current situation.

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**CONSIDERATIONS REGARDING THE CRISIS CAUSED BY THE COVID-19  
PANDEMIC AND THE NATIONAL SECURITY – Part I**

<b>Abstract:</b>	<i>„The mystery of freedom is nothing but the courage to face death. The attacker always has the right and the duty to defend himself. Yielding to aggression or blackmail means accepting slavery, justified circumstances are just pretexts, excuses or tricks of mischief. Blackmail, along with foundry, is the most heinous, repulsive iniquity. To agree with him is the same as to approve him, to spread him. If you want to be free, you must not be afraid of death! The bow, the worship, the immediate capitulation risk without fail to increase the demands of the opponent, giving him a surplus of energy and courage. Bowing always means the first step on the path to perfect enslavement. Slavery involves not only the blackmail with which the regime indulges, but also the acceptance of this blackmail, as an inexorable fact of fate. By not resisting in time, man gradually becomes incapable of ever resisting again. This process ends by contaminating others with this attitude. Even if the blackmail will not be repeated, which is unlikely, given that it tends to become a habit, the one who gives in remains in danger, in conditions of receptivity, sensitized forever, because in him too cowardice becomes a rule of behavior. and a conditioned reflex. One surrender is enough to inoculate him and from that moment he remains a virtual slave”. (Nicu Steinhardt)</i>
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*„The life of a state does not always follow a regular course, accidents they can happen, dangers can arise, threatening their integrity even the existence of the state. All of these situations are actually provoked of humans, whether produced by the forces of nature, are abnormal. For that the social organism can withstand the danger is necessary as power permanent policy, ie the executive power to be able to bring changes necessary circumstances. We must therefore acknowledge the power executive an activity for normal times and an activity for times of crisis”.*  
Paul Negulescu

### **1. About public administration in crisis situations**

Like the master Ion Cristoiu, with whom I sometimes meet in the reading rooms of the Library of the Romanian Academy, „The hardest thing for me, when I write a text, remains the beginning. I need something short,

but spectacular, like the blow of a sword, to get straight into the subject, without protocols.” That is why we chose this title „public administration in crisis situations”<sup>1</sup> for the beginning of our study. And the words I put at the forefront of this approach were said by Paul Negulescu, the first Romanian jurist who was concerned with the systematic research of administrative law and the promoter of modern concepts in the science of Romanian administrative law, in another time of crisis. Romanian. It is about the controversial reign of King Carol II that led to the dissolution of the state and the loss of large territories - old

<sup>1</sup> Emil Bălan, Cristi Iftene, Marius Văcărelu, *Administrația publică în situații de criză*, Editura Wolters Kluwer București, 2015



Romanian provinces - by establishing a dictatorship started with a shameful and disgraceful desertion and ended with a terrible genocide of Romanians in Bessarabia, Bucovina, southern Dobrogea and northern Transylvania. Then I capitulated to the communism and fascism that shook hands, Hitler and Stalin deciding the fate of the peoples of Europe and mercilessly killing millions in a terrible war. Today the war is going differently, the decision makers, neo-Marxists from Brussels and in vain resorting to much more treacherous means.

But in fact, state entities have faced, since the beginning of their existence with dangers, critical situations - military or social - situations that have evolved with state development. Over time, the normal life of societies - political, economic and social - can be threatened by various risk factors, which generate special, atypical circumstances, and give rise to special, exceptional conditions. The Romans formulated the saying *salus rei publicae, suprema lex esto* to justify the imperative that in such circumstances to intervene vigorously and without delay to restore the state of normalcy. Such measures can only be taken by establishing exceptional conditions in society for limited periods of time. What does it represent, what content do they have, can a precise determined hypothesis of exceptional circumstances be identified? How is the exercise of power manifested in exceptional circumstances? What are the consequences for the fundamental rights and freedoms of individuals? Can we identify an insufficient legitimate legality or a special, derogatory legality? Here are some questions that need to be answered by specialists in public law and administrative sciences, including through think tanks set up for this purpose. An appropriate scientific answer can argue and substantiate sound, lasting decisions. Against the background of exceptional conditions, abuses can occur, arbitrariness can manifest. Is the Executive allowed to take any action when the state is endangered? Another Latin saying states: *ubi societas, ibi jus!* Can the urgency of regulation be tantamount to the existence of an extraordinary situation or is it necessary to be accompanied by the existence of an objective, quantifiable state of affairs, independent of the will of the regulator?

Exceptional circumstances, in relation to the nature of the threatened values, the effects they create can generate exceptional states, crises, which deviate from the state of normality. Starting from the reality of the existence of crises, it is appropriate to take into account the need to set up a system for managing them. Is the emergency management system flexible, articulated, and efficient? Are there any parallels, overlaps of skills? Necessarily, in order to give an adequate response to exceptional situations, the state must develop an appropriate administrative capacity. Emphasis should be placed, including on strengthening early warning systems. Crises can affect all dimensions of a state: institutional, economic, social, legal, etc. Law, the public one in particular, as well as the administrative sciences, are called to offer solutions, normative or in terms of public policies, sound, scientifically based, which should be the basis of administrative decisions. No one can reveal their full meaning; therefore, we will be content to bring to light only some of their rich content. And we will start with the doctrine, which, for the most part, reveals the insurmountable contradiction that exists between democratic political regimes and those considered to be dictatorial, or more simply, between dictatorship and democracy. Dictatorship means the centralization and concentration of power, the denial of pluralism in all its forms, the absolute or discretionary power of rulers, the coercion and excessive limitation of individual freedoms, the rigid separation of rulers from ruled, the non-existence or formal existence of constitutional guarantees of human rights, non-existence or character. Fictitious, formal of some principles essential for the state organization of the society such as, for example, the principle of the supremacy of the law and of the constitution. For a synthetic expression, dictatorship represents the annulment, abolition or at best minimization of individuality, the singular, diversity and the affirmation of unity as an abstract and compelling generality.<sup>1</sup>

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<sup>1</sup> Marius Andreescu, *Aspecte privind limitele puterii statului într-o societate democratică. Situații excepționale*, E. Bălan, C. Iftene, M. Văcărelu, *Administrația publică în situații de criză*, Editura Wolters Kluwer, București, 2015, pp. 11-33

Unlike dictatorship, democracy is associated with the idea of the rule of law, focused on the principle that has become real and applicable to the rule of law and the Constitution. The centralization and concentration of power is replaced, as a way of organizing the powers of the state, by the principle of their separation and balance. Pluralism, in all its forms, is institutionalized and guaranteed. Individual freedoms are also enshrined and guaranteed, their exercise being governed by the rule that the limit of any individual freedom is the need to respect the similar freedoms of others. The legitimacy of state power implies the distinction between the being or essence of power, and on the other hand, its exercise. In a democratic regime it is not necessary to prove the legitimacy of power as such, because the axiom that "the holder of power is the people or the nation" does not require demonstration, being a premise for the entire political and legal construction of the state-organized society. Any democratic regime must find the means by which the exercise of power, or in other words, the phenomenality of power, is legitimate and legitimate. Such legitimacy is achieved when there are no irreconcilable contradictions between the essence (power as such held by the people) and the forms of exercise (the phenomenon of power). The legitimacy of the exercise of power in the case of democratic political regimes means the reflection of the essence of power in its phenomenality, respectively in the way of organization and exercise. Therefore, in the case of democracy there is always a conceptual but also real distinction between the legitimacy of the essence of power that does not require demonstration - it results as such from the mere proclamation of the principle that power holds the people - and on the other hand, the phenomenal legitimacy of the organization and the exercise of power which is not a "given", but a construction - primarily constitutional - made in the concrete forms of institutional organization and exercise of state authority. The legitimacy of the organization and exercise of power is external to the phenomenality of power, in the sense that phenomenality is not the source of its legitimacy, but it is built in a relationship whose content is the correspondence between

the essence of power and forms of manifestation. Power, in its essence, can be considered "a thing in itself," in the Kantian sense, because full knowledge of the essence will never be possible. The reality of state power considered in the relationship between essence and phenomenon reveals another aspect: the phenomenality of power will never be able to fully correspond to the essence of power. The object of knowledge for the legal or political sciences is formed by the phenomenon of power and not its essence. Therefore, the legitimacy of the phenomenal manifestations of power is an ideal to which the concrete forms of organization and exercise of power approach, without ever reaching it.

The legitimacy of the phenomenality of power consists, among other things, in the realization of the principle of representation. This principle highlights very well the distinction between the being or essence of power and the phenomenon of power, on the other hand. The holder of power can exercise it directly, except in exceptional situations. The essence is not the manifestation of power. The exercise of power reflects the being of power without encompassing it. Thus, state institutions exercise power without holding it; therefore, they need the recognition of the legitimacy of acts of power, a fact conferred mainly by the application of the principle of representation. Its power and phenomenality are undoubtedly a central place of democracy. If the phenomenal legitimacy of power is an ideal that concrete forms of institutional achievement through the principle of representation can approach, then it follows that democracy, in its essence, is also an ideal in relation to which social and political reality is built and manifested, without for the democratic ideal to coincide with social and political reality. Professor Ion Deleanu's statement is relevant in this sense: "Democracy is a form of moral perfection. It measures both the organization and the functioning of power in order to humanize it, as well as the way of life of the citizens in order to shape it". It is necessary to distinguish between the ideal democracy, which is a purely speculative construction based on the possible coincidence between the essence and phenomenality of power, but also on an ethical imperative that would mean the unity of will between

individual and society, and real democracy, on the other hand., characterized by the contradictory dichotomy between the essence and phenomenality of power, between the individual and society. Real democracy has concrete, multiple forms of manifestation - such as the form of "parliamentary or representative democracy" - it is not an immutable fact, but is in a continuous evolutionary process which, in view of historical progress has as its purpose - never possible to be realized, the ideal democracy. The science of law has as object of study the real democracy or more precisely its forms of manifestation and its realization. Paradoxically, however, the legitimacy of any form of real democracy is conferred by the values and principles of ideal democracy, the latter being the object of study especially of metaphysics.<sup>1</sup>

Unlike dictatorship, democracy presupposes the rehabilitation of the individual, of the particular, which is no longer absorbed and dissolved in the general social abstract or of concentrated power. In democracy the individual has ontological value and manifests itself in existential coexistence with the social general. In other words, the individual has the meaning and power of the general, the latter being legitimate precisely by the fact that he recognizes the individual's existential and ontological dimension. Power, even in its concrete manifestations, is the expression of the general as such, reflected for example in the notion of "public interest". In a democratic society, the legitimacy of the act of power does not consist in reflecting its own generality (of the public interest), but in respecting individuality, diversity in all forms specific to existential pluralism. In constitutional terms, this aspect evokes the relationship between the "majority and the opposition". The issue of democracy cannot be reduced to the phenomenon of power as it seems to result from the phrase "government of the people by the people and for the people". The essence of democracy is the forms and content of the concrete relationship between society and the individual. The report expresses a unilateral contradiction, because society can contradict

the individual (particularity and diversity), which is typical of dictatorship, but the individual does not contradict society, a situation specific to democracy. It is proper for democracy for society to affirm the individual, not to deny it: therefore, to consecrate and guarantee individuality and diversity. Any broader analysis of the phenomenon of democracy involves references to the concepts of civilization and culture, to the relationships between civilization, society and the individual. There is obviously a contradiction between dictatorship and democracy, but a unilateral one: dictatorship is in contradiction and excludes democracy, but democracy does not exclude forms of dictatorship. The space and object of this study do not allow us a broader analysis of this interesting issue, but we mention that the doctrine refers to forms of dictatorship that can characterize any democratic regime: the dictatorship of parliament, the dictatorship of the masses or the dictatorship of majorities. In all these situations of democratic reality, the affirmative contradictions highlighted above become negative (the majority excludes or ignores the minority).<sup>2</sup>

Consequently, the exercise of authority in discretionary forms is reached, which obviously contradicts essentially the values of the ideal democracy in the conditions in which the civilization is contrary to the state of nature or barbarism. A nation is civilized when the social conditions in which it lives provide sufficient guarantees of security, so that social peace becomes a reality. Therefore, the political organization of representative government must contain all the guarantees of defending the individual against the tyranny of the masses and the realization of the principle of representation in one of the types of electoral system must allow as much as possible to reduce or even eliminate forms of dictatorship in a real democracy. highlighting individualities. In this way, the progress of a democratic society becomes balanced again, based on an unilateral affirmative contradiction in which the masses affirm and do not deny the individual, and the majorities affirm minorities. Returning to the present day, for a

<sup>1</sup> Ion Dragoman, *Criza administrației și administrarea crizei*, Emil Bălan, Cristi Iftene, Marius Văcărelu, *Administrația publică în situații de criză*, Editura Wolters Kluwer, București, 2015, pp. 42-49

<sup>2</sup> A.P. Parlagi, *Dicționar de administrație publică*, Editura Economică, București, 2000, pp. 40, contains only the expression „crisis of modernity”

systematization of public administration issues in crisis situations I find necessary a reassessment of the concepts and considerations on the basis of which the state of emergency was established, but also a distinct analysis of the crisis of public administration and crisis management, which means defining crisis situations, then the dysfunctions and challenges of crisis-generating public administration and finally identifying possible opportunities for resolving crises through good public affairs management.

## **2. Some considerations about crisis situations**

### ***2.1. Clarifying issues***

The reality of recent years has presented us with an unleashed nature, a multitude of phenomena of extreme nature: floods, overwhelming snows, storms, often using yellow code, red code warnings. The public administration has been in a difficult situation to manage such phenomena, both in terms of preventing disastrous effects and in terms of eliminating the effects of such phenomena. The staff with legal skills in managing crisis situations has managed to manage these situations well, saving many lives. From a terminological perspective, encyclopedic dictionaries define the crisis either in a medical sense, as a culminating moment in the evolution of a disease preceding the cure or aggravation of the disease, or in a general sense, as a phase in the evolution of a society characterized by great difficulties (economic, political, social, military). etc.), marked by the sudden appearance of a break in balance and often manifested by tension. Unfortunately, specialized dictionaries of public administration do not define this concept, although, beyond their objective reality, crises have been the subject of academic research in both natural and social sciences, remaining in their history as a subject of social and political debate. Improving the quality of public services needed by organized human communities.

In ancient Greek, *krisis* means judgment, decision, the conclusion being that the essence of the etymology of the word lies in the notion of decision - in the sense of the need for a preliminary judgment; what mattered was not the difficulties created by the

crisis, but the opportunity to make a rational decision to overcome them; a turning point in the game of continuity and discontinuity, a challenge in the transforming evolution of the world. Given that the present seems an uninterrupted series of crises. It is true that the notion has evolved over time and has become a journalistic cliché today, as it results from the consideration of public administration as in permanent crisis, the only advantage of this judgment being the emphasis on the need for change - often claimed in political speeches, which accentuates abuse use of that word. But those responsible for this real linguistic and intellectual fiasco are not only historians, journalists or politicians but also specialists who use the concept indiscriminately or in too broad contexts. Corrupted and weakened, the word "crisis" has depreciated as a tool of judgment and analysis, yet remains one of the most commonly used terms without making the necessary connotations, often being used - even too easily - to define any state of affairs, tension, any natural or problematic contradiction.<sup>1</sup>

Beyond its initial meanings, medical (heart attack), psychological (nervous crisis) or social (old age crisis), this word began to be understood as a process, to explain the most acute phases of domestic and international community relations, as and to describe changes or transformations that take place over long periods marked by persistent difficulties of an economic, financial, ecological nature. This is how the phrase „crisis situation" appeared, which does not completely eliminate previous inaccuracies and approximations, but also imposed a new discipline - that of crisis management, in which the crisis situation is an exceptional multidimensional phenomenon that represents a challenge and an opportunity in the evolution of society and public administration, crisis resolution being a specialized attribute of public management. Specialists today consider the crisis as a situation that: a) threatens decision-makers' net priority objectives, b) reduces the useful response time before the decision can be turned into action, and c) surprises the members of the decision-making unit by its appearance. In internal relations it can lead to the insolvency

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<sup>1</sup> *Idem*

of administrative-territorial units, and in international relations to war or interventionist actions, globalization and integration specific to recent decades making the crisis a transnational phenomenon affecting all types of human communities and all levels of government. Consistent with the original meaning of the term, the literature defines the crisis situation as a moment of rupture of a dynamic balance resulting from a relationship of forces facing each other within an organized system, involving the obligation of decision makers to define a position either the favor of continuity, either for the transformation of the given system, in the perspective of its return to a new balance. This definition means, on the one hand, that in the case of crisis situations we are dealing with an acute phenomenon and not a chronic one, with the consequence that only the dynamics of a decision are abnormal and extraordinary, and, on the other hand, that especially Nowadays, crises are multidimensional, and can manifest in all sectors of public life, including public administration.<sup>1</sup>

I would have stopped here with the dissertation on the use of terms, but I found out with amazement that the Minister of Health wants to "quarantine" all people over the age of 65, "in a hotel", „in a room with all the comfort" etc. I find it hallucinatory and I think, for now, that these are metaphors of a journalist eager to advertise. I am not saying anything about this at the moment, but I would like to point out that the verb "to quarantine" does not exist in Romanian and, therefore, it is not present in any dictionary. That action is correctly expressed in a verbal phrase, such as "quarantine", "quarantine", "quarantine", etc. But how do nouns like "pandemic" or "virus" age, if this sinister verb is not imposed? Moreover, the sinister Minister of Health announced that the Government is considering the possibility of people over 65 being quarantined (in quarantine camps, where the next step is the cemetery, because they do not want to die voluntarily) after lifting the emergency. "We actually thought of some methods to take them to a hotel, to stay in a room. We also thought about it, but it remains depending on the evolution, if we have to

protect ourselves because they can't find peace in their homes either, then we will find these spaces in hotels ". And so it came to pass, with such impostors, that the state of emergency established in order to manage the effects of the Covid 19 pandemic was marked in Romania by the excess of repressive measures. Who does not know how to protect and stimulate, repress. For example, the level of fines imposed by ambiguous regulations and the volume of amnesia applied was mind-boggling. They exceeded the power of understanding and the ability to pay of those sanctioned. Beyond these issues, does the issue of the constitutionality of those measures also arise? Aren't they hit by nullity because of constitutional flaws?<sup>2</sup>

## ***2.2. About the constitutionality and legality of establishing the state of emergency***

The regime of the state of emergency is not provided by the Constitution, but by a special law. The Constitution provides only the regime of ascertaining the situation that attracts the application of that special law. It is only that law that changes the normal balance between the powers of the state. Noting, by his decree, the existence of factual reasons for the implementation of the law on the state of emergency, the President creates the premises for the initiation of the subsidiary mechanism of exceptional governance, previously defined by the Parliament. The decree by which the President ascertained the state of emergency and thus initiated the consecutive procedures (procedures provided by law, and not invented by him or by the government), affects the balance of powers. That is why the constituent legislator elected the President to ascertain it, because the President is not part of any power, being a mediator between them. The election of the President was also justified by the urgency of solving the problems posed by particularly serious threats that appeared untimely to important values such as public health, national

<sup>1</sup> J.L. Dufour, *Crizele internaționale*, Editura Corint București, 2002, pp. 13-16

<sup>2</sup> Nelu Tătaru, the minister of health in the government Ludovic Orban, announced, on Realitatea PLUS, that the Government is considering the possibility for people over 65 to be quarantined. „We actually thought of some methods to take them to a hotel, to stay in a room. We also thought about it, but it remains depending on the evolution, if we have to protect ourselves because they can't find peace in their homes either, then we will find these spaces in hotels”

security, etc. A one-person institution can manifest faster than a collective one. In addition to the fact that the presidential decree is only an act of finding, not of disposition, it is issued under the resolute condition of approval by the Parliament. Its only full and unconditional effect is to force Parliament to meet within a maximum of five days to decide whether to approve the transition to a state of emergency identified by the President or not. Parliament cannot ignore the decree, but has the right to reject it.

Why did it settle like that? Because the Parliament is, among the state powers, the most affected by the change, even temporary, to the relationship between prerogatives (the one who acquires increased prerogatives being the executive), but especially because he is the supreme representative of the Romanian people (art. 61.1 thesis first). The president is not the supreme representative of the people, the latter being the holder of national sovereignty. The president is neither the "head of state", but the "symbol" who personifies the state. It is logical, therefore, that the perception of the President, who has come to the conclusion that a state of affairs has been created which makes it appropriate to govern in an emergency system, should be subject to censorship by the people (the one who bears the consequences of such governance). Doesn't the way it was done in this situation, in which it was legislated by presidential decree, break the constitutional norms? Opinions in very recent doctrine can give us an answer. Thus, the question arises as to whether or not the President's decree on the state of emergency can be amended by Parliament. The constitution says that parliament has the ability to approve or reject it. From here some concluded that its amendment by the legislature would be impossible. Such a conclusion ignores two long-established principles of law: *ubi lex non distinguit nec nos distinguere potemus* și *qui potest majus potest minus*.<sup>1</sup>

According to the first, if the law (in this case the Constitution) does not distinguish between partial and full approval/rejection, in the application of the law no one is allowed to make such distinctions. However, the

constitutional text does not forbid the Parliament to approve the presidential decree subject to its censorship, with modifications. According to the second principle, the one who can more or less completely reject the decree in question, can even less, respectively to reject it only in part. These being clarified, it is also necessary to note the fact that the "only legislative authority" in Romania is the Parliament (art. 61.1 second sentence). Under certain conditions, the power to legislate may be delegated to the Government, but it does so *ad referendum*, ie under the control of the Parliament, respectively under the condition of subsequent parliamentary approval. Nowhere does the Constitution give the President the right to legislate. It would also be illogical, as he is a mediator and not a power. Any attempt to do so is unconstitutional and is therefore struck by absolute nullity. What happens, however, if, for example, the presidential decree on the state of emergency also contains legislative provisions? If through this instrument dedicated to ascertaining a situation, is an attempt to establish binding rules of conduct? If the President legislates? Obviously, such an abuse cannot change the Constitution.

The crisis caused by the COVID-19 pandemic has generated important social and economic changes, affecting all generations and tens of millions of people on all continents. It also affected the rule of law and in particular the fundamental rights and freedoms of citizens. The severity of the crisis is difficult to question, although prestigious experts often express very different views not only on the size of the pandemic, but also on its causes - natural or artificial - as well as the possibility of its disappearance in a more or less close perspective. According to an opinion, "The declaration of a state of emergency in Romania was undoubtedly necessary given the size of the crisis and the possibility of its amplification, although we must recognize that in our country, as in other states in our geographical area, it did not manifest itself with the same intensity as in Italy, Spain, France, Germany or England. The Romanian authorities could not anticipate the manifestation of the crisis in our geographical area and especially its dimensions. He therefore considers that the decrees declaring

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<sup>1</sup> Ioan Leș, *The democratic rule of law during the COVID-19 pandemic*, <https://www.universuljuridic.ro> (15.10.2020)

the state of emergency had legitimacy, and the measures taken were promoted with the intention of limiting the negative effects of the crisis.” However, the management of the crisis by government authorities has not been at the level involved in the exceptional situation created and the need to maintain a balance between the limitations imposed by it and the imperative to respect within reasonable limits the fundamental rights and freedoms of citizens. Many measures were arbitrary and insufficiently legally substantiated. A special situation is represented by the 10 military ordinances that were promoted in the execution of the presidential decrees declaring the state of emergency. Some of these ordinances are of an ambiguity and lack of precision related to the field of evidence, a circumstance that has led to different interpretations by the police and gendarmerie. The question that can be asked is whether such ambiguities have been infiltrated into military ordinances with the intention of creating a "favorable space" for administrative or ignorant abuses, which is tantamount to the incompetence of the issuers of these ordinances. And in order for our good faith not to be questioned, some concrete examples are required.<sup>1</sup>

Military Ordinance no. 3 of March 24, 2020 imposed some significant restrictions on fundamental rights of citizens, an approach that has been achieved in other democratic countries. But the extent to which the Romanian authorities have acted is completely surprising and generates many questions. Thus, the said ordinance prohibits the movement of all persons outside the home / household, except for the strict exceptions determined. These exceptions include short trips near the home or household. Such legal formulations are of great relativity; What does the phrase “close to home” mean? Administrative officials, at various levels, explained that this formula should be related to walks around the house or block. This interpretation is not strictly in line with the text. An equally unfortunate formula is the one referring to “travel to provide goods that cover the basic needs of people and pets/pets, as well as goods necessary for the performance of professional activity”. The ordinance does not make any

determination as to whether such a trip can be made only near the home or on the street where the person is domiciled. This means that travel can be done in a larger space, which is also natural because the citizen cannot find, in all cases, the products he needs in the immediate vicinity of the home. However, there have been cases in which the administrative control bodies have given a restrictive interpretation to that rule. We find the same broad wording in the case of the exception concerning „carrying out agricultural activities". The ordinance also makes no reference to the place where such travel can take place or to the person's affiliation with an agricultural holding. In these circumstances, the interpretations of law enforcement officers were different, a situation that we do not think is attributable to them, as long as the leadership of the Ministry of Interior does not express a fair and unambiguous point of view, but on the contrary favored different interpretations.. Restrictions such as those mentioned exist in other democratic countries, but the regulations in them have been more precise. Thus, by way of example, we mention that unjustified travel is not allowed in Spain either, and some must be made near the house, respectively at a distance of no more than one km. Such a limitation, which in turn has the attribute of rigor, could have been made by the Romanian administrative authorities. They did not do so, although a number of 10 ordinances have been adopted so far. Instead, the Romanian authorities excelled in "rigor" when determining the minimum and maximum limits of the contravention sanction that can be applied for violating the provisions of military ordinances. In a state of emergency, which is often assimilated, not without reason, with the state of war, the severity of the law is legitimate. But this legitimacy must not go beyond what is reasonable and constitute a serious disregard for human rights. The limits of the fine set for violating the provisions of military ordinances far exceed the actual payment possibilities of many of our citizens. The media pointed out that these fines, with limits between 2,000 and 20,000 lei, are difficult to meet in other countries. How could a pensioner with a minimum pension of 700 lei pay such a fine?; it would take many years for them to be able to save to pay an average fine,

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<sup>1</sup> J.L. Dufour, *Crizele internaționale*, Editura Corint București, 2002, pp. 21

not to mention a maximum one. Unfortunately, there have been practical cases of such sanctions being applied to the elderly and those with extremely low incomes. Excesses are known. Moreover, the inconsistency of such a regulation also results from the fact that initially the administrative authorities opted for a milder solution, but anyway more rational, in which the minimum fine was only 100 lei.<sup>1</sup>

Some of the solutions promoted by the competent administrative authorities were also questionable in terms of opportunity. Significant from this point of view are the provisions regarding the movement of persons over 65 years of age. We take into account especially the initial form of ordinance no. 3, which restricted the movement of the elderly outside the hours of 11-13. Not only do these rules establish unlawful discrimination, even in a state of emergency, but the effect sought was not as expected, but on the contrary one obviously the opposite (congestion in shops, in food markets, etc.). Such solutions have generated a lot of dissatisfaction among the elderly, people who have felt neglected, ignored and brought into a state of inferiority to other citizens. What can surprise us today when prominent international personalities refer to the fact that there are too many retirees. It seems that we are living in a time of "accelerating history" in which the suppression of certain rights or their restriction to the point of lack of substance will no longer be a big surprise. The civilized world is defined by the care not to discriminate categories of the population considering them inferior from an intellectual point of view. This was the case in the case of the elderly, replacing the pensioner formula with the senior one. This is something similar to the obligatory use of the Roma formula instead of gypsies. Like the gypsy formula, the retirement formula was considered rude to older people.

