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**INTERNATIONAL MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS IN  
THE CONTEXT OF PUBLIC ORDER AND SECURITY (part 2)**

<b>Abstract:</b>	<i>Today, the aspects related to the protection of public order and security are regulated by the norms of international law, and, over time, the international community aims to achieve certain objectives, such as to realize recommendations and to develop standards regarding the activity of police bodies from different states, as well as other public authorities with competencies in this field.</i> <i>The special merit of the international community is unanimously recognized. It resides, first, in the recognition of the legal obligation of the protection of human rights and freedoms for the activity of the police, from which considerations, at the international level, several mechanisms for the protection of human rights have been established. They constitute a complex system of regulations and specialized institutions, and states, in most cases, must take over and incorporate these mechanisms into the national legal system.</i>
<b>Keywords:</b>	<b>International mechanisms; public order and security; human rights and freedoms; protection and respect; police</b>
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**Integration of international human rights provisions into EU legislation**

It is recognized that “there has been a long, slow, and sometimes reluctant development of fundamental rights protection within the European Community”<sup>1</sup>. This situation is due to the specific architecture of the EU legal system. This system was created in certain distinct stages and aimed primarily to establish cooperative relations between the founding states to settle and develop the European communities' four fundamental freedoms: the free movement of goods, persons, capital, and services.

A noteworthy fact is the process of building European communities, as well as the system of community law, and subsequently Union, at the same time with the global and European mechanisms for guaranteeing and protecting human rights. In this regard, even if initially the legal system of the European Communities focused on other aspects much more vital for the reconciliation and economic development of the European countries destroyed by the Second World War, later it focused on the social component, as well as to determine mechanisms for the protection of human rights and freedoms.

We know that the law of the European Union constitutes a complex system of branches, sub-branches, institutions, and norms, which regulate homogeneous social relations, established at the border between international law and the national law of the member states of the European Union, which have

<sup>1</sup> Robert Lane, *The EU charter of fundamental rights and the subsisting commitments of EU member states under the European Convention on human rights: more variable geometry*, in “Croatian Yearbook of European Law and Policy”, Vol. 3, 2007, p. 355

distinct characteristic sources and principles. The autonomy of European Union law is also confirmed by a large number of decisions of the European Court of Justice<sup>2</sup>.

But unlike the European Union, the Council of Europe since its creation has had a clear mandate to protect and promote human rights. Its main human rights treaty, ratified by all member states of this organization, is the European Convention on Human Rights<sup>3</sup> analyzed above. “We are now witnessing the development of multi-level or triangular protection – by Strasbourg, by Luxembourg, and by national courts - for implementing and protecting fundamental rights in the Union. [...]”<sup>4</sup>.

Thus, the fundamental rights and democratic values are respected in the Member States of the European Union, both based on domestic law regulations, present including in the fundamental legal acts such as the constitutions, as well as in international law regulations<sup>5</sup>, and the Union's commitment to these values has been officially reaffirmed in the Charter of Fundamental Rights of the European Union<sup>6</sup>.

We will not analyze the long course and the difficult process of its adoption, but the very essence and importance of the Charter. The Charter of Fundamental Rights of the European Union establishes that “the Union is founded on the indivisible, universal values of human dignity, freedom, equality, and solidarity; it is based on the principles of democracy and the rule of law”<sup>7</sup>.

Although it contains and enacts rights established in the European Convention on Human Rights, such as the right to freedom and security, human dignity, the prohibition of torture and inhuman or degrading treatment or punishment or those established in other international acts, namely equality between women and men, children's rights, non-discrimination, the right to asylum, protection of personal data, the Charter expressly determines the correlation between them, as follows: “In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection and full account shall be taken of national laws and practices”<sup>8</sup>.

As Robert Lane considers: “It is the fruit of long debate within the Union on the nature of fundamental rights: the rights which ought to be embraced, whether they ought to be legally binding, and if so how, whether they ought to be incorporated into Treaty texts or simply ‘declared’, and if so by whom, whether they ought to bind (if anyone) the Community/Union institutions only, the member states acting within Community/Union spheres, the member states in areas unrelated to Community law, and so on”<sup>9</sup>.

In this sense, Article 53 (Level of protection) expressly indicates: “Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognized, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are parties, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions”<sup>10</sup>.

Therefore, the rights recognized by the community document, which are the subject of certain provisions provided by the treaties, are exercised under the conditions concerning the limits established by them. To the extent that they are rights that correspond to rights guaranteed by the European

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<sup>2</sup> Ianuş Erhan, Teodor Cârnaţ, *Drept vamal comunitar*, PrintCaro, Chisinau, 2011, p. 9

<sup>3</sup> European Union Agency for Fundamental Rights, *Handbook on European law relating to the rights of the child*, Luxemburg 2015, pp. 26-27

<sup>4</sup> Robert Lane *The EU Charter of Fundamental Rights and the subsisting Commitments of EU Member States under the European Convention on Human Rights: more variable geometry*, in “Croatian Yearbook of European Law and Policy”, Vol. 3, 2007, p. 356

<sup>5</sup> Mihaela Vrabie, *Cetățenie și drepturi europene*, Tritonic, București, 2007, p. 16

<sup>6</sup> Dan Niță, *Carta drepturilor fundamentale ale Uniunii Europene*, p. 3, [www.studiijuridice.ro](http://www.studiijuridice.ro), (12.08.2022)

<sup>7</sup> *Charter of the Fundamental Rights of the European Union* 2012/C 326/02, in “Official Journal of the European Union”, C326/391 OF 26.10.2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>, (12.08.2022)

<sup>8</sup> *Idem*

<sup>9</sup> Robert Lane, *The EU Charter of fundamental rights and the subsisting commitments of EU member states under the European Convention on human rights: more variable Geometry*, in “Croatian Yearbook of European Law and Policy”, Vol. 3, 2007, p. 367

<sup>10</sup> Official Journal of the European Union C326/391, *EU Charter of Fundamental Rights*, 26.10.2012

Convention for the Protection of Human Rights and Fundamental Freedoms, their meaning and scope are the same as those provided by the mentioned convention<sup>11</sup>.

In the given order of ideas, at the level of the Union, the minimum guarantees regarding the protection of human rights are those established in international documents. Member states can institute additional measures that exceed these guarantees in volume and consistency, and the direct application of international provisions is their commitment. On the other hand, the Charter, being a part of the EU legal system, through the provisions of the Treaty of Lisbon is binding for the member states.

Besides, it shouldn't be disregarded the role of the European Court of Justice and its case law, namely the Court has configured the features of the doctrinal theory with profound practical characteristics of the supremacy of community/union law based on the specific nature of the EU legal order, which needs to be applied uniformly by the member states.

Regarding the **procedure for implementing the international mechanisms for the protection of human rights at the national level**, it is viewed under two aspects, the general one described above, is when states ratify international acts, transpose their regulations into national legislation, undertake commitments to respect and implement, to create necessary and sufficient conditions to guarantee the persons' rights.

The principle of international law established in international treaties obliges states to respect the treaties they have concluded and, above all, to determine their application by their own legislative, executive, and judicial bodies, whose responsibility can be committed before the international judge.

At the same time, international law does not regulate the conditions under which the norms contained in the treaties are integrated into the internal legal order to be applied by the bodies and their jurisdiction. This issue is left to the discretion of each state that regulates it, therefore, in a sovereign way, depending on the conception it adopts on the relations between international and domestic law<sup>12</sup>.

In this sense, there are mechanisms established at the national, European, and international levels that contribute to the monitoring and regulation of human rights, but the protection of human rights begins at the national level. International mechanisms to defend human rights intervene only when national systems do not function properly or fail to remedy human rights violations<sup>13</sup>.

Thus, at the international level, minimum standards of human rights and freedoms are drawn up, the states having the obligation to include them in their national legal systems, as well as to establish the control mechanism regarding compliance with these standards<sup>14</sup>.

A distinct feature, characteristic for a series of international instruments with universal and regional vocation, which in particular enshrine fundamental rights and freedoms inherent to the human being, is the direct applicability of the provisions contained therein in the legal orders of the signatory states, so that the text of the international treaty becomes an integral part of the national law system, having direct and immediate legal effects, which is conditioned exclusively by two factors: it targets specific addressees – private, natural or legal persons; to be applied in the internal legal order of the states that have accepted them, they do not require any act of implementation or transposition<sup>15</sup>.

In terms of enshrining and guaranteeing human rights, the international level of protection represents only a minimum standard, in the sense that from this level, the states cannot derogate internally, but they can ensure increased protection of human rights at the national level<sup>16</sup>.

Despite this fact, the specificity of the international guarantee of human rights and freedoms involves two aspects: on the one hand, the integration of international norms regarding human rights into domestic law and their assurance through the specific state means, and on the other hand, the possibility

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<sup>11</sup> Dan Niță, *Carta drepturilor fundamentale ale Uniunii Europene*, p. 21, [www.studijuridice.ro](http://www.studijuridice.ro), (12.08.2022)

<sup>12</sup> Ion P. Filipescu, Augustin Fuerea, *Drept instituțional comunitar european*, Actami, București, 2000, p. 53

<sup>13</sup> European Union Agency for Fundamental Rights, *Fundamental rights-based police training. A handbook for police trainers*, Luxembourg, 2018, p. 35

<sup>14</sup> Victoria Arhiliuc, *Aspectul juridic universal al drepturilor omului*, Artpoligraf, Chisinau, 2020, p. 20

<sup>15</sup> Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014, p. 11

<sup>16</sup> Ștefan Belecciu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea poliției*, Cartea militară, Chisinau, 2019, p. 28



of guaranteeing citizen rights beyond the state borders, through international institutions.

All democratic countries have recognized international human rights instruments' priority (or equality) regarding national legislation. This means that international principles of human rights and freedoms are incorporated (included) in national law<sup>17</sup>.

For instance, regarding the non-compliance of the internal legislation with the rules for the protection of human rights, the Constitutional Court of the Republic of Moldova has established that, in case of inconsistencies between the international pacts and treaties regarding fundamental human rights and the internal laws of the Republic of Moldova, the legal bodies are obliged to apply the international regulations<sup>18</sup>.

It is established that at the national level, human rights can be expressed through values, laws, or policies. At the same time, human dignity, freedom, equality, and solidarity comprise the foundation of human rights. These concepts find their concrete expression in a series of human rights established in the Constitutions of the states.

The provisions of both international documents mentioned above constituted the starting point for national human rights regulations, particularly those inserted in most European states' Constitutions.

According to Ion Morosan, the constitutional guarantees of human rights are the constitutional regulation of fundamental human rights and freedoms; control of the constitutionality of laws; the creation and application of special constitutional guarantees regarding the harmonization of international norms with those of national legislation, having the objective to effectively defend fundamental human rights and freedoms<sup>19</sup>.

Romania is a party to a series of treaties or international conventions that enshrine human rights. According to the Constitution, articles 11 and 20, are part of domestic law and are applied with priority, except in the case where the domestic norm is more favorable than the international one<sup>20</sup>.

In this order of ideas, the Romanian Constitution dedicates Chapter II of Title II to fundamental rights and freedoms, and, as a member of the United Nations Organization, Romania has signed the Universal Declaration of Human Rights, and, since 1994, it has been party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and is subject to the jurisdiction of the European Court of Human Rights. Also, within the European Union, Romania signed the Treaty of Lisbon in December 2007<sup>21</sup>, which, in Article 6, Paragraph 1, confers the EU Charter of Fundamental Rights binding legal force, thus giving it a legal value equal to that of the Treaties<sup>22</sup>.

In turn, the Constitution of the Republic of Moldova, in the art. 4, proclaims the superiority of international human rights regulations over national ones<sup>23</sup>. Enshrining in the Constitution the fundamental rights and freedoms, as well as the stipulation that the constitutional provisions on human rights and freedoms are interpreted by international acts and they take priority over domestic legal provisions<sup>24</sup> constitute an indisputable guarantee of the supremacy of international law over domestic law in relation with human rights.

We support the opinion of the author Nicolae Osmochescu who considers that constitutional provisions regarding fundamental human rights and freedoms are nothing but fundamental human rights and freedoms, which at the time of the formation of the Republic of Moldova and the adoption of the

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<sup>17</sup> Iurie Frunză, Andrei Borșevski, Boris Sosna, *Metode proactive în educația pentru drepturile omului*, Pontos, Chisinau, 2019, p. 515

<sup>18</sup> Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014, p. 13

<sup>19</sup> Ștefan Belecchiu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea poliției*, Cartea militară, Chisinau, 2019, p. 44

<sup>20</sup> The Association for the Defence of Human Rights in Romania, the Helsinki Committee (APADOR-CH), *Handbook of Human Rights*, București, 2008, p. 5

<sup>21</sup> *Ibidem*, p. 3.

<sup>22</sup> Official Journal of the European Union C306/1, 17.12.2007, *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon*, 13 December 2007

<sup>23</sup> The Constitution of the Republic of Moldova, republished in the Official Gazette, No. 78, 29.03.2016

<sup>24</sup> Anatolie Munteanu, Svetlana Rusu, Olga Vacarciuc, *Manualul funcționarului public în domeniul drepturilor omului*, Arc, Chisinau, 2015, p 29

State Constitution were unanimously recognized as a fundamental principle of public international law, being enshrined in an impressive number of universal and regional legal instruments. The Republic of Moldova did not negotiate them, without existing as a subject of international law in that period, but it adhered to them and implemented them in the national legislation, including in the Constitution of the Republic of Moldova<sup>25</sup>.

Thus, the given provisions are opposed to all national authorities, especially those of law enforcement, as well as courts. For instance, the Supreme Court of Justice of the Republic of Moldova recommends to national courts, when examining cases, to check whether the law or the act which is to be applied and which regulates rights and freedoms guaranteed by the ECHR, is compatible with its provisions, and, in case of incompatibility, the court will directly apply the provisions of the ECHR, mentioning this fact in its decision. In the same spirit, if the national law does not provide for the right to an effective appeal regarding the violation of a certain right provided by the Convention, the court should receive the respective complaint and resolve the case according to the civil or criminal procedure, directly applying the provisions of the ECHR<sup>26</sup>.

Beyond the guarantees indicated above, the mechanism for implementing international regulations for the protection of human rights in the context of public order and security is based on certain principles.

The principle of subsidiarity is one of the fundamental principles on which the entire mechanism of the European Convention on Human Rights is built, and subsidiarity in international legal relations is based on the interaction between the international legal order established by international acts and the internal legal order established by national regulations.

In this sense, subsidiarity assumes that the first court called to apply the Convention is the national one. Therefore, the Convention entrusts, first, each state with the task of ensuring compliance with the rights it enunciates and to the jurisdictional authorities – the national courts have the task of controlling the application of its provisions<sup>27</sup>.

In turn, article 51 of the Charter of Fundamental Rights expressly states that the charter's provisions are addressed to the institutions, bodies, offices, and agencies of the Union, respecting the principle of subsidiarity and to the member states only when they implement Union law<sup>28</sup>.

The next principle is legality, which presupposes that the rights and freedoms and their guarantee must take on a concrete legal form, be implemented by a competent authority, or only written and known provisions are opposable, both to states and individuals.

Another principle, of proportionality, presupposes that any limitation or restriction of the exercise of rights and freedoms recognized by international acts must be provided for by law and respect the substance of these rights and freedoms. By respecting the principle of proportionality, restrictions may be imposed only if they are necessary and only if they effectively meet the objectives of recognized general interest or the need to protect the rights and freedoms of others<sup>29</sup>.

### **The police and human rights**

For the most part, the operational components concerning public order and security are carried out by the Police, as an administrative authority, primarily invested with such powers. In the given order of ideas, today, the special merit of the international community is unanimously recognized, which resides, first, in the recognition of the legal obligation of the protection of human rights and freedoms in the activity of the police, but also of other authorities in the field of public order and security.

Simultaneously, international acts establish the need for the development of a civil society, in which citizens and the state are in interdependent relationships, can limit and control each other's actions,

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<sup>25</sup> Nicolae Osmochescu, *Constituția Republicii Moldova: Comentariu*, Arc, Chisinau, 2012, p. 33

<sup>26</sup> Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014, pp. 11-12

<sup>27</sup> Nicolae Osmochescu, *Constituția Republicii Moldova: Comentariu*, Arc, Chisinau, 2012, p. 448

<sup>28</sup> Dan Niță, *Carta drepturilor fundamentale ale Uniunii Europene*, p. 5, [www.studiijuridice.ro](http://www.studiijuridice.ro), (12.08.2022)

<sup>29</sup> *Idem*

can claim their rights damaged by the state, especially by the actions of the police, as well as of other administrative authorities with powers in the field of public order and safety<sup>30</sup>.

A human rights-based approach of police is considered to facilitate the establishment of a fair balance of rights that allows the state to use certain coercive powers and levers. Thus, in the case of police officers, it is considered that human rights:

- help them determine what is allowed and what is prohibited;
- contribute to shaping the internal organizational structures of the police;
- specify the duties of police officers, as representatives of the state, to respect and protect citizens;
- guarantee respect for the human values of police officers when they are holders of these rights.

Legislation in most democratic countries and international legal instruments qualify the police as a body for the protection of human rights. Thus, the regulations dedicated to the organization and operation of the National Police of Romania make direct reference to international provisions. For example, art. 31 which refers to the main rights and obligations of the police officer, in the performance of his duties, after an exhaustive exposition of them, provides that, in the exercise of the rights conferred by law, the police officer must fully respect the fundamental rights and freedoms of man, provided by law and the European Convention on Human Rights<sup>31</sup>.

Regarding the Republic of Moldova, the Special Law establishes that the activity of the Police is carried out exclusively based on and for the execution of the law, in the interest of the person, the community, and support of the state institutions, for the defense of fundamental rights and freedoms and human dignity, provided for in the Universal Declaration of human rights, in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in the European Code of Ethics of the Police and other international acts, by the principles of legality, respect for human rights and fundamental freedoms, impartiality and non-discrimination, permanent hierarchical control, personal responsibility and professionalism, transparency, respect for state secrets and other official information with limited accessibility<sup>32</sup>.

The analysis of the given provisions implies the integration of international and national regulations in the internal procedures of activity, as well as in the training and professional training programs, aspects to be known and applied in a mandatory and categorical manner by all Police employees.

In turn, respect for the rule of law, which implies the harmonization and balancing of relations between the state and the law, in the sense of the rule of law, i.e. of its absolute supremacy, to ensure the fundamental rights and freedoms of man in the exercise of power, does not only involve concern for what has been done, but especially for how it has been done, and, in the exercise of its duties, the police must respect human freedoms and rights and avoid acting arbitrarily or illegally.

It is widely acknowledged that the central elements of human rights-based police activity in democratic societies are the following: the special role of the police, given its monopoly on the use of force, professionalism, the requirement of strict legality, internal and external accountability, transparency, and a relationship of trust with the public<sup>33</sup>.

As Sara Pastor states, “Human rights can and should be, as a matter of principle and as a matter of practice, the guiding line that helps the police officer to discern the lines that he or she should not cross. [...]”<sup>34</sup>.