The Government has decided by Military Ordinance that persons over the age of 65 may not leave their homes, for any reason, except between certain hours of the day. From the beginning, we face racist discrimination based on age. Those under 65 have much more freedom of movement than those over 65. The basis of this typical fascist discrimination

measure is the statement of President Klaus Iohannis on Tuesday, March 24, 2020, at the end of the meeting to evaluate and present measures on the management of the COVID-19 epidemic: „A very special point, I must mention it. – the most vulnerable people are people over 65 years old. It is obvious that we need special measures, but also special restrictions. And so, in order to protect people over 65, special restrictions will be introduced for these people, in the sense that they will have to stay at home practically all the time in their own interest. ” Why are people over the age of 65 denied certain rights that the rest of the population enjoys? Because these people have to defend themselves. These people are so stupid that even though they know they are safe victims of coronavirus, they haunt the street. And in order to save them, Klaus Iohannis considers that they must be allowed to leave the house, like those under 65, only between certain hours. What image does this statement propagate about people over the age of 65? The image of irresponsible people, who must be defended by force from their own brain degradation, an image that only fascism promoted in the modern era. Weren't you good at work, weren't your vitality muscles cracking? Garbage with you! I'm even 65 years old. As they say in Botenii Muscelului, Petre Țuțea's village, I am 66 years old.

Klaus Iohannis is 60 years old. 6 years older than Klaus Iohannis, I am infinitely more active than him. I support myself from my pension, but I also do law, I also write, I read, and not since yesterday, but since I was young. I am working hard to finish the monograph of my village. I'm driving. Before Coronavirus, I studied and researched at the Academy Library. I did and I do this because nothing gives a man more power than the awareness that he is active, that he is not a reluctant person to be taken by the hand. Like me, there are hundreds of thousands of people over the age of 65. I run institutions, I do complicated operations, I write, I do shows. In a word, they are active people, on their feet, people who also support, like the young people, the Romanian state. What do you have with us?

Moreover, the lack of consistency of the administrative authorities was also manifested in the control exercised at the border points of the country, allowing the entry into the country

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<sup>1</sup> I. Leș, *Op cit*, p. 4



of Romanian citizens without adopting appropriate protection measures. The influx of people during the Easter holidays has made it difficult, we must admit, the activity of the competent law enforcement agencies. But what is difficult to understand is the way in which an impressive number of citizens were allowed to travel during the state of emergency for agricultural work abroad. It is true that overnight a military ordinance was adopted to legitimize such travel. But all this was done without respecting the rules of travel in the country and social distance imposed by the ordinances. What should the ordinary citizen understand: the fact that he can only travel under certain conditions, and sometimes only around the house, while for other citizens trips abroad are organized by car, rail and air. And this is done because we have an excess of unskilled labor or because we do not have the capacity to generate jobs in Romania? Does such travel not pose a danger of spreading COVID-19 but is there such a danger to the elderly and other citizens? Moreover, the COVID-19 crisis also has unfavorable effects on the health of the population, which for a long time lacks the opportunity to recreate and perform the much-needed walks for people with certain diseases, such as cardiovascular diseases, and for which doctors recommend daily walks of several kilometers. At the level of the whole society, a state of "pressure" was created, generated by the uncertainty generated by the duration of the pandemic and by the danger of perpetuation of restrictions. The present considerations are far from exhausting the examined issue, but what is certain is that during the crisis a climate was created that tends to undermine or weaken the rule of law or to the distorted application of military ordinances. And what is more dangerous, a procedure has been used excessively that evades the Parliament and practically transforms the Executive into a legislative body. Or, the legislative body is, according to the Constitution, the Parliament, and the Government has the role of executive authority, vested with the right of legislative initiative (and only exceptional institutions should issue emergency ordinances). They

simply turned the legislature into an executive annex.<sup>1</sup>

### ***2.3. Romanian Parliament - annex of the Government***

The political scene today is marked by the increasing significance of the executive, by its dominant tendencies in relation to the legislative forum. Not only in Romania, but even in other European states, with a democratic tradition, Governments have often become creators of legal norms, while it is increasingly difficult for Parliament to exercise its function of control, a function that, in the opinion of many specialists, is considered to be more important than the legislative one. In our constitutional system, the consecration by the Basic Law of some institutions, such as the legislative delegation and the commitment of the Government to a bill, has led to the creation of a very strong executive, which dominates political life and "blurs" the activity. the legislative forum. Undoubtedly, against the background of the tendencies of supremacy of the executive in the legislative work, the strengthening of the control function of the Parliament appears to us as a sine qua non condition for the consolidation of the democratic regime in Romania. Regarding the options of the Parliament notified with an unconstitutional presidential decree, as in our case, we cannot formulate them simplistically, as the debate takes place against the background of a state of affairs marked by great dangers and which requires urgent solutions, usually radical. But what would be the possible answers? One possible answer would be for the presidential decree containing provisions exceeding the President's powers to be rejected, and for him to issue another decree in accordance with his constitutional prerogatives. Another would indicate the exclusive approval of that part of the decree that remains within the presidential powers, the rest being either eliminated or taken over by Parliament - as such or with amendments - in a separate normative act, with the force of law. A third solution would be the full approval of the

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<sup>1</sup> Adrian Severin, *The President does not establish the state of emergency, but ascertains it*, [www.dcnews.ro/amenzile-aplicate-in-starea-de-urgenta-sunt-nule-haosul-constitutional](http://www.dcnews.ro/amenzile-aplicate-in-starea-de-urgenta-sunt-nule-haosul-constitutional) (15.10.2020)

decree in the form in which it was submitted by the President.

The first formula affects one of the fundamental principles of urgency, namely the shortening of the time between the notification of the problem and the establishment of measures for its management, as well as from the definition of these measures to their implementation. The time taken to reconcile the presidential decree with the Constitution could be fatal from the perspective of the targets to be achieved. From such a perspective, the second solution is likely to reconcile legality (constitutionality) with opportunity. In doing so, another principle of law is applied according to which "interpretandus est potius ut valeat quam ut pereat". This means that the law, but also any other manifestations of will which seeks to create rights and obligations (in this case the presidential decree), must be interpreted in such a way as to produce effects, and not to remain without any consequences. By approving from the presidential text only what the President had the power to propose or establish, his manifestation of will does not remain sterile, but can be capitalized according to objective needs, eliminating those components that exceeded his powers. And this without at least the latter being completely lost, as it would be the subject of a law adopted by the legitimate legislative authority.

The Romanian Parliament has chosen, in the case of the Covid 19 pandemic, the third formula. Which triggered other disputes. Some said that thus the entire presidential decree would be struck null and void, as the legal basis (which should have been a valid decree) is missing, the state of emergency regime applied by the government would be illegal in its entirety. It's like a lot; and all that is excessive is ridiculous. Others stated that the approval given by Parliament would have been likely to require only the establishment of a state of emergency from a legal point of view (ie to allow the Government to apply the law on the state of emergency), but did not validate the limitations of fundamental rights contained in that decree, as well as other provisions thereof having a legislative character. In such conditions, the mentioned limitations do not exist, and the sanctions for their violation are absolutely null. You cannot sanction

(contravention or criminal) deeds that are not defined by law as contraventions or offenses (nullum crimen sine lege, nulla poena sine lege - there is no deed punishable by contravention or criminal if it is not defined by law and no penalties can be applied which are not established by law, for committing such illegal acts)<sup>1</sup>.

To those who replied that, however, the Parliament approved the presidential decree without being hindered by any of its provisions and that the legislature took over the provisions that were within its competence, and not the President of the Republic, it was replied that the instrument by which the approval was adopted was a "decision" and not a "law". In other words, if part of the decree had been approved by decision and another had been adopted by law, it would have been something else. However, such an approach is excessively formalistic. In fact, both the decisions and the laws of the Parliament have the same binding force, the difference between them being given by their object, and not by the consequences they produce. Then, in qualifying the nature of a legal act, it does not matter the title given to it, but the content it has. And if we are dealing with a heterogeneous content, nothing stops us from concluding that in a single package, to which only one label was put, two distinct legislative products were packaged. Otherwise, we cannot believe that Parliament could have given the green light to the establishment of a state of emergency in conditions that violated both the Constitution and the fundamental rights of citizens. That this is the case is proved by the decision approving the decree extending the state of emergency. Based on the experience of the first time in which it was observed and probably inspired by the criticisms and exceptions of unconstitutionality formulated by the People's Advocate, the legislature did not take over the texts aimed at limiting fundamental rights, included in the presidential decree, in imprecise form author, but asked the government to define and make

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<sup>1</sup> She also observed the People's Advocate when he asked the RCC to establish the unconstitutionality of the military ordinances by which contraventions were established consisting in violating some restrictions that no law clearly defined, as well as the GEO by which related sanctions were applied. of these so-called contraventions

all these limitations mandatory by law. Until such legislation is adopted, all restrictions on rights are null and void and therefore do not produce any binding effect. Basically, there was a presidential coup!

#### ***2.4. Presidential decree establishing the state of emergency: a blow to the rule of law***

We are trying, together with our fellow lawyer, the University Professor. dr. Corneliu-Liviu Popescu a legal argument, not without criticisms, with the help of which we demonstrate that by the decree on establishing the state of emergency the president and the prime minister usurped the power of the Parliament, forbade the functioning of Justice and the Public Ministry, with serious violation of human rights and endangering democracy and the rule of law. The decree on the establishment of the state of emergency on the Romanian territory signed on March 16, 2020<sup>1</sup> by President Klaus Werner Iohannis can be seen as the official act laying the groundwork for the coup as the provisions of the decree contain clear elements showing that Parliament's power was usurped by this act, that the functioning of the Judiciary has been banned and human rights have been violated. The decree itself can be seen as an abuse that can attract criminal liability to both the president and the prime minister for the countersigning of the Decree of the President of Romania no. 195/16.03.2020. Specifically, in the preliminary complaint, respectively the petition submitted to the People's Advocate, professor Corneliu-Liviu Popescu showed that "Through art. 1 of the Decree of the President of Romania no. 195/2020, the state of emergency was established for a period of 30 days, starting with the date of official publication, according to art. 8. The decree was officially issued and published on 16.03.2020, which means that the state of emergency lasts from 16.03.2020 inclusive to 14.04.2020 inclusive. Through chapters V and VII of annex no. 1 of the decree, legislative measures were adopted, namely:

- it has been established that the limitation or limitation periods in civil matters lato sensu do not expire or are suspended and

that the relevant legislative provisions do not apply, as well as the fact that the limitation period for criminal liability is suspended;

- it has been established that criminal proceedings and that of judges of rights and freedoms and judges of the pre-trial chamber are not prosecuted and conducted only in an extremely small number of cases, with the ruling colleges of the High Court of Justice being empowered. Cassation and Justice and of the courts of appeal to establish these cases, and the Superior Council of Magistracy to give guidance in the matter, as well as that this situation also concerns the procedures within the competence of the Judicial Inspection;

- special conditions and rules of procedure were established;

- the deadlines for responding to petitions and requests for information of public interest have doubled. All these norms are norms of primary regulation, which have the force of law, intervene in matters of a legislative nature and make inapplicable, amend or establish rules with legislative force. However, the judicial organization, judicial procedure, criminal matters, the general regime of property, the regime of the state of emergency, the restriction of the exercise of human rights are regulated only by legislative norms, according to art. 53 para. (1), art. 73 para. (3) lit. g), h), k), l) and m), art. 126 para. (2), art. 129 and art. 131 para. (3) of the Constitution. According to art. 61 para. (1) and art. 115 of the Constitution, the only authorities that have the competence to adopt norms of primary regulation are the Parliament (which exercises the legislative power, by law) and the Government (as delegated legislator, by ordinance). The President of Romania has absolutely no power to adopt, amend or suspend the application of any law or ordinance, ie to legislate<sup>2</sup>.

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<sup>2</sup> Lawyer Corneliu-Liviu Popescu filed a preliminary complaint requesting the partial revocation of Decree no. 195/2020, for the illegality contained in chapters V and VII of Annex 1, by which measures of a legislative nature were taken, and filed a Petition with the People's Advocate notifying the violation of his fundamental rights by applying the provisions contained in chapters V and ARE YOU COMING. In the two actions, he complained that by the provisions contained in the two chapters of Annex no. 1 of the Decree on the establishment of the state of emergency, legislative measures were adopted, usurping the legislative power

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<sup>1</sup> Published in the Official Gazette no. 212 of March 17, 2020

In case the declaration of a state of emergency is required, the constitutional competence of the President of Romania is exclusively to establish the state of emergency, by decree countersigned by the Prime Minister, and to request the Parliament to approve the measure adopted, pursuant to art. 93 para. (1) of the Constitution. However, the President of Romania does not establish the regime of the state of emergency or the restriction of the exercise of human rights, these being reserved to the law or ordinance, according to art. 53 para. (1) and art. 73 para. (3) lit. g) of the Constitution. Parliament only approves the measure establishing the state of emergency, by decision, and not by law, so that the decree establishing the state of emergency never has the force of law and cannot contain rules of primary regulation. By all the norms indicated above, contained in the decree on the establishment of the state of emergency, the President of Romania and the Prime Minister of the Government usurped the legislative power (of the Parliament or, by delegation, of the Government), practically forbade the functioning of justice and the Public Ministry, severely affected human rights, which is legally called a coup d'etat, which for the President of Romania must attract the political constitutional responsibility for dismissal and the constitutional criminal liability of the conviction for high treason, and for the Prime Minister must attract responsibility constitutional constitutional dismissal by motion of censure and criminal constitutional liability for the act committed in the exercise of office. If it was necessary to adopt measures such as those contained in the decree and indicated above, nothing prevented the Government from adopting an emergency ordinance or, as the case may be, from committing its responsibility to a bill to amend the regulatory framework applicable to the state of emergency. which would have fully complied with the constitutional requirements of art. 53 para. (1), art. 73 para. (1) lit. g), art. 114 para. (1) and art. 115 para. (4) of the Constitution.<sup>1</sup>

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of the Parliament (or, by delegation, of the Government), banned the functioning of the Judiciary and the Public Ministry, and severely affected human rights

<sup>1</sup> Apart from the formal illegality of all the norms indicated above, some solutions contained in the decree

At first glance at the legislation establishing the state of emergency, Machiavelli's Prince may be the best-known appeal to authority. Machiavellianism is quoted very frequently, especially by the phrase the purpose excuses the means, but with the specification that the Romanian understands well the use of the means, but kind of forgets the purpose. We will note, however, that the Romanian modern state will be permanently concerned with the use of this mechanism and that all the coups had military components or were given with the support of the army. This time it was meant only to give more weight to the Romanian police unable to face such a challenge. For specialists, The Prince of Florentine is a bourgeois adaptation of Thomas De Aquino's De Regno, as well as those damned questiones from the Second Secundae of the Summa Theologiae. Thomas Aquinas' thesis: to do good, you are allowed to do any harm, today bases NATO's doctrine on strategic bombing. Perhaps not coincidentally, a Romanian - Titu Maiorescu - managed to question the Machiavellian maxim. He formulated a surprising aphorism on this subject: The medium is superior to the purpose and regulates its value. Therefore, the Jesuit phrase must be reversed, saying: the means justifies the purpose. This praeceptum of Maiorescu fits perfectly with the insurrectionary phenomenology in Romania. We will notice that many coups were necessary and that some attempts to overthrow the Power pursued generous or saving purposes, while others were and are detestable. Not once, the way it was acted, as well as the means used marked the result with the red iron for history: Here it is something else: the idea that the value of the goal is strictly correlated with the quality of the means used, that using criticizable means, you can not it actually achieves a high and beautiful goal, so it cannot be recommended to use any kind of means to achieve a goal, be it superior in itself, as the Jesuits considered and practiced, with their

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are illegal and substantive, being disproportionate. The manifest examples are in criminal matters and can be studied. Corneliu Liviu Popescu, Lawyer and Professor of Law: *The presidential decree on the state of emergency is illegal*, <https://www.qmagazine.ro/avocat-si-profesor-de-drept-presidential-decree-on-the-state-of-emergency-is-illegal> (15.10.2020)

famous maxim: the goal excuses the means. ” Didn't the way it was legislated during this period in which the democratic rule of law was affected and fundamental rights be limited have a kernel of Machiavellianism?

### ***2.5. How the democratic rule of law is affected and fundamental rights are limited when legislated by ordinances***

A special problem arises when the management of the state of emergency requires the restriction of the exercise of fundamental rights. The Romanian Constitution includes in this respect a special norm of protection. Thus, it provides that "the exercise of certain rights or freedoms may be restricted only by law." (art. 53.1 first sentence). In the face of the explicit form of such a text, it remains to be discussed whether the law can be adopted in a first phase by the delegated legislator - the Government. The Constitution speaks of "law", and not of "ordinance" (emergency), the latter being the name under which the normative acts with the force of law are adopted by the executive. Admitting the restriction of the exercise of fundamental rights by ordinance would be not only an inadmissible addition to the Constitution, but also a violation of the constitutional logic that requires that, when it comes to limiting such rights, the interpretation of reasons and procedural rules be as more restrictive. This is one of the reasons why the Constitution provides that during the state of emergency the Parliament be in session and, at the same time, prohibits its dissolution. Being in office, the parliamentarians can adopt in the emergency regime, compatible with the general state of the nation, all the necessary legal restrictions. Therefore, the request of some that such restrictions be established at least by the GEO, is an unacceptable compromise, both in terms of the procedure established by the Constitution and in terms of the substance, circumscribed by the paramount importance of the values to be defended. And yet, what do we do if the presidential decree also „legislates" the restriction of fundamental rights, as happened with the decrees issued by President Iohannis?

### ***2.6. About the unconstitutionality of the contravention regime established in the state of emergency***

#### ***2.6.1. Introductory issues***

On May 6, 2020, the Constitutional Court admitted an exception of unconstitutionality invoked directly by the People's Advocate and established that the provisions of art. 28 of GEO no. 1/1999 (seat of the contravention matter in the matter of state of emergency) are unconstitutional because they are not clear and predictable, being violated the provisions of art. 1 para. (5) of the Romanian Constitution<sup>1</sup>. Thus, „the Court held that the law of contravention, like criminal law, has a subsidiary character, intervening only where other legal means are not sufficient to protect certain social values. Under these conditions, the normative acts with the force of law and the administrative acts with normative character by which the contraventions are established and sanctioned must meet all the quality conditions of the norm: accessibility, clarity, precision and predictability. However, the Court finds that the provisions of art. 28 paragraph (1) by the phrase „non-compliance with the provisions of art. 9 constitutes a contravention ”qualifies as a contravention the violation of the general obligation to respect and apply all the measures established in the Government Emergency Ordinance no. 1/1999, in the related normative acts, as well as in the military ordinances or in order, specific to the established state, without expressly distinguishing the acts, facts or omissions that may attract the contravention liability. Implicitly, the determination of the facts whose commission constitutes contraventions is arbitrarily left to the discretion of the ascertaining agent, without the legislator having established the criteria and conditions necessary for the operation of ascertaining and sanctioning the

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<sup>1</sup> Decision no. 152 of 6 May 2020 regarding the exception of unconstitutionality of the provisions of art. 9, art. 14 lit. c ^ 1) -f) and of art. 28 of the Government Emergency Ordinance no. 1/1999 on the regime of the state of siege and the regime of the state of emergency and of the emergency ordinance, as a whole, as well as of the Government Emergency Ordinance no. 34/2020 for the amendment and completion of the Government Emergency Ordinance no. 1/1999 regarding the state of siege and the state of emergency, as a whole published in the Official Gazette no. 387 of 13 May 2020

contraventions<sup>1</sup>. At the same time, in the absence of a clear representation of the elements that constitute the contravention, the judge himself does not have the necessary benchmarks in the application and interpretation of the law, when resolving the complaint on the record of finding and sanctioning the contravention. Moreover, the provisions of art. 28 of the Government Emergency Ordinance no. 1/1999 establish indiscriminately for all these deeds, regardless of their nature or gravity, the same main contravention sanction. With regard to complementary sanctions, although the law provides that they apply depending on the nature and gravity of the act, as long as the act is not circumscribed, it is obvious that its nature or gravity cannot be determined in order to establish the complementary sanction. applicable. In conclusion, the Court found that the provisions of art. 28 of the Government Emergency Ordinance no. 1/1999, characterized by a deficient legislative technique, do not meet the requirements of clarity, precision and predictability and are thus incompatible with the fundamental principle of respect for the Constitution, its supremacy and the laws, provided by Article 1 paragraph (5) of the Constitution, as well as the principle of proportional restriction of the exercise of fundamental rights and freedoms, provided by Article 53 paragraph (2) of the Constitution”<sup>2</sup>. More precisely, “the reference that art. 28 of GEO no. 1/1999 does it at art. 9 of the same normative act does not represent a description of the contravention deed and such a way of regulating the contraventions is not compatible with the principles of law ”and the Constitutional Court declared unconstitutional these legal provisions, the situation in which it is necessary to analyze the consequences of this decision. will produce about the approximately 300,000 fines imposed (according to the communications of the authorities) and about a very large number of minutes concluded on the basis of which these

fines were ordered. From this perspective, the following legal issues must be analyzed:

- the application in time of the effects of the decision in relation to the retroactive nature of the contravention norm;
- the effects of the decontamination (decriminalization decriminalization) regarding the sanctions applied and those that will be applied until the date of publication of the decision;
- the procedural means of invoking the contravention - is it necessary to formulate the contravention complaints?
- the terms for formulating the contravention complaints - the incidence of the decrees establishing the state (s) of urgency regarding the expiration of these terms;
- the possibility of refunding the fines applied and paid by some persons;
- the regime of contraventions in the matter of the state of emergency after the CCR Decision.

#### *2.6.2. Problems of the judiciary generated by the decision of the Constitutional Court*

Before the analysis, strictly legal, of the effects of the RCC decision, we cannot fail to notice the impact of this decision on the judicial system, affected in 2020 by protests by magistrates and two months of state of emergency. Even if, as we will show below, we consider that strictly legal decontamination operates without the need to exercise the contravention complaint, we cannot omit the fact that any practitioner will exercise such a judicial approach, at least for safety. We do not believe that the judiciary now needs tens of thousands, or perhaps even hundreds of thousands of complaints, to overstate the role of the courts, and the solutions for their admission are predictable. Therefore, we believe that the legislator should intervene and „resolve” the issue legislatively, possibly through a tax “amnesty” for claims arising from fines for violations of the state of emergency since the timely application of the effects of the Constitutional Court Decision of May 6, 2020, is made by reference to the retroactive nature of the contravention rule.<sup>3</sup>

<sup>1</sup> Mircea Ursuța, *The effects of the Decision of the Constitutional Court of May 6, 2020 in the matter of contraventions to the state of emergency regime*, <https://www.juridice.ro> (15.10.2020)

<sup>2</sup> Mircea Ursuța, *The regime of contraventions in the matter of state of emergency*, [www.universuljuridic.ro](http://www.universuljuridic.ro), (15.10.2020)

<sup>3</sup> There is no justification for the application of fines within the limits provided by GEO no. 1/1999 before the amendment by GEO no. 34/2020, as it seems to be done in practice. Beyond the fact that they will fall under the

According to the provisions of art. 147 para. (4) of the Romanian Constitution, the decisions of the Constitutional Court are generally binding and have power only for the future. As such, the Decision of 6 May 2020 will take legal effect only from the date of publication. Until then, theoretically, contravention reports can be concluded and sanctions can be applied. However, from the date of publication, the Decision of the Constitutional Court will have the effect of a law of decontraventionalization being applied retroactively, regarding all the contraventions sanctioned based on GEO no. 1/1999.<sup>1</sup> The legal provisions regulating this retroactive character are included in art. 12 of GO no. 2/2001 as it is interpreted according to art. 47 of OG2 / 2001, art. 4 Criminal Code and Decision 651/2018 of the Constitutional Court. According to the provisions of art. 12 para. (1) of GO no. 2/2001 "If by a normative act the deed is no longer considered a contravention, it is no longer sanctioned, even if it was committed before the date of entry into force of the new normative act."<sup>2</sup> The principle of retroactivity of the contravention law being even constitutional. We note that we are not in the presence of a new law, but of a decision of the Constitutional Court, so that in relation to the provisions of art. 47 of GO no. 2/2001 which provide that the provisions of GO no. 2/2001 is completed, from the point of view of the material law, with the provisions of the Criminal Code, we reach the regulation of decriminalization from this normative act. In criminal matters, the provisions of art. 4 of the Criminal Code regulating decriminalization were "clarified" by Decision no. 651/2018 of the Constitutional Court by which it was established that a decision of the Court declaring the unconstitutionality of an

incrimination norm has the effects of a decriminalization law.<sup>3</sup>

In the light of the above, it is clear that from the date of publication of the incident of the Constitutional Court Decision, it will have the effect of a law to decontaminate the contraventions of the state of emergency. More specifically, even if the effects of the Court's decision occur only for the future, what is retroactive is the contravention law itself, which no longer penalizes those contraventions, generating decriminalizations regarding the sanctions applied. More specifically, the effects of the counter-infringement consist in the impossibility of sanctioning the contraventions committed, for the simple reason that they are considered to have never been contraventions. The acts that were not sanctioned until the intervention of the decontamination can no longer be sanctioned, and the sanctions applied for a decriminalized contravention can no longer simply be enforced. Although, theoretically, there is a lot to discuss about the concrete application of decontamination, in the concrete situation, the problem is simpler because all the petitioners are in time to formulate the contravention complaint.

In these circumstances, is it still necessary to formulate misdemeanor complaints as a procedural means of invoking decriminalization? The provisions of art. 12 of GO no. 2/2001 are very general and do not clarify whether the decontamination operates *ope legis* or it is necessary for a court to find its intervention. That is why we must resort again to the provisions of criminal law, more precisely to those of Article 4 of the Criminal Code which provide that: "Criminal law does not apply to acts committed under the old law, if they are no longer provided by the new law. In this case, the execution of the punishments, the educational measures and the security measures, pronounced on the basis of the old law, as well as all the criminal consequences of the court decisions regarding these deeds shall cease by the entry into force of the new law. " The procedural-criminal law does not provide a means of "finding" the decriminalization, in the criminal procedure code being regulated solutions specific to each procedural phase

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decontamination regime, these sanctions are illegal because they are applied below the legal minimum, an aspect not allowed by GO no. 2/2001

<sup>1</sup> We use the term decontamination which designates the abrogation of a norm of contravention sanction. The term decriminalization, specific to criminal law, designates the abrogation of an incrimination norm (of a criminal law)

<sup>2</sup> According to art. 15 para. (2) of the Romanian Constitution „The law provides for the future, except for the more favorable criminal or misdemeanor law”

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<sup>3</sup> Published in the Official Gazette no. 1083 of December 20, 2018

(including the phase of execution of criminal judgments). Since in criminal matters also decriminalization operates by law (criminal judicial bodies “finding” and not “pronouncing” decriminalization) we consider that in contravention matters it is not necessary to exercise the contravention complaint in order to ascertain decontraventionalization.

Given the fact that, following the law on decontamination, the sanctions applied can no longer be enforced, we consider that decontamination operates *ope legis*, and the report can no longer be an enforceable title because the fine provided in it can no longer be a tax claim. In this situation, even if no contravention complaint is filed, and the state “abusively” executes the report by which the sanction of the fine for a “decontraventionalized” contravention was applied, an enforcement appeal is fully admissible. It is not possible to invoke the non-exercise of the complaint against the executory title (the minutes) under the conditions of art. 713 para. (2) Code of Civil Procedure, because the appellant had no interest in attacking a report containing a sanction applied for a decontaminated deed. From this perspective, since the decontamination operates *ope legis*, the state has the obligation to ascertain this and not to proceed to the execution of the contravention sanctions that fall under the incidence of decontvention. If they do not comply with their obligation, the civil courts will find, by way of enforcement appeals, that fines have been enforced that did not have the capacity to become tax claims. There is another argument for this solution. To the contrary, it would mean that in all cases where no infringement complaint is lodged or in cases where it is canceled in the regularization procedure (eg for non-stamping) or rejected (eg as late). ), the sanctions to remain in force and to be subject to enforcement. Or, by Decision no. 228/2007 of the Constitutional Court art. 12 para. (1) From Government Ordinance no. 2/2001 were declared unconstitutional insofar as the phrase “no longer sanctioned” provided in the text means only the application of the contravention sanction, not its execution. Therefore, the contravention law itself establishes that the execution of a „decontravened” sanction is illegal even in the

case of its non-contestation through the contravention complaint.<sup>1</sup>

And since this study was finally to see the light of day, we will focus on another unconstitutionality of the pandemic crisis legislation. It is about the Decision pronounced in the session of June 25, 2020, the Constitutional Court, which, unanimously, admitted the exception of unconstitutionality and found that the provisions of art. 4 para. (3) and (4), as well as of art. 65 lit. s), §), art. 66 lit. a), b) and c) regarding the references to art. 65 lit. s), §) and t) and of art. 67 para. (2) lit. b) regarding the references to art. 65 lit. s), §) and t) of Law no. 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic are unconstitutional.<sup>2</sup> Aspects that send us to a legislative disaster, the generator of an economic crisis whose effects we do not yet suspect, but we already feel.

## ***2.7. Theoretical economic aspects generated by the coronavirus pandemic from the perspective of the public administration crisis***

The onset of the coronavirus pandemic reveals that whenever society faces a crisis, regardless of its concrete form, political, economic, social, financial, there is a crisis of public administration, because the administration is the only tool to transform the will policies in objective reality; it is always a question of a systemic crisis, of the entire governance of the state, only some stronger accents determining the people's distrust of the legislative, executive or judicial authority. For example, the 2008-2009 crisis that affected both developed and developing countries was the result of regulatory and law enforcement dysfunctions, with governments being forced to adopt a set of public policies to ensure the coherence of public administration. both vertically (at all levels) and horizontally (in all sectors). As for Romania, the activity of the public administration and the private sector

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<sup>1</sup> For those interested, more details on the deadlines for filing misdemeanor complaints, the possibility of refunding fines applied and paid by some persons, the regime of contraventions to the state of emergency after the publication of the Constitutional Court Decision, see, Mircea Ursuța, *Regime of contraventions in the matter of the state of emergency*, [www.universuljuridic.ro](http://www.universuljuridic.ro), (15.10.2020).

<sup>2</sup> For details, check [www.ccr.ro](http://www.ccr.ro), (25.06.2020)



was undermined by multiple overlapping crises that also affected the welfare of the population, being impossible to clearly separate the effects of all these crises, which appeared after the military coup in December 1989.<sup>1</sup>

And to restore the business environment, we believe that if we do not return to good administration after an inefficient one, in a few years the nation will face unbearable tensions resulting from stagnation of social institutions and failed administrative practices, administrative crises resulting from inability to discover the processes of good administration. For such reasons - considering crises not as a simple natural accident, but as a process - studies on them have also included new concepts such as the transnational dimension of contemporary crises, increasing the importance of public administration in crisis management, insolvency and insolvency, states failed, all this aiming at developing a new situation management system, in which agencies and civil servants play a key role in identifying the causes and solutions of crises facing different societies.<sup>2</sup> Thus, at the level of the European Union, we are talking not only about the principle of good governance, the right of citizens to good governance, but also about „bad governance”, as an effect of the crises in public administration that need to be solved. In this sense, the institution of the European Ombudsman has been set up precisely in support of European citizens who report cases of maladministration in the work of the Union's institutions, bodies, offices or agencies; complaints of maladministration, which can also be made by residents of the territories of the Member States, refer - usually - to discrimination, abuse of power, incorrectness, administrative irregularities, lack of response,

failure to provide information, unjustified delay in the solution/response.<sup>3</sup>

The ideals of good governance and administration of public affairs drawn up at the level of the European Union and Romania animated the specialists and scientific associations from all states that produced a rich profile literature, influencing both the legislation and the practices of central and local public administration. The identification of public administration crises between historical forms of crisis, as breaking a previous balance that requires structural adjustments of both decision-making bodies characterized by diminished and even disappearance of authority and the executive apparatus characterized by „malpractice or ineffective administrative practices” posed the problem. elimination of difficulties and dysfunctions of any kind through joint crisis management efforts. The economic effects of the crisis are also difficult to predict, but their occurrence can no longer be expected. Some authorities express themselves in such a way as to give the impression that they are expected with "great interest". In such a context, we cannot fail to notice that our government authorities, since taking power, have suggested the crisis and launched a real campaign against the salary and pension increase policies promoted by the previous government. The frequent public statements of the Minister of Finance and the Minister of Labor are evidence of such an epidemic". Unfortunately, the media, but especially some TV stations, organize almost daily discussions on pensions, discussions that seem useful, but exaggerated especially now during the COVID-19 crisis.

There are too few people of good faith in Romania to realize that Romania, in addition to being beheaded, disadvantaged in a very well-run way when large-scale specialists and good craftsmen left, the basic capital of a country, and this gap that was left without specialists. It was a strategy to take out of the game an economic potential of Romania but also a catastrophic management of Ceausescu's remaining legacy from Romania. More clearly, a total lack of skill to run the economy, our

<sup>1</sup> Ioan Alexandru in dialogue with Mihail Albici, *About law and the science of administration*, Universul Juridic Publishing House, Bucharest, 2009, p. 146. The renowned professor of administrative law emphasizes that he does not use the word "crisis" in the sense of chaos and catastrophe, but in the original sense of the term, as it was used in ancient Greece, ie breaking with the past, when the system was called into question and underwent a "trial" for renewals and reform, in order to restore the balance necessary for proper functioning

<sup>2</sup> W.G. Scott, D.K. Hart, *Administration crisis: The Neglect of Metaphysical Speculation*, in „Public Administration Review”, vol. 33, no. 5, sept-oct 1973, pp. 415-422

<sup>3</sup>B.G. Peters, J. Pierre, T. Raudma-Liiv, *Global Financial Crisis, Public Administration and Governance: Do New Problems Require New Solutions?*, in „Public Administration Review”, March 2011, issued, pp. 13-27

weakness to govern. Seeing those who should see that we have this weakness, they also took advantage of the moment, given that there was no patriotic pride. Then, worldwide, the trend of overproduction, together with the issue of the debt cycle were the main factors that led to the regular crises of capitalism. This is also the reason why the model is sometimes compared to cycling - you have to reach a minimum speed so as not to fall and it is also impossible not to fall from time to time. If you are not surprised by debt, the fall from the bicycle of capitalism is no longer disastrous in many countries at the individual level, at least if we see it through the eyes of our ancestors, but after you got used to riding the bike and all I ride my bike around, going back to walking is no longer a psychological option and no politically salable one. The economic crisis of 1929-1933 was seen by some authors as a first manifestation of the problem of overproduction, causing the then economists, led by Keynes, to focus much more than before on the need to generate demand (consumption) and the role governments in this regard, especially in situations of economic crisis. As long as there is no „jumping horse“, supporting demand allows for a faster enrichment of society than an action only on supply.<sup>1</sup>

Today, when these lines see the light of day, the coronavirus pandemic offers a fairly clear sample of the impact of only 2 months of partial restriction of consumption - over 1,150,000 Romanians needed state support, deficit, etc. Such figures show that we live in a very rich world, but of a very fragile wealth, dependent on permanent operation at a similar speed. It's kind of like space travel - if the vehicle stops or slows down significantly, it will take a long time to reach full speed again. Basically, at the current stage, reducing one consumption without putting another in place quickly would lead to consequences of the above type for many years. In other words, the priority until the next technological leap would be not so much a reduction in global consumption, but rather the avoidance of (over) stimulation of the new and the partial reorientation of the existing one towards areas

(a) that erode the planet much less. ) with a higher share of utility and (c) with lower risk. In these respects, skilful public policies are needed to avoid harsh economic resettlement. It is possible that the whole discussion at European level on the Ecological Pact (European Green Deal) - although quite non-transparent and with debatable elements and very risky for Romania's interests - will take into account the need to go in the above directions. The Green Deal requires serious changes, but the general direction will be broadly maintained and is related to the objective issues mentioned. Let's hope it doesn't bet on technologically or economically losing horses. The reorientation of consumption is also very important for non-economic reasons.

COVID-19 can fundamentally change the way the business model works and show what the consequences of a change might be if we don't think very carefully about what is being put in place, as well as how far we are from being able to sustainably ensure a universal minimum income. Enough. It will also influence short-term consumption habits, until a treatment is found to keep the disease under reasonable control. It will also increase in just a few years the indebtedness of many countries by about 20% of GDP and will lead to a significantly slower recovery than a "V", consumption will remain held back for a while for medical/psychological reasons, even if Romania will return a little faster than the EU because of the starting point and because our level of development pushes many Romanians towards economic pragmatism. Some geographical circuits will be changed, but not as dramatically as expected. It is difficult for many European or American citizens to become factory workers again. Repatriated production flows will also generate more expensive products, labor being more expensive. In addition to key flows, India and other South Asian countries, as well as North Africa and some southern US countries, will benefit. As sometimes few of the major decisions in the world do not derive directly or indirectly from these developments. There are also growing problems, as well as incorrect speculators and bills, but ignoring the structural component of the above and the related constraints can also affect how Romania

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<sup>1</sup> Ioan Dumitru Apachiței, *Attributes of national security in the context of establishing the state of emergency*, <https://www.juridice.ro/676138/attribute-ale-securitatii-nationale>, (27.09.2020)

positions itself to reduce negative effects and take advantage of opportunities.<sup>1</sup>

Assuming that the coronavirus pandemic will be left behind sometime next year, there are premises to be sufficient time to balance the model. Because large areas of the globe are still at a low level of development, the current model has the potential to last in similar lines for another 2-3 decades and to continue to generate a lot of wealth. However, there would be a need to change the quality of consumption to a sufficient degree. Consumption is thus very necessary, but its general utility should be pursued with much greater care, and "doping" avoided as much as possible (and used only for investment). Romania's trade deficit areas would deserve a special strategy, including education. The non-economic (broader behavioral) consequences of the economic model should be considered very carefully. More generally, public policies are needed that take into account almost all of the above, including purchasing power options and the types of consumption to be encouraged. The Green Deal needs to be changed at least because the current form significantly reduces previously planned funds for regional convergence and involves unbalanced changes. The consumer society started 100 years ago as a story – „once upon a time". Chances are they may end up in the same style - "they lived happily ever after", but the difference between this end and a much less advantageous one will depend on the intelligence of public policy over the next few years. But, above all, from the annulment to the annulment of the restrictions of freedom of conscience, on which von persists.

## ***2.8. Restricting freedom of conscience in a state of emergency or the death of the church by the Resurrection of the Lord? Where are you going Domine?!***

### ***2.8.1. Clarifying issues***

Against the background of the appearance in Romania of cases of people infected with the COVID-19 virus, the state authorities applied several restrictive measures, some of them directly targeting Christians and religious denominations that were to celebrate

the feast of the Lord's Resurrection. The way the events unfolded over time, as well as the serious legal consequences that those measures produced in the field of religious freedom, led me to write these lines. Religious freedom is not a discipline of study. When I wrote this study, I was inspired by the ideas and methods specific to a branch of law: international human rights law, but also by specialized doctrine. The following pages are dedicated to understanding the restriction of this freedom and are structured on three levels: conceptual analysis from a historical perspective, normative analysis and contextual analysis. Don't worry if they seem familiar to you at first!

### ***2.8.2. Analysis of the legal framework by which the restriction of religious freedom was ordered***

In a brief temporal sequence, the situation is as follows. On March 16, 2020, the President of Romania signed Decree no. 195 of March 16, 2020 regarding the establishment of the state of emergency on the Romanian territory<sup>2</sup>, a measure that was approved by the Romanian Parliament by Decision no. 3 of March 19, 2020.<sup>3</sup> Subsequently, on March 17, the Minister of Internal Affairs issued Military Ordinance no. 1 of 17 March 2020 on some emergency measures concerning congestion and the cross-border movement of goods. Reading the decree, it is found that it does not provide for any measure to restrict the exercise of religious beliefs, but the military ordinance stipulates the following: „All religious activities [...] carried out indoors are suspended" [art. 2]. The stipulation of this measure generated strong reactions among the faithful, but also among those who, in general, do not like the presence of the Romanian Orthodox Church in the public space.<sup>4</sup> Nor did the actions that would call into question the legal correctness of the act be delayed, so that on April 7 a.c. was registered at the Iași Court

<sup>1</sup> C. Florea, *Restabilirea ordinii constituționale în situația instituirii stărilor excepționale*, Editura Sitech, Craiova, 2007, pp. 132

<sup>2</sup> Published in the Official Gazette of Romania, Part I, no. 212 of March 16, 2020

<sup>3</sup> Parliament Decision no. 3 of March 19, 2020 for approving the measure adopted by the President of Romania regarding the establishment of the state of emergency on the entire territory of Romania, published in the Official Gazette of Romania, Part I, no. 224 of March 19, 2020

<sup>4</sup> Published in the Official Gazette of Romania, Part I, no. 219 of March 17, 2020

of Appeal the petition of the petitioner Petrescu Ioan, formulated in contradiction with the defendant Ministry of Internal Affairs, in File no. 155/45/2020, the object of the action being: «the partial annulment of art. 2 of the Military Ordinance no. 1/2000». Coincidentally, on April 14, two related and relevant events occurred for the present analysis, namely:

- Admitting the exception of the lack of passive procedural quality of the Minister of Internal Affairs and rejecting the action of the petitioner Petrescu Ioan as being formulated against a person without passive procedural quality;

- Issuance by the President of Romania of a new Decree for the extension of the state of emergency on the Romanian territory, in Annex no. 1 of it expressly stipulating that: "Servants of religious denominations officially recognized in Romania may officiate in places of worship, in public or private spaces: practices and rituals of a public nature specific to the cult, without public participation; private practices and rituals specific to the cult, such as baptisms, weddings or funerals, with the participation of the minimum number of people, according to canonical norms and with strict observance of individual and collective protection measures to prevent the spread of COVID-19 [art. 1 para. (2) lit. a) and b)]<sup>1</sup>. Finally, Military Ordinance no. 2 on measures to prevent the spread of COVID-19 introduced in art. 2 new paragraphs, stipulating the following: «Services in places of worship may be officiated by church / religious ministers, without public access, the services may be broadcast in the media or online; private religious acts can be officiated [baptisms, weddings, funerals], in which a maximum of 8 people can participate, as well as the sharing of sick believers at the hospital or at their home »[art. 9 para. (1) pt. 1]. The measure to prolong the state of emergency was approved by the Romanian Parliament by Decision no. 4 of April 16, 2020.<sup>2</sup>

As the Constitution is not suspended during a state of emergency, the attribute of the President of the Republic to declare a state of

emergency, with the consent of the executive, whose prime minister must countersign the presidential decree, and with the approval of Parliament, within the limits established by law (all these conditions are guarantees against abuse of power), is provided by the Constitution, the law of laws. If the Constitution did not allow the establishment of a state of emergency, it could not have been decreed. Therefore, the state of emergency does not suspend the Constitution, but enforces its provisions. Precisely because certain constitutional guarantees concerning civil liberties are diminished during a state of emergency, the other guarantees must be used with even greater rigor. Not in vain art. 53 paragraph 2, the first sentence provides that „Restriction may be ordered only if it is necessary in a democratic society." In other words, the state of emergency, as an instrument, constitutionally accepted, for the restriction of certain rights and freedoms, cannot put in brackets the democratic order, the measures taken in exceptional conditions must be compatible with it. The need for measures is assessed in relation to the rules and principles of democracy, as enshrined in the Constitution, and not by denying them. The same art. 53, but in paragraph 1, it provides that „The exercise of certain rights or freedoms may be restricted only by law." Therefore, only by law (not even by government ordinance), and not by presidential decree and even less by military ordinance. Finally, art. 53, paragraph 2, second sentence states that "the measure must... be applied... without prejudice to the existence of a right or freedom." In other words, the restriction of the exercise cannot go so far as to annul the exercise of a fundamental right altogether or to leave a freedom without content, even provisionally, provided that the legal rules in the field are clear and predictable, as we will research.

### *2.8.3. Normative analysis of religious freedom and the restriction of its exercise*

Religious freedom, as a dimension or part of freedom of conscience, is enshrined in the Romanian Constitution, through several paragraphs of art. 29.<sup>3</sup>

<sup>1</sup>Decree no. 240 of April 14, 2020, published in the Official Gazette of Romania, Part I, no. 311 of March 14, 2020

<sup>2</sup>Published in the Official Gazette of Romania, Part I, no. 232 of March 21, 2020

<sup>3</sup>Renowned specialists in constitutional law, and not only, state that: „religious freedom is part of freedom of conscience." M. Constantinescu, A. Iorgovan, I. Muraru and E. S. Tănăsescu, *the revised Romanian Constitution*

a) „Freedom of religious beliefs cannot be restricted in any form” [art. 29 para. (1)]. We appreciate, in full agreement with the aforementioned author, that, in turn, art. 29 para. (1) of the Romanian Constitution enshrines, implicitly, a personal autonomy in the field of religious freedom, as well as art. 9 of the Convention. Religious beliefs are those feelings and acts that a person relates to the world around him and to existence. Religious freedom involves both an inner and an outer side of manifestation. From the perspective of the inner side, which implies the right of the person to have or adopt, in the inner forum, a faith, religious freedom has an absolute character, in the sense that the state cannot restrict it. From the perspective of the external side, assuming the right of the person to externalize that faith, by participating in services, processions, etc., freedom has a relative character, the state may restrict it, but only exceptionally, because the rule is the impossibility of restricting religious beliefs.<sup>1</sup>

b) „Religious cults are free and are organized according to their own statutes, in accordance with the law” [art. 29 para. (3)]. In this paragraph, two fundamental and related principles are enshrined: the freedom of religious cults and their statutory organization, in accordance with the law. By cult is meant: "in an organic sense - a religious association/organization and in a functional sense - the ritual practiced." The cult [association/organization] has the freedom, among other things, to exercise its own religious ritual [service], enjoying this freedom, which is of constitutional rank. The statute represents the legal act of organization and, at the same time, of connection of the religious cult with the state. As a parenthesis, although in the Constitution only the term statute is used, in Law no. 489/2006 is used, along with it, the phrase canonical codes [8 para. (3)], it will therefore remain for the RCC to rule, in the future, in a restrictive or

extensive sense, on the constitutionality or not of the phrase. Finally, the governing character of the law is to be observed. It outlines the conditions under which religious cults may be organized and the statutory provisions may not contravene the law, because compliance with the law is an obligation of constitutional rank [art. 1 para. (5)]. Therefore, we are talking about a limitation of religious cults in organizing internally, a limitation that is provided by the Constitution, in the abstract and which becomes concrete, when the law expressly provides.

c) „Religious cults are autonomous from the state and enjoy its support, including by facilitating religious assistance in the army, hospitals, penitentiaries, asylums and orphanages” [art. 29 para. (5)]. The text enshrines two fundamental principles for the exercise of religious freedom: the autonomy of religious cults from the state or the separation from the state], as well as support for cults by the state. In the specialized literature, the autonomy of religious cults was defined as follows: “the capacity of cults to legislate and to conduct themselves according to their own statutes”; "The right of the Church to unilaterally establish the doctrinal, clerical and judicial norms specific to its nature and to govern itself through them, independently of the state" or: "the freedom of each cult in organizing its ritual form, education, relations of followers cult, relations with the state. In its jurisprudence, the Court stated that: "the principle of cult autonomy would no longer be respected if common law courts exercised control over decisions taken by disciplinary courts and church courts in doctrinal, moral, canonical and disciplinary matters." So, we are talking about a constitutional consistency of this pre-principle, in the sense that the provisions of the law, which interfere with some provisions of the statutes of organization and functioning of religious denominations, must not defeat it, because, in turn, it is constitutional. It is observed, therefore, the need for a balance between the principle of compliance with the law [art. 1 para. (5)] and that of the autonomy of religious cults [art. 29 para. (4)], a balance which the Court will also have to maintain through case law. As for the principle of separation of religions from the state, it is nothing more than a synonym for the

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*Comments and explanations*, All Beck Publishing House, Bucharest, 2004, pp. 57. See also M. Andreescu, *Freedom of conscience. Legal and religious implications*, in rev. "Intercultural Management", vol. XVII, no. 2 [34] of 2015, pp. 308

<sup>1</sup>Radu Zidaru, *Restricting the exercise of religious freedom around the Easter holidays - a critical analysis*, in the magazine *Universul Juridic*, no. 6/2020, <https://revista.universuljuridic.ro> (28.09.2020)

principle of autonomy and, although there is a regime of separation between state and religious cults, the state still has a positive obligation „to support legally recognized cults, including by financial means”. In this regard, we must not lose sight of the fact that this obligation of the state is a compensatory measure related to the secularization of monastic wealth, which affected the Romanian Orthodox Church and also must be highlighted the material support, concretely, offered by the Romanian Orthodox Church in the context COVID-19 epidemic, aid that has so far reached 14,876,474.<sup>1</sup> Therefore, the mentioned constitutional obligation is justified both from the point of view of the past historical context and from the point of view of the present one. Finally, moving to the area of legal norms with an infra-constitutional character, it should be noted that the Fundamental Law stipulates, as a rule, that: 73 para. (3) lit. s)], but taking into account the constitutional provisions which provide, by exception, the possibility of regulation in the field of organic law and through the emergency ordinance [cf. art. 115 para. (4) - (6)], however, it is obvious that in the field of religious freedom it can also be regulated by the GEO, this being the minimum normative legal act as an accepted force. By simple ordinance, decree, Government decision, military ordinance, etc., no regulations can be introduced in the field.

Such a restriction can be operated strictly under the conditions evoked by art. 53 of the Constitution and, as I consider that the administrative acts that provided for the restriction do not meet the condition of legality, I will not analyze the other conditions regarding the restriction measure. Therefore, the Constitution specifies that the exercise of certain rights or freedoms may be restricted „only by law” [art. 53 paragraph (1)], this being the first objective condition that the legal act of ordering restrictive measures will have to fulfill, in order for it to be considered constitutional. It will be completely pointless to discuss the constitutionality of the restrictive measure if, *ab initio*, the act itself does not meet the required requirement. The term law designates, in a material sense, both the organic or ordinary law, adopted by the Parliament [art.