At the same time, the Police are endowed with special powers (including potentially using force), to temporarily deprive people of their freedom, to limit their rights (for example, to stop, question, detain and arrest, seize property, take fingerprints, photograph and carry out body searches) and, in extreme

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<sup>30</sup> Ștefan Belecciu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea Poliției*, Cartea militară, Chisinau, 2019, pp. 24-25

<sup>31</sup> *Law No. 218 of 23.04.2002 (republished) on the organization and functioning of the Romanian Police*, Official Gazette of Romania, No. 170, 02.03.2020

<sup>32</sup> *Law No. 320 of 27.12.2012 regarding the activity of the Police and the status of the policeman*, Official Gazette of the Republic of Moldova No. 42-47, 01.03.2013, art. 145

<sup>33</sup> European Union Agency for Fundamental Rights Luxemburg, *Fundamental rights-based police training. A handbook for police trainers*, Luxembourg, 2019, p. 49

<sup>34</sup> Sara Pastor, *Time for change in police culture, Putting human rights at the center of policing*, Queens University, Belfast, 2014/2015, p. 8

conditions, to use even force with lethal consequences. However, Police officers must always respect the principles of the rule of law, by international policies and standards as well as the norms provided for in national legislation<sup>35</sup>.

In police activity, there is a whole list of instruments of international law with direct and unconditional applicability, and apart from those described and analyzed above, we consider that the most important ones would be: the International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), UN Convention on the Elimination of All Forms of Discrimination against Women (1979), The UN Convention on the Rights of the Child (1989), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the International Convention for the Protection of All Persons from Enforced Disappearance (2006).

For instance, the Convention on the Elimination of All Forms of Racial Discrimination (1965) states that “the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”<sup>36</sup>.

In this sense, it is known that police officers, like society in general, are not without racist opinions and prejudices. Such attitudes and perceptions are sometimes manifested through insufficient police activity, such as failing to provide sufficient support and protection, or through excessive police activity, such as paying excessive attention to crimes allegedly committed by members of certain ethnic minority communities and/or by using excessive force against people from these communities<sup>37</sup>.

The Police do not apply, encourage or tolerate torture, inhuman or degrading treatment, and the use of physical force, special means, and firearms is only allowed in strict accordance with the law, and if non-violent methods do not ensure the fulfillment of the Police's duties<sup>38</sup>.

For example, the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984) determines those principles of police activity for non-admission of various acts of torture by employees, and the dedicated regulations are the basis of the police operating procedures that apply from the moment of detention of the person to his management at the police headquarters, to the person in state custody, as well as ensuring the procedural safeguards at its disposal at each of these stages.

On the other hand, “States also need to establish some restrictions on certain rights and freedoms for the sake of public order and security”, taking into account that “the police is granted certain powers that are recognized as necessary in a democratic society”<sup>39</sup>.

“Police have the power to both protect and breach human rights. The purpose of international standards for policing is to leverage the positive connections between policing and human rights, and to minimize potential negative clashes between the two concepts [...]”<sup>40</sup>, respectively, on the one hand, the abuse of power, discriminatory or arbitrary treatment is not allowed, and on the other hand, the protection and respect for human rights are achieved.

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<sup>35</sup> *Manual de Instruire privind Integritatea Poliției, publicat de Centrul din Geneva pentru Controlul Democratic al Forțelor Armate (DCAF), Geneva, 2015, p. 44*

<sup>36</sup> International Convention on the Elimination of All Forms of Racial Discrimination. Adopted by UN General Assembly Resolution 2106 (XX), on December 21, 1965, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>, (12.08.2022)

<sup>37</sup> The case of Velikova v. Bulgaria, Application No. 41488/98, Decision the European Court of Human Rights of 18.05.2000, and the case of Anguelova v. Bulgaria, Application No. 38361/97, Decision the European Court of Human Rights of 13.06.2002, Strasbourg

<sup>38</sup> *Law No. 320 of 27.12.2012 regarding the activity of the Police and the status of the police officer*, Official Gazette of the Republic of Moldova, No. 42-47, 01.03.2013, art. 1455

<sup>39</sup> Sara Pastor, *Time for change in police culture, Putting human rights at the center of policing*, Queens University, Belfast, 2014/2015, p. 17-18

<sup>40</sup> *Ibidem*, p. 1

## Conclusions

In the context in which threats to human rights, including those guaranteed in the framework of public order and security, are becoming more and more current, pressure is put on the international community, which has the obligation, but also the commitment, to come up with a reaction, to find a response to the social, economic, political transformations that take place permanently, in the sense that the cadence with which the processes and phenomena with a direct impact on human rights and freedoms change are ever greater, and the response must be immediate.

The mechanism for the protection of human rights is implemented in stages, consistently and dedicatedly, thus, initially, the international community is the one that accepts and formalizes human rights. Subsequently, the latitude of the state determines the incorporation and adjudication of the given provisions in the national legal system. At the same time, their guarantee at the state level needs to be not only declarative but assumed and responsible.

Legislation in most democratic countries and international legal instruments qualifies the police as a human rights protection authority, a fact that requires the integration of international and national regulations into internal activity procedures, as well as in training and professional training programs, so that relevant aspects be known and mandatory and categorically applied by all Police employees.

This is why the understanding, implementation, and exact observance of the international mechanisms for the protection of human rights is a guarantee and a primary obligation of the state, as well as an indisputable model of activity for all those responsible for the implementation of legal provisions, in the first row, the Police, but also other authorities with competencies in the field of public order and security.

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**MIDDLE EAST CROSSING THE RUBICON INTO EUROPE'S ENERGY POLICY.  
SECURITY AND SUPPLY IMPLICATIONS OF  
THE RUSSIAN INVASION OF UKRAINE**

<b>Abstract:</b>	<p><i>2021 and 2022 were not easy years for Europe considering the recovery plans designed to ease the Covid 19 pandemic effects on the economy and the “enemy at the gates” momentum translated into the illegal war started by Russia in Ukraine. 24<sup>th</sup> of February 2022, will be for the European energy sector what 9/11 was for world security.</i></p> <p><i>Without thinking that with the passing of the 2022-2023 winter, the energy supply problems have evaporated, how we will tackle this issue in 2023 is critical for the European continent, as it will unveil how ready we are to find alternatives to the Russian supply and combine energetic autonomy with price affordability while not forgetting about the climate goals. How viable is the collaboration with the Middle East and how quickly will they be able to supply at least part of the European gas needs?</i></p>
<b>Keywords:</b>	<b>Energy; energy security; Europe; gas; Middle East, Repower EU; climate change</b>
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Europe, the birthplace of the modern global international society, enjoyed until March 2022 a stable peace. Even though in 2014 Europe saw its dependency on Russian Gas in the aftermath of the Crimean annexation as a critical vulnerability, have done little to prevent this dependency to rise even more. In 2015, at the European level, the idea of a resilient "Energy Union" was put forward, which in the first phase would solve some of the problems related to the diversification of supply (energy sources, suppliers, and routes), especially laying the foundations for building alternative ways to bring gas from sources other than Russia<sup>41</sup>. This push forward was meant to consolidate the first steps that were taken since 2003, starting with the “European Security Strategy” (ESS), the Convention on the Future of Europe, the 2004 Inter-Governmental Conference (IGC), and most importantly the 2004 and 2007 enlargements that paved the way for a different kind of energy strategy. But, in 2021, Russia accounted for 40% of European natural gas consumption<sup>42</sup>, or 155 bcm<sup>2</sup> with a European Union also dependent on Russian oil, but less conspicuous compared to gas, given the alternative sources and a relatively developed oil market.

This research demands constant analytical attention to world events and brings up the question of whether the Middle East countries will benefit from this international context and succeed in having a

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<sup>41</sup> European Commission, *Energy Union Package. A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy*, Brussels, February 25, 2015, <https://data.consilium.europa.eu/doc/document/ST-6594-2015-INIT/en/pdf>, (30.03.2022)

<sup>42</sup> Irina Patrahau, Michel Rademaker, Lucia van Geuns, Sarah Ojukwu, Philip Geurts, *European tank storage in global value chains. Outlook to 2030*, in “The Hague Centre for Strategic Studies”, April 2022, p. 6

foothold in the European energy strategy in the next decade, or will remain committed to their Asian long-term contracts, ignoring the newly risen European opportunity? To tackle this very contemporary and highly politicized subject, we first need to provide some background information regarding the Middle East's political and energy strategy and analyze different specialty reports on the state of current exports toward Asian countries.

Starting in June 2017, the "Ramadan Blockade"<sup>43</sup> took the international community by surprise, the blockade of Qatar is considered one of the most significant geopolitical events in the Gulf region, since the Iraqi invasion of Kuwait in 1990, and carried weightily consequences in Western interests in the MENA region<sup>44</sup>. In many ways, the blockade of Qatar failed. Firstly, it failed to generate regime change in Doha, and secondly, it failed to win anything other than some initial regional, but no international support. In this sense, only the governments of Chad, the Comoros Islands, Djibouti, Jordan, the Maldives, Mauritania, Niger, and Senegal have cut or downgraded ties with Doha, but not only that no other states followed them, but most of these countries restored relations with Qatar in the months that followed, with the example of Jordan who signed an impressive economic investment deal, in June 2018, paving the way for the blockade to rapidly fell away<sup>45</sup>. The official reconciliation came only in January 2021, when the GCC members (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE) signed the "Al-Ula Declaration"<sup>46</sup>, showing for the first time in the last 5 years the willingness to start a new chapter in their relationship.

From an international point of view, Qatar was never truly isolated. This shows that imposing sanctions nowadays is difficult in a world where every state has its economic interests and pursues its agenda. The same was the case for Russia, in the early stages of economic sanctions after the Crimean annexation<sup>47</sup>. In the days following the Qatar blockade, the Turkish parliament met with Qatari officials to ratify two accords covering joint military cooperation, even though Turkey had already had a military base in Qatar since 2014, this ratification sent a visible message of solidarity. Also, in the first months after the blockade, Washington DC Hosted the first US-Qatar Counterterrorism Dialogue, Qatar being the first GCC country to sign a memorandum of understanding with the USA on the topic<sup>48</sup>.

Qatar managed to protect itself from major geopolitical shocks mainly by expanding its Petroleum liquefaction and regasification capacity and pursuing an energetic expansionist foreign policy. Some of the logistical advancements included significant improvements to warehousing and storage capacity, part of their energetic resilience plans dating from 1989 to 1991 and signing contracts for deep-water port and energy-industrial hubs at Ras Laffan primarily building LNG infrastructure<sup>49</sup>. This was possible with the support of an entire portfolio of international oil company partners that understood that oil and gas resources underpin the economies and political structures of the Middle East. The region hosts almost half of the world's proven oil reserves and more than a third of its gas reserves<sup>50</sup> and it's the world's largest net crude exporter<sup>51</sup>. According to the Annual Statistical Bulletin 2019 published by the Oil Exporting Countries, cited on the organization's website, the Middle East held 64.5% of OPEC's total

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<sup>43</sup> On 5 June 2017, Bahrain, Saudi Arabia, UAE, and Egypt announced that they have cut diplomatic ties with Qatar, closing borders, closing their airspace for Qatar airplanes, and its ships were unable to dock in any of the above-mentioned ports.

<sup>44</sup> Kristian Coates Ulrichsen, *Qatar and the Gulf Crisis*, Hurst & Company Publishers, London, 2020, p. 5

<sup>45</sup> *Ibidem*, p. 7

<sup>46</sup> Al-Ula Declaration. Al-Ula, 5 January 2021, Registration with the Secretariat of the United Nations: Bahrain, 1 July 2021 under no. 56786, <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/56786/Part/I-56786-08000002805b2870.pdf>, (03.02.2023)

<sup>47</sup> *EU restrictive measures against Russia over Ukraine (since 2014)*, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/>, (10.04.2022)

<sup>48</sup> Kristian Coates Ulrichsen, *Op. cit.*, p. 8

<sup>49</sup> David Roberts, *Understanding Qatar's Foreign Policy Objectives*, in "Doha Office of the Royal United Services Institute for Security and Defence", Qatar, Mediterranean Politics, Vol. 17, No. 2, 2012, pp. 235-237

<sup>50</sup> Ahmed Mehdi, *The Middle East and the Geopolitics of the Energy Transition: Myths and Realities*, in "Oxford Institute for Energy Studies", 2021, p. 2

<sup>51</sup> Yannias A. Stivachtis, *Conflict and Diplomacy in the Middle East. External Actors and Regional Rivalries*, E-International Relations Publishing, Bristol, England, 2018, p. 9



reserves at the end of 2018<sup>52</sup>. The Energy sector plays consequently, a vital role in determining both the domestic stability and the international reach of a state. Everything is connected to the Middle East, and whatever happens in a country will influence the surrounding region. The Eastern Mediterranean has a huge energy potential, and when it comes to its gas reserves, this region will be a pivotal factor for the future of European energy security. The Russian invasion of Ukraine in early 2022 shows how quickly a situation can change the outlook for European energy policy<sup>53</sup>. Several agreements between the Arab countries can secure a part of the energy needed in Europe to reduce the dependency on Russian gas. One key partnership started in 2019 between Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, the Palestinian Authority, and the UAE, under the name of “The Eastern Mediterranean Gas Forum” (EMGF)<sup>54</sup>. Also, another project was signed in January 2020, between Israel, Cyprus, and Greece, to develop an eastern Mediterranean (EastMed)<sup>55</sup> underwater natural gas pipeline, that would enable the transport of gas from the Mediterranean Sea toward Europe.

Both projects not only could secure a new Middle Eastern footprint on the European gas market, but their geopolitical ramifications will impact the Trans-Anatolian Gas Pipeline and will pester Erdogan’s ambitions to control the Eastern Mediterranean gas routes. When we are talking about the Middle East foreign policy, two aspects weigh more than others in shaping the region’s international behavior: the importance of the leader and the victory of pragmatism over traditionalism. We cannot ignore the fact that oil and gas resources had an impact on the political and psychological architecture of the region, and when we are analyzing the new Middle Eastern pragmatism, we should always do it about the “rentier state paradigm”<sup>56</sup>. This paradigm is a common tool in the interpretation of the political dynamics of Middle Eastern countries and it refers to the fact that the state is independent of the society and instead of imposing taxes, rather directly supports a large part of the society by spending domestically whatever it’s receiving from the oil rent<sup>57</sup>. Even though a rentier state does not seek legitimacy through democratic representation, the nature of the relationship between the power holders and the citizens is substantially different. The representation is made through traditional consultative mechanisms, like the open majlis (councils). At the same time, not all Middle Eastern states are rentier states. The Gulf monarchies managed to advance compared to the rentier republics (Iraq, Libya, Yemen) because they realized they need to integrate and involve all components of the society in a sort of political participation. By creating formal and informal instruments for representation, they managed to create a feeling of inclusion even for the expatriate communities, which are seen as an integrated part of society. If the first years of an identifiable Middle East system (after 1945) were marked by competition and warfare, the present geopolitical fabric of the region looks characterized by the idea of moderation and coexistence<sup>58</sup>.

In the last decade, there have been two major shifts in the Middle East geopolitical construct that has challenged in my opinion Iran’s and Turkey’s hegemonic ambitions and has shown an increase in the collaboration with other strategic partners that a while ago seemed impossible. The first development is the coagulation of an informal coalition between Bahrain, Egypt, Jordan, Saudi Arabia, and the UAE also called “The Alliance of Moderation”<sup>59</sup>. The 2<sup>nd</sup> major development is the Abraham Accords, a historic shift in the geopolitical climate of the region, translated in a set of peace treaties signed in 2020 between the United Arab Emirates and Israel, followed by normalization of the relation between Israel and Bahrain, Morocco, and Sudan. Translated in a map of realpolitik, the power chart for the Middle East will look like this:

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<sup>52</sup> Ecaterina Mațoi, *Exchanges in MENA Region at the beginning of the 21<sup>st</sup> Century*, Editura Universității Naționale de Apărare “Carol I”, Bucharest, 2020, p. 32

<sup>53</sup> Irina Patrahau, Michel Rademaker, Lucia van Geuns, Sarah Ojukwu, Philip Geurts, *Op. cit.*, p. 8

<sup>54</sup> Avi Melamed, Maia Hoffman, *Inside the Middle East. Entering a new Era*, Skyhorse Publishing, 2022, p. 345

<sup>55</sup> *Ibidem*, p. 132

<sup>56</sup> Giacomo Luciani, *Oil and Political Economy in the International Relations of the Middle East*, in Louise Fawcett “International Relations of the Middle East”, Oxford University Press, Fifth Edition, 2019, p. 119

<sup>57</sup> *Ibidem*, p. 121

<sup>58</sup> Tareq Y. Ismael, *International Relations of the Contemporary Middle East*, Syracuse University Press, 1986, p. 30

<sup>59</sup> Avi Melamed, Maia Hoffman, *Op. cit.*, p. 338

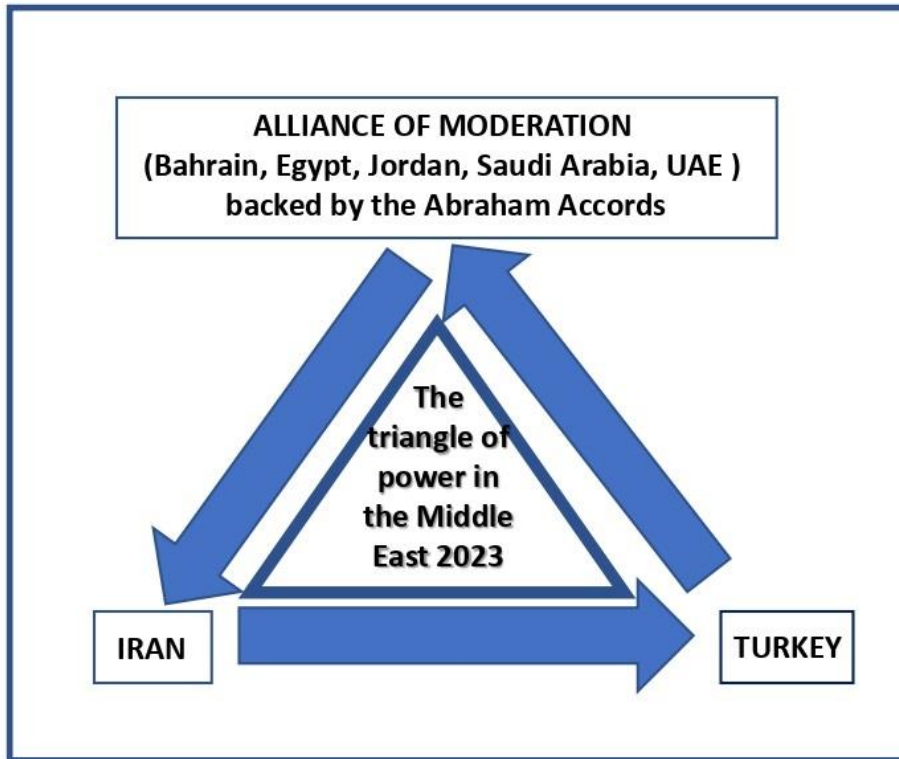


Fig. 1 The Triangle of Power in the Middle East in 2023<sup>60</sup>

One of the most strategic priorities for the Alliance of Moderation right now is to secure its shipping lanes by securing the Gulf of Aden – the Bab al Mandab area.

The world's most important maritime routes are at stake, and not only the Alliance of Moderation fights for securing them but also Iran and Turkey, because whoever controls the Gulf of Aden, also controls the gate that connects the Indian Ocean, the Arabian Sea, the Red Sea and of course the Suez Canal and the Mediterranean Sea. And because this corridor is the fastest route between the East and the West, it is a global issue, not a regional one. The International Community should secure maritime freedom and stabilize the area next to Yemen because it is a vital issue for European energy security but also because the world's trade flow cannot depend on regional interventions.

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<sup>60</sup> Author`s own research



Fig. 2 The Triangle of Power in the Middle East in 2023<sup>61</sup>

During the research, two important events are taking place simultaneously. Iranian President Ebrahim Raisi began his three-day visit to China, while Sheikh Abdullah bin Zayed, UAE Minister of Foreign Affairs and International Co-operation, met US Secretary of State Antony Blinken in Washington. China is gaining more and more leverage in the sensitive ecosystem of power in the Middle East. The Iranian visit doesn't come necessarily as a surprise, and it's not the first attempt in recent years to challenge the USA's position in the region<sup>62</sup>.

The 25 years agreement signed in March 2021 between Iran and China is the best proof that China's involvement in the Middle East is growing. This agreement will develop numerous areas of collaboration between the 2 countries, from trade and military to infrastructure and energy, and even though China has followed over the years a politic of "non-involvement" in foreign policy, it will be interesting to observe from now on if it shifts from a geoeconomic to a geostrategic setting. In 2013, China launched the One Belt and One Road Initiative (OBOR, then renamed Belt and Road Initiative – BRI) which was seen by many of the Western powers as an ideal "ticket – entry" of China into the Middle East. In contrast to China, the USA launched the Asia-Pacific Rebalancing strategy after the Iraq war, shifting its strategic focus from the Middle East<sup>63</sup> to the Asia-Pacific, and from counterterrorism to responding to the challenge of major powers. This shift of interest, corroborated by the fact that the West failed to stabilize most of the "Arab Spring" countries, including Iraq and Afghanistan, left enough negotiation space for China which saw this as an opportunity to spread its influence in the Middle East, and to grow roots where elsewhere it used to be only partially involved. It is also true that the US-GCC security umbrella remains crucial for the Gulf monarchies, where countries like Saudi Arabia and the

<sup>61</sup> The Economist, *Oil on troubled waters*, May 9<sup>th</sup>, 2015, <https://www.economist.com/middle-east-and-africa/2015/05/09/oil-on-troubled-waters>, (1.02.2022)

<sup>62</sup> Marc Lynch, Jullian Schwedler, Sean Yom, *The Political Science of the Middle East. Theory and research since the Arab Uprisings*, Oxford University Press, New York, 2022, pp. 223-225

<sup>63</sup> The Trump administration has removed Patriot missiles from KSA, and the Biden administration decided to evacuate from Afghanistan, marking the end of 20 years of war.

UAE are looking to diversify their military cooperation and set the base for military industries. However, in the long run, if the Iranian threat will not be tackled by the USA, the Arab states can look towards some Asian powers such as China to establish politico-security arrangements that might guarantee the same stability that it's been achieved through long-term commercial contracts. Even though from a security point of view China appears reluctant to adopt a geopolitical posture mainly because it knows it doesn't have the military or logistical capabilities, through its bilateral meetings with Iran, China is ambitiously parading that it doesn't lack the will to challenge the West and enter into trade and infrastructure development partnerships with state entities that pose a threat to the security and stability of the Middle Eastern region.

As the UN restrictions on supplies of major arms to and all arms from Iran expired in October 2020<sup>64</sup>, this opened a new opportunity for arms sales and military cooperation with China. This shows clearly that Sino-Iranian relations will extend beyond oil. When it comes to the security architecture in the Middle East, many scholars<sup>65</sup> are considering that China will not challenge the web created by the American security strategy, but it remains my opinion that a dragon awakened from its sleep will never be satisfied with pebbles. This takes us to the conclusion that a void of power will always be filled by others, and by doing so, the EU should keep a critical eye when it comes to monitoring China's growing influence in the Middle East. China has become one of the most important trading partners and direct investors in the Middle East, and together with India, Japan, and South Korea, forms part of a group of countries that imports around 30% of its crude oil and more than 40% of its natural gas from MENA countries<sup>66</sup>.

According to the "Global Voice of Gas,"<sup>67</sup> China is importing more LNG from the Middle East compared to 2021. In numbers this can be translated to a 75% increase in Qatari shipments in 2022, accounting for 15.7 MT, and continuing its strategy for securing long-term energy contracts. In December 2022, China National Petroleum Corp (CNPC) signed a 27-year contract to buy LNG from Qatar Energy's North Field expansion project. Oman LNG has also signed a four-year contract with China's Unipeac to deliver 1 million tons per annum of LNG from 2025<sup>68</sup>. With this pair of aces in its hand, China is not taking chances when it comes to securing its reserves of energy that can keep pace with its industrial development, even if this means neglecting, once again, the 2060 target for carbon neutrality, an assumed responsibility that came with the signing of the Paris Agreement.

Driven by the Russia-Ukraine war that started a year ago coupled with the European winter season that just passed, the global gas demand rose by about 4.3%<sup>69</sup>. China managed to shield itself from high gas prices because it preferred long-term oil-indexed contracts over spot cargoes. To reduce exposure to the gas market-price volatility, Europe is starting to also consider long-term LNG contracts. With lower volumes flowing from Russia, Europe's reliance on cargoes from the US, Africa, and the Middle East increased. Over time, oil prices experienced 3 long cycles until the Russian invasion of Ukraine: the 1<sup>st</sup> high-price period from 1973 to 1985 (the OPEC embargo, with a 300% increase in the price), a lower-price phase between 1985 and 2003 (with a short price-rise in 1990 due to Iraq's invasion of Kuwait from \$34 to about \$77 per barrel, going swiftly down to 37\$ per barrel in 1991) and a 3<sup>rd</sup> high-price phase between 2004 to 2014 (mostly because of the growing demand from China, India, Brazil, and other emerging economies that set in motion an upward price trend)<sup>70</sup>. In February 2022, the already oil-high prices skyrocketed to over \$110 per barrel.

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<sup>64</sup> Stockholm International Peace Research Institute UNSCR 1737, *UN arms embargo on Iran*, [https://www.sipri.org/databases/embargoes/un\\_arms\\_embargoes/iran](https://www.sipri.org/databases/embargoes/un_arms_embargoes/iran), (13.03.2023)

<sup>65</sup> Camille Lons, Jonathan Fulton, Degang Sun, Naser Al-Tamimi, *China's Great Game in the Middle East*, in "European Council on Foreign Relations", 2019, p.10

<sup>66</sup> Valeria Talbot, Ugo Tramballi, *Looking West. The Rise of Asia in the Middle East*, Institute for International Political Studies, Italy, 2020, pp. 8-9

<sup>67</sup> *Global Voice of Gas Report*, in "The International Gas Union", Issue 1, March 2023, <https://www.igu.org/news/global-voice-of-gas-1-vol-3/>, (21.03.2023)

<sup>68</sup> *Ibidem*, p.12

<sup>69</sup> *Global Gas Report 2022*, SNAM, in "International Gas Union", Rystad Energy, 28<sup>th</sup> IGU World Gas Conference, <https://www.igu.org/resources/global-gas-report-2022/>, (05.2022), p. 13

<sup>70</sup> Giacomo Luciani, *Op. cit.*, p. 108

On the spur of the moment, in March 2022 after the Russian invasion of Ukraine, Europe had to quickly get a better grip on the situation and understand where its current and possible future strategic dependencies lie. This led to the reactivation of old relationships and a shift of perspective. It was expected that the energy sector would significantly change, targeting new supply chains, new investments in gas infrastructure, and tank storage.<sup>71</sup> The same month, the International Energy Agency (IEA) provided a 10-Point Plan to the European Union to reduce reliance on Russian supplies by over a third while supporting the European Green Deal. The measures proposed are<sup>72</sup>:

- no new gas supply contracts with Russia;
- replacing Russian supplies with gas from alternative sources;
- introducing minimum gas storage obligations to enhance market resilience;
- accelerating the deployment of new wind and solar projects;
- maximizing generation from existing dispatchable low-emissions sources: bioenergy and nuclear;
- enacting short-term measures to shelter vulnerable electricity consumers from high prices;
- speed up the replacement of gas boilers with heat pumps;
- accelerating energy efficiency improvements in buildings and industry;
- encourage a temporary thermostat adjustment by consumers;
- step up efforts to diversify and decarbonize sources of power system flexibility;

Not long after the IEA Report was issued, Germany's economy minister, Robert Habeck, announced that Germany has agreed to a contract with Qatar for the supply of liquefied natural gas (LNG), underlining that Qatar could help meet REPowerEU's long-term objectives<sup>73</sup>.

The geopolitical instability driven in large part by both the post-pandemic global demand resurgence and the Ukraine conflict is reflected in the global oil markets, not only pushing the prices higher than they would otherwise be but also baiting sparks for international competition for LNG supplies. Even though China wants to avoid bidding wars with European customers at the same time making sure it can fulfill its domestic demand, the high oil and gas prices are nevertheless a corrosive factor for international relations, especially because not all European countries are ready to sign long-term agreements with Middle Eastern countries like China did.

China is a latecomer to the Middle East from all points of view: politically, economically, and diplomatically. It all started in 2000 when China passed from being *self-sufficient*<sup>74</sup> in terms of energy supplies to import-oriented. Then, consequently, it needed to establish tighter diplomatic relations with all major countries in the Middle East that could provide the resources it needed.<sup>75</sup> The UAE's stable political and social environment, its booming economy, and its role as a transportation & trade hub have made it a top policy priority for Beijing. The Shanghai Cooperation Organization (SCO) has become the main link between China and the Middle East in recent years. After more than three decades of development, China's economic relations with Middle Eastern countries have developed into a structure with "one body and two wings" with energy cooperation as the main body, and infrastructure construction and trade as the two wings. In 2014 China's total energy demand was about 308 million tons of oil, of which 52.1% came from the Middle East<sup>76</sup>.

As part of its long-term strategy, China is looking for partnerships in all sectors of the industry in the Middle East, such as Smart Dubai 2021, Saudi Vision 2030, UAE Vision 2030, and Morocco 2030, hoping to achieve win-win cooperation between both sides; (some examples of major investments in the

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<sup>71</sup> *Ibidem*, p. 17, "Terminals under EXPANSION: Europe 18%, North America 18%, South America 1%, Middle East 3%, Africa 3%, Asia 47%, compared to terminals under construction: Middle East 54%, Europe 12%, Asia 17%, Africa 6%, North America 7%".

<sup>72</sup> *A 10-Point Plan to Reduce the European Union's Reliance on Russian Natural Gas*, in "International Energy Agency", 3 March 2022, <https://www.iea.org/reports/a-10-point-plan-to-reduce-the-european-unions-reliance-on-russian-natural-gas>, (10.03.2022)

<sup>73</sup> *Germany agrees on a gas deal with Qatar to help end dependency on Russia*, in "The Guardian", March 20, 2022, <https://www.theguardian.com/world/2022/mar/20/germany-gas-deal-qatar-end-energy-dependency-on-russia#:~:text=The%20EU%20itself%20has%20said,fossil%20fuels%20well%20before%202030>, (10.03.2022)

<sup>74</sup> Valeria Talbot, Ugo Tramballi, *Op.cit.*, p 21

<sup>75</sup> China Established diplomatic relations with Saudi Arabia in the late 1990s.

<sup>76</sup> Valeria Talbot, Ugo Tramballi, *Op.cit.* p 17

UAE: Viceroy Dubai Palm Jumeirah – 1 bil \$, Shamkha South Infrastructure LOT 3 – 452 mil \$ City of Light Reem Island – 436 mil \$, Khalifa Port 2<sup>nd</sup> Container Terminal ( value unknown)<sup>77</sup>.

MENA region embodies all three major sensitivities of the European Union: energy-security-migration, nevertheless maintaining its geostrategic importance for the EU and its member states. Middle Eastern energy supplies are considered a political commodity<sup>78</sup>. All EU member states agree that continued availability of oil and gas from alternative sources and minimized Russian import dependence is a top priority, but when it comes to the implementation of such diversification strategies, EU countries seem more eager to go for it individually rather than as a single bloc. With China putting a quasi-monopole on Middle Eastern resources and considering the major lobby and financial implications of the Chinese Belt and Road Initiative, the EU confronts itself with a whole new reality. In this new reality, it must adapt and react much faster, reminding itself to be a Union and behave as one to transform this new reality into an opportunity.

Although climate action and a low-carbon future remain Europe's main priority, the war in Ukraine made the security and the supply strategy take a stance over climate goals in the next period. While there is undoubtedly significant pressure within the European community to decarbonize and measures are increasingly taken in that direction, gas demand is expected to decrease by only slightly in 2030. Now, only Bahrain and Qatar can distribute oil and gas to Europe, but in much smaller quantities than those exported to Asia. Looking into ways to replace Russian imports of LNG and oil will be without any doubt a difficult, technologically complex, and expensive process, but utterly necessary. The current situation must serve as an "étude de cas" for future strategies, and the European community needs to think more pragmatically when it comes to the energetic predictability of the next decades. Without a doubt, Middle Eastern suppliers will play a major role in shaping Europe's future energy policy, mostly due to their plans to diversify their downstream strategies. MENA region is now the "Queen" of the energetic chessboard, with huge petroleum reserves, low costs of exploitation, and significant investments in infrastructure. Among its states, Qatar is exporting around 77.1 million tons of LNG/annum, making it the world's 2<sup>nd</sup> largest LNG exporter after Australia<sup>79</sup>.

## Conclusions

From a geopolitical point of view, the Middle East should seize this opportunity to settle previous differences, understanding that in this new reality, only together they can maximize their chances to enter the European market in full force and erase from the collective memory the "Suez Crisis" of 1956, which coincided with a break in Europe's dependence on Middle Eastern resources (two-thirds of the oil used by Europe was coming from the Middle East at the time). With the election of Sheikh Mohamed bin Zayed Al Nahyan as UAE president, it will be interesting to observe if the UAE's foreign policy will incline towards the consolidation of the "Alliance of Moderation", that is giving the UAE a leadership position in the Middle Eastern security architecture. It is already clear that one thing changed fundamentally. For the first time, through the Alliance of Moderation and the Abraham Accords, the GCC countries started to conduct a part of their foreign policies as a single bloc, which will help them to benefit collectively from their vital importance as global energy suppliers. These agreements make them less vulnerable to external powers' interference, and if implemented well, they will become trustworthy trade partners, negotiating major commercial and energy deals with the EU. If they will negotiate as a welded political and economic bloc, maybe the Arab Gulf states will increase their energy exports to the EU, as for the moment, it sells more energy products to Asian countries than to the European Union and North America combined<sup>80</sup>. The EU has a privileged position, as it ranks among the top investors in the MENA region, for FDI<sup>81</sup>. In

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<sup>77</sup> *Ibidem*, p. 20

<sup>78</sup> Vincent Durac, Francesco Cavatorta, *Politics and Governance in the Middle East*, 2<sup>nd</sup> Edition, Bloomsbury Academic, United Kingdom, 2023, pp.112-115

<sup>79</sup> *World LNG Report 2021*, in "International Gas Union", June 3, 2021, <https://www.igu.org/resources/world-lng-report-2021/>, (10.03.2022)

<sup>80</sup> Valeria Talbot, Ugo Tramballi, *Op.cit.*, p.101

<sup>81</sup> FDI – Middle East and North Africa Investment Policy Perspectives, *OECD Report*, 2021, <https://www.oecdilibrary.org/docserver/6d84ee94en.pdf?expires=1681826059&id=id&accname=guest&checksum=70B0F23322E750580CD5BE4BA609E64B2>, (10.02.2023)

Western Europe, the race to install new regasification capacities is ongoing with Germany already having two new floating terminals operational in Wilhelmshaven and Lubmin<sup>82</sup>, and more terminals are anticipated to start up in France, Estonia, Greece, Italy, and Turkey. Reducing reliance on Russian gas will not be simple for the EU, requiring first a “leap of faith” in strengthening international collaborations with other international LNG exporters, but most of all depending upon its capacity to sustain a concrete energetic policy. These new projects will allow European countries to import as much LNG as is available, but it is important for European supply security not to depend only on these resources, as any major incident in the LNG supply chain worldwide could jeopardize its stability once again. From alternative pipelines to strong international dialogue on energy markets and security, both Europe and the Middle East find themselves at an important crossroads in their cooperation<sup>83</sup>.

The success of this cooperation will be critical, with the potential to influence not only the international market but the lives of millions of consumers, who are already concerned about rising prices and the energy market volatility. The COP28 Climate Conference that will take place in November in the United Arab Emirates might show why 2023 was still a year where the world dealt with unstable oil and gas markets, with a lethargic green transition and a hypothetical common carbon tax that might become a clearer strategy only after this immediate energy crisis is over. At the same time, Middle Eastern exporter countries should reconsider 2 major conditions for their future contracts with European countries: one of them is the minimum duration of the contracts. European countries will never agree to the same long-term contracts as China for example, mostly because they are under the commitment of the 2030 Climate Target Plan, where the EU's ambition settle to reduce greenhouse gas emissions to at least 55% below 1990 levels by 2030. At the same time, Europe is strongly working towards developing its potential for biomethane and renewable H2. The second condition that should be changed in the Middle Eastern supply contracts is the possibility for the importing country to sell part of those resources to other countries.

If the European apport to conflict resolution and political reforms in the Middle East was stuck mostly because of the accumulation of complex bureaucratic structures managing the EU-MENA relations, the energy supply crisis that hit Europe a year ago just bound Europe to the Middle Eastern exporting countries, becoming more complex and inextricable than it was before. It will be interesting to develop in future research how the commercial agreements for gas supply might detangle the political agenda between the Middle Eastern countries and the EU, paving the way for closer collaboration.

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<sup>82</sup> *Ibidem*, p.16

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**COOPERATION OF THE REPUBLIC OF MOLDOVA WITH INTERNATIONAL  
GOVERNMENTAL ORGANIZATIONS IN COMBATING  
INTERNATIONAL TERRORISM**

<b>Abstract:</b>	<p><i>After the terrorist attack on September 11, 2001, terrorism has been perceived as a paramount threat to security at all levels of international functionality – local, national, regional, interregional, and global. Terrorism can be referred to as a peril, a real and long-lasting threat of significant proportions. Currently, it is one of the major factors that affect global development and shapes the socio-political agenda at all levels, from national to international.</i></p> <p><i>The Republic of Moldova is in solidarity with the activities of both state and non-state actors aimed at countering terrorism. While the capacities of the Republic of Moldova are relatively limited, it takes a firm stance against terrorism and has always expressed readiness to align with international efforts.</i></p> <p><i>The Republic of Moldova considers the consolidation of international efforts necessary, convinced that only through the cooperation of all anti-terrorist forces can this scourge be suppressed.</i></p> <p><i>Currently, the attention of international actors is focused on identifying solutions to the armed conflict in Ukraine and preventing other outbreaks of conflict. International terrorism seems to have been relegated to a lower priority, but this does not preclude the need for the prevention of potential terrorist actions. In this context, international cooperation in the field of counterterrorism is indispensable and timely.</i></p> <p><i>The article will highlight the particularities of the international cooperation of the Republic of Moldova with international governmental organizations in the field of combating and preventing international terrorism.</i></p>
<b>Keywords:</b>	<b>International terrorism; international cooperation; fight against terrorism; prevention of terrorism; international organizations; the anti-terrorism Center; the Security and Intelligence Service of the Republic of Moldova</b>
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### **Introduction**

International terrorism is becoming the most common means of resolving conflicts in different regions of the planet. For the past two decades, the fight against terrorism has been at the forefront of the global geopolitical order. The period after the attacks of September 11, 2001, was marked by an unprecedented level of cooperation between states in the field of security, resulting in sometimes contradictory conditions – from the implementation of the reference to Article 5 of the North Atlantic Treaty<sup>84</sup>, which led to the invasion of Afghanistan, until the unanimous adoption of Resolution no. 1373

<sup>84</sup> Article 5 of the North Atlantic Treaty, [https://www.nato.int/cps/en/natohq/official\\_texts\\_17120.htm](https://www.nato.int/cps/en/natohq/official_texts_17120.htm), (10.10.2022)

(2001)<sup>85</sup> under Chapter VII of the United Nations Charter, which introduced new requirements for the fight against terrorism in each country.