73 paragraph (1)] as well as the legal act with force equal to the law, which may operate the restriction in the field of a right or a freedom provided by the Constitution. This aspect presupposes that, in certain situations, the restriction "can also be made by government ordinance". However, given that, as a rule: „The organic regime regulates [...] the general regime of cults" [art. 73 para. (3) lit. s)], as well as that „Parliament may adopt a special law empowering the Government to issue ordinances in areas not covered by organic laws” [art. 115 para. (1)], it results that by an ordinance given on the basis of a law of empowerment [simple ordinance], the Government cannot restrict the exercise of religious freedom, such an act can be declared unconstitutional, because it does not comply, the condition stipulated by art. 53 para. (1) of the Constitution. In its case law, the Court has emphasized the prohibition for Parliament to empower the Government to issue ordinances in the field of organic laws, as well as the prohibition of regulation in the field of organic laws through ordinances issued under an enabling law. Moreover, if the prohibition excludes the simple ordinance, which nevertheless has a certain legal force, it cannot be restricted to the exercise of religious freedom by a presidential decree or military ordinance, these being legal acts with force inferior to the law. If the restriction of religious freedom would be made by a simple ordinance, then the normative legal act may be subject to an unconstitutionality control, under the aspect of its non-fulfillment of the objective condition stipulated by art. 53 para. (1). Therefore, it will no longer be verified by the Court whether the measure also complies with the objective conditions evoked by art. 53 para. (1) and (2). If the restriction of religious freedom would be made by an emergency ordinance, then the measure may be subject to an unconstitutionality control, related to the non-fulfillment of one of the conditions stipulated by art. 53 para. (1) and (2), checking the condition regarding the normative legal act.<sup>2</sup>

<sup>2</sup>CCR decision no. 95 of March 4, 2004 regarding the exception of unconstitutionality of the provisions of art. 155 of the Code of Criminal Procedure, with subsequent amendments, published in the Official Gazette of Romania, no. 234 of March 17, 2004

<sup>1</sup>*Idem*

#### *2.8.4. Religious freedom and restriction of its exercise in Romania today*

To forbid the Christian believers to celebrate the Passover according to their canons, as well as to confess and share according to them, means not the restriction of the exercise of religious freedom, but the denial of this freedom. For one is the right and the other its exercise. It may be necessary for believers to stand a meter away from each other, or to wear medical masks, for the comfort of those who do not believe that the church is a hospital for souls and communion a cure for the health of body and soul. This would be a restriction on the exercise of their rights, which the faithful must accept by virtue of the rules of good coexistence with other Romanian citizens. To close, however, the churches and to forbid communion, which is the church itself, means to infringe on the existence of the law itself. And this not even by law, but by military ordinance?! This misfortune has come upon us and we do not know what to do. Some lament and think of the end of the world and the predictions of Nostradamus. Others bravely speak and rite that we are not afraid of anything, but deep down only we know what it is. Most of us are silent, we look around and we can't believe it. I know that there is no one with a miraculous solution to make us optimistic these days. We think about what's worse, we look at those who are (for now!) Hit harder than us, we immerse ourselves in gloomy thoughts. Obviously, we also have some remedies, some only palliative. We laugh at receiving jokes and videos by email or WhatsApp and we get out of tension. We laugh, but it's not always our laugh. However, laughter belongs to the human essence, is typically human and has saved the world from many evils. It is said that Aristotle had a treatise on laughter, which the Western church allegedly tried to conceal and condemn, without success. Then we think that this is not the first planetary catastrophe that humanity is going through. There have been sudden colds or warming of the climate, there have been deadly plagues, from the Black Plague which killed, in the middle of the fourteenth century, between 30-60% of the population of Europe to the Spanish Influenza at the end of the First

World War, which killed more people than the war itself. And, each time, life won.<sup>1</sup>

Of course, he won for the rest and could not resurrect those taken from us, our loved ones, leaving us with hope in the public resurrection. But we still think, these days, about others and we encourage ourselves with our word, often savior, that in all evil there is also a good. Since when have we not breathed cleaner air, especially in big cities? For now, we can walk - because God has given us feet to walk with them and not just put them on the accelerator pedal of the car or to force them to the elevators - through safer places, on paths long forgotten and bypassed. We always hurried past the buildings and did not see an original architectural detail, we did not have time to appreciate a street corner, a statue or a bust of a man once famous and today forgotten. Since when have we not had time to look at a goose that rises after the winter, since when have we not become aware of Topârceanu's lyrics with the fly chick that came out "to dry its paws"? Maybe in the long evenings, we, like Blaga, will be able to hear "how the moonbeams knock on the windows". Maybe we haven't listened to our parents and grandparents in a long time, with their pains, with their old stories, with their obsessions with old and sick people. It may seem to us that their fixed ideas, their annoyances, their advice and even their memories, the nostalgic thoughts of their past life, are suddenly full of charm and core. Since when have we not played seriously with our grandchildren or children, without haste, in peace, with an open soul? Now we have time to put ourselves in their shoes and understand that "their joy and love is the game", that they also need childhood and that it is so simple, necessary to be a child sometimes. Some of us are surprised that Romanians come home from afar and we think that they should stay where they are. Yes, comfortable and safe for us and, perhaps, even for them, it would be so, only that human nature is not always guided by the rules of reason. In addition to the mind, we also have a heart, and the heart draws us to our home, next to ours, those who can understand our "joy and bitterness", longing and pain. Now it is clear that globalization cannot separate us

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<sup>1</sup> Ioan Aurel Pop, *Thoughtful weather*, <https://cluj-am.ro/2020/03/19/ioan-aurel-pop> (15.06.2020)

from the "birthplace", that we express our worries better in Romanian, even if we also speak English, French or German. Inochentie Micu, who passed into the world of the righteous in 1768, in Rome, after almost a quarter of a century of exile, asked to be buried at home, in Blaj, waiting for the public resurrection, because "you can only truly rise from the homeland". Many looked indifferently at this testamentary desire and attributed it to a poor man, a man of long ago, who thought according to the patterns of his life. Here those patterns fit even today, because, in some respects, "nothing is new under the sun" (*nihil novi sub sole*). Tired of the hectic life, tired of the daily running, kicked out of the passing jobs, sometimes humiliated for the hard-earned money, scared by the danger of extinction among foreigners, Romanians take the country. Some realize only now that once, when the temptation of substantial gain could blind them, they blasphemed the country, instead of upsetting only the bastards, the reluctant institutions, the unfortunate circumstances. How many times have I heard people (successful or not) say that they no longer need Romania, that they are tired of Romania or that they will not return to Romania! The soul does not bend, however, according to cold reason, after momentary pride, nor after copious material income. Many now listen to the national anthem with other ears, and to some Ciprian Porumbescu's „Ballad" gives them different thrills. The house at home, no matter how humble, is now more valuable than all the money in the world. The word „to cling to the nations" now seems to have a different meaning. And that's what happens - the top! - in the middle of the isolation at home to which we are urged. We isolate ourselves, of course, but we isolate ourselves in unity, and this unity also consists of the great family that is our nation. We often consider ourselves more stupid than others, more uncivilized, more uneducated. We rush into stores, we stock up, we elbow and scream, we lie that we are not infected and that we have not been in risk areas, we behave irresponsibly. But how do others - faced with this extreme situation - do? Are they much better, more humane, more supportive? Not always and not all! I saw huge queues in London or Los Angeles, I saw pushes, insolence and pretense

in Paris or Madrid. People are people everywhere, for better or worse. Peoples are not, however, good or bad, moral or immoral, selfish or generous, but only people are so. This is not the time to complain, but we have to adapt as best we can to the circumstances and move forward. Let us consider that, in the midst of this immense evil, we have gained in communication, dialogue and humanity.<sup>1</sup>

We would also like to feel the politicians as ours, with our fears and beliefs, with our simple words. But, in addition, beyond all these naiveties of mine, they have another duty: to take good measures, to have the appearance of leaders, to be aware of their role as elites, so that they can instill confidence and hope in us. If they can't or don't know how to do this, then it's serious, because these people need good guidance, the right guides. Otherwise, "we gladly take them all," because we know we are transient and vulnerable. We are thinking reeds, as Blaise Pascal said, and we behave as such, humbly and proudly at the same time, in search of balance. If we don't always do it, it means that we have great deficiencies in education, that we didn't go to school properly, and that we stayed at an inferior stage of being. This unexpected crisis has taught us what to value in life, how to separate values from nothing, and what great wealth is the wealth of the soul. We run moment after moment for money, we seek to live in great material comfort, we often hide our true feelings, and now we realize what wealth we have in ourselves and how we could pour that wealth into our fellow men. Maybe, after this hard test, we will otherwise arrange our individual and social life, we will wake up to be better and fairer, we will pour our overflowing soul towards the world and the country, that is, towards our corner of the world, which we do not love him because he is perfect (he is not!), but because he is ours, with his good and bad laws.<sup>2</sup>

*2.8.5. Comparative analysis regarding the religious freedom and the restriction of its exercise in Law no. 489/2006 and GEO no. 1/1999*

A. In Law no. 489/2006 two are mainly the relevant rules for religious freedom, from the perspective of restriction: "Religious

<sup>1</sup> *Idem*, p. 5

<sup>2</sup> *Ibidem*



freedom includes the right of any person to have or adopt a religion, to manifest it individually or collectively, in public or in particular, through practices and rituals specific to worship, including through religious education, as well as the freedom to preserve or change one's religious faith "[art. 2 para. (1)]<sup>1</sup>. Religious freedom is recognized to the natural person, who manifests it, in the inner forum, through the religious feeling he experiences and outside through visible acts, such as: participation in holy services, communion, worship and kissing of holy icons and relics, etc. Also, religious freedom is recognized to the legal person [art. 8 para. (1)], ie the recognized religious cult, which manifests itself externally, by organizing holy services, processions, philanthropic, cultural actions, etc. By the way, an interesting question could be asked, namely whether the recognized religious cult can exercise its religious freedom in its internal forum and, in my opinion, the answer is no, because, according to canon law, "the church is a religious community or society.", and according to Christian theology, self-awareness and feeling are exclusive attributes of man. The legal text further stipulates that the manifestation of religious freedom can take place individually or collectively, both variants of exercise can be carried out in public or private. For example, worship in front of a church, usually so Romanian is an individual manifestation, performed in public. The form of external concretization of religious freedom is represented by: the practices and rituals performed. Regarding the differentiation used, I show that the term practice evokes those simpler religious acts, generally committed by the laity, while the term rituals evokes those acts of high complexity and for which there is a framework organized by its own rules, they being committed, especially by clerics [eg Holy Mass]. Finally, the law of cults provides for the restriction of the right to religious freedom, as follows: „The freedom to manifest one's religious faith may not be restricted other

than those provided by law and constitute necessary measures in a democratic society for security public, the protection of public order, health or morals or for the protection of fundamental human rights and freedoms" [art. 2 para. (2)]. Practically, the text of the law takes over the constitutional provisions incident in the matter [art. 53 para. (1) - (3)] and transposes them at the legal level, so that, from this perspective, both the obligation of the legality of the act of disposition of the restrictive measure and the obligation of the legality of the measure itself must be taken into account.

B. Religious freedom in the provisions of GEO no. 1/1999

From the reading of GEO no. 1/1999 it is observed that it does not contain any express provision aimed at restricting religious freedom. This is because, although applicable in the field of emergency, the ordinance is not exhaustive, but represents, as a whole, a framework normative act. The conclusion can be deduced from the interpretation of several articles, as follows: During the state of siege or the state of emergency, the exercise of fundamental rights and freedoms may be restricted [art. 4]. The phrase "rights and freedoms", which contains the indefinite pronouns, indicates, as a rule, a non-limiting and non-exhaustive enumeration, in the sense that the exercise of other rights or freedoms may be restricted by adopting laws or issuing other ordinances, as appropriate.. It is also stated that: "During the state of siege and the state of emergency are prohibited - the limitation of the right to life, except when the death is the result of legal acts of war; torture and inhuman or degrading treatment or punishment; conviction for unforeseen offenses as such, in accordance with national or international law; restricting free access to justice »[art. 3<sup>2</sup> lit. a) -d)]. If we report this exceptional provision to disp. art. 4, we conclude that, excluding the exercise of the rights strictly listed in art. 3<sup>2</sup> lit. a) -d) for which the restriction is prohibited, and the exercise of rights or freedoms that are not provided in GEO no. 1/1999 can be restricted. The possibility results from the economy of the text, which refers to the reason for the state of emergency, where acts of a certain power must be adopted or issued in the field of rights or

<sup>1</sup>Law no. 489 of December 28, 2006 on religious freedom and the general regime of cults was published in the Official Gazette of Romania, Part I, no. 11 of January 8, 2007 and was republished pursuant to art. 248 of Law no. 187/2012 for the implementation of Law no. 286/2009 on the Criminal Code, published in the Official Gazette of Romania, no. 757/2012

freedoms, the purpose being well determined. The idea of a non-exhaustive enumeration can also be deduced from the lack of restrictive measures, being mentioned only the measure of closing the state border, which restricts free movement [art. 25 of the Constitution]. In conclusion, regarding the religious freedom, the GEO does not stipulate anything, precisely because it is a framework normative act, without claiming to be exhaustive<sup>1</sup>. It provides, instead, Decree no. 240 of April 14, 2020, normative act affected by multiple defects of unconstitutionality.

#### 2.8.6. Decree no. 240 of April 14, 2020

Reading the Decree no. 240 of April 14, 2020, I felt like I was in a world that borrowed something from Kafka and Orwell, a world in "perpetual helplessness, frustration, and vulnerability," in the face of vast, unknown, and often unseen power.<sup>2</sup> Let me explain. In the analysis of this section I have in mind two aspects respectively: that of Decree no. 240 and that of the constitutional conduct of the President of Romania. About the behavior of the tenant from Cotroceni I knew some of the seen and unseen, but about the constitutional conduct of the President of Romania regarding the restriction of religious freedom, I can say from the beginning that it was, as I wrote above, that was unconstitutional. Considering that the exercise of religious freedom can be restricted only by law [art. 53 para. (1)], that the President of Romania has the negative obligation not to commit serious deeds in order to violate the provisions of the Constitution [art. 95 para. (1)], as well as that he is old enough to comply with it [art. 80 para. (2)], I consider that his conduct should be analyzed, whether or not he had an active role, in the sense of mediating between the state powers [art. 80 para. (2)], for them to adopt a law or to issue a GEO, which provides for the restriction

of religious freedom, because such acts are not in force until now. Moreover, if the President observed [and the contrary cannot be argued] that the two state powers did not act in this respect, it is also necessary to consider whether he would have had a positive obligation to revoke the decree, or those provisions of it, which restricted religious freedom, taking into account the fact that following the decree were issued only military ordinances for its application. Finally, it would be appreciated if this would have been necessary from the perspective of the impossibility of challenging Decree no. 240 to the administrative contentious court or to CCR.

Returning to Decree no. 240 of April 14, 2020 for the extension of the state of emergency on the Romanian territory, we find that it contains, in essence, the following restrictions: non-participation of the public in the services performed by priests and participation of the minimum number of people in baptisms, weddings or funerals [art. 1 para. (2) lit. a) and b)], they aiming at the outer side of religious freedom. In general, the decree cannot be the subject of an action for annulment by way of administrative litigation when it reflects the President's relationship with Parliament. In this sense, Law 554/2004 stipulates that: "the administrative acts of the public authorities regarding their relations with the Parliament cannot be challenged in the administrative contentious" [art. 5 para. (1) lit. b)]<sup>3</sup>. Regarding the Decree no. 240, I agree, in agreement with Radu Zidaru, the author of a laborious and thoroughly documented study, that since he represents an "exception of inadmissibility", he cannot be assessed as legal or illegal by the court and also he does not the object of a constitutional review [cf. art. 146], its constitutional character cannot be assessed either or not. Given these two impossibilities of assessment, of the illegality, stated *expressis verbis*, as well as of the unconstitutionality, implicitly deduced, it would seem that the decree would be somewhat "infallible", both before the law and the Constitution, but, retaining that: in the situation when the Parliament does not approve the established

<sup>1</sup> „This is one of the reasons why the Constitution provides that during the state of emergency, the Parliament be in session and, at the same time, prohibits its dissolution. Being in office, the parliamentarians can adopt in the emergency regime, compatible with the general state of the nation, all the legal restrictions that are imposed”. A. Severin, The fines applied in the state of emergency are null. Constitutional chaos generates administrative abuse, [www.dcn.ro](http://www.dcn.ro) (3.07.2020)

<sup>2</sup> Daniel J. Solove, *The Digital Person: Technology and Privacy in the Information Age*, New York University Press, 2004

<sup>3</sup> Law no. 554 of December 2, 2004 of the administrative contentious, published in the Official Gazette of Romania, Part I, no. 1154 of December 7, 2004, as subsequently amended and supplemented

state, the President of Romania immediately revokes the decree [art. 13 of GEO no. 1/1999], it results that the existence of the decree can be determined either by the Parliament or by the President. Parliament cannot revoke it, but by not approving the state established by it, it obliges the President to do so. Moreover, even in the event that the Parliament approves the imposition measure, the President may subsequently revoke the decree, if he finds that it contains aspects that are contrary to the Constitution, the law or if the decree is inappropriate. Even more, the Military Ordinances no. 1 and 2 of are acts of violation of religious freedom because at the time when the Military Ordinances no. 1 and 2 of 2020 were issued, there was no organic law or GEO in force, which provides for any restriction of religious freedom.

According to Law no. 554/2004: "Documents issued for the application of the state of emergency regime [...] may be challenged only for excess of power" [art. 5 para. (3)]. Excess of power is also defined as: "violation of the rights and freedoms of citizens" [art. 2 para. (1) lit. n) final thesis]. Because, in general, military ordinances cannot be subject to unconstitutionality control [art. 146], their constitutional character cannot be appreciated, but they can be subject to the control of legality [art. 5 para. (3) of Law no. 554/2004]. Both military ordinances provide for measures to restrict religious freedom, such as: "suspension of all religious activities carried out indoors"; "Prohibiting public access to the church", etc. The provisions represent an excess of power by the fact that they restrict the religious freedom belonging to Christian citizens, which is stipulated in art. 2 para. (1) of Law no. 489/2006. Providing for these restrictive measures, the legal guidance according to which: "The freedom [of the person] to manifest his religious faith may not be subject to other restrictions than those provided by law [art. 2 para. (2)], or Military Ordinances no. 1 and 2 of 2020 are not laws, but simple ministerial orders and do not have the strictly military character to be exempted from the control of administrative litigation [v. art. 2 para. (1) lit. it)]. Compared to the obvious violation of the legal provisions, but also taking into account disp. art. 4 of GEO no. 1/1999, it was necessary to revoke the

ordinances, either by the Minister of Internal Affairs, or by the Prime Minister, or in case of inaction on both sides, it is necessary to annul them by the administrative contentious court [art. 1 para. (1) Law 554/2004]. And there is something else that catches my attention: the pompous name "Military Ordinances". I wonder if, through the most difficult habit of human nature, the executive wanted to "dress", by a shrill name, an act that is, in essence, nothing more than a ministerial order. Was the reason to "raise" it to the level of GEOs and simple ordinances of the Government, even through the procedure of countersigning by the Prime Minister, as in their case? Was it the desire to "evade" him from the control of the administrative contentious, knowing that the acts of command of a military nature are exempted from this control? It can be stated that the executive does not know that the military ordinances do not fall within the provisions of art. 2 para. (1) lit. 1) of Law no. 554/2004? These are simple questions that, as a citizen, I ask myself and, if the answer is yes to all, I am not alone, but I believe that by issuing the two military ordinances illegally restricted religious freedom, in a context full of spiritual significance for all of Christendom.<sup>1</sup>

#### *2.8.7. Partial conclusions on the restriction of religious freedom during the pandemic*

At the end of a laborious intellectual journey, to get out of all these impasses and find the foundations of ethics, return to religion, faith, tradition, transcendence and Divine Revelation seems the best way to find the right answers that humanity needs to he faces the challenges that science poses to him. "If Jesus is not risen, then your faith and our preaching is in vain." - said St. Paul, the Apostle of the Gentiles, thereby placing the Resurrection at the center of the Christian religion and making the community of Christians the church of the Resurrection. To allow believers access to their places of worship to celebrate, according to their tradition and rules, the Resurrection of Jesus Christ, or not? Here's the question! Who can answer? As Christian marriages? Agnostics? The secular state? The church is a religious community of followers of the same cult. This

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<sup>1</sup> R. Zidaru, *Op cit*, p. 12

community can be organized institutionally and can build and arrange buildings for the practice of that cult according to the traditions and beliefs of its members. In the case of Christians, these buildings are also called churches. The institutional clothing of the Romanian Orthodox Christians is called the Romanian Orthodox Church (BOR). When we refer to the freedom to practice worship, we mean the community of believers, not the institution or the building. These are the tools of that community. Prohibiting their operation or use means prohibiting the practice of worship itself. That is, the prohibition of the right to religious freedom or, as it is also called in constitutional law, the prohibition of freedom of conscience. On the other hand, the secularism of the state means the equidistance of political power from religious cults, and not the atheistic militancy of state politics. The equal treatment that the state grants to all cults organized on its territory also includes the principle of non-discrimination between believers and agnostics. It is good to remember these definitions in these days of heated debate over the practices of the Christian church and the dilemma of closing or opening churches during the greatest holiday of Eastern Christianity, Holy Easter. Some will say that freedoms were restricted by the very presidential decree that established the state of emergency, and this, being approved by the Parliament, gained the force of law. We can accept this thesis. In order to verify its application, we must return to the presidential decree in question. What do we find there?

In art. 2 of the decree provides for the limitation of the following constitutional rights and freedoms: free movement (art. 25); the right to intimate, family and private life (art. 26); inviolability of the domicile (art. 27); the right to education (art. 32); freedom of assembly (art. 39); the right to strike (art. 43); the right of private property (art. 44); economic freedom (art. 45). Noting that the freedom of assembly refers, according to the text to which I referred, to "rallies, demonstrations and processions"; the latter being the only ones that may have a religious connotation. These involve traveling outside church buildings, which do not have to be closed, as well as contact with communities other than those of the march organizers. If such a contact is

missing, the logic of banning religious processions is also missing. The annexes to the decree, which would somehow embody the far too general limitations of its main part, can detail restrictions only on the rights and freedoms listed there. Or, this enumeration lacks exactly art. 29, referring to "freedom of conscience", which in the very first paragraph provides that "freedom of religious beliefs may not be restricted in any way" and that "no one may be compelled to adopt an opinion or adhere to a religious belief contrary to belief its". That is, what is being done now, when believers are forced to believe that their practices, strictly related to the faith they share, are harmful to health. And this, even outside the provisions of the presidential decree on the establishment of the state of emergency! Decree which, this time, must be praised in order to avoid restricting a freedom which, according to the constitutional order, cannot be restricted "in any form". (Reinforcement of the 1991 constitutional legislature to mark a clear break from the militant atheism of the previous communist regime; a regime today angrily denounced by "anti-communists" who want "hospitals and not cathedrals.") Some may not. welcomes these remarks and says that the facts would make it appropriate to ignore such constitutional provisions. „What else do we hinder from the Constitution when death knocks on our door?" Such a position is unacceptable! Such a position is unacceptable! The Constitution is our social contract, valid even during pandemics and other natural disasters (to which art. 53.1 also refers). No argument of opportunity can be invoked for violating our constitutional order. Just as any true Christian believer is convinced that communion cannot do harm, no citizen loyal to his or her membership in the city can believe that observance of the Constitution can do harm. And if we consider that certain circumstances make it appropriate to depart from the Constitution, the question is who can determine when the violation of the fundamental law is beneficial and when not? And if he still established it today, with reference to a certain event, why wouldn't he establish it tomorrow, with reference to others? Where do we end up like this?! In nothingness.

The dispute over the closing or opening of churches is not a marginal one. Without

realizing it, perhaps, it concerns the foundations on which lies not only the social order of the modern free world, whose pillars are the individual rights and secularism of the state, but also the entire history of the world of the last two thousand years, if not more than that. This controversy, which is igniting growing passions, signals, at first sight, a certain incompatibility between freedom and security. However, all the thinking of democratic humanism has supported the exact opposite: that the two live in unity, freedom being the guarantee of security and security the guarantee of freedom. Freedom without security is in danger, and security without freedom is in vain. The incompatibility thesis emerged in the fight against terrorism. Freedom, the anti-Taliban said, creates a permissive environment for terrorism. That is why it must be limited. But how far do we restrict our freedom to defend ourselves against terrorism without thus offering the victory of terrorism? As far as the church is concerned, many consider that the prohibitions applied in the conditions of the Covid 19 pandemic are adequate and this does not prevent the practice of the faith. This works too. Christians don't believe that. For those who believe that life ends on earth and are afraid that the Corona virus will kidnap them, the sacrifice of any freedom is justified if it prolongs their stay no matter how little they stay here. Christians believe, however, that death is only the transition to eternal life. They are convinced that the resurrection can only be reached through the cross and that is why they are not afraid of it; that is, they are not afraid of suffering. For them, the one who does not know how to die does not deserve to live.<sup>1</sup>

Who is right? This is about what you believe, not what you prove. And the tragedy is that everyone is right, and no one can change the beliefs of others without proof. At present, the Romanian state is on the side of the followers of "social distancing" (which, here, shows more and more of "social alienation") and forces others to behave differently from their beliefs. Thus ended the secularism of the state: the rights of one are restricted in order to defend the rights of the other. And if in terms of other rights things are simpler, because they

are related to the division of power, sharing is negotiable, there is nothing to negotiate about faith, because it is about identity, values, beliefs about which everyone he says and no one has anything to argue, everyone is right, as I said. That should make us think about how we organize our coexistence. Our constitution states that freedom of conscience "must be manifested in a spirit of tolerance and mutual respect" (art. 29.2). The Corona virus shows us that the way we were organized is not infallible. Some condemn believers who share "unhygienically" in the same chalice and teaspoon, demanding that this process be abolished. An unnecessary discussion, because no one is forced to go to communion. Only those who believe in God go, according to the Christian-Orthodox cult. Adherents of this cult are convinced that they share in the body and blood of the Lord for the health of body and soul and as a foretaste of eternal life. To the extent that you truly believe this, and only then do you call yourself a believer, you cannot doubt at the same time and say that the Holy Communion makes you sick and kills you. (Incidentally, at least statistically, no communion sickness has been reported, apparently. And there are scientific explanations for this.) How can you then tell a believer that what he does? he thinks you would give life, don't do that, but kill him?! And how do you expect him to accept this when the "hospitals of souls close" and a two-thousand-year-old civilization ends?!