“Combating terrorism” is still a vague legal term, but one that has become a unifying force among states bound by the understanding that no country is immune to the scourge of “terrorism” and that terrorism is not defined by any race, religion, or culture. This unanimous support is best exemplified by the numerous counter-terrorism resolutions adopted by the Security Council and the United Nations General Assembly over the past twenty-two years.

### **Theoretical considerations on international cooperation of States in the fight against terrorism**

To date, the international cooperation of states to combat terrorism has received a new impetus for development, due to the difficult international political situation in the world, especially in Ukraine and the Middle East. Depending on the geographical scope, in particular the circle of participants who are involved in the fight against terrorism, this activity is carried out at the domestic and international (general), regional (subregional), and bilateral levels. The system of the international fight against terrorism operates on the basis of: the unconditional condemnation as criminal of all terrorist activities, methods and practices, as well as the fact that they have no justification, wherever and by whomever they are committed; the inadmissibility of justifying acts of terrorism, regardless of the arguments of a political, philosophical, ideological, racial, ethnic, religious or any other nature that guide the people who commit them; the uncompromising fight against international terrorism in all its forms and manifestations; strengthening international cooperation between states, international organizations to prevent, stop and eliminate all forms of international terrorism; ensuring, in accordance with the provisions of international treaties and domestic law, the detention and prosecution or extradition of persons who have committed or contribute to the commission of acts of terrorism; not granting asylum to persons who engage in or contribute to terrorist activities; non-participation of states in organizing, inciting, assisting or participating in terrorist acts in another state or facilitating organizational activities aimed at committing such acts on its territory<sup>86</sup>.

The international fight against terrorism includes cooperation for the exchange of relevant information on the prevention and fight against terrorism; making joint efforts to prevent and stop terrorist acts; preventing and ending the use of the country’s territory for the preparation of any acts of terrorism; obstructing the financing activities of terrorists and terrorist organizations; expanding cooperation in the field of combating international terrorism by concluding special international treaties and their rapid implementation; aligning domestic legislation with international treaties in the field of combating international terrorism; providing mutual comprehensive assistance about criminal investigations or the prosecution of a terrorist act; preventing the movement of terrorists or terrorist groups across state borders<sup>87</sup>.

Recognizing the fundamental character of the UN conventions on combating terrorism, states began to create certain conditions and mechanisms to ensure them. These include the adoption of relevant national legislation (criminal, fiscal, administrative, banking, etc.), the formation of harmonized standards, the preparation of relevant agreements at the regional level with the participation of other international organizations (in particular, the Council of Europe Convention on the Prevention of Terrorism), the creation of bilateral working groups for combating terrorism, organizing cooperation between states with specialized institutions (in particular, interaction with Interpol, FATF, the European Group on Combating Money Laundering and the Financing of Terrorism, etc.).

However, despite the intensification of international cooperation in the field of combating terrorism, an agreed and unified legal regime for combating terrorism has not been developed, there is no

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<sup>85</sup> *Resolution 1373 (2001) adopted by the Security Council at its 4385th meeting, on 28 September 2001*, <https://digitallibrary.un.org/record/449020?ln=en#record-files-collapse-header>, (10.10.2022)

<sup>86</sup> Lyudmila Novoskoltseva, *Rol mezhdunarodnykh organizatsiy v predotvraschenii i protivodeystvii mezhdunarodnomu terrorizmu*, in *Acta Scientifica Academiae Ostroviensis. Sectio A, Nauki Humanistyczne, Społeczne i Techniczne*, No. 5 (1), p.118, [http://zn.wsbip.edu.pl/sectioa/images/aktualnosci/zeszyty/005-2015/116-132\(1\).pdf](http://zn.wsbip.edu.pl/sectioa/images/aktualnosci/zeszyty/005-2015/116-132(1).pdf), (12.07.2022)

<sup>87</sup> Vladimir Antipenko, *Borba s sovremennym terrorizmom: mezhdunarodno-pravovye podhody: monografiya*, Yunona-M, Kiev, 2002, p. 303

generally accepted definition of terrorism, and no comprehensive international treaty on combating terrorism has been adopted. Most countries in the fight against terrorism rely on the 19 international legal instruments developed under the auspices of the United Nations after the events of September 11, 2001<sup>88</sup>.

### **The main directions of collaboration of the Republic of Moldova in the field of combating terrorism**

The Republic of Moldova actively supports the anti-terrorist actions undertaken by the world community, the state contributed to the formation and strengthening of the international anti-terrorist coalition, which was created by the United States immediately after the tragic events of September 11, 2001. The Republic of Moldova conducts a balanced foreign policy, firmly and consistently supporting the primacy of international law and the central role of the UN in solving major world problems.

The main fight against terrorism should be conducted at the national-state level. The task of international law is primarily to coordinate the anti-terrorist policy of states and to form a universal systemic approach in this field. In the Republic of Moldova, to ensure and protect the fundamental rights and freedoms of individuals and citizens, a national system to combat terrorism operates, whose legal basis is the Constitution of the Republic of Moldova, principles and norms generally recognized by international law and the national legislation of the Republic of Moldova. The international legal framework of the cooperation of the Republic of Moldova in the field of combating terrorism consists of a) universally recognized principles and norms of international law, agreements concluded between states: universal conventions, regional agreements, bilateral treaties regarding legal assistance in criminal matters, international treaties of the Republic of Moldova; b) documents of international organizations (UN conventions, UN Security Council resolutions, Council of Europe conventions, etc.), as well as national legislation<sup>89</sup>.

Cooperation in the field of combating terrorism represents a set of principles and norms that regulate the activity of state bodies in international cooperation regarding the fight against terrorism. According to article 48 of Law No. 120 of 21.09.2017<sup>90</sup> regarding the prevention and combating of terrorism, the Republic of Moldova, according to the international treaties to which it is a party, cooperates with the law enforcement bodies and special services of other states, as well as with international organizations active in this field. To ensure the security of the individual, the society, and the state, the Republic of Moldova pursues on its territory the persons involved in terrorist activities, including in cases where these activities were planned or carried out outside its territory, but caused damage, also in other cases provided by the international treaties to which the Republic of Moldova is a party<sup>91</sup>.

The main direction of cooperation at the universal level is the adoption and ratification of conventions aimed at combating terrorism, as well as the subsequent implementation of the norms of these conventions in national legislation. The legal-normative basis for combating terrorism in the Republic of Moldova, along with the national legislation, is made up of international acts signed and ratified by the Republic of Moldova that have as their subject the fight against terrorism and organized crime: the Convention on offenses and certain other acts committed on board aircraft (6.03.1996), the Convention on the criminalization of aircraft hijacking (6.03.1996), the Convention on the marking of plastic explosives for the purpose of detection (6.03.1996), the Convention on the prevention and punishment of crimes committed against internationally protected persons, including diplomatic agents (16.07.1997), the International Convention for the Suppression of the Financing of Terrorism (18.07.2002), the International Convention for the Suppression of Terrorist Bombings (18.07.2002), the International Convention against the Taking of Hostages (18.07.2002), the United Nations Convention

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<sup>88</sup> *United Nations International legal instrument*, <https://www.un.org/counterterrorism/international-legal-instruments>, (10.10.2022)

<sup>89</sup> Cristina Ejoava, *Counter-Terrorism Capacity of the Republic of Moldova*, in "Analele Universității din Oradea. Relații Internaționale și Studii Europene", Editura Universității din Oradea, No. XI, 2019, p 182

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<sup>91</sup> *Idem*

against Transnational Organized Crime (16.09.2005), The International Convention against the Recruitment, Use, Financing and Training of Mercenaries (28.02.2006), the International Convention for the Suppression of Acts of Nuclear Terrorism (18.04.2008), the European Convention on the Suppression of Terrorism (04.05.1998). The Republic of Moldova also signed the Council of Europe Convention on the Prevention of Terrorism (16.05.2005), as well as the Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism (27.07.2001) and the formation of the Anti-Terrorist Center (ATC) of the member countries of the Commonwealth of Independent States, signed by the presidents of these states on December 1, 2000<sup>92</sup>.

Each of the conventions in force in the Republic of Moldova, which contains provisions requiring the inclusion of relevant crimes in the national legislation, is reflected in certain articles of the Criminal Code of the Republic of Moldova. International law helps states coordinate their efforts in the fight against terrorism both within the state and in the international arena. The gap between international legal norms and the practical actions of states hurts the fight against terrorism. International norms are needed to unify legislation so that, in the event of a threat of a terrorist attack, it is possible to minimize the damage. The development of common strategies to combat terrorism is particularly important in the implementation of preventive measures. The link between terrorism and transnational crime blurs state borders, which greatly complicates the identification of a terrorist threat.

The Government of the Republic of Moldova signed a series of bilateral agreements on cooperation in the fields of combating terrorism, money laundering, terrorist financing, illicit drug trafficking and combating organized criminal activities, with the following countries: the Republic of Hungary (1997); United Kingdom of Great Britain and Northern Ireland (2001); Romania (2000); Republic of Ukraine (1999, 2005); Republic of Uzbekistan (2000); Republic of Turkey (1994, 2007); Republic of Belarus (1993, 2002, 2006), Republic of Bulgaria (1993, 2004); Czech Republic (2003); Republic of Poland (2003, 2009); Republic of Latvia (2003, 2009); Republic of Estonia (2005); Republic of Georgia (2007); Republic of Croatia (2006, 2007); Kingdom of Belgium (2007); Republic of Indonesia (2008); Kingdom of the Netherlands (2008); Republic of Albania (2006); Republic of Slovenia (2008); Republic of Austria (2010); Republic of San Marino (2010); Republic of South Africa (2010); Republic of Serbia (2010); State of Israel (2010); French Republic (2010); Principality of Monaco (2010); Montenegro (2010); Bahamas (2010); Republic of Armenia (2011); Republic of Kazakhstan (2011); Federal Republic of Nigeria (2011); Republic of Portugal (2011); British Virgin Islands (2011); Republic of Mongolia (2011); Aruba (2011); Republic of Finland (2011); Bosnia and Herzegovina (2012); United Mexican States (2012); Republic of Azerbaijan (2013); Kingdom of Spain (2013); Republic of Turkmenistan (2015)<sup>93</sup>.

The Republic of Moldova cooperates closely with the UN, the Council of Europe, the OSCE, the EU, NATO, the CIS, and GUAM in the field of developing democratic reforms, ensuring the rule of law and the conformity of national legislation and practice in the field of human rights with relevant international standards, as well as in the fight against terrorism. The bodies responsible for combating and preventing terrorism prepare and present to external partners the national reports on the measures taken in the field of preventing and combating terrorism.

### **Cooperation of the Republic of Moldova with the UN in the field of combating terrorism**

The key international platform for developing coordinated actions by the international community in countering terrorism is the United Nations Organization. To develop counter-terrorism measures, the UN uses the most diverse forms of international cooperation. Moldova is working to confirm the central, coordinating role of the UN in international cooperation in the field of combating terrorism, the constant implementation of the resolutions of the UN Security Council, and the provisions of universal conventions in this field, for the effective implementation of the Global Strategy to counter terrorism

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<sup>92</sup> Cristina Ejova, *Counter-Terrorism Capacity of the Republic of Moldova*, in "Analele Universității din Oradea. Relații Internaționale și Studii Europene", Editura Universității din Oradea, No. 11, 2019, p 183

<sup>93</sup> *Verbal Note of the Permanent Mission of the Republic of Moldova to the OSCE*, <https://www.osce.org/files/f/documents/1/1/452725.pdf>, (10.10.2022)

adopted by the General Assembly of the UN in September 2006<sup>94</sup>. The Republic of Moldova supported the Global Counter-Terrorism Strategy (2006) developed under the auspices of the UN, which was adopted by consensus at the 60th session of the UN General Assembly<sup>95</sup>.

The Republic of Moldova supported the decision of UN Secretary-General Kofi Annan to create a High-level Panel on Threats, Challenges, and Change (unofficially called the “Wise Group”<sup>96</sup>), which was supposed to develop recommendations on the mechanisms and tools for collectively countering modern global challenges and threats. The Republic of Moldova supported the unanimous adoption by the UN Security Council of Resolution 1535 (March 2004) on the reform of the Counter-Terrorism Committee of the UN Security Council (CTC)<sup>97</sup> to increase its organizational and expert potential, the effectiveness of the activity aimed at joint practical work of states in the fight against international terrorism.

In the area of combating terrorism, to implement the provisions of the UN Global Strategy against Terrorism, in 2017 the Law on the Prevention and Combating of Terrorism<sup>98</sup> was adopted.

Supporting all the existing directions of international legal consolidation of anti-terrorist cooperation, Moldova insists on coordinating the projects of the Comprehensive Convention on International Terrorism as soon as possible in the UN. Currently, it has not yet been possible to overcome the existing differences in the world regarding the very definition of terrorism, to clearly distinguish terrorism from the struggle for self-determination, analyze the expediency of extending the availability of these documents to the special services and armed forces of states and the legality of possessing nuclear weapons.

The Permanent Mission of the Republic of Moldova to the United Nations in 2019 presented to the United Nations Office of Legal Affairs a Report of the national contribution<sup>99</sup> presented by the Republic of Moldova to the Report of the Secretary-General on the implementation of the Declaration on measures to eliminate international terrorism. The report states that considering the provisions of the Declaration on measures to eliminate international terrorism and sharing the common commitment to eliminate international terrorism in all its forms and manifestations, the Republic of Moldova concluded multiple bilateral and multilateral treaties and improved its national legislation to fulfill the objectives of the above-mentioned Declaration.

The Republic of Moldova has concluded 43 bilateral treaties on key issues such as cooperation in the exchange of information on money laundering and terrorist financing and cooperation in the fight against terrorism. Moreover, the Republic of Moldova is a party to 18 multilateral agreements that have the same objective (for example, the European Convention for the Suppression of Terrorism from 1977, the Council of Europe Convention for the Prevention of Terrorism from 2005, the International Convention for the Suppression of Acts of Nuclear Terrorism from 2005, etc.)<sup>100</sup>.

Also, the lists of persons, groups, and entities involved in terrorist activities are constantly updated by the Resolutions of the UN Security Council. The SIS ensures the presentation to external partners (UN, Council of Europe Committee on Counterterrorism (CDCT), GUAM) of the national reports on the measures undertaken in the field of preventing and combating terrorism. The exchange of information with the partner special services was ensured on subjects of common interest related to regional security,

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<sup>94</sup> *UN Global Counter-Terrorism Strategy*, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement>, (10.10.2022)

<sup>95</sup> *Resolutions adopted by the General Assembly at its 60th session*, <https://research.un.org/en/docs/ga/quick/regular/60>, (10.10.2022)

<sup>96</sup> *Note by the Secretary-General*, [https://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.565\\_En.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.565_En.pdf), (10.10.2022)

<sup>97</sup> *Resolution 1535 (2004) Adopted by the Security Council at its 4936th meeting, on 26 March 2004*, <https://digitallibrary.un.org/record/518306>, (24.07.2022)

<sup>98</sup> *Law on the prevention and combating of terrorism 20.10.2017*, Official Gazette of the Republic of Moldova, No. 364-370, <http://lex.justice.md/md/371961/>, (10.10.2022)

<sup>99</sup> *Permanent Mission of the Republic of Moldova to the United Nations No. USA-ONU//332.6/ 472/2019*, [https://www.un.org/en/ga/sixth/74/int\\_terrorism/moldova\\_e.pdf](https://www.un.org/en/ga/sixth/74/int_terrorism/moldova_e.pdf), (24.07.2022)

<sup>100</sup> *Moldova-Measures to eliminate terrorism*, [https://www.un.org/en/ga/sixth/74/int\\_terrorism/moldova\\_e.pdf](https://www.un.org/en/ga/sixth/74/int_terrorism/moldova_e.pdf), (24.07.2022)

as well as on the segment of countering terrorist risks. Periodically, in the format of information exchange, summaries, and data of common interest regarding the risks and threats identified in the field of preventing and combating terrorism are sent to special partner services. Thus, the transit of Moldovan territory by foreign terrorist fighters, the radicalization of extremist currents in the Republic of Moldova, the participation of citizens of the Republic of Moldova in military activities in international conflict zones, as well as the commission of terrorist attacks on the territory of Moldova were among the risks identified by the SIS to national security<sup>101</sup>.

The main element in the complex measures of our state in the fight against international terrorism is the suppression of its financing channels. To implement international obligations and the provisions of internal documents, the national legislation of the Republic of Moldova was adjusted by international standards. The main one in this regard was the adoption on December 22, 2017, of the Law “On the Prevention and Combating of Money Laundering and the Financing of Terrorism”<sup>102</sup>, which included eight special recommendations on combating the financing of terrorism made by the International Financial Action Task Force against money laundering (FATF). The legislative changes and the practical measures taken were duly assessed by the MONEYVAL Committee of the Council of Europe.

On 17.07.2019, the Moneyval Committee adopted the evaluation report of the Republic of Moldova. To implement the recommendations, the Office for Prevention and Fight against Money Laundering proposed the creation of a working group responsible for the development of the National Strategy for the Prevention of and combating money laundering and the Financing of Terrorism for the years 2020-2024 by these recommendations. At the same time, the working group is to carry out the national assessment of risks in the field, as well as the monitoring of the fulfillment of the commitments made towards external development partners<sup>103</sup>.

In May 2022, the MONEYVAL Committee already positively assessed the measures taken by the national authorities to comply with the national system for preventing and combating money laundering and the financing of terrorism with the provisions of the Recommendations of the International Financial Action Task Force. Accordingly, according to the Progress Report, published on the website of the MONEYVAL Committee, on the recommendations concerning “Identification of Clients”, “Politically Exposed Persons”, “High-Risk Countries” and “Non-Bank Financial Institutions”, the rating was increased from “partly compliant” to “largely compliant”. At the same time, due to the lack of a legal regulatory and authorization framework in the field of virtual assets, the recommendation that refers to “New technologies” was downgraded, being assigned the qualification of “non-compliant”. In this context, the Republic of Moldova has to present, within 1 year (until May 2023), the report on the progress made by the national authorities to consolidate at the national level an effective system for preventing and combating money laundering and the financing of terrorism<sup>104</sup>.

The existing achievements in the field of combating the financing of terrorism in the Republic of Moldova, as well as the creation of appropriate national mechanisms and procedures for this purpose, have allowed our state to reach a higher level of international cooperation, primarily in terms of increasing the effectiveness of combating the financing of terrorism.

Within the framework of the UN, since 2017, the Office of Counterterrorism has been operating under the leadership of the UN Under-Secretary-General, Russian diplomat Vladimir Voronkov. On 17<sup>th</sup> of November 2022, the United Nations Office of Counterterrorism and the Republic of Moldova signed a Memorandum of Understanding to strengthen cooperation in preventing and countering terrorism. This cooperation will contribute to the implementation of the United Nations Security Council resolutions

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<sup>101</sup> *Report on the implementation of the National Action Plan for the implementation of the RM – EU Association Agreement in the years 2017-2019*, [https://mfa.gov.md/sites/default/files/raport\\_pna\\_aa\\_2017-2019\\_final\\_pentru\\_publicare\\_website.pdf](https://mfa.gov.md/sites/default/files/raport_pna_aa_2017-2019_final_pentru_publicare_website.pdf), (24.07.2022)

<sup>102</sup> *Law on prevention and combating money laundering and terrorism financing*. 22.12.2017, Official Gazette, No. 58-66 art. 133 [https://www.legis.md/cautare/getResults?doc\\_id=110418&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro), (24.07.2022)

<sup>103</sup> *Country update-Moldova: AML*, <https://gladei.md/docs/Moldova%20AML%2001.21.pdf>, (24.07.2022)

<sup>104</sup> *Anti-money laundering and counter-terrorist financing measures Moldova 1st Enhanced Follow-up Report May 2022*, <https://rm.coe.int/fur-moldova-1st/1680a6d980>, (10.08.2022)

2178 (2014), 2396 (2017), and 2482 (2019), which call upon all Member States to collect travel information, both Advance Passenger Information (API) and Passenger Name Record (PNR) data<sup>105</sup>.

At the current stage, the great importance of the Republic of Moldova plays the cooperation of the UN Counter-Terrorism Office with the Ministry of Internal Affairs of the Republic of Moldova. Between 4-8 July 2022, employees of the Ministry of Internal Affairs and central security authorities participated in training sessions for the implementation of the new Advance Passenger Information (API) and Passenger Name Record (PNR) system, organized by the UN Counter-Terrorism Office, through the Countering Terrorist Travel Programme (CTT). The training was organized by the implementation of UN Security Council Resolutions No. 2178 (2014), 2396 (2017), and 2482 (2019)<sup>106</sup>, of the Convention of the International Civil Aviation Organization regarding civil aviation from 1944, as well as the National Strategy for the integrated management of the state border for the period 2018-2023, especially in the context of obtaining the status of a candidate country for EU accession, the Republic of Moldova must implement an API system. The UN Countering Terrorist Travel (CT Travel) Programme currently supports 51 countries, including the Republic of Moldova, in collecting and using API and PNR data to prevent and counter terrorist threats by improving the use of databases of international data, such as INTERPOL databases and improving information exchange, by UN Security Council resolutions, ICAO standards, as well as relevant privacy laws, while ensuring the promotion of human rights<sup>107</sup>.

The UN Charter does not restrict states to conclude regional agreements, to create bodies to solve the problem of the fight against terrorism, if such agreements and bodies are compatible with the goals and principles of the UN. It should be noted that the Security Council must be kept fully informed at all times of actions taken or contemplated by regional agreements or by regional bodies for the maintenance of international peace and security.

### **The Republic of Moldova and the European Union cooperate in preventing and countering terrorism**

The priority in the field of international cooperation of the Republic of Moldova around combating terrorism is assigned to cooperation with the EU. With the help of the EU, the General Inspectorate of the Border Police of the Republic of Moldova implements a series of external assistance projects through the European Border and Coast Guard Agency (FRONTEX)<sup>108</sup>, based on a Working Arrangement, signed in August 2008. Thus, during the years 2009-2013, the Republic of Moldova received financial investments from the EU in the amount of 22 million euros for the installation of a high-performance communication and monitoring system at the border. Also, in the field of combating terrorism, the General Inspectorate of the Border Police undertakes additional measures at crowded state border crossing points. The number of personnel has been increased, and certain loads and goods, as well as personal luggage, are checked, including with the help of dogs. An intensive anti-terrorist training of employees is carried out, with the involvement of specialists from other subdivisions and force structures. In June 2018, the General Inspectorate of the Border Police, in collaboration with the special services of the Republic of Moldova and Ukraine, participated in the anti-terrorist exercise “Bucovina – 2018”. The operation took place in the border town of Lipcani, Briceni district. The purpose of the tactical operation, organized at the regional

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<sup>105</sup> *Press release. Moldova Signs a Memorandum of Understanding with UNOCT to Strengthen Co-operation in Preventing and Countering Terrorism*, [https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/221117\\_mou\\_signing\\_ceremony\\_moldova.pdf](https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/221117_mou_signing_ceremony_moldova.pdf), (10.12.2022)

<sup>106</sup> What is the Countering Terrorist Travel (CTT) programme? <https://www.un.org/cttravel/faq>, (10.08.2022)

<sup>107</sup> *Premieră națională în domeniul securității aeronautice și prevenirii terorismului*, <https://www.mai.gov.md/ro/news/premiera-nationala-domeniul-securitatii-aeronautice-si-prevenirii-terorismului> (24.07.2022)

<sup>108</sup> *Securizarea frontierelor Moldovei cu sprijinul UE*, <http://www.infoeuropa.md/interviuri/securizarea-frontierelor-moldovei-cu-sprajinul-ue> (10.09.2018).

level, was to test, evaluate and improve procedures and mechanisms for interaction and interoperability between authorities in terrorist crises<sup>109</sup>.

With the outbreak of the war in Ukraine, the security paradigm on the European continent changed, and the border of the Republic of Moldova became the safety belt, which stops the expansion of cross-border dangers towards the EU space. In this context, it was necessary to include the Republic of Moldova in a single European response mechanism to the consequences generated by the war, thus creating a unique security space. On March 17, 2022, the Agreement was signed between the Republic of Moldova and the European Union, regarding the activities carried out by the FRONTEX Agency in the Republic of Moldova. On June 16, 2022, the Parliament of the Republic of Moldova ratified the Agreement. FRONTEX (The European Border and Coast Guard Agency) will deploy experts to provide the necessary support to the Border Police in managing the regional crisis, the major flow of migrants and refugees at the Moldovan-Ukrainian border, but also the growing risk of arms and drug smuggling as a result of the state of war in the neighboring country<sup>110</sup>.

An important role in securing the border of the Republic of Moldova is also played by the European Union Border Assistance Mission to the Republic of Moldova and Ukraine – EUBAM. Through this mission, the EU plays a decisive role in ensuring efficient and transparent control of the state border, which contributes to strengthening regional security. Europol, as the European agency for fighting crime, will also establish missions in the Republic of Moldova<sup>111</sup>.

In July 2022, the EU launched the Support Center for Internal Security and Border Management in Moldova (EU Support Hub) which will develop cooperation between the EU, its agencies, Member States, and Moldovan authorities. The EU Support Hub will have the following objectives:

- to coordinate the support that the EU and its Member States give to Moldova to strengthen law enforcement and border management;

- to make available to the Moldovan authorities a “one-stop shop” providing the comprehensive set of support measures that the EU and its member states offer to Moldova in terms of internal security and border management;

- to support existing internal security and border management mechanisms, in particular the support that Europol provides in terms of information exchange, analysis, and operational cooperation, and that FRONTEX and the EUBAM Mission provide in terms of border management, in particular about the detection of firearms trafficking and the fight against human trafficking, as well as operational support through the European Multidisciplinary Platform Against Criminal Threats (EMPACT); to identify the needs of the Moldovan authorities in terms of capacity building for law enforcement and border management, supporting the programming of EU funding instruments”<sup>112</sup>.

This launch is important for ensuring the national security of the Republic of Moldova, with an impact at least in the nearby vicinity. After the launch of the Hub, its operation is in the process of adopting practices to the set objectives.

### **The Republic of Moldova and NATO cooperation in combating the international terrorism**

In the context of international cooperation of the Republic of Moldova with international governmental organizations in combating international terrorism, the great importance plays the Individual Action Plan of the Republic of Moldova – NATO Partnership for the years 2021-2023

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<sup>109</sup> Cristina Ejova, *Counter-Terrorism Capacity of the Republic of Moldova*, in ”Analele Universității din Oradea. Relații Internaționale și Studii Europene”, Editura Universității din Oradea, No. XI, 2019, p. 187

<sup>110</sup> *Acordul cu UE privind FRONTEX, ratificat de Parlament*, [https://www.ipn.md/ro/acordul-cu-ue-privind-frontex-ratificat-de-parlament-7967\\_1090495.html](https://www.ipn.md/ro/acordul-cu-ue-privind-frontex-ratificat-de-parlament-7967_1090495.html), (10.09.2018)

<sup>111</sup> *Frontex, agenția europeană pentru poliția de frontieră și garda de coastă va trimite agenți la granițele Republicii Moldova 17.03.2022*, <https://www.digi24.ro/stiri/externe/frontex-agenția-europeană-pentru-poliția-de-frontiera-si-garda-de-coasta-va-trimite-agenti-la-granitele-republicii-moldova-1875441>, (10.09.2018)

<sup>112</sup> *Informal Home Affairs Council: EU launches the Support Hub for Internal Security and Border Management in Moldova*, [https://ec.europa.eu/neighbourhood-enlargement/news/informal-home-affairs-council-eu-launches-support-hub-internal-security-and-border-management-2022-07-11\\_en](https://ec.europa.eu/neighbourhood-enlargement/news/informal-home-affairs-council-eu-launches-support-hub-internal-security-and-border-management-2022-07-11_en), (10.09.2018)



(IPAP)<sup>113</sup>. IPAP outlines cooperation objectives in several areas of strategic importance, such as cooperation with European and Euro-Atlantic structures and institutions, democratic reforms, human rights, the rule of law, fighting corruption, territorial integrity and relations with neighbors; reform of the security and defense sector, democratic control of the armed forces, combating terrorism, ensuring cyber defense, sustainable economic development, and energy security. The document also provides for the modernization of the National Army by the new developments and requirements of the current security environment, to face the new challenges, including the accelerated reform of the Border Police and the Carabinieri Troops.

In the Plan, it is mentioned that the Republic of Moldova is determined to develop cooperation with NATO member states and partners in combating new common threats to security such as terrorism, and cyber threats, which no longer recognize national borders and have an increasingly varied and complex character and contribute to the promotion of stability and security. The following aspects are stipulated in point 1.6:

-“Developing cooperation with NATO in the field of preventing and combating terrorism and related phenomena;

-Consolidation of cooperation and coordination of actions between the public institutions of the state, with regional and international organizations in the field of preventing and combating terrorism;

-Cooperation with the mass media and civil society to promote the security culture and raise awareness of public opinion regarding the risks and threats of a terrorist nature;

-Development of cooperation with regional and international organizations in the field of preventing and combating terrorism: UN, OSCE, NATO, GUAM, and Council of Europe. Adoption of good practices in the field of protection against terrorism of infrastructure objects of strategic importance, including those that permanently present technological and environmental risks”<sup>114</sup>.

### **The Republic of Moldova and the OSCE cooperation in the field of combating and preventing terrorism**

As mentioned above, the Republic of Moldova actively cooperates with the OSCE in the field of combating and preventing terrorism. In late 2019, the OSCE Office for Democratic Institutions and Human Rights conducted a legal review of the 2003 Law on Countering Extremist Activity<sup>115</sup>.

At the current stage, the Anti-Terrorism Center cooperates with the Action Against Terrorism Unit of the OSCE Transnational Threats Department. In 2011, the international conference dedicated to the analysis of strategies and policies to prevent the financing of terrorism, organized by the OSCE, took place in Chisinau. On September 14-15, 2020, the ATC representative participated in the international conference held by the OSCE, with the title “Effective partnership in countering terrorism, violent extremism and the radicalization that causes terrorism”<sup>116</sup>. The objective of the conference was the exchange of experience and best practices of the participating entities, as well as the promotion of new methods and procedures for strengthening the partnership at the counter-terrorism level. Experts in the field highlighted the idea that only by strengthening cooperation relations, both at the interstate level and in the public-private sector, ensuring respect for human rights and freedoms, can the mission of preventing extremist-terrorist manifestations in society be successfully fulfilled<sup>117</sup>.

### **The Republic of Moldova and the Council of Europe cooperate in preventing and countering terrorism**

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<sup>113</sup> *Planului Individual de Acțiuni al Parteneriatului Republica Moldova – NATO pentru anii 2021-2023*, [https://cancelaria.gov.md/sites/default/files/document/attachments/905\\_1.pdf](https://cancelaria.gov.md/sites/default/files/document/attachments/905_1.pdf), (10.08.2022)

<sup>114</sup> *Individual Partnership Action Plan (IPAP) Republica Moldova - NATO for 2021-2023*, [https://cancelaria.gov.md/sites/default/files/document/attachments/905\\_1.pdf](https://cancelaria.gov.md/sites/default/files/document/attachments/905_1.pdf), (10.08.2022)

<sup>115</sup> *Opinion on the Law on Countering Extremist Activity of the Republic of Moldova*, [https://www.osce.org/files/f/documents/9/e/446197\\_0.pdf](https://www.osce.org/files/f/documents/9/e/446197_0.pdf) (10.08.2022)

<sup>116</sup> *Parteneriat eficient în contracararea terorismului, extremismului violent și radicalizarea ce determină terorismul*, <https://antiteror.sis.md/content/parteneriat-eficient-contracararea-terorismului-extremismului-violent-si-radicalizarea-ce>, (10.08.2022)

<sup>117</sup> *Idem*

Within the Council of Europe, a significant number of international legal documents have been developed and adopted in the field of combating such a socially dangerous crime as terrorism. The Republic of Moldova is a party to all the fundamental conventions of the Council of Europe in the field of combating terrorism. The ratification of the documents presented by the Republic of Moldova is its duty to the world community in the field of combating the threat of terrorism, which no state is assured of, as today there are no analogs to these Conventions, as well as the prevention of terrorism, which requires joint efforts throughout the world. It should also be noted that the Council of Europe is making efforts to support the Republic of Moldova for it to comply with the Organization's standards and the rule of law through a series of mechanisms that monitor the evolution of the Republic of Moldova under these aspects.

### **The Republic of Moldova in the context of interaction of CIS countries in combating international terrorism**

The regional organization Commonwealth of Independent States (CIS) is also included in the fight against international terrorism. Within the CIS, a series of positive results can be observed in the fight against international terrorism and other threats to the security of the member states of the Commonwealth. A positive result of the cooperation of the CIS countries is the drafting and signing on June 4, 1999, of the Agreement on Cooperation of the CIS participant states in the fight against terrorism<sup>118</sup>, in which the CIS states declared their willingness to cooperate rigorously in the field of countering terrorist threats; the decision to found an Anti-Terrorism Center of the CIS member states (on December 1, 2000)<sup>119</sup>; The concept of collaboration of the member states of the Commonwealth of Independent States in combating terrorism and other violent forms of extremism (2005)<sup>120</sup>, in which it is indicated that contemporary terrorism and extremism directly threaten the interests of the CIS member states and the world community; The concept of anti-terrorism activity for railway transport of the CIS member states from May 31, 2013<sup>121</sup>.

On October 7, 2002, the Regulation regarding the order of organization and implementation of common anti-terrorist measures on the territory of the CIS member states was signed in Chisinau<sup>122</sup>. The regulation provides for the implementation of anti-terrorist measures to suppress terrorist activity, including the release of hostages held by terrorists; neutralization of high explosive devices or other technically complicated destruction devices; the release of objects occupied by terrorists that present a high ecological and technological danger, nuclear industry, transport, energy, chemical production and other objects (buildings and rooms of diplomatic representations, etc.); apprehension of terrorists, liquidation of terrorist groups and formations.

Law enforcement agencies from the Republic of Moldova cooperate with law enforcement agencies from foreign countries – members of the International Criminal Police Organization – Interpol. As part of this cooperation, information on terrorists is exchanged, and assistance is provided in the

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<sup>118</sup> *Agreement on Cooperation of the CIS participant states in the fight against terrorism*, (Minsk, June 4, 1999), <https://www.cisatc.org/1289/135/152/275>, (10.08.2022)

<sup>119</sup> *Reshenie «O Sozdanii Antiterroristicheskogo Centra Gosudarstv – Uchastnikov Sodruzhestva Nezavisimyh Gosudarstv» (ot 21 iyunya 2000 goda)*, (10.08.2022); <https://www.eng.cisatc.org/1289/9115/135/9126/9127/9143>, (10.08.2022)

<sup>120</sup> *Koncepciya sotrudnichestva gosudarstv – uchastnikov SNG v bor'be s terrorizmom i inymi nasil'stvennymi proyavleniyami ekstremizma. Utverzhdena Resheniem Soveta glav gosudarstv Sodruzhestva Nezavisimyh Gosudarstv ot 26 avgusta 2005 goda*, <https://www.cisatc.org/276>, (10.08.2022)

<sup>121</sup> *Koncepciya Antiterroristicheskoy deyatelnosti na zheleznodorozhnom transporte gosudarstv – Uchastnikov SNG*, <https://www.cisatc.org/302>, (10.08.2022)

<sup>122</sup> *Protokol ob utverzhdenii Polozheniya o poryadke organizacii i provedeniya sovmestnyh antiterroristicheskikh meropriyatij na territoriyah gosudarstv - uchastnikov Sodruzhestva Nezavisimyh Gosudarstv*, [https://antiteror.sis.md/sites/default/files/document/attachments/polozhenie\\_o\\_poryadke\\_organizacii\\_i\\_provedeniya\\_sovmestnyh\\_antiterroristicheskikh\\_meropriyatij\\_na\\_territoriyah\\_gosudarstv\\_-\\_uchastnikov\\_sng.pdf](https://antiteror.sis.md/sites/default/files/document/attachments/polozhenie_o_poryadke_organizacii_i_provedeniya_sovmestnyh_antiterroristicheskikh_meropriyatij_na_territoriyah_gosudarstv_-_uchastnikov_sng.pdf), (10.08.2022)

capture of criminals, as well as in their search. The cooperation of the Republic of Moldova with Europol's European Counter-Terrorism Centre remains limited<sup>123</sup>.

### **The Republic of Moldova and the GUAM cooperation in the field of combating terrorism**

In the context of the analysis of the international cooperation of the Republic of Moldova with regional organizations in the field of combating and preventing terrorism, the initiatives of the Organization for Democracy and Economic Development – GUAM in this direction must also be considered. GUAM is a regional association of four states – Georgia, Ukraine, the Republic of Azerbaijan, and the Republic of Moldova, which initially consisted of five states, including Uzbekistan. The creation of this form of cooperation is based on the coincidence of countries' positions on many issues of modern international relations. The beginning of cooperation between the future members of GUAM – Georgia, Ukraine, Azerbaijan, and Moldova – can be considered their joint declaration at the meeting of the relevant OSCE committee on March 14, 1996, and on October 10, 1997 - Summit of Council of Europe, the rapprochement process took shape in the form of the creation of the GUAM Consultative Forum<sup>124</sup>. In 2006, this association was institutionalized in an international organization, within the Kyiv Summit, and received the official name of the Organization for Democracy and Economic Development – GUAM<sup>125</sup>.