Or, if we think that today's European civilization, even secularized, is based on the Christian religion, and that this civilization, including by American extension, dominates the universal order, we will understand why the compromise of the Christian church compromises a world two millennia old. On the other hand, the secular order does not mean atheism, but the neutrality of politics in relation to the faith, the state guaranteeing freedom of conscience (including religious freedom) and non-discriminatory treatment of various religions and denominations. Now, Christians are now discriminated against, thereby stating that, under certain conditions, living with others is not possible by preserving everyone's identity. We don't think this has been the case since the end of the Thirty Years' War. And the Westphalian peace, which ended that war,

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<sup>1</sup> I.A. Pop, *Op cit*, p. 9

underlies the modern principle of sovereign equality, on which the current world order has been built, including human rights. Yes. This may be the end of the world we know. And if we return to Romania and notice that its history is also the history of Romanian Orthodox Christianity, recognizing that in our secular ordinances, in our popular mentalities and in our cultural identity with pre-Christian roots, Christian precepts and customs are expressed, followed in fact even by non-Christian Romanians, we understand why BOR is the last stronghold in the way of the disappearance of the Romanian nation. And understanding this, despite the threat of the pandemic, we understand why it is not good to tempt God through our individual negligence, it is not good to rightly tempt Christian believers by inducing their collective fear of viruses of the body and thus pushing them to leave the last community that can still provide cohesion, coherence, hope, meaning and resilience to our national life. Let us therefore open the door of the church to confess together the faith in the Resurrection and not let the church of the nation die just when Jesus rises. And to intelligently manage crises through rigorous scientific research, a phenomenon we will focus on in the second part of our study.

#### Clarifications on the bibliography

The following bibliographical indications have no other purpose than to provide a general orientation to the reader who would like to deepen any of the researched topics. As a source for the doctrine and jurisprudence of public law, he will have to resort to the collection of the Journal of Public Law, Universul Juridic Publishing House. Particularly important in this area of understanding the consequences of administrative crises are the Scientific Notebooks of the I.S.A. „Paul Negulescu”, Universul Juridic Publishing House, 2010-2019, but also the volumes published by S.A.Ș.A. following the debates on good governance and the right to good administration, Comunicare.ro Publishing House, 2009-2019. With regard to our topic, we appreciate that the treaties and works below are comprehensive.

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**SOCIAL MARKET RESEARCH EFFECT ON LOCAL PUBLIC POLICIES:  
A CASE STUDY FROM GREECE**

<b>Abstract:</b>	<i>Nowadays European countries' municipalities manage a number of social services like for example municipality police, centers for supporting vulnerable citizens and cultural services. These services management includes the subsequent empowering of specific social policies. The prioritization of such policies in the past was mainly based on the proposed winning party municipality development and management program. At the moment, mayors and municipality officials in their effort to appeal to their citizens try to be responsive to their requests, often deploy market research to objectively measure the most dominant city problems and also the effectiveness of their decisions. In the study at hand longitudinal data is used, linking social market research citizens' responses to local policy spending and overall municipal services satisfaction for a period of ten years (2010-2020) for a municipality in Northern Greece. In general, the results are supporting an encouraging democracy level, where the problems that citizens are pointing out through social market research are reflected to the municipality focus and spending. However, this responsiveness differs for topics that require broader cooperation with independent third parties such as central government. These topics include local unemployment, security and culture. In short, the study shows sufficient market research- municipality responsiveness for social topics of concern that can be managed locally.</i>
<b>Keywords:</b>	<b>social market research; municipal government; government responsiveness; quantitative methods</b>
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### **Introduction**

In the contemporary local politics literature there is a widespread assumption that citizens' satisfaction deriving from the municipality performance is not based on tangible results, rather than on an overall evaluation of citizens living conditions. Despite the fact that in essence, central government takes decisions that ultimately affect the well-being and the living condition of every citizen, there is also a significant percentage of policy making that takes place on a municipality level and affects citizens significantly. Nowadays, a significant number of studies document that citizens may believe that the responsibility for everyday problems in their city or town lies with the local

municipal government even if this is not the case<sup>1</sup>.

Local politicians tend to invest more in services that citizens appreciate the most. A possible over-investing in empowering citizen appealing municipal services and policies may decrease social welfare in the long-run but at the same time appears democratic and responsive enough to citizen requests. On the other hand, more recent studies supported that citizens are quite irrational in making accurate evaluations of municipal political and economic initiatives<sup>2</sup>. Despite the fact that

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<sup>1</sup> A. Healy, N. Malhotra, *Retrospective voting reconsidered*, „Annual Review of Political Science”, 16, 2013, pp. 285-306

<sup>2</sup> T.M. Holbrook, A.C Weinschenk, *Are Perceptions of Local Conditions Rooted in Reality? Evidence From*



there are contradicting ideas regarding the ability of citizens to make accurate judgments about the connection between their living conditions and the authority responsible for these conditions, municipal focus on appreciated services is a common practice aiming to improve citizens' appreciation to their local politicians.

In this article, nine significant topics that affect citizens' satisfaction from their municipality performance were measured for a period of ten years. Moreover, their overall satisfaction for their municipality performance was measured and for ten years too. These two measurements were connected to the actual municipality spending on these nine significant topics. The topics examined were local unemployment, parking and traffic, public transportation, local income, protection of the vulnerable citizens, city cleanliness, parks and municipal environment, criminality and youth support. The aforementioned topics represent the most significant concerns for the citizens of the city examined, while there are also similar to the most frequent topics of concern in average size municipalities<sup>1</sup>.

In the research at hand, a connection between the overall municipality policy making performance, policy spending and citizens' concern on these policies will be established. The aim of the research is to prove that despite the fact that several issues of citizen concern may affect evaluations of the municipal performance, municipal spending on local issues of concern is actually improving municipality policy performance evaluation. This approach recognizes that local/municipal government performance has limited power in dealing with complex problems, while it has significant power in improving local living conditions, succeeding to acquire societal recognition. Therefore, frequent market researches on a local level pose a powerful tool that increases the responsiveness of local government officials and policy makers improving the functionality

of local elections representation and democracy.

## Literature Review

Local elections and local government function do not necessarily resemble to national elections and national elections theoretical models might not be applicable for local ones. There are many differences between the two types of democracy functions. The most indicative one is that in national elections almost 100% of the candidates are political party members, while in local government positions 80% of the candidates are not political party members<sup>2</sup>. Moreover, there is less media attraction and less candidate spending in local elections when at the same time, local government representatives like municipal councilors are way more present to the everyday life of the voters.

Public policies that are determined from local governments are often more clear and more close to the citizens/voters than the superior and sometimes more emblematic issues and policies of the national elections. Therefore, the role of municipal councils is to maintain and enhance the local quality of life, to provide the services and the policies necessary and to design and execute plans for a better life within the limits of their jurisdiction. Unavoidably, the expectations of the citizens from the municipal councils are more tangible than the expectations they have from the central government. Recent studies though demonstrated that people are voting in the municipal elections taking into account issues like local unemployment even knowing that the mayor and the municipal council cannot directly affect this issue<sup>3</sup>.

In general, there are research findings supporting that citizens are imperfect and sometimes irrational. However, this imperfection does not necessarily mean that there is a democracy functioning threat. It is difficult for an average citizen to fully

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Two Large-Scale Local Surveys in „American Politics Research”, 48 (4), 2020, pp. 467-474

<sup>1</sup> C.M., Burnett, V. Kogan, *The politics of potholes: Service quality and retrospective voting in local elections*, „The Journal of Politics”, 79 (1), 2017, pp. 302-314

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<sup>2</sup> K.M. Kaufmann, „The urban voter: Group conflict and mayoral voting behavior in American cities. University of Michigan Press, 2004

<sup>3</sup> D.J. Hopkins, L.M. Pettingill, „Retrospective voting in big-city US mayoral election”, „Political Science Research and Methods”, 6 (4), 2018, pp. 697-714

understand how political decisions and policies outcomes are connected and in some cases irrelevant outcomes and results might affect voting choices<sup>1</sup>. This fact may affect local government decision making, guiding local policies and local spending to issues of citizens concerns that have quick and visible results, when at the same time ignoring more strategic and long-term municipal decisions that will improve citizen welfare in the long-run.

More specifically, in countries that are empowering local governments, like the majority of the European countries, it is increasingly significant for the citizens to understand for which issues are local politicians accountable. A contemporary study that is especially important for local politics is challenging the idea that most citizens are disconnected from local politics and are unlikely to have attitudes that represent accurate evaluations of political conditions. The aforementioned study supports that citizens/local voters make accurate evaluations of their living conditions and the connection between them and the body of government responsible<sup>2</sup>. Moreover, the study supports that are well positioned to hold local politicians responsible for topics with local concern. This is a very interesting finding, given the fact that local press and more specifically local newspapers number is diminishing every year over the past three decades, limiting local information availability and eventually making citizens' evaluation over municipality issues less objective<sup>3</sup>.

Nowadays, municipality policy makers cannot be sure about how successful their decisions are. In their effort to become more confident about their work, they often deploy market research, geographically focused on

their jurisdiction, to help them take decisions that would be more responsive to the citizens' requests. Their information needs include the impact of their decision to the local community as well as a clear definition regarding policies' success or failure. This kind of information can be retrieved through social market research and in order to be more effective, it has to be repeated frequently. An annual frequency for example is enabling sufficient monitoring and evaluation of municipal policies and initiatives<sup>4</sup>.

## Research Methodology and Results

For the research at hand, 10 year data was acquired by an average-sized municipality of Northern Greece. The data included measurements of citizen satisfaction at the end of each year. Moreover, the most significant problems of the city were measured every year too. Finally, the financial statements of the municipality were publicly available and helped connecting municipal spending with the actual citizen concern over a certain topic and with the overall citizen satisfaction over the municipality function.

The sample was random, including citizens that represented 1% of the overall municipality population with sufficient representation of minorities, age groups, income levels etc. This research was a part of the municipality services effort to become more responsive to citizens requests aiming to an overall improvement of the decision making process. The research deployed telephone and personal interviews with citizens and the questionnaire included a demographic section to assure the unbiased representation of the total population based on the comparison between research participant demographics and the official Greek Statistics Authority data. The main issues of concern and the average ten-year percentage of citizens that prioritized them as most critical for their satisfaction of municipality decision making can be seen on the table below (1-2 available choices per respondent):

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<sup>1</sup> M.K. Miller, *For the win! The effect of professional sports records on mayoral elections*, „Social Science Quarterly” 94 (1), 2013, pp.59-78.

<sup>2</sup> T.M. Holbrook, A.C Weinschenk, *Are Perceptions of Local Conditions Rooted in Reality? Evidence From Two Large-Scale Local Surveys*, „American Politics Research”, 48 (4), 2020, pp. 467-474

<sup>3</sup> Lee Gao, P, C., D. Murphy, *Financing dies in darkness? The impact of newspaper closures on public finance*, „Journal of Financial Economics”, 135(2), 2020, pp. 445-467

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<sup>4</sup> M. Seasons, *Monitoring and evaluation in municipal planning: Considering the realities*, in „Journal of the American Planning Association”, 69 (4), 2003, pp. 430-440.

Topic of Local Concern	Percentage of Citizens Concerned
1. Citizens' Unemployment	41,2%
2. Parking and Traffic	15,3%
3. Public Transportation	13,3%
4. Low local income	13,6%
5. Protection of Vulnerable Groups	10,5%
6. City Cleanliness	4,7%
7. Parks and Environment	3,9%
8. Security/Municipality monitoring	4%
9. Youth Support education, sports and culture	3,5%

**Table 1. Topics of local concern and percentage of citizens concerned**

The research results revealed that municipalities' spending on decreasing citizens' unemployment does not improve the overall satisfaction for municipality policy and decision making. The same applied for spending on municipal police in an effort to better monitor neighborhoods and increase the feeling of monitoring and security. Finally, spending in youth support through educational, cultural and sport activities does not increase satisfaction about municipal policy and decision making.

On the other hand, municipal spending and policy making that aimed to resolve public transportation problems as well as parking and traffic problems is increasing citizens' satisfaction about municipal policy and decision making. The same applies to the protection of the vulnerable citizens groups. Finally, municipal spending and policy making that aims to improve urban environment and parks as well as spending that aims to make the city cleaner are appreciated from the citizens and increase the satisfaction for municipal policy and decision making.

In essence, topics that are more connected to the central government politics and decision making, such as unemployment, security, culture and education do not affect citizens' satisfaction about the local policy making, no matter the municipal spending on these topics. Especially for local unemployment that was the most significant topic in the market research; municipal spending increase had no effect on the citizens' satisfaction about municipal policy making. In contrast, spending on issues that

have a more local focus, like the urban environment improvement through cleanliness and parks as well as topics relevant with moving in the city like public transportation, traffic and parking spaces resulted to increased levels of citizens' satisfaction about the municipal policy making.

A part of the research that might have mixed implications is the protection of the local vulnerable groups and the low income increase where municipal policies and spending increase seems to affect citizens' satisfaction regarding municipal policy and decision making. However, these two topics could be also classified as central government topics. In essence though, municipalities in Greece have services that help poor families, homeless and people in need, while they can also indirectly support local income through executing numerous infrastructure works and through implementing effective local procurement practices.

## Conclusions

Local governments and more specifically, municipalities and central governments are dissimilar. Even if there is limited citizen interest for central politics, many local decision making affects them, engaging them in an accurate and responsive process of evaluating how municipalities work. However, there are difficulties for municipal decision makers to understand and evaluate the results of their actions. An annual market research could be a powerful tool that can reveal whether municipal decision makers

take the right decisions and whether these decisions are executed successfully.

Despite the findings of the research at hand, municipal decision making cannot be solely based on social market research because in this case the policy making will lack a strategic vision that will make more meaningful improvements for the municipality and the citizens in the long run. In addition to the aforementioned argument, the present study proves that for issues of concern like the local unemployment, citizens find it difficult to differentiate municipal and central government efforts, being unaffected from local efforts to resolve this problem, even partially.

Tangible improvements in city's everyday life that could also have a quick implementation period, such as improvements in parking and transportation or improvements in how the urban environment looks like (cleanliness, city parks), increase citizens' satisfaction and in many cases are dominant in local policy making, especially in periods before the municipal elections. The reason is that such decisions quickly improve the public profile of the mayor and the municipal councilors, increasing their chances to get re-elected. Nevertheless, citizens should be very skeptical in cases of sudden improvements in the quality of the municipal services, especially in a pre-election period.

Another research conclusion is that citizens also appreciate the human part of the municipal policy making. Municipal policy making and decisions that aim to help poor, homeless and increase the incomes of less fortunate citizens are valued and increase citizens' satisfaction even if it is well understood that such issues cannot be completely managed based solely on municipal efforts. In closing, the research at hand proves that citizens are evaluating municipal decision and policy making accurately since municipal market research responses and market research driven policy decisions are correlated. The research finding that citizens' concern for superior issues such as unemployment, security and youth support and the subsequent municipal spending were

not correlated is in agreement with the contemporary literature<sup>1</sup>.

### **Limitations and Suggestions for Future Research**

Despite the fact that the findings of the study at hand are in agreement with significant researches on the fields of political science and social market research and the market research period of ten years is sufficient for such a study, the fact that the results are coming from one city limits the generalizability of the findings. Additionally, in similar long-term research the election years should be taken into consideration as citizens tend to become more strict with a mayor and a municipality administration after the first year of their election. Furthermore, future research should make comparisons of similar results between cities of different size, different income and different country. It is expected that in notable and rich cities issues like urban environment and local transportation are already resolved, thus not so relevant. At the same time in countries where the government controls more of the municipal functions, other citizens' issues may arise regarding municipality decision public policy making.

Finally, future research should examine the social market research effectiveness as well as the municipality responsiveness taking into account the social media deployment from the municipality side. Effective municipal social media deployment can make municipal services more responsive, when at the same time enables better two-way communication between municipalities and citizens.

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<sup>1</sup>T.M Holbrook, A.C. Weinschenk, *Are Perceptions of Local Conditions Rooted in Reality? Evidence From Two Large-Scale Local Surveys*, „American Politics Research”, 48 (4), 2020, pp. 467-474

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## QANON - ABOUT THE EMERGENCE OF A NEW FAR-RIGHT MOVEMENT

<b>Abstract:</b>	<i>Starting with 2017, a new far-right movement has emerged worldwide, known as QAnon. The point of departure or appearance was in the United States and developed on some conspiracy theories about the existence of a global elite that sacrifices children in satanic rituals. From here, the range of conspiracy theories subsumed to the ideas that form a so-called ideology of the QAnon movement, being connected to the phenomenon and other theories such as the existence of conspiracies regarding the Covid-19 pandemic or the implementation of the fifth generation in telecommunications system technology known as 5G.</i> <i>This article will highlight the accelerated trend of QAnon movement expansion, propagation and the scale of the phenomenon, their ideology as well as the violence perpetrated by followers through qualitative and quantitative online content analysis.</i>
<b>Keywords:</b>	<b>QAnon; right-wing extremism; conspiracies; violence; hatred; propaganda; online</b>
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*„I worked on jihadis and Al Qaeda, ISIS, for over 20 years, and now I am looking at the secular American version”<sup>1</sup>*

### Introduction

Three years ago, a new far-right movement known as QAnon appeared, which has global visibility, and is being embraced by more and more far-right supporters around the world. QAnon followers believe that a corrupt deep state rules the planet, holding control through satanic ritual sacrifices of children.

Starting from such a theory, people with right-wing visions of the political spectrum embraced the QAnon theories they interpreted through their own beliefs and moral commands related to the various dynamic evolutions in society. Thus, although

right-wing extremists have always fought for the imposition of their own government, supporters of the QAnon movement today, although they have embraced an extreme right-wing ideology, believe that the United States government is also a deep state which is, in essence, a doctrinal anomaly.

The phenomenon has had an aggressive expansion in the almost three years since its emergence, highlighted by the very large number of followers and supporters, of the order of millions, who use accounts on online social platforms to communicate with each other, to propagate conspiracy theories or to establish details of events to participate in as large number as possible.

QAnon has spread rapidly through the Internet as a result of messages spread about the existence of an "elite cabal of child traffickers, including, among others, Hollywood A-listers, leading philanthropists, Jewish financiers and Democratic politicians" who "secretly rules the world". According to the QAnon disciples, they can only be

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<sup>1</sup> Mitch Prothero, *European intelligence agencies are deploying resources to track QAnon as the conspiracy theory spreads beyond the US*, "Business Insider", October 13, 2020, <https://www.businessinsider.com/europe-intel-agencies-starting-to-monitor-fear-qanon-sources-say-2020-10> (18.10.2020)

countered by "The Great Awakening" or "The Storm"<sup>1</sup>.

### QAnon's ideology

Jamie Doward, in the article "Quite frankly terrifying: How the QAnon conspiracy theory is taking root in the UK" described QAnon as a "cult movement" on the right wing of the political spectrum. This movement also began to gain followers in the UK, protesting against 5G and vaccines, although it emerged in the United States as a self-proclaimed repulsion against a so-called "deep state" and by invoking sinister goals<sup>2</sup>. The theories were promoted through YouTube or other platforms by influencers like Tracy Diaz, who were known to right-wing extremists in other shows<sup>3</sup>.

Among the conspiracy theories promoted by supporters of the QAnon movement are the classic ones specific to all right-wing extremists, namely the anti-Semitic and anti-migrant ones, to which are added the anti-vaccine and anti-5G ones. Along with these are some theories considered abnormal due to the ideas propagated by the followers of the QAnon movement. Thus, they say that the whole "world" is led by a group of pedophiles who practice the "ritual sacrifice of children" to maintain their power<sup>4</sup>. This is the "central essence of the theory" of the QAnon conspiracy<sup>5</sup>.

The QAnon movement is anti-Semitic, like any far-right organization<sup>6</sup>. The theory of

the QAnon conspiracy is similar to that presented by the Protocols of the Elders of Zion, promoted about 100 years ago by Adolf Hitler and the Nazi party, namely that "Jews intend to take over the world and are about to do so"<sup>7</sup>.

The conspiracy theories promoted by QAnon were mastered in a passionate way, causing some supporters of the German movement to "storm" the German Parliament during protests on August 29-30, 2020<sup>8</sup>. About 38,000 people took part in the protests, of which almost 3,000 violent right-wing extremists were involved in fighting against law enforcement, with more than two hundred of them arrested<sup>9</sup>.

Conspiracy theories that fuel the QAnon movement are not limited to the "global network of evil elites," representatives of American showbiz and the "deep state," believing in the existence of a secret network of thousands of Americans who sexually abuse and "sacrifice" children. In the name of "Satan"<sup>10</sup>.

In the United States, the QAnon movement is no longer just an online subcultural phenomenon but has become a real movement, accelerated by the conspiracy theories surrounding the Covid-19 pandemic<sup>11</sup>.

Following the adoption of QAnon conspiracy theories, there have been a number of bizarre incidents since the movement's

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<sup>1</sup> Jamie Doward, 'Quite frankly terrifying': How the QAnon conspiracy theory is taking root in the UK, "The Guardian", September 20, 2020, <https://www.theguardian.com/world/2020/sep/20/the-qanon-conspiracy> (05.10.2020)

<sup>2</sup> *Ibidem*

<sup>3</sup> C.C. Strand, *Tracy Diaz: 5 Fast Facts You Need to Know*, "Heavy", August 14, 2018, <https://heavy.com/news/2018/08/tracy-diaz/> (18.10.2020)

<sup>4</sup> Jamie Doward, *Op. cit.*

<sup>5</sup> CBS NEWS, *What is the QAnon conspiracy theory?*, September 29, 2020, <https://www.cbsnews.com/news/what-is-the-qanon-conspiracy-theory/> (15.10.2020)

<sup>6</sup> Ben Sales, *QAnon an old form of anti-Semitism in a new package, say experts*, "The Times of Israel", September 20, 2020, <https://www.timesofisrael.com/qanon-is-an-old-form->

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[of-anti-semitism-in-a-new-package-say-experts/](#), (18.10.2020)

<sup>7</sup> Jamie Doward, *Op. cit.*

<sup>8</sup> Ben Sales, *Op. cit.*

<sup>9</sup> David Verbeek, Andrew Davis, *Berlin Protests Against Virus Restrictions Continue on Sunday*, "Bloomberg", August 30, 2020, <https://www.bloomberg.com/news/articles/2020-08-30/berlin-protests-against-virus-restrictions-continue-on-sunday> (18.10.2020)

<sup>10</sup> Chris Francescani, *QAnon's growth mirrors sharp spike in far-right extremist violence in US: Experts*, "ABC News", September 22, 2020, <https://abcnews.go.com/Politics/qanons-growth-mirrors-sharp-spike-extremist-violence-us/story?id=73079916> (08.10.2020)

<sup>11</sup> Katrin Bennhold, *QAnon Is Thriving in Germany. The Extreme Right Is Delighted*, "The New York Times", October 11, 2020, updated October 15, 2020, <https://www.nytimes.com/2020/10/11/world/europe/qanon-is-thriving-in-germany-the-extreme-right-is-delighted.html> (16.10.2020)

appearance in which supporters of the phenomenon have been involved. Thus, in 2018 a QAnon follower blocked the road traffic on the Hoover dam in the USA, sitting next to the car with a movement-specific sign, namely the letter Q, and after his arrest he sent the message: "For where we go one, we go all ", Which shows the herd feeling of the followers of the movement<sup>1</sup>.

Their motto, "where we go one, we go all" is attributed by QAnon supporters to former US President John Fitzgerald Kennedy, but this is a replica of actor Jeff Bridges from the 1996 film "White Squall"<sup>2</sup>. The film depicts the military discipline to which a group of young people are subjected in order to survive at sea and their involuntary attempt by a very rare type of storm<sup>3</sup>.

Following measures taken by Facebook and Twitter against supporters and followers of the QAnon movement, they have moved to a new platform, namely Parler, which is posted daily between 10,000 and 15,000 messages that connect to the hashtags #QAnon or # WWG1WGA. The latter is the acronym for their motto "where we go one, we go all"<sup>4</sup>.

The motto "WWG1WGA" was invented by Roseanne Barr, one of the most ardent followers of the QAnon movement, which she posted on the Twitter platform on June 20, 2018 with the expression "we are the army of truth".<sup>5</sup> It was taken over by former Red Sox baseball player Curt Schilling, who

propagated it in the virtual environment together with the Qanon movement<sup>6</sup>.

QAnon's ideology places a clear emphasis on the eradication of the "deep state" as it consists of "anti-American elements in government, industry, the media and other institutions involved in illegal activities" against the people<sup>7</sup>.

The QAnon doctrinal ideology includes several theories, and in addition to those mentioned, there is also the theory that "the threat of the Covid-19 pandemic is overestimated and unjustified government restrictions." QAnon supporters believe that the pandemic is "false", being "invented by deep states to eliminate freedoms"<sup>8</sup>.

Among QAnon's theories is that of controlling the population through vaccinations against the Covid-19 virus, all measures being in fact only a well-developed strategy<sup>9</sup>.

### The emergence of QAnon

On October 28, 2017, a user of the 4chan platform, from which 8chan was detached, and then 8kun, under the pseudonym Q, posted a series of encrypted messages regarding the existence of "deep state"<sup>10</sup>. This was the seed from which QAnon emerged, a new far-right, unlocated and non-leadership organization that has been active for the past three years and has stood out

<sup>1</sup> Chris Francescani, *QAnon: What is it and how did we get here? - Researchers say QAnon has grown rapidly in recent months*, "ABC News", August 21, 2020, <https://abcnews.go.com/Politics/qanon-story?id=72350231> (08.10.2020)

<sup>2</sup> CBS NEWS, *Op. cit.*

<sup>3</sup> \*\*\*, *White Squall*, 1996, <https://www.imdb.com/title/tt0118158/> (15.10.2020)

<sup>4</sup> Stef W. Kight, Sara Fischer, *QAnon's 2020 resurgence*, "Axios", August 4, 2020, [https://www.axios.com/qanons-2020-resurgence-41759d2b-7d08-4d6e-bad0-d2a63b6285ad.html?utm\\_campaign=organic&utm\\_medium=socialshare&utm\\_source=twitter?utm\\_source=twitter&utm\\_medium=social&utm\\_campaign=organic&utm\\_content=1100](https://www.axios.com/qanons-2020-resurgence-41759d2b-7d08-4d6e-bad0-d2a63b6285ad.html?utm_campaign=organic&utm_medium=socialshare&utm_source=twitter?utm_source=twitter&utm_medium=social&utm_campaign=organic&utm_content=1100) (12.10.2020)

<sup>5</sup> Roseanne Barr, *Post on Twitter account „Roseanne Barr“*, June 20, 2018, <https://twitter.com/therealroseanne/status/1009330826553667584> (15.10.2020)

<sup>6</sup> CBS NEWS, *Op. cit.*

<sup>7</sup> Pew Research Center, *QAnon's conspiracy theories have seeped into U.S. politics, but most don't know what it is*, March 30, 2020, <https://www.pewresearch.org/fact-tank/2020/03/30/qanons-conspiracy-theories-have-seeped-into-u-s-politics-but-most-dont-know-what-it-is/> (10.10.2020)

<sup>8</sup> Katrin Bennhold, *QAnon Is Thriving in Germany. The Extreme Right Is Delighted*, "New York Times", October 11, 2020, <https://www.nytimes.com/2020/10/11/world/europe/qanon-is-thriving-in-germany-the-extreme-right-is-delighted.html> (12.10.2020)

<sup>9</sup> Ines Eisele, Mirjam Benecke, *Why the QAnon conspiracy theory is gaining popularity*, "Deutsche Welle", 27.09.2020, <https://www.dw.com/en/why-the-qanon-conspiracy-theory-is-gaining-popularity/a-55066593> (18.10.2020)

<sup>10</sup> Jamie Doward, *Op. cit.*



outside the United States during protests against anti-coronavirus measures<sup>1</sup>.

The user with the pseudonym Q declares from the beginning that he possess „high-level security clearance”<sup>2</sup> within the United States Government (US), claiming "to be a high-ranking military officer" in the US Armed Forces<sup>3</sup>. He is the one who launched the theory that the US "is run by a cabal of pedophiles and satanic believers" involved in child trafficking for sex and only President Donald Trump can oppose them<sup>4</sup>.

The person who initiated the QAnon movement, in this case the user with the pseudonym Q, has remained unknown for three years since the movement appeared. However, it is known that since November 2017, less than a month after posting Q's first message, two moderators of the 4chan platform, used by right-wing extremists around the world, under the pseudonyms Pamphlet Anon and Baruch the Scribe, have taken steps to "Popularization of the previous" Pizzagate "conspiracy and the spread of the QAnon phenomenon. They were joined by YouTube video maker Tracy Diaz. "Pizzagate" is a conspiracy theory that a group of pedophiles, who are also prominent members of the US Democratic Party, had a pizzeria as their meeting place<sup>5</sup>.

Q's posts are called "breadcrumbs" by "believers," and those who decipher the meaning of the messages are called "bakers"<sup>6</sup>. "bakers"<sup>6</sup>.

Tracy Diaz was involved by the two moderators as she made a radio show for Liberty Movement Radio, the network dedicating itself to followers "on the fringe

right-wing", ie supporters of right-wing political ideology, but marginalized<sup>7</sup>.

There are three people "called conspiracy theorists," namely Tracy Diaz, along with Paul Furber and Coleman Rogers, who have taken QAnon theories into the mainstream<sup>8</sup>.

Tracy Diaz posted the video "/ POL / - Q Clearance Anon - Is #happening ???" on November 3, 2017, by which the first conspiracy theory was presented to the general public, commenting on Q's posts that they are "very specific and strange" and that he will address these theories in his own videos "only if these things prove to be legitimate "and they" seem a bit legitimate", she said<sup>9</sup>.

User Q transmits information to the public to enliven them and show them the way before "The Storm" is launched, in the sense that it represents the time mark in which "deep state's leaders" will be "arrested and sent to Guantanamo Bay." QAnon followers have dubbed the whole "trial" as "The Great Awakening," and "The Storm" is described by them as "the Day of Judgment in which criminals are punished and believers are redeemed."<sup>10</sup>

Brian Levin<sup>11</sup> said about the QAnon movement that it has an aggressive expansion as it is "the visceral appeal of an anti-elite message that is resilient enough to surprise a lot of people who feel fear and lack of rights in the current political system."<sup>12</sup>

There are several theories about Q's identity. Some supporters of the movement believe that the name resides in Q's authorization, being issued by the US Department of Energy and is a Q-level one. Some supporters of the movement believe that the person is General Michael Flynn, the

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<sup>1</sup> NBC News, *QAnon conspiracy theories spread overseas*, August 31, 2020, <https://www.nbcnews.com/now/video/qanon-conspiracy-theories-spread-overseas-90912837984> (18.09.2020)

<sup>2</sup> Jamie Doward, *Op. cit.*

<sup>3</sup> Brandy Zadrozny, Ben Collins, *How three conspiracy theorists took 'Q' and sparked Qanon*, "NBC News", August 14, 2018, <https://www.nbcnews.com/tech/tech-news/how-three-conspiracy-theorists-took-q-sparked-qanon-n900531> (07.10.2020)

<sup>4</sup> CBS NEWS, *Op. cit.*

<sup>5</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>6</sup> CBS NEWS, *Op. cit.*

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<sup>7</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>8</sup> C.C. Strand, *Op. cit.*

<sup>9</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>10</sup> CBS NEWS, *Op. cit.*

<sup>11</sup> Director of the Center for the Study of Hate and Extremism at California State University San Bernardino (CSUSB).

<sup>12</sup> Joseph Stepansky, *In QAnon-linked US candidates, populism meets conspiracy*, "Al Jazeera", October 16, 2020, <https://www.aljazeera.com/news/2020/10/16/in-qanon-linked-us-candidates-populism-meets-conspiracy> (18.10.2020)

former national security adviser to the US President, others that he is Daniel Scavino Jr. White House Deputy Chief of Staff for Communications and Director of Social Media since April 21, 2020. Other conspiracy theorists believe that QAnon is either incumbent US President Donald Trump or the son of former US President John F Kennedy, who did not die and the plane crash was a setback<sup>1</sup>.

### **Accelerated expansion into the virtual environment of QAnon**

Since its first message, Q has posted more than 4,000 messages on the aforementioned platforms until September 20, 2020, referred to in the QAnon community as "Qdrops" and which have fueled and continue to fuel the belief of "a terrible meta-conspiracy that links a series of harmful narratives"<sup>2</sup>.

There were other users of the 4chan platform whose name contained the particle "anon" and who posted messages that said they were information from inside the US Government. For example, one of them was called FBIAnon and described himself in 2016 as a "high-level analyst and strategist." Another had the initials "HLIAnon" under the phrase "High Level Insider". They also started posting in early 2017 a number of two users with the pseudonyms "CIAAnon" and "CIA Internal"<sup>3</sup>.

After the US authorities blocked the 8chan platform in August 2019, following the terrorist attacks committed during 2019, culminating in the El Paso attack on August 3, 2019, the extremist right-wing content moved to the 8kun platform<sup>4</sup>.

From October 27, 2017, from the first message, until June 17, 2020, the Institute for Strategic Dialogue (FDI) registered a number of 69,475,451 twitterers on the social network Twitter, 487,310 posts on the Facebook

platform and 281,554 Instagram posts that related to or related to hashtags or sentences about QAnon<sup>5</sup>.

The messages posted by Q on the "message boards" created the conditions for the development of conspiracy theories known as the generic name QAnon. After less than a year, QAnon followers created and uploaded "videos" on social media platforms, set up and organized a large "Reddit community," started a "business," and developed and maintained an entire mythology based on his 4chan posts of Q".<sup>6</sup> Some QAnon theories go as far as the assassination of former US President John F. Kennedy, also by the "deep state"<sup>7</sup>.

Q used "fringe internet message boards of 4chan and 8chan" to "leak information" about the fight against "a cabal of criminals". QAnon conspiracy theory spread aggressively amid a sustained campaign "through YouTube videos, social media posts, Reddit archives and public recordings"<sup>8</sup>.

In the USA, the most "QAnon content" was distributed in a percentage between 87% and 90% of the total posts produced by followers and supporters of the QAnon Movement, being "followed by Great Britain, Canada and Australia", Russian Federation, Germany and Indonesia<sup>9</sup>.

The ease with which the phenomenon has spread is also due to "cognitive ease", according to psychologist Daniel Kahneman, who says that people, in general, are prone to believe and learn "ideas that are familiar, comfortable - easy - to believe, and to avoid ideas that would take effort to accept".<sup>10</sup>

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<sup>5</sup> Aoife Gallagher, Jacob Davey, Mackenzie Hart, *The Genesis of a Conspiracy Theory - Key trends in QAnon activity since 2017*, Institute for Strategic Dialogue – Powering solutions to extremism and polarisation, July 2020, <https://www.isdglobal.org/wp-content/uploads/2020/07/The-Genesis-of-a-Conspiracy-Theory.pdf>, p. 5, (05.10.2020)

<sup>6</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>7</sup> Justin Ling, *QAnon's Creator Made the Ultimate Conspiracy Theory*, "Foreign Policy", October 6, 2020, <https://foreignpolicy.com/2020/10/06/qanon-creator-ultimate-conspiracy-theory-q/> (18.10.2020)

<sup>8</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>9</sup> Aoife Gallagher et. al., *Op. cit.*, p. 9

<sup>10</sup> Sue Greenwood, *How QAnon conspiracy theory memes are spreading on Facebook in the UK*, "The

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<sup>1</sup> CBS NEWS, *Op. cit.*

<sup>2</sup> Jamie Doward, *Op. cit.*

<sup>3</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>4</sup> Mehr Gill, *QAnon: A conspiracy theory feeding violence*, "The Indian Express", updated: October 18, 2020, <https://indianexpress.com/article/explained/qanon-a-conspiracy-theory-feeding-violence-6758120/> (19.10.2020)

The moderator under the pseudonym BaruchtheScribe has been identified by NBC News as a South African programmer named Paul Furber. Following the expansion of the QAnon movement, the three who popularized Q's messages called on supporters of the phenomenon to financially support "research"<sup>1</sup>.

The QAnon movement "began to radicalize many", and social networks abound with messages from followers of the phenomenon that highlight their feelings, being individuals who truly believe that it reveals the truth."<sup>2</sup>

From the appearance of the QAnon phenomenon until March 2020, there have been over 220,000 thousand accounts on the Facebook platform that conveyed movement-specific messages on dedicated groups. However, from March 2020 to mid-August 2020, the number of accounts that joined QAnon-related groups increased to over 1,700,000<sup>3</sup>.

And this trend continues, from the launch, in March 2020, of measures to limit the spread of the Sars-Cov-2 virus until June 2020, more than 12 million tweets have been posted on Twitter about or related to with the QAnon movement, almost double the four months prior to the imposition of quarantine measures. The same type of posts, but on Facebook, increased in the same period 2.5 times, from 68 thousand to almost 189 thousand and on Instagram from 54 thousand it increased to almost 97 thousand<sup>4</sup>.

Also, from March to August 2020, the groups and pages on the social network Facebook connected to the QAnon movement increased by 651%, according to Marc-André Argentino<sup>5</sup>, researcher who "studies the connection between technology and extremist groups." Likewise, the number of posts

related to the QAnon movement increased by 71% on the Twitter platform<sup>6</sup>.

The drastic measures of isolation and social distancing imposed by the US authorities since March 2020, have generated a "dramatic increase in QAnon conversations" on Twitter and Facebook platforms. For example, between 23 and 25 March 2020, the number of conversations about Covid-19 increased by 422% in QAnon communities on social networks compared to the previous period<sup>7</sup>.

According to Google Trends, from mid-January 2020 to mid-July 2020, the number of searches for QAnon through the Google search engine increased more than 10 times<sup>8</sup>.

Also, according to the Atlantic Council, Facebook accounts and groups that propagate QAnon theories received 10 times more likes in July 2020 than in July 2019. Likewise, from March to July 2020, the daily average of connected tweets QAnon's movement has increased about 3 times the daily average from August 2019 to February 2020. At the end of July 2020, Twitter deleted 7,000 accounts used by QAnon supporters and followers<sup>9</sup>.

The Pew Research Center reveals that QAnon followers have turned social media platforms into "vehicles for misinformation" through which they have managed to divide American society, and not only, about the various events in society, including the effects of the Covid pandemic. 19 and the measures to be imposed<sup>10</sup>.

There is also a direct connection between the protests sparked by the May 25, 2020 death of African-American George Floyd in Minneapolis police custody and the growing volume of talks in the QAnon communities, complementary to those over the Covid-19 pandemic. From the beginning of the protests until June 24, 2020, more than 520 thousand tweets were posted by 205 thousand unique users<sup>11</sup>.

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Conversation", September 25, 2020, updated September 30, 2020, <https://theconversation.com/how-qanon-conspiracy-theory-memes-are-spreading-on-facebook-in-the-uk-145820> (18.10.2020)

<sup>1</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>2</sup> Jamie Doward, *Op. cit.*

<sup>3</sup> Chris Francescani, *Op. cit.*

<sup>4</sup> Aoife Gallagher et. al., *Op. cit.*, p. 5.

<sup>5</sup> Phd. Student at Concordia University from Montreal, Canada.

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<sup>6</sup> Chris Francescani, *Op. cit.*

<sup>7</sup> Aoife Gallagher et. al., *Op. cit.*, p. 14.

<sup>8</sup> Stef W. Kight, Sara Fischer, *Op. cit.*

<sup>9</sup> *Ibidem*

<sup>10</sup> Pew Research Center, *Op. cit.*

<sup>11</sup> Aoife Gallagher et. al., *Op. cit.*, pp. 14-16.

The word "antifa" has been used more than 194,000 times by QAnon followers of Black Lives Matter (BLM), and is described as "a terrorist organization and an elite puppet" that was used by George Floyd himself and of his death to promote his own political agenda<sup>1</sup>.

Due to the aggressive expansion of the QAnon conspiracy movement in the online environment, Facebook decided, on October 6, 2020, to delete all accounts related to it, both on the platform of the same name and on Instagram. In addition to the individual accounts on the mentioned social networks, the web pages and groups will be deleted due to the explosion of the number of QAnon followers at the beginning of the second semester of 2020. The social platform deleted even the pages without "violent content", only in the basis of association with movement<sup>2</sup>.

### Violence of QAnon followers

The QAnon phenomenon did not remain a simple conspiracy theory expressed in the virtual environment, but began to translate into "real" life, the movement's followers being accused of "being involved", less than six months after its appearance, in violence<sup>3</sup>.

In 2019, the FBI stated that QAnon represents "a potential domestic terrorist threat"<sup>4</sup> as the ideas promoted by the movement encouraged "both groups and individual extremists to commit criminal or violent acts"<sup>5</sup>. QAnon has been declared by

the FBI as a threat to US national security in 2019 due to violence by followers<sup>6</sup>.

According to a 2019 FBI warning about QAnon, "marginal conspiracy theories most likely motivate some domestic extremists, in whole or in part, to commit criminal and sometimes violent activities"<sup>7</sup>.

According to Daryl Johnson, a right-wing terrorism expert who has researched the phenomenon for the Department of Homeland Security, QAnon supporters say they "link their conspiracy theories" to children, who soften "anyone's heart," protesting their rights but -a distorted form, ideas and actions that are "crazy and very dangerous"<sup>8</sup>.

The Combating Terror Center at the U.S. Military Academy in West Point published a scientific article in July 2020 stating that the QAnon movement "represents a militant and anti-establishment ideology which finds resonance with other far-right extremist movements."<sup>9</sup> QAnon supporters saw the protests over George Floyd's death as "proof of the apocalyptic Great Awakening."<sup>10</sup>

The social network Facebook adopted the decision to delete the accounts associated with the far-right movement QAnon because of the posts that celebrated and encouraged the violence of supporters. In August 2020, 1500 groups and pages with QAnon content were deleted from the Facebook network alone<sup>11</sup>.

QAnon is considered by scholars to study "extremist ideologies and movements,

<sup>1</sup> *Ibidem*, p. 16.

<sup>2</sup> G4 Media, *Facebook și Instagram elimină toate conturile legate de mișcarea 'QAnon', o mișcare de extrema dreaptă pro-Trump care răspândește teorii ale conspirației*, "G4 Media", October 7, 2020, <https://www.g4media.ro/facebook-si-instagram-elimina-toate-conturile-legate-de-miscarea-qanon-o-miscare-de-extrema-dreapta-pro-trump-care-raspandeste-teorii-ale-conspiratiei.html#comments> (07.10.2020)

<sup>3</sup> Brandy Zadrozny, Ben Collins, *Op. cit.*

<sup>4</sup> Julia Carrie Wong, Monika Cvorak, Simon Roberts, Nikhita Chulani, *What is QAnon and why is it so dangerous? – video explainer*, As credited, September 29, 2020, <https://www.theguardian.com/us-news/video/2020/sep/29/what-is-qanon-and-why-is-it-so-dangerous-conspiracy-theory-trump-video-explainer> (05.10.2020)

<sup>5</sup> Jamie Doward, *Op. cit.*

<sup>6</sup> Simon Little, *QAnon conspiracy theorists, far-right group join Vancouver anti-mask rally*, "Global News", September 14, 2020, <https://globalnews.ca/news/7332529/vancouver-anti-mask-rally-qanon/> (18.09.2020)

<sup>7</sup> Daniel Burke, *How QAnon uses religion to lure unsuspecting Christians*, "CNN Religion Editor", updated October 15, 2020, <https://edition.cnn.com/2020/10/15/us/qanon-religion-churches/index.html> (19.10.2020)

<sup>8</sup> CBS NEWS, *Op. cit.*

<sup>9</sup> Chris Francescani, *Op. cit.*

<sup>10</sup> Jarni Blakkarly, *How conspiracy theorists have latched on to the US protests as evidence of the 'Great Awakening'*, "SBS News", June 03, 2020, <https://www.sbs.com.au/news/how-conspiracy-theorists-have-latched-on-to-the-us-protests-as-evidence-of-the-great-awakening> (18.09.2020)

<sup>11</sup> G4 Media, *Op. cit.*

as well as domestic terrorism in the United States," as a new "unique and unpredictable" movement that is part of America's "far-right political landscape". Donald Haider-Markel<sup>1</sup> said far-right movements were "much more anti-government". But there is an ideological anomaly, in the sense that right-wing extremists want to change the government, which is not the case with the QAnon movement, considering the US government as "their government" but fighting against the "deep state" which is unofficial and illegitimate power<sup>2</sup>.

QAnon supporters have also begun to commit violence. Thus, in 2019, a sympathizer of the phenomenon named Anthony Commello, killed with a firearm the head of the Gambino mob family in New York, Francesco "Franky Boy" Cali, because he considered that he was part of the "deep state". They "strongly believed that Cali was a prominent member of the deep state and, consequently, an appropriate target for citizen arrest"<sup>3</sup>.

Adherent family members said less than six weeks before the murder, the shooter was very "vocal about his support for QAnon" and his lawyer said his attitude toward the movement "went beyond simply participating in a radical political organization" and "evolved into a delusional obsession"<sup>4</sup>.

YouTube has taken action since October 15, 2020, deleting a series of channels and videos promoting QAnon conspiracy theories, particularly that "a cabal of satanic pedophiles running the world is spreading offline violence." Facebook began deleting QAnon accounts and groups on the platform in October 2020 because of its links to violence as it became "a militarized social movement that was becoming increasingly violent." Likewise, the Pinterest platforms,

Etsy and Triller, have restricted QAnon theories since October 2020<sup>5</sup>.

Regarding the predisposition to violence of the followers of the QAnon movement, Facebook stated that it noticed an increase in the number of groups that, "although they do not directly organize violence", celebrated "violent acts" committed by other followers of the movement, and displayed firepower and stated that they intend to use it<sup>6</sup>.

Although it appeared on the chats dedicated and used by right-wing extremists, such as 4chan, they are currently showing offline, managing to organize for various real events that degenerate into an equally real violence<sup>7</sup>.

In Germany, a follower of the QAnon movement carried out a serious terrorist attack on 19 February 2020 in the city of Hanau, killing 10 people and seriously injuring 5 others. The attacker posted a 24-page manifesto to motivate his approach, in which the far-right ideology combined with the theories of the QAnon conspiracy appears<sup>8</sup>.

## The spread of the movement outside the United States

The protests in Germany on August 29, 2020, degenerated into violence, with right-wing extremists storming the German parliament. The country's president, Frank-Walter Steinmeier, later stated that "Saturday's violent riots have once again made it clear that right-wing extremism has deep roots in our society"<sup>9</sup>.

<sup>1</sup> Professor of political science at the University of Kansas whose area of scientific interest is internal extremism.

<sup>2</sup> Chris Francescani, *QAnon's growth mirrors sharp spike in far-right extremist violence in US: Experts*, September 22, 2020, "ABC News", <https://abcnews.go.com/Politics/qanons-growth-mirrors-sharp-spike-extremist-violence-us/story?id=73079916> (08.10.2020)

<sup>3</sup> Chris Francescani, *Op. cit.*

<sup>4</sup> *Ibidem*

<sup>5</sup> Kevin Roose, *YouTube Cracks Down on QAnon Conspiracy Theory, Citing Offline Violence*, "The New York Times", October 15, 2020, Updated October 17, 2020,

<https://www.nytimes.com/2020/10/15/technology/youtube-bans-qanon-violence.html> (18.10.2020)

<sup>6</sup> Chris Francescani, *Op. cit.*

<sup>7</sup> Pew Research Center, *Op. cit.*

<sup>8</sup> Lori Hinnant, Frank Jordans, *Paranoia, Racism: German Killer Drew on Conspiracy Tropes*, "Associated Press", February 20, 2020, <https://www.usnews.com/news/world/articles/2020-02-20/paranoia-racism-german-killer-drew-on-conspiracy-tropes> (18.10.2020)

<sup>9</sup> David Rising, *German president condemns far-right protest in Berlin*, "ABC News", August 31, 2020, <https://abcnews.go.com/International/wireStory/german>

The organization has over 200,000 followers in Germany alone and over 450,000 followers in Europe, with Germany having the second largest number of followers after the United States<sup>1</sup>. On September 18, 2020, QAnon was active on YouTube in German, under the name QGLOBAL-CHANGE, with a number of 17,842,451 views, 105 thousand members, the account administrator being paid for views, having uploaded 691 materials<sup>2</sup>.

Moreover, on April 20, 2020, a protest organized by supporters of the German QAnon movement against the measures imposed by the authorities wearing protective masks against Covid-19 took place in Chemnitz, Germany, but the day was not chosen at random, but had a strong symbolism, being the birthday of Adolf Hitler. QAnon supporters wore a mask with the letter Q and chanted "Wir sind das Volk" in translation, "We are the people," a phrase that became the motto of racist right-wing extremists in Germany<sup>3</sup>.

As in the United States and Germany, right-wing extremists were the first to react to messages sent by supporters of the QAnon movement, turning it into an "unexpected and volatile" political movement. In Germany, it was the right-wing extremists who influenced the aggressive expansion of the QAnon movement<sup>4</sup>.

From mid-March 2020, when protection measures were imposed against Covid-19, in all countries, including Germany, there was an "explosion of membership in German online groups" related

to QAnon and the conspiracy theory of the coronavirus pandemic<sup>5</sup>.

This trend is highlighted by the number of Qlobal-Change accesses, as well as by the increase in the number of Telegram members, from 20 thousand members in February 2020 to 110 thousand in June 2020<sup>6</sup>. On October 18, 2020, the Telegram group of the German organization QAnon, Qlobal-Change, had 126 thousand members<sup>7</sup>.

QAnon's invocation of theories about the ritual sacrifice of children or the fight against "liberal elites" that destroy communities are not new ideas but have long animated right-wing extremists in Germany. Today, far-right organizations in Germany have mastered QAnon theories as they overlap with their own interests and may attract more sympathizers<sup>8</sup>.

QAnon conspiracy theories have spread throughout Europe, not just in Germany, from Britain to the Balkans, from France to Ukraine, where a series of public protests have taken place under the slogan "save our children"<sup>9</sup>.

There are QAnon organizations in Italy and Spain, which also have groups created on Telegram, but the number of members is lower compared to Germany<sup>10</sup>.

## Conclusions

The ideology of the QAnon movement was appropriated by large groups of people, especially on social platforms, initially those used mainly by right-wing extremists like 4chan, 8chan and 8kun or Facebook, Twitter, YouTube or others. Subsequently, QAnon followers met in the "real" environment, thus leaving the virtual one, and the consequences were negative. The FBI has described the movement as one that poses threats of domestic terrorism because of the mastery of conspiracy theories that followers of the movement put into practice.

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n-president-condemns-protest-berlin-72724036 (18.09.2020)

<sup>1</sup> Tyson Barker, *Germany Is Losing the Fight Against QAnon*, "Foreign Policy", September 2, 2020, <https://foreignpolicy.com/2020/09/02/germany-is-losing-the-fight-against-qanon/> (18.09.2020)

<sup>2</sup> \*\*\*, *QGLOBAL-CHANGE - Canal YouTube*, [https://socialblade.com/youtube/channel/UCX9J\\_T4Gif8Ir1mps14EnKA](https://socialblade.com/youtube/channel/UCX9J_T4Gif8Ir1mps14EnKA) (18.09.2020)

<sup>3</sup> Carol Schaeffer, *How Covid-19 spread QAnon in Germany*, "CODA", June 19, 2020, <https://www.codastory.com/disinformation/qanon-covid19-germany/> (18.10.2020)

<sup>4</sup> Katrin Bennhold, *Op. cit.*

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<sup>5</sup> Carol Schaeffer, *Op. cit.*

<sup>6</sup> *Ibidem*

<sup>7</sup> \*\*\*, *Telegram Account Qlobal-Change – Telegram Analytics*, <https://tgstat.com/channel/@QlobalChange> (18.10.2020)

<sup>8</sup> Katrin Bennhold, *Op. cit.*

<sup>9</sup> *Ibidem*

<sup>10</sup> Carol Schaeffer, *Op. cit.*

As the phenomenon spread outside the US, QAnon conspiracy theories were appropriated by their followers regardless of the country of their citizens: Germany, Great Britain, Canada, Australia or other countries. Thus, after mastering the theories through the relays of propagation in the online environment, through the groups on the social platforms, they propagated them further, amplified them by adding new information to those theories. They also grouped and set up various "physical" events to participate in to protest, for example, against measures taken by states to limit the spread of the Covid-19 pandemic and its serious effects.

Beliefs acquired in the virtual environment were transposed into "real" events, often degenerating into violence as these theories were appropriated by followers and supporters of the far right that existed in society before the emergence of the QAnon movement.

The behavioral typology of the followers of the QAnon movement is a universal one, they manifested themselves in the same way everywhere, regardless of the country in which the followers live. The most indoctrinated of them being the most violent of them, both in the virtual environment through violent language and incitement to hatred and violence, and in the "real".