In 2002, the member states of this organization signed an Agreement on cooperation between the governments of the GUAM member states in the field of combating terrorism, organized crime, and other types of dangerous crime<sup>126</sup>. The agreement notes that GUAM member states require their states to make joint efforts to prevent and suppress terrorist acts, including by expanding cooperation and ensuring the implementation of relevant international conventions related to the fight against terrorism, recognizing the need to take additional measures to prevent and suppress on its territory the financing and preparation of any terrorist acts, using all legal means. In this way, the regional cooperation efforts of the member state in the field of preventing and combating terrorism were coordinated. GUAM noted the importance of developing and further improving the operational interaction of the special services of the member states, intensifying the exchange of information between them, and activating mutual participation in ongoing exercises and training.

In the field of combating crime and terrorism, GUAM actively cooperates with the UN Counter-Terrorism Committee Executive Directorate and the Council of Europe Counter-Terrorism Committee. GUAM countries participate in NATO-led peacekeeping operations under the auspices of the UN Security Council, such as operations in Kosovo (KFOR), Afghanistan (ISAF), and Africa (AFRICOM). This is considered one of the important steps in the fight against international terrorism.

### **Conclusions**

Therefore, in recent years, the Republic of Moldova has developed such a form of interdepartmental cooperation as the exchange of professional, technical, and research experience. In particular, law enforcement agencies from the Republic of Moldova regularly participate in various international seminars and training courses, including in the USA, Great Britain, and other countries. Similar seminars and meetings for the exchange of experience also take place in the Republic of Moldova. In our opinion, the representatives of the Republic of Moldova should be more actively represented in the bodies of international organizations that deal with the problems of combating international terrorism, as well as in the activity of relevant international seminars and conferences. Now

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<sup>123</sup> *Joint staff working document Association Implementation Report on the Republic of Moldova*, [https://www.eeas.europa.eu/sites/default/files/swd\\_2021\\_295\\_f1\\_joint\\_staff\\_working\\_paper\\_en\\_v2\\_p1\\_1535649.pdf](https://www.eeas.europa.eu/sites/default/files/swd_2021_295_f1_joint_staff_working_paper_en_v2_p1_1535649.pdf), (10.08.2022)

<sup>124</sup> *GUAM: Istoriya i institucional'noe stanovlenie*, <https://guam-organization.org/guam-organizatsiya-zademokratiyu-i-ekonomicheskoe-razvitie-istoriya-i-institutsionalnoe-stanovlenie/>, (10.08.2022)

<sup>125</sup> *Idem*

<sup>126</sup> *Protokol k Soglasheniyu o sotrudnichestve mezhdru Pravitel'stvami gosudarstv-uchastnikov GUUAM v sfere bor'by s terrorizmom, organizovannoj prestupnost'yu i inymi opasnymi vidami prestuplenij ot 20 iyulya 2002 goda*, [https://base.spinform.ru/show\\_doc.fwx?rgn=26173](https://base.spinform.ru/show_doc.fwx?rgn=26173), (10.08.2022)

the world community is waging a full-scale war on terrorism, testing whether state governments can create a single global anti-terrorist coalition.

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**UKRAINE AND THE REPUBLIC OF MOLDOVA' ACCESS TO THE EUROPEAN UNION IN THE CURRENT GEOPOLITICAL AND ECONOMIC CONTEXT**

<b>Abstract:</b>	<i>The European Union has announced that Ukraine and Moldova have been granted candidate status. This announcement, together with the solidarity shown so far by EU countries, opens new prospects for the economies of the two candidate countries, which hope that the accession process will be speeded up and that they will surpass the countries of the Western Balkans, which have started accession negotiations but have made only modest progress on the way to membership.</i> <i>There is also hope for Georgia, where civil society pressure and large street protests have prompted the pro-Russian oligarchic government to abandon a package of Kremlin-inspired laws that is accelerating Russia's transformation from an autocratic regime to an increasingly harsh dictatorship.</i>
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**Introduction**

The war in Ukraine has contributed to the recalibration of economic flows in Europe. The case of Central and Eastern Europe is special because in this region the immediate impact of the war in Ukraine on 24 February 2022 was considerable. Countries such as Poland, Romania, Slovakia, and the Republic of Moldova have received huge numbers of Ukrainian refugees since the first days of the war. Trade partnerships have also been severely disrupted, as supply chains have suffered severe shocks. This is not only in the energy sector but also in the supply of food, building materials, or raw materials for the manufacturing industry, as well as finished products. But there is optimism that the region's economies are recovering, with the main countries unfairly affected by the conflict, Ukraine, and Moldova, enjoying medium to long-term economic growth forecasts.

Optimism is also fueled by falling hydrocarbon fuel prices and the fact that, at least for now, the European Union has successfully diversified its oil and gas supplies and drastically reduced its energy dependence on Russia. Moreover, the transition to green energy is being boosted, with generous public funding. A significant moment in history was recorded on the 19<sup>th</sup> of March 2023 when, for the first time in the European Union, the amount of energy produced from renewable sources surpassed that produced from fossil fuels.

In this context, the European Union announced the granting of candidate country status to Ukraine and Moldova. This announcement, together with the solidarity shown so far by EU countries, opens new prospects for the economies of the two candidate countries, which hope that the accession process will be speeded up and that they will catch up with the countries of the Western Balkans, which have started accession negotiations but have made only modest progress towards accession. There is also hope for Georgia, where civil society pressure and large street protests have prompted the pro-Russian

oligarchic government to abandon a package of Kremlin-inspired laws that is accelerating Russia's transformation from an autocratic regime to an increasingly harsh dictatorship.

The Ukrainian and Moldovan authorities expect to pass the European Commission's assessment and start the actual accession negotiations in the summer of 2023. Already, the European Parliament has expressed the view that Moldova has made good progress and could open accession negotiations, provided reforms are accelerated. This official opening of accession negotiations will also mark the launch of the pre-accession funding programs. There are seven major funding programs, already tested in the pre-accession period of the countries that joined the European Union in 2004, and then retested in the years when the countries that joined in 2007 were negotiating their accession to the European Union<sup>127</sup>. These pre-accession programs, such as PHARE, SAPARD, ISPA, and SAMTID, aim to prepare the economies of the candidate countries to meet the requirements of the European single market and to develop as much economic and social convergence with the European Union as possible.

### **European money - a major stake in Ukraine and Moldova**

The European money that will enter the economies of Ukraine and Moldova is essential not only for the modernization, diversification, and enhanced performance of these national economies in the global context but also for the political survival of the pro-Western governments in Kyiv and Chisinau, which will have the opportunity to deliver concrete projects to the population highly affected by the undesirable consequences of the war. Of course, there are also threats, such as Russia's efforts to support attempts to overthrow these pro-Western political regimes with the help of convicted criminals, such as right-wing extremists in Serbia, who have become Moscow's tools, or corrupt politicians also criminally convicted, such as Ilan Shor, the leader of the Șor Party in the Republic of Moldova. So far, these attempts by Moscow have been overthrown. That is why it is essential to understand the processes and transformations that have already begun in this part of Europe. It is honest to say that we will not be able to fully understand, in all aspects and down to the smallest details, these processes and transformations, which are in full swing at the time of writing, but we believe that the major trends can already be identified and interpreted.

According to a World Bank analysis published by The Guardian<sup>128</sup>, Ukraine's economy shrank last year by eight times that of Russia, the state that started the war on February 24, 2022. The World Bank estimated that in 2022 the Ukrainian economy contracted by 35 percent, while Russia's economy contracted by just 4.5 percent. In the case of Ukraine, the economic contraction was generated by the direct consequences of the war (occupation of large areas, the destruction caused by bombing, rocket attacks, direct fighting, seizure of economic assets by the Russian authorities in the occupied areas, the flight of a considerable number of people working on the labor market), as well as the indirect effects of the Russian invasion (market disruption, disruption of supplies of essential industrial production, including energy, and the blocking of key export routes such as those originating in Ukrainian Black Sea ports)<sup>129</sup>.

Ukraine has managed to avoid economic and military collapse thanks to massive support from Western allies, especially the United States<sup>130</sup> and the European Union<sup>131</sup>. Russia's economy, which has been subjected to Western sanctions, has managed to avoid a massive contraction as the price of hydrocarbon fuels on the global market rose in 2022 and because these fuels account for a large part of

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<sup>127</sup> Alan Bryman, *Social Research Methods*, Oxford University Press, 2012, pp. 28-30

<sup>128</sup> Larry Elliot, the *Ukrainian economy will shrink at a rate eight times that of Russia*, *World Bank forecast*, <https://www.theguardian.com/business/2022/oct/04/ukrainian-economy-will-shrink-at-rate-eight-times-that-of-russia-world-bank-forecasts>, (05.01.2023)

<sup>129</sup> Shankar Priyanka, *Convoaie navale împotriva blocadei cerealelor ucrainene*, <https://www.dw.com/ro/ar-putea-convoaiele-navale-s%C4%83-anuleze-blocada-impus%C4%83-cerealelor-ucrainene/a-61973610>, (18.01.2023)

<sup>130</sup> Hotnews, *SUA pregătesc un ajutor militar și bugetar pentru Ucraina în valoare de aproape 12 miliarde de dolari*, [https://www.hotnews.ro/stiri-razboi\\_ucraina-25768564-sua-pregatesc-ajutor-militar-bugetar-pentru-ucraina-valoare-aproape-12-miliarde-dolari.htm](https://www.hotnews.ro/stiri-razboi_ucraina-25768564-sua-pregatesc-ajutor-militar-bugetar-pentru-ucraina-valoare-aproape-12-miliarde-dolari.htm), (22.03.2023)

<sup>131</sup> *Solidaritatea UE cu Ucraina*, [https://www.consilium.europa.eu/ro/policies/eu-response-ukraine-invasion/eu-solidarity-ukraine/#:~:text=copii%20\(Comisia%20European%C4%83\)-,Ajutor%20umanitar,aproape%201%2C07%20miliard%20EUR](https://www.consilium.europa.eu/ro/policies/eu-response-ukraine-invasion/eu-solidarity-ukraine/#:~:text=copii%20(Comisia%20European%C4%83)-,Ajutor%20umanitar,aproape%201%2C07%20miliard%20EUR), (07.01.2023)

Russia's GDP. Before the European Union capped the price of these fuels, a paradoxical situation had arisen where Russia was exporting less oil and methane gas than before the war but was receiving more money from Western states. This money was instrumental in financing the invasion of Ukraine<sup>132</sup>, but Russia faces the prospect of dramatically lower receipts from energy contracts after Western states imposed a price cap of USD 60 per barrel of oil.

### **How Russia's economy has been hit**

Since the start of the Russian invasion of Ukraine, the European Union has imposed 10 economic sanctions packages on Russia and its ally Belarus<sup>133</sup>. There have also been such sanctions adopted by the United States of America, Canada, Australia, New Zealand, Japan, and, in general, by democratic states that have condemned Russian aggression. These economic sanctions aimed to weaken Russia's ability to finance the war in Ukraine.

There are estimates by the World Bank, the International Monetary Fund, and the Organization for Economic Cooperation and Development that Russia's Gross Domestic Product has contracted by 2.1% in 2022. It wasn't the economic meltdown some economists expected in the early weeks of the war, but life for ordinary Russians got worse. For 2023, the Organization for Economic Co-operation and Development estimates Russia's economy will shrink by 2.5 percent, the World Bank forecasts a decline of just 0.2 percent, and the International Monetary Fund expects growth of 0.7 percent.

### **Economic, political, and humanitarian challenges**

In this context, the Republic of Moldova has also faced humanitarian and economic challenges. 2022 was the most difficult year for the state between the Prut and Nistru rivers since the 1992 war in Transnistria<sup>134</sup>, another Russian aggression that resulted in a frozen conflict that has provided, over the decades, important leverage for Moscow to be able to influence the political situation in Chisinau and which the Kremlin is still trying to use to destabilize the pro-Western government in Chisinau. The war in Ukraine has not only meant inflation of over 30% in the Republic of Moldova and a significant increase in the prices of all goods and services but also an unprecedented influx of refugees from Ukraine<sup>135</sup>. At one time, Moldova was home to the largest number of refugees in the total population.

Ukrainian refugees chose to settle temporarily in Moldova<sup>136</sup> for three reasons:

1. Residents of the Republic of Moldova are largely able to communicate fluently in Russian, which is the main foreign language known by Ukrainian refugees. Also, especially in the north, there is a significant community of Ukrainians who have Moldovan citizenship<sup>137</sup>.
2. There are family or friendship ties that arose when Ukraine and Moldova were part of the Soviet Union. There are numerous cases where Moldovan citizens bought real estate in Ukraine before the war or where Ukrainian citizens bought houses<sup>138</sup>, and land or invested in companies registered in the Republic of Moldova, even if the number of these companies and the amount of capital invested was not spectacular<sup>139</sup>.

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<sup>132</sup> Ovidiu Nahoi, *Plafonarea prețului pentru petrolul rusesc: o măsură cu impact limitat*, <https://www.rfi.ro/presa-internationala-151080-plafonare-pret-petrol-rusesc-masura-impact-limitat>, (27.03.2023)

<sup>133</sup> <https://www.consiliul.europa.eu/ro/infographics/impact-sanctions-russian-economy/>, (23.04.2023)

<sup>134</sup> Simion Ciocină, *R. Moldova: Cel mai greu an din ultimele trei decenii*, [https://www.dw.com/ro/republica-moldova-cel-mai-greu-an-din-ultimele-trei-decenii/a-64269095\\_](https://www.dw.com/ro/republica-moldova-cel-mai-greu-an-din-ultimele-trei-decenii/a-64269095_) (12.02.2023)

<sup>135</sup> <https://www.unhcr.org/ro/14447-refugiatii-care-au-fugit-din-ucraina-in-republica-moldova-reusesc-sa-ajunga-mai-departe-in-romania.html>, (28.02.2023)

<sup>136</sup> James Allen, Aina Basilier Vaage, Edvard Hauff, *Refugees, and asylum seekers in societies*, in D. L. Sam, Berry, J. W. (eds.), in "The Cambridge Handbook of acculturation psychology", Cambridge University Press, Bridge, p 48, <https://doi.org/10.1017/CBO9780511489891.017>

<sup>137</sup> Victor Cojuhari, *Căsuța ucrainească. Cum a devenit Moldova casă comună pentru diferite popoare*, <https://newsmaker.md/ro/casuta-ucraineasca-cum-a-devenit-moldova-casa-comuna-pentru-diferite-popoare-partea-a-treia/>, (08.01.2023)

<sup>138</sup> Stephen Dobson, Gabriella Agrusti, Marta Pinto, *Supporting the inclusion of refugees: policies, theories and actions*, in "International Journal of Inclusive Education", 2019, p. 18

<sup>139</sup> *Conferința Națiunilor Unite pentru Comerț și Dezvoltare UNCTAD - Analiza Politicii Investiționale: Republica Moldova*, p. 34, [https://unctad.org/system/files/official-document/diaepcb2013d5\\_romanian.pdf](https://unctad.org/system/files/official-document/diaepcb2013d5_romanian.pdf), (09.01.2023)



3. The geographical proximity to Ukraine and the relaxed regime of the Moldovan-Ukrainian land border crossing allowed many refugees, especially women, to return at least temporarily when the Russian threat diminished, together with their family members who were forced to stay in Ukraine or who did not want to flee outside the Ukrainian borders.

But 2022 and early 2023 also brought good news for Ukraine and Moldova. Western states reaffirmed their support for the two former Soviet countries<sup>140</sup>, as Ukraine successfully resisted Russian aggression and even managed to liberate significant portions of the territory occupied by Russia in the early months of the war<sup>141</sup>. But there are also differences like Western aid to Ukraine and Moldova.

1. Western support for Ukraine is primarily aimed at helping the authorities in Kyiv to cope with the war of aggression unleashed by Russia and to liberate their national territory. The far-reaching reforms needed during the EU accession negotiations are being postponed until the military operations are completed<sup>142</sup>.
2. The Republic of Moldova is receiving Western support to strengthen its economy so that it can cope even with the challenges posed by the relocation of companies from Ukraine<sup>143</sup>, and prepare and carry out the reforms needed to complete the stages on the road to accession. The pro-Western authorities in the Republic of Moldova are aware of and are taking on these reforms<sup>144</sup>, while admitting that, at this time, support for Ukraine is a priority<sup>145</sup>, because, through its struggle, Ukraine is also protecting Moldova, at a time when there are fears that a defeat for Ukraine could also lead to an invasion of Moldova<sup>146</sup>.

### **Green light for accession negotiations**

In this context, the European Parliament has given the green light to start negotiations with the Republic of Moldova<sup>147</sup>, as there is a majority of about 60 percent of Moldovans in favor of Moldova's accession to the European Union, while less than a quarter of the population supports the rapprochement with Russia.

This is why the authorities in Kyiv and Chisinau have already adopted two distinct strategies for the forthcoming period, which sometimes even give rise to minor jealousies among the relevant political players in the two capitals<sup>148</sup>.

Essentially, Ukraine's immediate objective is to win the war and negotiate an advantageous<sup>149</sup> peace that will help rebuild the country after the war, with the help of investments provided by Western

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<sup>140</sup> Zdg, *Ucraina trebuie să primească sprijin pe termen lung din partea țărilor occidentale, afirmă secretarul general al NATO*, <https://www.zdg.md/stiri/stiri-externe/ucraina-trebuie-sa-primeasca-sprizjin-pe-termen-lung-din-partea-tarilor-occidentale-afirma-secretarul-general-al-nato/>, (03.01.2023)

<sup>141</sup> Raul Netoiu, *Ucraina a eliberat în câteva zile un teritoriu mai mare decât tot ce a cucerit Rusia în ultimele cinci luni. Cum va răspunde kremlinul*, <https://www.digi24.ro/stiri/externe/ucraina-a-eliberat-in-cateva-zile-un-teritoriu-mai-mare-decat-tot-ce-a-cucerit-rusia-in-ultimele-cinci-luni-cum-va-raspunde-kremlinul-2079965>, (09.01.2023)

<sup>142</sup> <https://www.consilium.europa.eu/ro/policies/eastern-partnership/ukraine/>, (11.01.2023)

<sup>143</sup> Moldova Street, *Moldova a ajuns în top 10 destinații de relocare în IT-ul din Ucraina*, <https://www.mold-street.com/?go=news&n=15196>, (20.02.2023)

<sup>144</sup> Virginia Nica, *Moldova Business Week 2022 O justiție independentă este crucială pentru atragerea investițiilor în R. Moldova*, <https://moldova.europalibera.org/a/moldova-business-week-2022-o-justi%2525C8%25259Bie-independent%2525C4%252583-este-crucial%2525C4%252583-pentru-atragerea-investi%2525C8%25259Bilor-%2525C3%2525AE-n-r-moldova-/32035269.html>, (08.01.2023)

<sup>145</sup> Moldova 1, *Președintele Republicii Moldova, Maia Sandu, a primit la Cluj Napoca „Premiul România Europeană”*, <https://moldova1.md/p/856/presedintele-republicii-moldova-maia-sandu-a-primit-la-cluj-napoca-premiul-romania-europeana->, (18.01.2023)

<sup>146</sup> Redactia TVR Moldova, *Federația Rusă ar avea în plan să invadeze și R. Moldova la începutul anului 2023*, <https://tvr.moldova.md/article/a35b0916fd4f7829/ultima-ora-federatia-rusa-ar-avea-in-plan-sa-invadeze-si-r-moldova-la-inceputul-anului-2023.html>, (14.01.2023)

<sup>147</sup> Vitalie Călugăreanu, *PE cere începerea negocierilor de aderare cu Moldova*, PE cere începerea negocierilor de aderare cu Moldova – DW – 20.04.2023, (22.04.2023)

<sup>148</sup> Jurnal Moldova, *Kuleba: Cererile Moldovei și Georgiei de aderare la UE - încercare de a atașa vagoane la un tren ucrainean de mare viteză*, <https://www.jurnal.md/ro/news/506c6cb3205f683f/kuleba-cererile-moldovei-si-georgiei-de-aderare-la-ue-incercare-de-a-ata-sa-vagoane-la-un-tren-ucrainean-de-mare-viteza.html>, (04.01.2023)

partners and, possibly, with the help of the war damages that the Ukrainians hope to force Russia to pay after the end of the military conflict<sup>150</sup>. This process would be accompanied by reforms called for by European officials, who hope "Ukraine will modernize its patriotism", as Polish Senator Kazimierz Ujadowski said at a conference in Cluj on 22<sup>nd</sup> of August 2022. We are talking about a two-step process:

1. winning the war and peace;
2. reforming the Ukrainian state.