The ideas promoted by QAnon are not new, being found in past centuries in European anti-Semitism, beliefs ended with one of the most violent persecutions against Jews, namely the Nazi. In the Middle Ages there was a belief that Jews ritually sacrificed children, drank their blood and ate their bodies, and it could be seen that the theories were similar, those in the Middle Ages being similar to the QAnon theories, according to right-wing extremism expert at the Amadeu Antonio Foundation in Berlin, Miro Dittrich<sup>1</sup>. Dittrich<sup>1</sup>.

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**BETWEEN THE IMPERFECTIONS OF SOCIAL POLICIES AND THE WEAKNESSES  
OF CIVIC CONSCIOUSNESS AND OF SOCIAL RESPONSABILITY – ASPECTS  
REGARDING SOCIAL MARGINALIZATION IN THE 21<sup>ST</sup> CENTURY**

<b>Abstract:</b>	<i>Nowadays, as we are living in the 21<sup>st</sup> century, far from the ‘primitive’ epochs, most of us consider we are much better than our predecessors and, of course, much more civilized than they had ever been. Are we really better and more civilized in comparison with those who lived before us? Is the difference in technology to equal the superiority we claim to have as our prominent difference between our more ‘modest’ ancestors?</i> <i>What about our consciousness, our respect for ourselves and for the others. What about the impressive number of ‘marginals’, of poor and ignorant , illiterate, non-fortunate human beings who officially, according to The Universal Declaration of Human Rights, are all our equal fellows,</i> <i>In spite of the many state institutions or private ones, there are many, still too many, human beings living at the ‘margin’ of our society, without a home, without food, without medical care or education or even a word of comfort.</i> <i>As long as we tolerate social injustice and inequality we cannot call ourselves ‘civilized’, ‘modern’ or even real human beings.</i>
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How can we explain the fact that today, in the “civilized” world in which we are living, we, the citizens of the privileged West, still speak about social marginalization.

We are confronted daily with problems which, according to official standards, should not exist any more. Can we accept, in front of our own conscience, the fact that our daily reality denies the beautiful theory about human rights and that the numerous official documents remain suspended somewhere at an uncertain level of the bureaucracy dominating our life?

In the Universal Declaration of Human Rights fundamental human values are mentioned such as dignity, equal and unalienable rights, liberty/freedom, justice and peace<sup>1</sup>.

The Preamble of this international document continues, stating that *disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind*<sup>2</sup>.

This document also mentions *the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want*. Such a dream has been proclaimed as the highest aspiration of the common people<sup>3</sup>.

The declaration insists upon the fact that *it is essential that human rights should be protected by the rule of law*<sup>4</sup>.

Anticipating the conclusions of the present article, we have a new question. Can we still speak about slavery today? No, it’s not a rhetorical question but a very painful

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<sup>1</sup> *The Universal Declaration of Human Rights*,  
<https://www.ohchr./En/UDHR/Documents/UDHR>  
(01.11.2020)

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<sup>2</sup> *Ibidem*

<sup>3</sup> *Ibidem*

<sup>4</sup> *Ibidem*

one, because modern slavery includes *forced labour, human trafficking, sexual exploitation, hard, even exhausting, work inherited by children or grandchildren for unpaid debts, forced marriages with minors*<sup>1</sup>. *Human slavery affects children and rural communities all over the world, 11% of the victims working in agriculture or fishing*<sup>2</sup>.

Thus, beyond doubt, we can speak about modern slavery. It is more often to be found than most of us realize. All of us should know that one out of four victims of the present day slavery is a child, and children are to be found in any type of slavery, from hard work to sexual exploitation, from human trafficking to forced marriage<sup>3</sup>.

The profits of modern slavery per victim are bigger in developed economies. In 2014, The European Union and other developed economies had profits estimated of about 47 billion US dollars from slavery<sup>4</sup>. Africa represents the area with the highest rate of modern slavery, respectively 7.6 victims out of 1.000 people<sup>5</sup>.

Slavery is also imposed by governments and not only by companies or individuals<sup>6</sup>. As in the case of children who work from infancy, modern slavery has complex roots, among causes including poverty, different conflicts and crises, cultural traditions and perspectives that seem to be antagonistic but in fact being misunderstood, that is, not really understood at a proper level, lack of protection and of legislation.

Understanding this problem represents the first step in solving it but the implication

of governments, of employers and owners, of the employees/workers as well as of the civil society is crucial for the salvation of the victims of slavery and for the assurance of decent working conditions.<sup>7</sup>

Yes, modern slavery is a global problem today. Figures show that more than 40 million human beings from all over the world are living in slavery at this very moment. We are using present tense, even present continuous and surely not past tense. And while slaves have become cheap, the profits produced by them are huge. Every year, the slave market produces approximately 150 billion US dollars, and we are supporting it.

Out of the slaves from the USA and the UK as well as from other powerful states, 68% work in agriculture, in the textile industry, in the industry producing chocolate, sugar, mining industry and other industries which produce goods bought daily by many people directly or indirectly. Slaves are also used in the industry of electronics, of gold. 90% of the shrimps which get on the market in the SUA come from companies that use the work of slaves. Many children work or are used as soldiers, against their will. Many victims know their owner who is exploiting them (4 out of 6 people). Today slaves are much more cheaper than in the past and thus much more easier to replace. Poverty makes people vulnerable so that traffickers introduce themselves as being agents, employers, owners...<sup>8</sup> *The war in Mozambique (1985-1992) left 250,000 children displaced and 200,000 orphaned, while ten of thousands more were forcibly recruited and put into combat...A high percentage was involved in the war as active combatants, forcibly trained and forcibly engaged in fighting*<sup>9</sup>.

Some governments impose to their citizens forced labour. *In Uzbekistan people are forced to gather cotton for two months every year while in Mauritania the percent of*

<sup>1</sup> Mina Chang, *My miracle and ending modern slavery*, [https://blog.rotary.org/2020/11/24/my-miracle-and-ending-modern-slavery/?gclid=Cj0KCQiA3smABhCjARIsAKtrg6JGAKcvKeZ-](https://blog.rotary.org/2020/11/24/my-miracle-and-ending-modern-slavery/?gclid=Cj0KCQiA3smABhCjARIsAKtrg6JGAKcvKeZ-n7yXoyjLF9RBETBOoZxlAacYcj0CrHdgSncnLsb9BAlaAqC8EALw_wcB)

[n7yXoyjLF9RBETBOoZxlAacYcj0CrHdgSncnLsb9BAlaAqC8EALw\\_wcB](https://blog.rotary.org/2020/11/24/my-miracle-and-ending-modern-slavery/?gclid=Cj0KCQiA3smABhCjARIsAKtrg6JGAKcvKeZ-n7yXoyjLF9RBETBOoZxlAacYcj0CrHdgSncnLsb9BAlaAqC8EALw_wcB) (29.11.2020)

<sup>2</sup> *Idem*

<sup>3</sup> Mina Chang, *My miracle and ending modern slavery*, [https://blog.rotary.org/2020/11/24/my-miracle-and-ending-modern-slavery/?gclid=Cj0KCQiA3smABhCjARIsAKtrg6JGAKcvKeZ-](https://blog.rotary.org/2020/11/24/my-miracle-and-ending-modern-slavery/?gclid=Cj0KCQiA3smABhCjARIsAKtrg6JGAKcvKeZ-n7yXoyjLF9RBETBOoZxlAacYcj0CrHdgSncnLsb9BAlaAqC8EALw_wcB)

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<sup>4</sup> *Ibidem*

<sup>5</sup> *Ibidem*

<sup>6</sup> *Ibidem*

<sup>7</sup> *Idem*

<sup>8</sup> Emily Degn, *Top 10 Modern Day Slavery Facts*, <https://borgenproject.org/top-10-modern-day-slavery-facts/> (01.11.2020)

<sup>9</sup> Karren Kennedy, *Speak Truth to Power, Human Rights Defenders who are changing our World*, Umbrage Editions, New York, 2005, p.12

*slavery is the highest (20%), this state still having laws that forbid slaves rights shared by the other citizens<sup>1</sup>.*

According to research studies, *almost half of the slaves in the world today live in India. Many of them are slaves out of debt, because those who have debts and cannot pay them are forced to work until the debts are payed off, sometimes involving their children and grandchildren, thus forming a bond of slavery over generations<sup>2</sup>.*

*Poverty, ignorance, lack of education of any kind perpetuate the conditions in which slavery develops itself. Now appears the problem of informing ourselves with regard to this scourge as well as the problem of enlarging the number of the informed ones, states Emily Degn<sup>3</sup>.*

Comparable to slavery, the marriage of/with children exists in the whole world, including Romania or the United States. Therefore, as the marriage of minors is legal in many states of the USA, between the years 2000 and 2015, there took place 200.000 of marriages with minor girls<sup>4</sup>. Today, in the whole world there live around 700 million women who were married while being minor. One out of three of them was not 15 years old when the marriage took place<sup>5</sup>.

In accordance with studies on this custom which perpetuates discrimination, preventing access to education and social as well as personal development, the first 20 states by high percentage of minors/children's marriage are: Niger with 76%, Central African Republic with 68%, Chad with 67%, Bangladesh with 59%, Burkina Faso with 52%, Mali with 52%, South Sudan with 52%, Guinea with 51%, Mozambique with 48%, Somalia with 45%, Nigeria with 44%, Malawi with 42%, Eritrea with 41%, Madagascar with 41%, Ethiopia with 40%, Nepal with 40%, Uganda with 40%, Sierra Leone with 39%,

The Democratic Republic of Congo with 37%, Mauritania with 37%<sup>6</sup>.

And yet we all know or should know about these problems! We see such people every day, we hear them, we know what they are confronting with. What is to be done any further? We get involved in a way or another or let the others do the job? *Life is political, not because the world cares about how you feel, but because the world reacts to what you do. The minor choices we make are themselves a kind of vote...In the politics of the everyday, our words and gestures, or their absence, count very much<sup>7</sup>.*

But is it normal to expect that such problems be solved by individuals as long as states have created, institutions specialized to take care of old people, of children, of sick people, of animals, of nature as a whole... to see that these institutions which are funded by the state or privately are not able to solve such problems? What is it all about, then?

Is social marginalization the consequence of the lack of education which results in ignorance, that seems to be or looks like being programmed? Who is *dumbing us down*?<sup>8</sup>

Is this marginalization caused only by disrespect towards human rights due to ignorance?

Or are we confronted with policies and programmes, supported and funded from public money? What does civic consciousness mean, then? What about social responsibility?

Pitagora wrote in his *Moral and Political Laws* that we should organize our life according to our conscience. He also added that *justice is the pitch of virtues as it includes all other (virtues)*<sup>9</sup>. The ancient mathematician and philosopher was so right, and we now, more than ever, should become aware of the fact that there could not be a

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<sup>1</sup> Emily Degn, *Op. cit.*

<sup>2</sup> *Ibidem*

<sup>3</sup> Jillian Baxter, *Causes of Human Trafficking in India*, <https://borgenproject.org/tag-human-trafficking-in-india/> (01.11.2020)

<sup>4</sup> Daniele Selby, Carmen Singer, *Child marriage: what you need to know and how you can help end it*, <https://www.globalcitizen.org/en/content/child-marriage-brides-india-niger-syria/> (29.08.2020)

<sup>5</sup> *Ibidem*

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<sup>6</sup> *Child Marriage around the World*, <https://www.girlsnotbrides.org/where-does-it-happen/> (01.11.2020)

<sup>7</sup> Timothy Snyder, *On Tyranny, Twenty Lessons from the Twentieth Century*, The Bodley Head, London, 2017, p.33

<sup>8</sup> John Taylor Gatto, *Cum suntem imbecilizați: curriculumul ascuns al școlarizării obligatorii*, Anacronic, Domnești, 2016

<sup>9</sup> Pitagora, *Legile morale și politice*, Antet, Filipeștii de de Târg, 2010, p.46

better world without justice. This derives from the need of a balanced situation which should be perceived from the fractal point of view. At all levels of existence, balance is necessary, as a law.<sup>1</sup> Thus, we can see that, step by step, we are on a way of self discovery which guides us to the level of understanding the need for new ways to perceive human problems. One such perspective is the one called *the ecology of human relationships*<sup>2</sup>, that should help/ make us better focus on the real characteristics and needs of the human being.

One conclusion could be that, in spite of all problems of any kind, and at any level, we must be active and get involved in the problems of our society. We should all *be active in organizations, political or not, that express our own view of life...Then we will have made a free choice that supports civil society and helps other to do good*<sup>3</sup>.

One key to most of the problems is represented by education. In one of her memorable speeches, the Indian leader Indira Gandhi mentioned that *we have to have a thinking public, thinking young women...the sort of education which we want, which enables our young people to adjust to this changing world and to be able to contribute to it...There is no job that is too small; there is no person who is too small. Everybody has something to do*<sup>4</sup>. Addressing her speech to the youth assembly of the United Nations in New York in 2013, the Nobel Prize winner, Malala Yousafzai, said:

*So here I stand...one girl among many.*

*I speak- not for myself, but for all girls and boys.*

*I raise up my voice-not so that I can shout, but so that those without a voice can be heard.*

*Those who have fought for their rights:*

*Their right to live in peace.*

*Their right to be treated with dignity.*

*Their right to equality to opportunity.*

*Their right to be educated*<sup>5</sup>

In his remarkable book *The Dignity of Difference, How to Avoid the Clash of Civilizations*, the philosopher and theologian, former Chief Rabbi of the United Hebrew congregations of the Commonwealth, Jonathan Sacks quotes a fragment from the book *Pragmatism*, by William James. With the help of this quote I would like to conclude this short article and, at the same time, to challenge the mind of the reader with the fundamental question on human/social responsibility:

*Suppose that the world's author put the case to you before creation, saying: 'I am going to make a world not certain to be saved, a world the perfection of which shall be conditional merely, the condition being that each several agent does its own "level best". I offer you the chance to take part in such a world. Its safety, you see, is unwarranted. It is a real adventure, with real danger yet it may win through. It is a social scheme of co-operative work genuinely to be done. Will you join the procession? Will you trust yourself and trust the other agents sufficiently to face the risk? [Or would you say] that, rather than be part and parcel of so fundamentally pluralist and irrational a universe, you preferred to relapse into the slumber of nonentity from which you had been momentarily aroused by the tempter's voice?'<sup>6</sup>*

<sup>1</sup> Ovidiu Coşbuc, *Paradigma schimbării*, Târgu Mureş, Mureş, 2017

<sup>2</sup> Marcel Popescu, *Legea lui Om. Ecologia relaţiilor interumane*, For You, Bucureşti, 2017, p.9

<sup>3</sup> Timothy Snyder, *Op. cit.* p.92

<sup>4</sup> Simon Sebag Montefiore, *Speeches that changed the World*, Quercus, London, 2005, p.170

<sup>5</sup> *Ibidem*, p.245

<sup>6</sup> Jonathan Sacks, *The Dignity of Difference*, Bloomsbury, London, 2003, p. 192

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## RISKS AND THREATS TO PUBLIC ORDER

<b>Abstract:</b>	<p><i>The adapting process of public order forces to the new features of social protest forms faces a number of factors that alter or hinder its development.</i></p> <p><i>In the context of globalization, threats to public order have two defining features that make difficult the efficient use of the national and European legislative measures, as well as the enforcement ones to remove them.</i></p> <p><i>The potential domestic instability arises out of the economic, social and political difficulties, caused by the process of democratization and implementation of market economy principles, and also from the risks in the international environment.</i></p> <p><i>The social and economic transformations occurred in Romania after the 1989 Revolution have led to important mutations in the exercise of citizens' rights and freedoms, in their attitude to property and state institutions, in the organization of society, in the structure and dynamics of the criminal phenomenon, in the field of public order and security.</i></p> <p><i>The internal environment is characterized by the spread of non-conformist behaviors and by the denial of moral values, the expansion of illicit drug use at the same time with the diminishing of the chances of social integration. The lack of active responses of the citizens towards the necessity to prevent the criminal phenomenon exerts a significant negative influence on the state of public security.</i></p>
<b>Keywords:</b>	<b>risks and threats; public order; prevention; criminal phenomenon; organized crime; safety of the citizen</b>
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### Introduction

Threats of asymmetric nature<sup>1</sup> are generated by the changes in the evolution of human society, causing governments to reconsider the use of traditional fighting tools and to use preventive means. Although the responsiveness of the public order institutions to these risks and threats has increased, the vulnerability of the citizen's security is maintained, there is an increase in the

criminal phenomenon and the development of organized crime.

If both in the pre-accession period and in the immediate accession period to the EU "the necessity of harmonization and compatibility of the Romanian public order system with those of the European Union states generated permanent searches for the achievement of a legal and effective framework to respond to the transformations and the objectives envisaged in the structural and functional plan..."<sup>2</sup>, currently by the

<sup>1</sup> Stan Petrescu, *Apărarea şi securitatea europeană*, Military Publishing House, Bucharest, 2006, pp. 11

<sup>2</sup> HG 196/2005,

Romanian state “are proposed solutions meant to increase the efficiency of the measures for the protection of the national economy against criminal infiltration, cyberspace, to increase the level of security of the citizens, as well as border security, including those external to the European Union”<sup>1</sup>.

### **The criminal phenomenon in Romania**

The criminal phenomenon in Romania is characterized by: complexity, cyber crime, counterfeiting and commercial piracy, professionalization and specialization of criminals, the presence of corruption facts and the amplification of the cross-border criminal phenomenon. Organized crime, illegal migration, corruption, economic and financial crime, robberies, and thefts of public and private property have a negative impact on citizens' quality of life and public security.

In the current context, as a result of the global financial crisis, new risks and threats to public order and security are possible, as follows:

- the degeneration of social and economic, interconfessional and interethnic tensions in spontaneous violence and open confrontations between them and the legal authorities of the Romanian state;
- unemployment;
- the decrease of the authority of some state institutions as a result of the inappropriate fulfilment of the legal duties;
- the diminution of the public's confidence regarding the ability to act of the public order and security forces;
- the spread of corruption at the level of decision-makers factors in the administration;
- the occurrence of natural disasters.

The international environment is characterized by unprecedented dynamics both at regional and global level. The political, economic and social transformations, as well as the recent global financial crisis have brought extreme changes on the European continent.

The risks that can threaten public order and security in Romania have as sources: the tensions manifested at the level of the whole area and generated by the tendencies of the different ethnic, cultural and religious communities of automation and integration at regional level; the spread of international terrorism, illicit trafficking in human beings, goods, drugs, weapons, nuclear, radioactive and toxic materials and substances.

The main risks and threats identified in the external environment are the following:

- the development, consolidation and specialization of organized crime chains, their internationalization and the involvement of local elements and groups, the inclusion of our country's territory in the transnational circuit of clandestine migration, illicit trafficking in human beings, drugs, weapons, explosives, toxic and radioactive substances and counterfeit money;
- increase of the terrorist threat, proliferation of weapons of mass destruction, trafficking in technologies and materials subject to final destination control;
- increase of the interests in some foreign businesses to obtain through illegal financial operations the majority shares package;
- diversification of the forms and procedures used for money laundering, involving groups operating in the European area, which result in the border crossing of the currency or the bank transfer of the amounts from of the illicit operations carried out on the territory of Romania;
- enhancing the phenomenon of illegal migration<sup>2</sup>.

Regarding the differences between the rule of law and public order, we consider that if any disorder to the rule of law affects directly the public order also.

Also, the disorder of the rule of law has special implications, first of all, regarding the maintenance or replacement of the social system, the consequences which are usually not so serious in the case of the public order disorder. However, manifestations that cause a serious disorder of public order may

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<http://legislatie.just.ro/Public/DetaliiDocument/60196/>  
(15.10.2020)

<sup>1</sup> HG 779/2015,  
<http://legislatie.just.ro/Public/DetaliiDocumentAfis/172012> (15.10.2020)

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<sup>2</sup> *Idem*



degenerate into actions that lead to the disorder of the rule of law.

The public order, through the implications its state may have at a given moment, is a standard of national security. Many of the threats to the national security are in direct correlation with public order, national degradation, and actions directed against national security generating a gradual determination of public order.

We note that, between the categories: national security, public order and national security, the similarities consist in their common purpose, ensuring territorial integrity, independence, sovereignty and constitutional order and the means used in a very diverse range: political, diplomatic, economic, legal, military, etc., when it comes to the country's defence and national security, implicitly refer also to public order.

We conclude that, although certain aspects of public order are not relevant from the point of view of national security, acts of public order disruption affect the proper functioning of the institutions of the rule of law in relation to its degree of intensity and may put into danger the major interests of the country and its citizens, who are in the field of national security.

### **Risks, dangers and threats against public ordered.**

The social and economic transformations occurred in Romania have led to important mutations in the manifestation of the citizens' rights and freedoms, in the inter-human relations, the attitude towards property, the organization of society, including in the structure and dynamics of the criminal phenomenon, emphasizing the situations favouring its development and escalation without precedent.

Against public ordered have emerged new risks, dangers and threats, such as: labour trafficking, trafficking in weapons, ammunition and drugs, corruption, fraudulent border crossing and illegal residence of foreigners in the country, recycling of dirty money, most of them planned by certain associations and organizations composed of former offenders or other categories of persons willing to commit such offences.

The arsenal of criminal groups comprises in different proportions, the use of violence, corruption of public officials, blackmail, all aiming at obtaining large illicit profits.

As a scourge, economic criminality has comprised almost all economic and financial spheres. There are cases of non-compliance with legal provisions in the incorporation of trade companies, acts of abuse and corruption.

There is an increase in the number of people with illegal weapons, ammunition and explosive materials that can initiate and implement terrorist, assault, or other acts with implications for national security.

The geopolitical position of Romania and the implications of the Balkan crisis have favored the revival of some extremist organizations of neo-fascist, revisionist, separatist orientation, the creation or reconstruction of such groups aimed at destabilizing the social and political life of the country and bringing disorder to the public order.

The term risk is defined by the Explanatory Dictionary of the Romanian language as "the possibility to be in danger, to face trouble or to bear a damage, possible danger" – a definition very close to that of danger – "the situation or the event that jeopardizes or can jeopardize the existence, integrity of someone or something"<sup>1</sup>.

Transposed into the field of public order, the risk and the danger as notions regularly used in defining the state of (in)security are detached one from another in a small extent, the danger following the degree, mediated and very close to the risk, each indicating a certain level of the state of insecurity. Both the risk and the danger imply the presence of the insecurity factor, but also the potential of its occurrence.

The threat to the public order includes the existence of risk factors and, to a certain extent, their imbalance (state of danger), but characterizes most this situation is the expression of the intention or the will to act as a force instrument in order to intimidate the

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<sup>1</sup> In the original Romanian text „risc” defined by [www.dexonline.ro](http://www.dexonline.ro) (15.10.2020)

opponent or to satisfy one's own interests on its behalf.

So, while the risk and the danger are subsumed to the threat and constitute potential aggression, the threat is a non-violent and/or indirect aggression which, in most cases, adversely affects the state and the aggrieved system, embracing forms of political and diplomatic, cultural pressure, of psychological, informational, economical aggression, etc.

Thus, the risk, the danger and the threat must be understood as forms with a different degree of manifestation of the hostility of the natural geophysical and social and human forces acting on the system of public order from the inside and the outside<sup>1</sup>.

Risk factors to public order are those internal and external elements, circumstances or conditions that affect or endanger the attainment of the fundamental interests of society, of the state and of the person.

These may be<sup>2</sup>:

- the proliferation of the underground economy, against the background of serious crimes of tax evasion, smuggling, non-compliance with legislation on the organization and functioning of trade companies and accounting, committed by economic agents;

- the development and specialization of organized crime chains and inclusion of the Romanian territory in the transnational circuit of clandestine migration, illicit trafficking in human beings, weapons, explosives, toxic and radioactive substances and counterfeit money;

- penetration of state institutions and of business spheres by criminal networks, influencing decision-making and administration of justice;

- the proliferation of corruption in the political, financial, trade field, privatization, government funds and external credits, the use of import-export licenses and the development of government contracts;

- increasing the tendency to attract decision-makers from the state administration, justice or other fields into illegal activities,

undermining the institutional authority, democratic processes and the state of legality, promoting distrust in the values of the rule of law;

- decreasing the citizen's safety, increasing the criminal phenomenon, alienating the authentic values of the rule of law, dissolving the authority of the judicial body;

- the spread of extremist ideologies, denial of moral, Christian values, proliferation of nationalist, opposing groups;

- diminishing the chances of social integration, the persistence of social, interethnic and interconfessional tensions;

- the exercise of the right to strike, contrary to the conditions and outside the limits established by law;

- conducting rallies, demonstrations, processions or any other meetings, using any kind of weapons or in violation of legal provisions on public gatherings;

- the trafficking of hazardous materials and their abandonment on national territory;

- the emergence on the market and marketing of dangerous, not approved or incompatible products with the existing infrastructure, organizing and carrying out of productive activities in improper spaces with improvised technological facilities.

## Conclusions

The consequences of risks and threats to public order, internally, against a background of a prolonged transition, given the poor confidence of citizens in the state institutions as a result of increased corruption, aggravation of the economic crisis, drastic reduction of incomes, degradation of living conditions and depreciation of the safety of the citizen, the production of risk situations to public order can generate multiple effects, of which we note:

- diminishing the state authority and degrading the image of its institutions;

- increase of corruption and unprecedented proliferation of anti-social phenomena in the sphere of crime;

- disruption of the economic circuit and blockage of activity on the labor market;

<sup>1</sup> Constantin Monac, *Parlamentul și securitatea națională*, Regia Autonomă Monitorul Oficial, Bucharest, 2006, pp. 180-181

<sup>2</sup> HG 779/2015, *op. cit*

- increasing the frequency of situations generating insecurity, arbitrariness, disorder and dissatisfaction;

- favouring the internal and transnational criminal phenomenon;

- loss of control over claims, accentuation of confusion and panic;

- triggering the power and social crisis by disorganizing management and execution systems;

- the failure of the reform process and the occurrence of financial imbalances, due to misappropriation of funds for the support of large-scale and long-lasting actions to restore public order;

- jeopardizing the democratic stability of the state.

The tendency to escalate the criminal phenomenon, the risks and the threats to public order and security, will remain for the next period also, which is why it is necessary to create an efficient system for their removal and for ensuring public order.

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## **PUNITIVE MEASURESES AND SECURITY OF INTEGRITY IN THE UNIVERSITY**

<b>Abstract:</b>	<p><i>Psychological theories of education from the last decade are against the use of punishment as a way to avoid inappropriate behavior; although they are used in all educational institutions, including the family. From the elementary school, children learn that if they make mistakes they will be punished. The type of punishment varies from verbal to physical punishment. The same situation is repeated years later in the status of student, when in cases of academic cheat they are 'punished'.</i></p> <p><i>The purpose of this paper is to explore students' perceptions about the forms of punishment that exist in the university in cases of dishonest behavior. Questions arised after research:</i></p> <p><i>What are the punitive measures against students cheat at the university?</i></p> <p><i>Are penalties given in practice and solutions to proceed in concrete cases identified?</i></p> <p><i>Depending on the purpose of the paper, the use of structured questionnaires was used as the main instrument in a number of 370 UT students as well as the analysis of documentation. Among the preliminary results, it is evident that the existing regulations provide some punitive measures against students in cases of academic cheating, but there is a lack of information regarding the procedure followed.</i></p>
<b>Keywords:</b>	<b>punishment, academic cheat, copy, education, university</b>
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### **Introduction**

In our society the culture of punishment is deeply rooted in the collective unconscious which is reflected in temporarily improved behaviors and attitudes; based on feelings of fear and not on a sense of responsibility and true awareness. This situation is reflected in all educational institutions; that in childhood in schools it is taught that no mistakes should be made as you will be punished. Punishment is reflected in evaluation, in behavior and in a few cases and physical punishment. So children we learn to have good attitude only from fear of punishment. When we talk about academic

cheating we refer to all behaviors that violate regulations in favor of undeserved results by students.

The purpose of this paper is to explore students' perceptions about forms of punishment that exist in the university in cases of dishonest behavior. Research questions that arise are:

- What are the punitive measures against students cheat at the university?
- Are penalties given in practice and how to proceed in the concrete cases that were identified?

The instruments used in this study are semi-structured questionnaires as well as

relevant literature research. The questionnaires were administered to a number of 370 bachelor and master students at the University of Tirana (specifically 190 at the Faculty of Social Sciences; 90 at the Faculty of Foreign Languages; 90 at the Faculty of History - Philology).

This paper will focus on some key issues such as; 1. Cultural influence and use of punitive behavior 2. The positive effects of punishment on behavior 3. Academic cheating by students 4. Punitive measures taken against cheating at the university. The practical aspect of the results evidenced by the questionnaire regarding the students' perception of the punitive measures taken.

### **Review of literature. Cultural influence and use of punitive behavior**

Punishment, as a measure applied to avoid the repetition of an undesirable behavior has been used for decades in educational institutions, to avoid and reduce negative unpleasant behaviors.

In countries like Albania that have emerged from communist systems, the use of punishment as a tool of 'reeducation' has been widely used and written unconsciously as belief in the fear of punishment. Translated today, this psychological mechanism finds manifestation in the behaviors of individuals as pronounced lack of consciousness during the performance of the tasks assigned to them; thus, the sense of duty is influenced by the feeling of fear of punishment. Such a situation can be generalized even to students when they engage in academic cheat if the application of punitive measures lack. Although existing regulations provide for procedures and forms of punishment to be taken against certain behaviors. So the students once educated as children under punitive climate, learn to avoid forms of dishonesty only when they are punished.

However, according to some theories, when it comes to raising children and educating them, it should be remembered that punishing a child is not the same as disciplining them. Many parents want to encourage acceptable behaviors in their children and discourage aggression and protection. As a result they find themselves

between the choice of reward, punishment or discipline<sup>1</sup>.

### **Positive effects of punishment on behavior**

Punishment, although it sounds like it has negative consequences, is not necessarily a negative practice. In operative conditions, punishment serves to discourage the repetition of a certain behavior. The positive effects of using punishment include:

- The child is informed that their behavior is unacceptable, and now knows what not to do in the future.
- The child is given a punishment with negative consequences which teaches them that the behavior has consequences.
- The child is given a good reason to behave appropriately in the future and should be given an opportunity to behave in this way<sup>2</sup>.

According to Kazdin, there are three categories of punishment<sup>3</sup>:

1. Undesirable consequences;
2. Denial or deprivation of positive consequences;
3. Activity-based consequences.

In magazine Psychology Today is addressed new class of punishment techniques based on students' awareness of feeling responsible for previously performed unpleasant behavior. For example, asking a student to do something that involves effort or work may provoke a reaction and then serve as punishment. Punishment usually teaches a person what not to do more than what to do.

Disadvantages of using punishment according to positive psychology:

1. Punished behavior is not necessarily forgotten, it is only suppressed, which means it can be returned when the punishment is no longer implemented;
2. It can increase aggression and teach the child that aggression is a way to solve problems (with only a few forms of punishment);

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<sup>1</sup> *Punishment, Child Discipline, Revenge*  
<https://www.psychologytoday.com/intl/basics/punishment> (12.10.2020)

<sup>2</sup> Positive Psychology.com (12.10.2020)

<sup>3</sup> Bardhyl Musai, *Psikologjia e edukimit*, Tiranë Pegi, 1999, p.103

3. It creates fear that can be generalized to other situations (eg, a child being punished as a quarrelsome person may withdraw and begin to fear social situations);

4. Does not always lead the child to the desired behavior; he teaches children what not to do, but does not tell the child what he / she should do instead (McLeod, 2018).

Punishment often evokes negative feelings (frustration, anger, self-doubt) which can hinder the learning of new and desirable behaviors (Matta, 2002; Slesareva & Muravan, 2004)<sup>1</sup>. There is a concern addressed in the Unicef 2012 report about the treatment of school violence that untrained teachers for positive / constructive discipline "may choose psychological punishment in the classroom". Punishments that denigrate the child's human dignity and can have long-term consequences for their self-esteem, confidence and mental well-being. For this reason, techniques such as: Overcorrection a form of classroom management that includes reparation and positive practice; which is realized in two ways:

a. Compensation, when the person corrects the effects of a negative action;

b. Positive Practice.

This is about practicing appropriate behavior over and over again. Certainly not all behaviors a teacher tries to reduce would correct the two components of overcorrection<sup>2</sup>.

In terms of deceptive behaviors in which students engage in the classroom such as copying from a book or friend, etc., if all children are involved in these behaviors from time to time it will be seen as acceptable if not punished in time by teachers. In this view whether teachers make tolerances and differentiation in children; when they interact with other children they see that different people have different rules. Children begin to understand that people make the rules and people can change them<sup>3</sup>. Since comparison with others is the essential basis of self-

portrait during primary school<sup>4</sup>, this comparison is seen as support for engaging in academic fraud by students in different classes.

### Academic cheating by students

Unethical behavior occurs in many colleges and universities where dishonest students and their actions disrupt the learning environment. Even worse, fraudulent behaviors are tolerated by reputable administrators and faculty who are compromised in the process ( Morrisette, 2001)<sup>5</sup>. These ethical dilemmas need to be properly clarified to give educators a critical understanding of this academic misconduct. Students perceive it as its immorality; some see it as a common mistake<sup>6</sup>. There are many reasons that students justify cheating: lack of time, poverty, careless instructors, laziness, peer pressure, poor role model, fear of failure and technology has made cheating easy (Robert, 2002)<sup>7</sup>. Fraud harms students and prevents teachers from giving necessary and important feedback to their students in the learning process<sup>8</sup>.

Miranda cites in several studies that students recognize the seriousness of academic dishonesty behaviors; many students learn that copying is a common behavior in universities, despite the ban on political institutions (McCabe et al. 2002; Smyth and Davis 2004). Various behaviors related to cheating on tests and exams: copying another student's paper during a test with or without their permission, helping someone else cheat on a test; learning in advance what was in an exam from students who have already taken the test; plagiarism, collaboration on tasks when it is specifically

<sup>1</sup> G. Charles Morris et al., *Psikologjia, Shkenca e Proceseve Mendore dhe e Sjelljes Njerëzore*, Tiranë Qendra për Arsim Demokratik, 2008, p.174

<sup>2</sup> Bardhyl Musai, *Psikologjia e edukimit*, Tiranë Pegi, 1999, p. 104

<sup>3</sup> *Ibidem*, p. 81

<sup>4</sup> Aleanca Gjimore për Zhvillim, *Analiza gjimore e teksteve të shkollës fillore*, Tiranë Pegi, 2005, p. 29

<sup>5</sup> Pamela J Boehm. & Madelin Justice, *Promoting academic integrity in higher education*, The Community College Enterprise, 2009, p. 46

<sup>6</sup> Shervin E. Balbulena & Renne Lamela, *Prevalence, Motives, and Views of Academic Dishonesty in Higher Education*, Asia Pacific Journal of Multidisciplinary Research, Vol. 3, No. 2. 2015, p. 69

<sup>7</sup> Abel G. Waithaka & Priscilla Gitimu, *Academic dishonesty: Team effort against it; a review of literature*, Journal of Academic and Business Ethics, Liberty University, Vol 6, 2012, p. 2

<sup>8</sup> *Ibidem*, p. 3

said about individual work, copying and pasting some sentences from either a written or online source without attribution, falsifying the bibliography, presenting the work done by someone else and presenting a work by downloaded from a website<sup>1</sup>. New forms of academic dishonesty are offered only because of technological innovations<sup>2</sup>.

### **Punitive measures taken against university cheat**

McCabe and Trevino (1993) take the concept of social justice as a premise in suggesting that 'peer behavior perception' is the most influential variable of student dishonest behavior; and social acceptance of such behavior<sup>3</sup>. Since grades are used as a measure of how good a student is, they are also used as an indicator of knowledge, talents and competencies. Other tools of measuring student value can help in efforts to curb cheating among students<sup>4</sup>. The lower the the learning rate, the higher the degree of academic dishonesty. If a student violates an academic norm but still learns some or most of the expected knowledge, it is more acceptable according to the student's responses than if he or she has not done any homework and consequently has learned nothing<sup>5</sup>.

It turns out that cheating harms students and prevents teachers from giving necessary and important feedback to their students in the learning process<sup>6</sup>. Gillepsi (2003) when quoting McCabe & Pavela

(2000) that in order to avoid acts of academic dishonesty to conclude court battles, many universities have worked towards a solution for the problem of academic dishonesty. Some universities have chosen to use strategies that emphasize student leadership, such as forming committees by becoming part of the disciplinary process or participating in educating students about academic dishonesty. More proactive and preventative approaches can better promote school honesty than sanctions for students caught cheating. Students believe that it is the responsibility of faculty members to monitor the classroom and implement academic classroom integrity policies<sup>7</sup>. Mc Cabe et al., (2006) point out that that many students perceive that faculty fail to monitor academic dishonesty and fail to respond or take action when fraud is reported.

Students need to better understand their role in promoting academic integrity. Providing training, professional development, and current research regarding faculty member cheat can be a positive approach in preparing faculty members to work on issues of academic dishonesty. It is important for administrators to provide opportunities for faculty members to become aware of student behaviors as well as their responsibilities in communicating ethical standards of conduct<sup>8</sup>. Some respondents said the sentence would depend on the degree of the offense. The most commonly selected sentences were rewriting of the paper, negative evaluation, and verbal warning. "Other" feedback includes completing a new job or project that needs to be submitted, as well as reviewing the initial assessment that was given or giving it a lower grade<sup>9</sup>.

### **Results and discussions**

To fulfill the purpose of this paper, was used the analysis of documentation, which summarizes a part of the UT regulation and the code of ethics regarding the

<sup>1</sup> Donald Mc Cabe et al., 2006. *Academic dishonesty in graduate business programs: Prevalence, causes and proposed action*. *Academy of Management Learning & Education*, Vol. 5, No. 3, 2006, p. 296

<sup>2</sup> Stephani Etter et al., *Origins of academic dishonesty: Ethical Orientation and Personality factors associated with attitudes about cheating with information technology*, *Journal of Research on Technology in Education*, 2006, p. 151

<sup>3</sup> Sandra M. Miranda, *Academic dishonesty- Understanding how undergraduate students think and act*. ISATT, Conference University of Minho, Portugal. 2011, p. 5

<sup>4</sup> Abel G. Waithaka & Priscilla Gitimu, *op. cit*, p. 2

<sup>5</sup> Gunel Colnerud & Micheal Rosander, *Academic dishonesty, ethical norms and learning, Assessment and evaluation in higher education*, Linköping University Electronic Press, 2009, p. 22

<sup>6</sup> Abel G. Waithaka & Priscilla Gitimu, *op. cit*, p. 3

<sup>7</sup> Pamela J Boehm & Madelin Justice, *Promoting academic integrity in higher education*, The Community College Enterprise, 2009, p. 55

<sup>8</sup> *Ibidem*

<sup>9</sup> Irene Glendinning, *Responses to student plagiarism in higher education across Europe*, Coventry University, UK, *International Journal for Educational Integrity*, Vol. 10, No. 1, 2014, p. 8

punishment of dishonesty behavior in which students engage as well as the analysis of structured questionnaires used in students.

### **Predicting irregular actions student by the Code of Ethics of the University of Tirana Based on Article 5**

Some of the principles of the code of ethics for regulating student behavior:

a. To not perform provocative or harassing actions and gestures towards other professors or students, in the premises of the institution;

b. To not offer in any form, privileges, benefits, interventions, favors, payments or donations, themselves or through other persons, in order to obtain high results, or other favors, which the pedagogue may perform due to duty;

c. To not copy, and to not cheat during the teaching process, as well as not to deviate from the payment of teaching obligations;

d. Do not use a cell phone and keep it turned off during class hours.

Violation of points a), b), c), d), g), h) and f) of article 5 provides for punishment with "withdrawal attention" or expulsion from the auditor directly by the lecturer of the course for a period of time. In case the violation is repeated, even after drawing attention, the student can be suspended from attending the lesson for the relevant subject, until a decision is made by the dean or director.

For the violation of point e) of article 5, in case they do not constitute a criminal offense, students can be disciplined according to the provisions of the Statute and the Regulation of U.T.

### **Violation of the regulation and punitive actions in the research activity**

Violation of the rules are considered all actions performed by the student that violate the personality of others, rules and ethical-moral norms of society such as: copying in exams, falsification of various documents, acts of robbery, theft, etc., when these actions do not carry elements of a criminal offense.

The disciplinary measure is taken after the necessary verifications for the violation

are made, the student himself is heard and the opinion of the Student Council is taken.

The type of measure is determined according to the degree of violation, if it is repeated and the attitude held towards the action performed. As a rule, disciplinary measures are taken in the above order unless otherwise assessed. The institution considers punishable actions:

1.1 The fabrication of data, which is called the fabrication, production of data or even falsified results or other aspects of research activity including those for documenting and approving participants;

1.2 Scientific fraud, which is a punishable act. It is different from error and includes:

1. Plagiarism: which is the appropriation or use of the ideas, intellectual property, or work of others, in writing or otherwise, without the notice and approval of the author;

2. Falsification: which is called intentional change and / or improper selection of data, images and/or consent of collaborators/co-authors;

3. Misinterpretation: which is called misrepresentation of data and misrepresentation of results such as: deliberate removal, neglect and misinterpretation of data and /or disclosures, as well as unsubstantiated claim for authorship or denial of authorship;

4. Mismanagement or inadequate storage of data and / or primary materials that understands the lack of clear and careful records of the procedures and results of the research activity, as well as the impossibility of use by others in certain periods after the completion of the research<sup>1</sup>;

5. From the data evidenced by the questionnaires used by the students of the University of Tirana regarding the punitive measures used, emerged the following data:

If we refer to the above table regarding the punitive measures used at the University of Tirana, it results that among the

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<sup>1</sup> *Për miratimin e rregullores "Për Etikën në veprimtarinë kërkimore dhe botuese"*, <https://www.artacademy.al/media/> (23.03.2012)



Measures	never	rare	often
a. Exclusion from testing / exam	15.9	45.9	36.8
b. Rejection of duplicate work	14.6	43.8	40.3
c. Negative evaluation for duplicate work	14.9	33	50.5
ç. Cancellation of diploma earned 41.4%	41.4	43.2	11.4
d. Referral of the case to the Ethics Council 50%	50	36.5	9.7
dh. Exemption from university	66.5	24.6	5.4
e. Installation of surveillance cameras in the examination halls	59.7	28.4	10
f. Limitation of the telephone signal in the examination area	55.4	31.9	10
g. Providing a suitable physical environment for the exam	24.9	39.2	33.2
gj. Announcement of disciplinary measures for academic punishments and dishonesty	25.7	46.5	25.4
h. Use of electronic software that detects plagiarism	53	30.5	14.6

**Table no.1 Which of the following measures have been used at your university to reduce academic dishonesty?**

measures that have the most frequent use in the opinion of students:

1. Negative evaluation for duplicate work 50.5%;
2. Rejection of duplicate work 40.3%;
3. Exclusion from testing / exam 36.8%;
4. Providing a suitable physical environment for the exam 33.2%.

It is noticed that among the most frequent punitive measures taken according to students is the negative evaluation and non-acceptance of duplicate work. If we refer to the forms of academic cheat that are applied more by students, the more traditional ones prevail, such as copying in the exam, or of the tasks, so we notice that there is a connection between the forms of dishonesty and the punitive measures that are applied<sup>1</sup>.

If we refer to the less used punitive measures, they are the ones that favor the engagement in the forms of copying.

1. Installation of surveillance cameras in the examination halls 59.7%;
2. Limitation of the telephone signal in the examination area 55.4%;

3. Use of electronic software that detects plagiarism 53%.

So in the absence of adequate infrastructure such as cameras, telephone signal restriction, or plagiarism software, forms of academic fraud are favored. Which then force educators to take the punitive measures mentioned above as the most prevalent. Meanwhile, there is a lack of information regarding the procedures that are followed in terms of special cases of academic fraud which are not followed only by the lecturer of the subject.

Meanwhile in the Western experience Gillepsie (2003) states that at the University of Virginia, 122 students have been charged with academic dishonesty; half of them could face exclusion. The University of California, Berkeley has reported that the incidence of academic dishonesty on its campus had doubled between 1995 and the 1999 study. Clayton 1999 notes that the University of Texas has at least 180 cases of academic dishonesty coming out each year, and is trying to increase integrity by distributing plagiarism and role-playing booklets on the topic during the lesson. These actions included copying homework, collusion, plagiarism, and so on.

<sup>1</sup> Drilona Llangos, *Sjelljet e pandershme dhe formimi akademik i studenteve*, Shkenca dhe Shoqeria e Dijes, No 1, July 2017, pp. 198

Meanwhile, from the data evidenced by the students of Tirana University in the academic year 2015-2016, they report that some of the measures that are applied less as:

- Exemption from university 66.5%;
- Referral of the case to the Ethics Council 50%.

Cancellation of diploma earned 41.4%

Undertaking which includes decision-making structures in the university and joint decisions until a fair decision which punishes the student, solves the problem and ensures consistency in standards and values within the academic environment, are less applied. If we can assume the reasons why students think this way we can conclude that they lack information, procedures are not transparent and cases that constitute serious violations are much rarer. If we refer to the relevant literature (Robinson-Zañartu et al., 2005)<sup>1</sup> it is noted that although educators believe that academic dishonesty is a serious offense, they do not want to punish their students. Choosing the right consequences for each offense is very important because of the implications that the consequences can have. Too little punishment encourages students to cheat or plagiarize because they think the benefits or chances of being caught, outweigh the risks. On the other hand, many punishments discourage the student, taking them away from learning. Educators need to be proactive in combating academic dishonesty and promoting only the highest level of academic standards for their students<sup>2</sup>.

## Conclusions

At the end of this paper I can emphasize that punishment as a tool and practice for avoiding undesirable behaviors and promote security of integrity have found application in all educational institutions. If we refer to academic dishonesty on students, it turns out that it appears in several forms and against it are taken some punitive measures provided in the relevant regulations. In

practice, lighter punitive measures are taken against the student, while those with more severe consequences are rarely taken. There is also a lack of information and transparency regarding the procedure followed for punishing special cases of academic cheating.

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## BOOK REVIEWS

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**Mary Trump, Ph.D., *Too Much and Never Enough: How My Family Created the World's Most Dangerous Man*, Simon & Schuster, 2020**

<b>Abstract:</b>	<i>Mary L Trump, the niece of Donald Trump wrote a book which was published during the us presidential elections capaign in 2020. In this book she tries to show, without giving arguments or evidence, that Donald Trump is inappropriate to be president of the US. In the last 40 pages she enters the field of political analysis, blaming Donald Trump for different facts that are difficult to prove. The book seems more like a revange taken against Donald Trump because Mary Trump and her brother as well as her late father, have been excluded from the Trump family and from the inheritance that they expected / considered to deserve. Our conclusion is that – if Mary Trumps statements are true – both parties were wrong in means of family business.</i>
<b>Keywords:</b>	<b>Donald Trump; US president; the Trump familiy.</b>
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Any personality in a superior position in society arouses the interest of many and determines favorable or negative opinions towards it. US President Donald Trump, through the unprecedented political line he proposed, in the sense of cleansing American and even international political life and to fill the gap between political discourse and political actions was one of the politicians who determined more than favorable or negative opinions, determined passions for or against him and his actions.

In this sense, the book we present here briefly, written by Mary Trump, the daughter of Donald Trump's eldest brother, Fred Trump Jr, called by the familiy Freddy, is also included.

The book is a memoristic work based on the chronological principle of rendering information. The way the text is written shows that the author is routine in handling words.

The paper is structured in four parts, totaling 14 chapters and having 285 pages (in

the Romanian version that I had available for reading).

The title of the paper, too subjective, does not exactly reflect the content of the book. There is an even greater rift between the content and the subtitle, in the sense that the text does not provide arguments either for the accusatory and denigrating statements against Donald Trump or for the statement in the subtitle, according to which President Trump is the most dangerous man in the world.

In general, the text is hostile to the Trump family. The main target, as it is beeb suggested by the cover of the book, is Donald Trump. The author, with a strong sensitivity, a very good education and an artistic sense of beauty, criticizes what she considered inappropriate in the behavior of members of the Trump family and of Donald Trump, in the set of memories she portrays in the book. We do not agree with this way of "washing" in public, given some generally valid realities: in all families there are discussions, in the age

we live in all families there is competition for inheritance, in all families some members have a higher education and a more developed conscience than others. Not all members of a family the same.

The author's father, Freddy Trump, should have been Fred Trump's successor in leading the Trump trust. This did not happen because Fred felt that Freddy was not capable of doing this. In fact, Mary Trump blames all her father's failures on her grandfather, Fred Trump, and partly on Donald Trump's attitude. In essence, from the author's account in the book, it follows that Freddy Trump's attitude (and perhaps personality) was not what Fred would have expected from the child who would follow him to lead the Trump trust (not to inherit the fortune, as the fortune was supposed to be inherited by all of Fred's children). This was followed by a series of years in which Fred was harsh with Freddy. However, the book does not state at any time that Freddy or Freddy's wife or their two children, (in this case, Mary, the author in question), have ever shown Fred Trump or his wife or possibly Donald Trump their grievances. Nobody in Mary's family tried ever to show to the other part of the Trump family that in their opinion what Fred Trump, what Donald Trump, what this part of the family was doing was wrong. Freddy became an alcoholic and died prematurely.

Probably due to the cooling of relations between Mary and her brother on the one hand and the rest of the Trump family on the other hand, the end of the book jumps over years. Basically, in the last 40 pages of the 285 of the book, the author refers to the political career, of Donald Trump, as president of the US. For our magazine and for this review, this part is the one that is the most important and that we intend to analyze.

The author shows in this part<sup>1</sup> that in 2017, while sitting longer in the house with a

foot injury, she found out how "Donald tear laws and alliances apart, trampled down the weak". This is a very emotional and highly politicized statement. Thus, even if it has a memorialistic character, this part with serious statements would have needed, if not bibliographic / scientific references, at least arguments, which, however, are missing. From the publication of the book to the drafting of these lines, Donald Trump's first presidential term seems to have ended. It seems relevant to me that this president did not start any new war but, on the contrary, tried to put an end to some older ones. At the same time, laws that are not appropriate must be replaced with some adapted to the realities of the country in which the approach is initiated, alliances that are toxic must be broken and new alliances must be made. In these lines, we do not say that this would have been the case in the case of President Donald Trump, nor that it was not the case. We strictly refer to this work that we consider dangerous because, coming from the family, it can influence the political opinions of a large number of voters without giving arguments for the statements made, just by the simple fact that the author is a person related to Donald Trump. Another cleavage may occur here, Mary Trump comes from a minority the one of gay people, while Donald Trump's policies have been focused on the (material and moral) well-being of the majority as well as the American state. We believe that the existence of these differences is normal and even welcome, but we also believe that Mary Trump, as a relative – as we suggested above – abused this position to form political opinions in the USA.

At the end of the book, accusations and derogatory statements against Donald Trump are amplified. The arguments of these statements continue to be lacking.

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<sup>1</sup> In the age we live in, the promotion of emotional political messages is a constant on the part of most people involved in political disputes. Thus, we consider that the author's approach is a similar one and not only in the pages about Donald Trump's political activity but in the whole book. We believe that the readings of the scientific researcher should not miss the readings of works that present certain aspects emotionally, so as to

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understand the feelings of those involved, to understand more than the cold component of official documents. This book, however, is meant to make public to the masses broad aspects of Donald Trump's life with the obvious purpose of influencing voters against Donald Trump. Thus, even if the average voter is neither a specialist nor a researcher in political science or security studies, he should have discernment and not make decisions based on gossip and family vendettas.

The conclusion we draw from reading this book is that in essence the author's dissatisfaction with the Trump family in general and Donald Trump in particular is the exclusion from the family and implicitly from the inheritance of her father and then her's and her brother's. In the face of this conflict, the author chose to publish this book in the context of the 2020 election. The book became a weapon in the fight against one of the important pillars of sovereignty, namely the line within which a spearhead is President Donald Trump. And if he loses the election, the problems that the political group in which he became president will continue to exist and, moreover, the problems continue to exist. Thus, the association of the problems in the American society, in the international security environment with the person of Donald Trump is both false and illogical.