In the case of Moldova, the main immediate objective is to start negotiations for accession to the European Union and to obtain European funds, accompanied by Western investment, to improve the economic situation of the state between Prut and Nistru. Of course, this context could also create the conditions for resolving the frozen conflict in Transnistria and ending the illegal presence of Russian troops in that Moldovan region<sup>151</sup>. Also here, there is a two-step strategy:

1. the start of accession negotiations, which makes it more attractive to find a solution to reunite the entities formed on the two banks of the Nistru (Dniester);
2. the resolution of the Transnistrian conflict. And the Chisinau authorities are working to put this strategy into practice. On the 19th of April 2023, the Republic of Moldova submitted its first report of around 1,000 pages, detailing the measures and reforms adopted to facilitate Moldova's accession to the European Union<sup>152</sup>.

The report is supported by Romania and Poland. The strongest support comes from Prime Minister Mateusz Morawicki, who during a visit to Chisinau called for an accelerated path to EU membership for Moldova.

The Moldovan authorities insist that they only want a peaceful resolution to this frozen conflict maintained by Russia<sup>153</sup>.

The resolution of the frozen conflict in Transnistria is not a condition imposed by the European Union for Moldova's accession. Even if an end to this conflict is desirable<sup>154</sup>, and Ukraine has offered to help, including with military help<sup>155</sup>, there is also the more difficult prospect of Moldova joining the European Union only with the territories directly under the control of the authorities in Chisinau, and then Brussels helping Moldova to regain authority over the Transnistrian region as well, in a similar way to the accession process for Cyprus<sup>156</sup>.

The European authorities are also supporting the economic integration of Cyprus, as the northern part of Cyprus is under the control of an internationally unrecognized Turkish state entity. The experience gained in Cyprus could help ease Moldova's European path, say some European experts.

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<sup>149</sup> Andreas Umland, *Cum poate Occidentul să ajute Ucraina. Trei strategii pentru o victorie și o revenire a Ucrainei. O analiză de Andreas Umland*, <https://www.hotnews.ro/stiri-opinii-25996864-cum-poate-occidentul-ajute-ucraina-trei-strategii-pentru-victorie-revenire-ucrainei-analiza-andreas-umland.htm>, (14.03.2023)

<sup>150</sup> Trt, *Ucraina: Pagubele cauzate de război au depășit 700 de miliarde de dolari*, [https://www.trt.net.tr/romana/lume/2023/01/04/ucraina-pagubele-cauzate-de-razboi-au-depasit-700-de-miliarde-de-dolari-1927852\\_](https://www.trt.net.tr/romana/lume/2023/01/04/ucraina-pagubele-cauzate-de-razboi-au-depasit-700-de-miliarde-de-dolari-1927852_), (06.01.2023)

<sup>151</sup> Ana Petrescu, *Maia Sandu: Chiar dacă rezolvarea conflictului transnistrean nu apare ca o condiție explicită a UE, în vederea aderării Republicii Moldova, suntem conștienți că trebuie să găsim o soluție pentru acest conflict*, <https://www.news.ro/politic-intern/maia-sandu-rezolvarea-conflictului-transnistrean-apare-conditie-explicita-ue-vederea-aderarii-republicii-moldova-constienti-gasim-solutie-acest-conflict-1922405129262022071220795324> (14.01.2023)

<sup>152</sup> Vitalie Călugăreanu, *O cale de aderare accelerată a Moldovei la UE există*, O cale de aderare accelerată a Moldovei la UE există – DW – 06.04.2023, (07.04.2023)

<sup>153</sup> Știri Moldova, *Maia Sandu, despre conflictul transnistrean: Doar o soluție pașnică*, <https://stiri.md/article/politica/maia-sandu-despre-conflictul-transnistrean-doar-o-solutie-pasnica>, (14.01.2023)

<sup>154</sup> Tudor Șerban, *Maia Sandu îndemnată să rezolve problema Transnistriei cu ajutorul NATO și al Ucrainei. Opinia unui deputat din partidul de guvernământ*, <https://ziare.com/maia-sandu/maia-sandu-rezolvare-problema-transnistria-ajutor-nato-ucraina-1779637>, (12.01.2023)

<sup>155</sup> Vitalie Călugăreanu, *Planul nedeclarat de lichidare a Transnistriei*, <https://www.dw.com/ro/planul-nedeclarat-de-lichidare-a-transnistriei-deja-%C3%AEn-aplicare/a-64300299>, (13.01.2023)

<sup>156</sup> [https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/support-turkish-cypriot-community/aid-programme-turkish-cypriot-community\\_ro](https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/support-turkish-cypriot-community/aid-programme-turkish-cypriot-community_ro), (14.01.2023)

## Optimistic outlook

All these developments lead policymakers in Kyiv and Chisinau to look optimistically to 2023. Ukrainian economy minister Yulia Svidirenko expects her country's GDP to grow by 15% this year. International financial bodies and private agencies have various estimates for the development of the Ukrainian economy, ranging from a decline of 0.4 percent of GDP to economic growth of 15.5 percent.

In the case of Moldova, an economic analysis by the World Bank estimates that the Moldovan economy will grow by 1.6% of GDP in 2023<sup>157</sup>.

For 2024, the World Bank maintains its growth forecast of 4.2 percent for the Moldovan economy, while the authorities in Chisinau estimate economic growth of 2 percent in 2023 and 3.5 percent in 2024<sup>158</sup>.

For Ukraine, there are no serious forecasts for 2024, as no one can predict how the war will evolve this year. Nor can anyone assess with any great accuracy how Ukraine's economy will take advantage of the opportunities offered by access to the EU single market<sup>159</sup>. Sometimes, the opportunities offered to economic entities in Ukraine by European bodies negatively influence certain economic areas in European states neighboring Ukraine and generate countermeasures adopted even by states that strongly support Ukraine. The grain crisis that broke out in the spring of 2023 is an example. Some countries, such as Slovakia and Bulgaria, have decided to ban the import of Ukrainian grain to protect their farmers. Other countries, such as Poland and Romania, have decided to allow the transit of Ukrainian grain, but have tightened control measures with additional seals on rail and road transport and GPS monitoring<sup>160</sup>.

Exports of Ukrainian grain by rail and road transiting Central European and, to a lesser extent, Balkan countries have increased sharply as exports of Ukrainian grain via the Black Sea have declined due to the war and the loss of control of some ports. By March 2023, some 23 million tons of cereals and other food products have been exported by 800 ships, mainly loaded in three ports: Chernomorsk, Odessa, and Yuzhni/Pivdeni<sup>161</sup>. And this was at a time when in the year before the Russian invasion, Ukraine reported production of more than 80 million tons, of which almost 50 million tons of grain were exported, mostly to developing countries<sup>162</sup>. Ukrainian grain exports in 2021 were worth almost \$12 billion.

In the spring of 2021, Ukrainian farmers have sown almost 17 million hectares, which is more than Austria and the Czech Republic combined. This figure does not, of course, include areas sown in Ukrainian territories under Russian control because of the 2014 invasion. In 2022, due to the war, Ukrainian farmers sowed 22 percent less area. The remaining unsown area of 2.8 million hectares is almost as large as the total area of Belgium. These figures show why farmers in countries such as Romania, Poland, Slovakia, Hungary, and Bulgaria are feeling the pressure of Ukrainian grain exports so strongly. The grain crisis also shows why Ukraine's European integration will be much harder to manage than Moldova's.

Not from the point of view of political reforms, because Ukraine has adopted spectacular laws to fight corruption and limit the influence of oligarchs in public life - some of these reforms have also inspired political leaders in Chisinau. The biggest challenge at the end of the war in Ukraine will be to harmonize the economic interests of the EU member states with those of Ukraine. Agriculture is a sensitive area, but it is not the only one. There will also be difficult negotiations in the field of energy, given that a large part of Ukraine's energy is produced in nuclear power plants, which use the technology of Soviet origin not dissimilar to that which caused the Chernobyl disaster. There will also be the challenge of modernizing the railway network, which was built on a Russian gauge, different from the European one. Another major challenge will be that of meeting environmental standards, in conjunction with clearing war zones. Of course, there will also be the challenge of rebuilding Ukraine after the war.

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<sup>157</sup> Infotag, *Banca Mondială a înrăutățit prognoza de creștere a economiei Moldovei pentru 2022 și 2023*, <https://www.infotag.md/economics-ro/303999/>, (14.01.2023)

<sup>158</sup> *Idem*

<sup>159</sup> <https://www.consilium.europa.eu/ro/policies/enlargement/ukraine/>, (03.03.2023)

<sup>160</sup> Ovidiu Nahoii, *Criza cerealelor pune în pericol sprijinul Europei Centrale pentru Ucraina*, <https://www.rfi.ro/presa-internationala-155061-criza-cereale-pune-pericol-sprijin-europa-centrala-ucraina>, (21.04.2023)

<sup>161</sup> <https://www.consilium.europa.eu/ro/infographics/ukrainian-grain-exports-explained/>, (21.04.2023)

<sup>162</sup> *Idem*

For the Republic of Moldova, things are much simpler. Much of Moldova's exports are absorbed by Romania, which has become the main advocate of Moldova's European integration. Thus, in 2022, Moldova's merchandise exports totaled USD 4.33 billion, up 37.9 percent compared to 2021. Of these exports, USD 2.54 billion represents the value of Moldovan exports to the European Union or 58.6 percent of Moldova's total merchandise exports. "In 2022 the main countries of destination of merchandise exports (Figure 5 and Annex 1) were: Romania (28.6% of total exports), Ukraine (16.6%), Italy (7.6%), Turkey (7.0%), Germany (5.3%), Russian Federation (4.4%), Bulgaria (3.3%), Poland (2.8%), Czech Republic (2.4%), Belarus (1.9%), the Kingdom of the Netherlands and Switzerland (1.5% each), the United Kingdom of Great Britain and Northern Ireland (1.4%), Hungary, Iran and the United States of America (1.2% each), Spain (1.0%), France (0.9%), Greece (0.8%), Kazakhstan (0.7%), Portugal and Austria (0.5% each)", reveals an analysis by the Government of Moldova<sup>163</sup>.

## Conclusions

Moldovan exports have reached their highest level in the history of the Republic of Moldova, and the trend will continue as economic cooperation between Moldova and the European Union intensifies. However, it is highly unlikely that these increases will disrupt any sector of the European economy, so there is no fear of Moldova's economic integration into the European Union. Such fears exist in the situation of Ukraine.

That is why it is very likely that the accession negotiations of the two countries will be uncoupled. It is to be expected that, with the Republic of Moldova enjoying Romania's obvious support, the accession negotiations will proceed swiftly and smoothly in the case of Chisinau, while those of Ukraine will be more difficult. Of course, for these forecasts to come true, pro-European governments must continue to exist in both Chisinau and Kyiv, and for the future peace that will put an end to the war in Ukraine to enshrine, as would be fair, the right of the Ukrainian people to decide their future.

The Republic of Moldova could reach its goal of concluding the accession negotiations to the European Union in the following years if several conditions are met:

- the governing political configuration in the Republic of Moldova remains favorable to EU accession and the continuation of the necessary reforms for this purpose, both in 2024 and in the following years;
- the Republic of Moldova meets the EU accession criteria, namely the political, economic, and administrative capacity criteria to fulfill its obligations as an EU member states;
- uses the positive experience in the accession process of neighboring member states, primarily Romania.

The pace of the accession process depends decisively on the duration of the negotiation of the 35 chapters that cover all EU legislation and standards, as well as the Association Treaty that will be ratified by each member state of the Union and the Republic of Moldova. The accession process will be financially supported by the Union, both through non-refundable funds and through loans granted by the EU and the European Investment Bank, at favorable costs compared to commercial banks.

The European Commission will probably come up with new proposals to increase financial support for the Republic of Moldova, considering that its new status as a candidate country came after the adoption of the current multiannual financial framework 2021-2027. Also, in the following years, until the moment of accession, the Republic of Moldova will benefit from the advantages of gradual integration, according to the progress of the accession process.

Another conclusion is that Bucharest is trying to direct as many Romanian investors as possible to the Moldovan market, even if Chisinau does not yet provide special facilities.

Even so, Romania ranks first in terms of the number of companies registered across the Prut, more than 1,500, and second in terms of the amount of invested capital, around 280 million euros. Some believe that Chisinau has exchanged dependence on the Russian Federation for dependence on Romania.

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<sup>163</sup>[https://statistica.gov.md/ro/comertul-international-cu-marfuri-al-republicii-moldova-in-luna-9539\\_60309.html](https://statistica.gov.md/ro/comertul-international-cu-marfuri-al-republicii-moldova-in-luna-9539_60309.html), (07.04.2023)

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19. <https://www.unhcr.org>
20. <https://www.zdg.md>
21. <https://ziare.com>

**NATIONAL IDENTITY IN THE ROMANIAN AND HUNGARIAN SECURITY STRATEGIES – STILL A SOCIETAL SECURITY PRIORITY?**

<b>Abstract:</b>	<p>The “societal security” concept rooted in Copenhagen’s School works currently bears different approaches and uses. Two paradigms of understanding are specific to its employment – an “identity-based” one and a functional one. While the first see “identity” as a referent object - and societal threats are defined accordingly, the second refers to the ability of a society to function, being thus subject to various threats. The current paper examines how “societal security” is conceptualized in Romania’s National Defence Strategy and Hungary’s National Security Strategy (documents issued in 2020) aiming to identify as well potential sources of friction resulting from Hungary’s extensive use of the concept “Hungarian political nation” – which includes the Hungarian national minority in Romania.</p> <p>The research builds on the existing knowledge about the conceptualization of societal security in policy documents and academic literature of states in the Baltic Sea Region, where either one or the other meaning is predominant or substituted with associated concepts. The contents of the strategies were qualitatively analyzed through a hybrid coding approach (first deductive and then inductive), using a computer-assisted qualitative data analysis package (MAXQDA) to enhance the validity of the findings. The coding process was based on various definitions given to societal security and its associated concepts in Copenhagen’s School understanding, the “Nordic” perspective, and the academic literature of states in the Baltic Sea Region.</p>
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**Introduction**

The discourse of states on “national identity” is an indicator of how “societal security” is conceptualized, which will further be reflected in states’ policies. The “uniqueness” of the nation consists of the fact that it integrates populations into a “community of citizens”, and it legitimizes internal and external actions of the state, on their behalf<sup>164</sup>. A national identity defined as “the sense of belonging to a particular nation”<sup>165</sup> may represent something that states seeks to secure, which in some cases is leading to conflicts<sup>166</sup>.

<sup>164</sup> Dominique Schnapper, *Community of Citizens. On the Modern Idea of Nationality*, Routledge, London and New York, 1997, p. 30

<sup>165</sup> Adrian Lesenciuc, Ioana Miruna Popescu, *The concept of national identity and its fall under the school of constructivist thinking. Arguments. Identifying the elements belonging to the constructivist approach*, in “Redefining Community in Intercultural Context”, 2019, p. 236

<sup>166</sup> Ole Weaver, *The changing agenda of societal security*, in “Globalization and Environmental Challenges: Reconceptualizing Security in the 21<sup>st</sup> Century”, Springer, Berlin, 2008 p. 583

Postmodern theorists of “nation” and “nationalism” expect to see the “nation-state” superseded by economic globalization, political interdependence, mass communication, and the hybridization of cultures, believing in the potential creation of a “post-national” identity, which would bear, in the European context, a “European cultural identity”. However, even those who expect such occurrence, realize the barrier of having to compete with “strongly entrenched national identities”<sup>167</sup>. A supra-national identity to which the national ones would succumb is at present hard to imagine, considering that “the social tie is primarily national” - as described by Durkheim in characterizing modern society. Moreover, as Smith argued, the nation did not transcend “myths, values, and symbols of pre-existent ethnizes”, which form the social realities of communities<sup>168</sup>.

New approaches to societal security abandon identity-based approaches. They bear a rather holistic<sup>169</sup> view of the concept, referring to the ability of society to function, and being closely linked with concepts such as resilience, crisis management, safety management, and risk management.

The current paper presents how Romania and Hungary conceptualize “societal security”, through a qualitative analysis of the states’ security strategies, which were both adopted in 2020. The two cases were selected considering Hungary’s strong ties with the Hungarian minorities in neighboring states – including those living in Romania, aiming to identify potential sources of friction that may come due to the two states’ conceptualization of societal security. Hungarians represent the largest ethnic minority in Romania and their relations with Romanians have known tense episodes. The post-communist period in Romania has come with significant changes in ensuring democratic rights to the national minority, however, some authors<sup>170</sup> argue that the Hungarians have not been successfully accommodated, and nor have all ethnic conflicts been solved.

The paper builds on existing research<sup>171</sup> that explored the understanding of “societal security” by states in the Baltic Sea Region. Scholars in the Baltic Sea Region have come up with conceptual additions to Copenhagen’s School developed concept, offering a broad view of how societal security is understood by states in their policies<sup>172</sup>. Moreover, the Nordic states’ governments are an example of integrating research in practice through their policies, expanding security concepts through the developments in academia<sup>173</sup>. The current paper seeks firstly to present the paradigms of study for societal security and its different employment by some states and then delves into examining the approach of the concept in the Romanian National Defence Strategy and Hungarian National Security Strategy. Understanding how the two states conceptualize societal security may also indicate potential sources of friction given by “identity-based” approaches and Hungary’s extensive use of “Hungarian political nation”<sup>174</sup> which includes the Hungarian minority in Romania as well. A computer-assisted qualitative data analysis package – MAXQDA was used to enhance the coding and analysis of the data and thus increase the validity of the findings.

### **Societal security: understanding the concept**

“Societal security” as a constructivist concept has its roots in Copenhagen’s School works. The “Copenhagen School” – a shorthand primarily used by McSweeney<sup>175</sup>, refers to a group of scholars who

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<sup>167</sup> Anthony D. Smith, *Nationalism and Modernism*, Routledge, London and New York, 1998, pp. 214-218

<sup>168</sup> Dominique Schnapper, *Community of Citizens. On the Modern Idea of Nationality*, Routledge, London and New York, 1997, pp. 19-20

<sup>169</sup> Dina Abdel-Fattah, Christer Henrik Pursiainen, Reidar Staube-Delgado, *Higher Education and the Changing Situation of Societal Security in the Baltic Sea Region*, in “Journal on Baltic Security”, 2022, Vol , No. 2, p. 88

<sup>170</sup> Tamás Kiss, István Gergő Székely, Tibor Toró, Nándor Bárdi, István Horváth, *Unequal Accommodation of Minority Rights. Hungarians in Transylvania*, Springer International Publishing AG, 2018, pp. 91-93

<sup>171</sup> *Ibidem*, p. 216

<sup>172</sup> Mika Aaltola, Boris Kuznetsov, Andris Spruds, Elizabete Vizgunova, *Societal Security in the Baltic Sea Region*, Latvian Institute of International Affairs, Riga, pp. 11-12

<sup>173</sup> Mark Rhinard, Sebastian, Larson, *Nordic Societal Security. Convergence and Divergence*, Routledge, New York, 2021, p. 4

<sup>174</sup> Tamas Csiki Varga, *Hungary’s new National Security Strategy – A critical analysis*, in ”ISDS Analyses, Institute for Strategic and Defense Studies, No. 1, 2021, p. 5

<sup>175</sup> Bill Mcsweeney, *Identity and security: Buzan and Copenhagen School*, in “Review of International Studies”, Vol. 22, No. 1, p. 81



aligned to a new paradigm of studying security, having as a stimulus Barry Buzan's 1983 publication "People, States and Fear" and its later 1991 revision. An alternative approach to societal security belongs to the "Nordic functionalist security studies", developed in the late 1990s, which regard the concept in a rather critical fashion. While the Copenhagen approach is "identity-oriented", the latter is centered on "life-giving functions"<sup>176</sup>. Both approaches have influenced the way that states think about societal security and formulate subsequent policies, a development that came with the leap from the traditionalist study of security - which had at its core a military focus, to the wideners' perspective - who extended the security agenda to other sectors, and critical security studies - who brought new inquiries to the conceptualization of security<sup>177</sup>.

Societal security was primarily proposed by Barry Buzan as one of the sectors of security, together with the other four: military, political, economic, and ecological. The five sectors, derived from Buzan's view of security studies, define security based on existential threats that are subjectively agreed on<sup>178</sup>. According to this paradigm of understanding, the referent object of societal security is represented by large-scale collective identities. Since "identity" is transient in nature, establishing what constitutes a threat and imposes securitization is a matter dependent on the "closed" or "open-mindedness" of those who define themselves by it<sup>179</sup>. While being criticized for remaining state-centric in the attempt to extend security beyond the traditionalist approach and limited in choosing "identity" as the reference object of societal security<sup>180</sup>, Copenhagen's School scholars argue that the critical approach extends too broadly the area of security issues which leads to a greater need for securitization of more spheres. They advocate thus for "de-securitization" as an ideal, which does not require acting in "emergency mode"<sup>181</sup>.

Research conducted by Copenhagen School scholars, while keeping "identity" at the core of societal security, explained that the concept is not limited to state security, which rarely coincides with societal boundaries, and neither does it equate with political security - that refers to the stability of states, governmental systems and ideologies which legitimize states. Such logic would exclude stateless groups, national minorities, racially defined minorities, and identity groups formed on other terms, but also nations - such as the Serbian one, whose people are living across several states. Weaver argues that securitizing the nation by considering a threat to its identity should not be seen through the lens of state sovereignty, but could mean measures in terms of education, culture, and language<sup>182</sup>.

Insecurity at the societal level is seen as a threat to the survival of identity groups - belonging to the "we" community, which exist independently from the state. Defending identities through policies is however dangerous and in the European context, the securitization of national identity has led to radical measures, among which are collective killings. National identity has been many times considered a basis for policymakers, given its strong links with culture and people's needs to assign meaning to the reality surrounding them. The common societal security threats have been considered: migration - which changes the make-up of a community; horizontal competition - which sees a neighboring culture as inflicting changes upon own language and culture; and vertical competition - redefining identity in a wider or narrower sense, as people belonging to a group will start seeing themselves differently due to an integrating or secessionist - "regionalist" project. Depopulation could also be seen as a societal threat in some instances - as identity can be affected by natural catastrophes, famine, extermination policies, or war<sup>183</sup>.

Minorities may be affected by states' integration projects which seek to shape a common culture matching the majority one. This may affect the minority communities' ability to express culture and

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<sup>176</sup> Mark Rhinard, Sebastian, Larson, *Nordic Societal Security. Convergence and Divergence*, Routledge, New York, 2021, p. 5

<sup>177</sup> Barry Buzan, *Rethinking security after de Cold War*, in "Cooperation and Conflict", Vol. 32, No. 1, 1997, p. 5

<sup>178</sup> *Ibidem*, p. 15

<sup>179</sup> *Ibidem*, p. 17

<sup>180</sup> Bill Mcsweeney, *Identity and security: Buzan and the Copenhagen School*, in "Review of International Studies", Vol. 22, No. 1, 1996, pp. 82-84

<sup>181</sup> Barry Buzan, *Rethinking security after de Cold War*, in "Cooperation and Conflict", Vol. 32, No. 1, 1997, p. 11

<sup>182</sup> Ole Weaver, *The changing agenda of societal security*, in "Globalization and Environmental Challenges: Reconceptualizing Security in the 21<sup>st</sup> Century", Springer, Berlin, 2008, pp. 581-582

<sup>183</sup> *Ibidem*, pp. 583-584

reproduce it<sup>184</sup>. States' nationalism – be it of ethnic, civic, or mixed type, may be tending towards exclusivity or radical assimilation of minorities, aiming to suppress ethnic and cultural differences<sup>185</sup>. In repressive situations, the educational system and the media may be used to influence “hearts and minds”, or political decisions may be implemented to alter minority identities. State-oriented responses to defend identities are common, which makes the societal sector harder to analyze as it falls in other sectors as well – such as the political one. Decisions on behalf of societies regarding what is perceived as identity threats can be taken differently: through state policies, cultural actors, and the civilian sector as well. It becomes thus a matter of deciding whether the states should act on societal threats, but as shown by Weaver, state mobilization on identity issues has historically posed threats to European integration. Moreover, Weaver highlights the existence of two competing visions of Europe – one that politically integrates nations with cultural differences and another where the relationship of Europe and nation-states from a cultural and identity perspective are more closely connected. States will react differently to “homogenizing global cultures” which may be seen as national identity threats<sup>186</sup>.

When referring to state identity, the later developed “ontological security” concept comes to explain that beyond classical realist concerns, states are looking to preserve their self-agency. Mitzen argues that the state's security is not limited to its physical being (i.e. territory, people), as it includes as well the idea of society which implies a stable group identity and its distinctiveness from other societies. Thus, states are motivated to preserve their national group identities and not only their physical components.<sup>187</sup> Postmodern views of identity bring new perspectives to Mitzen's thesis, debating on the impact of supranational projects on national identities. For Schnapper<sup>188</sup>, the modern democratic nation is less mobilized by national feeling and more by national values and ideas. Guibernau argued that Europe's construction requires the creation of a common “European national consciousness”. The creation of a European identity is seen with caution by other scholars, who remark that Europe's citizen's loyalty stays primarily with their ethnocultural nations<sup>189</sup>.

The “Nordic” perspective on societal security presents a more extensive and functionalist meaning of the concept, making it more appealing to policymakers in many states. Being sourced in the Nordic tradition for the society's welfare, societal security refers to the protection of interdependent critical infrastructures, making thus a move from identity and culture to functions that must be preserved<sup>190</sup>. Societal security in this paradigm of thinking refers to the ability of a community to function, having a transnational character. It is closely related to concepts such as resilience – as the society needs to be ready for situations that cannot be avoided, crisis management – societal responses imposing measures of prevention and recoverability, but also risk – due to the complexity of modern societies and the challenges in protecting it<sup>191</sup>. Such an understanding of “societal security” was adopted as the European version of the US “homeland security”- adopted after 9/11, to avoid “nationalist” approaches, but also seeking to provide an all-hazards approach<sup>192</sup>.

### **Different states and different meanings of societal security**

Different states assign different meanings to the concept. The way states relate to “societal security” is observable for instance in national policy documents – such as security or defense strategies, or the

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<sup>184</sup> *Ibidem*, p. 585

<sup>185</sup> Anthony D. Smith, *Nationalism and Modernism*, Routledge, London and New York, 1998, p. 212

<sup>186</sup> Ole Weaver, *The changing agenda of societal security*, in “Globalization and Environmental Challenges: Reconceptualizing Security in the 21<sup>st</sup> Century”, Springer, Berlin, 2008, pp. 585-586

<sup>187</sup> Jennifer Mitzen, *Ontological Security in World Politics: State Identity and the Security Dilemma*, in “European Journal of International Relations”, Vol 12, No. 3, 2006, p.352

<sup>188</sup> Dominique Schnapper, *Community of Citizens. On the Modern Idea of Nationality*. London and New York, 1997, p. 139

<sup>189</sup> Anthony D. Smith, *Nationalism and Modernism*, Routledge, London and New York, 1998, pp. 217-218

<sup>190</sup> Mark Rhinard, Sebastian, Larson, *Societal Security. Convergence and Divergence*, Routledge, New York, 2021, pp. 8-9

<sup>191</sup> *Ibidem*, pp. 26-28

<sup>192</sup> Dina Abdel-Fattah, Christer Henrik Pursiainen, Reidar Staupé-Delgado, *Higher Education and the Changing Situation of Societal Security in the Baltic Sea Region*, in “Journal on Baltic Security”, 2022, Vol 8, No, 2, p. 88

security literature. Such documents depict also the role played by “national identity” in formulating security policies.

The approaches to societal security are either identity-based or rather functional (Nordic-like), but some states appear to be going forward with both. The latter is the case of states in the Baltic Sea Region, wherein the security literature, the understanding of societal security has known lately an “ambiguous mix” between the two. In Latvia and Lithuania, the security discourses are still dominated by the threat posed by Russia, and consequently, the understanding of societal security is conceptualized through the lenses of Copenhagen School, from the dual perspective of state and society. A similar situation is in Poland, where societal security includes threats posed to Polish identity, but also information and cyber security challenges. In Norway, Estonia, and Finland, there is a preference for the functional understanding of the concept, while in Sweden the social security debate is described by competing meanings – from older concepts of total defense to modern ones centered on human security and emergency preparedness. Most policy documents belonging to the states in the Baltic Sea Region are dominated by an understanding of societal security closer to the concepts of civil security cooperation and intergovernmental safety. Abdel-Fattah et. al. argue that societal security is suitable to be used as a common, holistic concept which encompasses contingencies and civil emergencies, providing thus a transnational understanding<sup>193</sup>.

### **National Identity and societal security in Romania’s National Defence Strategy and Hungary’s National Security Strategy**

The Romanian National Defence Strategy 2020-2024 (NDS), approved in June 2020 was issued under the motto “Together for a safe and prosperous Romania in a world marked by new challenges”<sup>194</sup>. A first-level qualitative assessment of the motto depicts that the strategy encourages cohesion (“together”) and maintains the idea of the state as a referent object of security (“safe and prosperous Romania”), while also announcing that it doesn’t stick to the traditional idea of security, but it goes beyond it as it admits the emergence of “new challenges”.

Analyzing the NDS, Chifu<sup>195</sup> argues that the five security dimensions proposed by Buzan stand behind its formulation, identifying three reference objects that are securitized – state/institutions, society, and the citizen. The NDS also includes components of the new security dimensions, as proposed by NATO - cyber security, energetic security, critical infrastructures, and terrorism, while also those derived from asymmetrical and hybrid threats, referring to informational, hybrid, and legal security. The NDS prioritizes the security of the citizen, having a “whole of the government” and “whole of the society” approach, built on resilience. Identity and dignity are well absorbed in its contents, with the first being seen as a component of societal security, but also as an individual’s need for it to be securitized. Societal cohesion stays as a key component that ensures societal security and resilience, according to Chifu<sup>196</sup>.

Hungary’s National Security Strategy was adopted in April 2020, under the motto “A Secure Hungary in a volatile world”, replacing the arguably outdated 2012 version. As in the case of Romania, the motto appears to be announcing a state-centric approach, with the state being a reference object of security (“Secure Hungary”), while potential threats appear to be sourced externally (“volatile world”). According to Csiki Varga, the strategy came with a realist worldview, and with a “defense heavy” focus compared to older versions, its institutional ownership belonging to the Hungarian Ministry of Defense and not the Prime Minister’s Office or the Hungarian Ministry of Foreign Affairs<sup>197</sup>. The security concept goes beyond the traditional security concept, referring to multiple security dimensions: “political, economic, financial, social, technological, environmental, health, military, law enforcement, information,

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<sup>193</sup> *Ibidem*, pp. 89-90

<sup>194</sup> Romania Presidential Administration, *National Defence Strategy 2020-2024*, București, [https://www.presidency.ro/files/userfiles/National\\_Defence\\_Strategy\\_2020\\_2024.pdf](https://www.presidency.ro/files/userfiles/National_Defence_Strategy_2020_2024.pdf), (16.04.2023)

<sup>195</sup> Iulian Chifu, *Caracteristici, controverse, opțiuni politice, abțineri și absențe în Strategia Națională a Țării 2020-2024*, <https://adevarul.ro/blogurile-adevarul/caracteristici-controverse-optiuni-politice-2028355.html>, (17.02.2023)

<sup>196</sup> *Idem*

<sup>197</sup> Tamas Csiki Varga, *Hungary’s new National Security Strategy – A critical analysis*, Institute for Strategic and Defense Studies, ISDS Analyses, 2021

and cyberspace”<sup>198</sup>. The “social” and “societal” concepts are both used throughout the document, which is in some instances likely a case of mistakenly using “social” instead of “societal” due to errors in translating to Hungarian the English concept, a situation which has been signaled in the case of Poland<sup>199</sup>, and which is common as well to the Romanian security literature.

To explore Romania’s and Hungary’s approaches towards societal security – identity-based or rather functional, we conducted a qualitative analysis of the two states’ security strategies in place, guiding the research by the following question: “Which is the approach to societal security in Romania’s National Defense Strategy and Hungary’s National Security Strategy?”. After a first level of reading, we observed that the meaning of societal security is not clearly stated in the two policy documents, but the Romanian strategy has a section where it particularly refers to this dimension as being related to “Education, Health, Society and Demographics”<sup>200</sup>. Even if some of the reference objects or functions that are specific to social security are not explicitly presented as such, the strategies include mentions of both “identity” and societal functions throughout their contents. To understand how the concept applies, we chose a hybrid coding procedure. We established deductively a set of categories, dimensions, and sub-dimensions to code text sections and sentences that equated with an associated meaning of societal security, but we also added another sub-dimension considered more adequate while looking for the concepts’ related occurrences. We opted to use a computer-assisted qualitative data analysis package (MAXQDA) to code and analyze the data. Such solutions “enhance the reputation of qualitative research while ensuring the trustworthiness of qualitative findings”<sup>201</sup>. We defined the coding scheme, establishing two parental codes “explicit reference” and “implicit reference” to societal security. Then for each of the two categories, we identified instances in which the concept has an “identity-based” meaning or a “functional” one. While for the “identity-based” dimension we have been looking for the occurrence of sentences or formulations that refer to national identity or other group identities, for the latter we have observed the occurrence of sentences or formulations that describe societal security, as depicted by Abdel-Fattah et al.<sup>202</sup> who proposed using the concept as an “umbrella term” for “risk management and risk governance”, “crisis management”, “safety management” and “resilience”. Additionally, while performing the coding procedure we added the sub-dimension “threats to society”, as we noticed that threats - defined by the “Nordic paradigm” of societal security as “terrorism and organized crime, infrastructure disruptions, IT breaches, disinformation campaigns, major accidents, environmental disasters, and even migration”<sup>203</sup> were more prominent in the strategies’ contents, showing how the concept is mainly understood.

## Results

Both strategies recognize the importance of “national identity” - a concept that is referred to both explicitly and implicitly through related attributes. There is, however, a difference in how the states relate to it. The Romanian strategy advocates for “promoting”<sup>204</sup> national identity and directly links it to the need of preserving natural and cultural heritage, meant to ensure the international recognition of the state,

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<sup>198</sup> The Government of Hungary, *Government Resolution 1163/2020 (21<sup>st</sup> April) on Hungary’s National Security Strategy*, 21.06.2021, <https://honvedelem.hu/hirek/government-resolution-1163-2020-21st-april.html>, (9.02.2023)

<sup>199</sup> Marta Kowalska, *New threats for societal security in the Polish national security system*, in “Societal Security in the Baltic Sea Region”, Latvian Institute of International Affairs, p. 165

<sup>200</sup> Romania Presidential Administration, *National Defence Strategy 2020-2024*, p. 38 București, [https://www.presidency.ro/files/userfiles/National\\_Defence\\_Strategy\\_2020\\_2024.pdf](https://www.presidency.ro/files/userfiles/National_Defence_Strategy_2020_2024.pdf). (10.02.2023)

<sup>201</sup> Udo Kelle, *Computer-aided qualitative data analysis: an overview*, p. 59. in C. Züll, J. Harkness & J.H.P. Hoffmeyer-Zlotnik (Eds.), “Text analysis and computers” (pp. 33-34), Mannheim: Zentrum für Umfragen, Methoden und Analysen – ZUMA, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-49744-1>, (21.02.2023)

<sup>202</sup> Dina Abdel-Fattah, Christer Henrik Pursiainen, Reidar Staupé-Delgado, *Higher Education and the Changing Situation of Societal Security in the Baltic Sea Region*, in “Journal on Baltic Security”, 2022, Vol 8, No. 2, pp. 93-102

<sup>203</sup> Mark Rhinard, Sebastian, Larson, *Nordic Societal Security. Convergence and Divergence*, Routledge, New York, 2021, p. 3

<sup>204</sup> Romania Presidential Administration, *National Defence Strategy 2020-2024*, p. 17 [https://www.presidency.ro/files/userfiles/National\\_Defence\\_Strategy\\_2020\\_2024.pdf](https://www.presidency.ro/files/userfiles/National_Defence_Strategy_2020_2024.pdf)., (19.03.2023)

while also considering it a “value”<sup>205</sup>. It also sees supporting the Republic of Moldova as a benefit for “the community of Romanian identity, history, and culture”<sup>206</sup>. The need for civic cohesion and the “unaltered preservation of ethnic values, folklore, customs of the Romanian people and national minorities”<sup>207</sup> are also markers of identity-based approaches to the societal dimension.

The Hungarian strategy presents national identity as a fundamental value that must be preserved, referring to it in terms of survival: “A Hungary with strong, national foundations guarantees the survival of the Hungarian people and is the framework of our national existence”<sup>208</sup>. Identity is also referred to in a eulogizing register, being considered the premise for “unity, language, and culture (...) within and beyond our borders”<sup>209</sup>. Hungarian identity, together with the culture and history is to be instilled through education, which is meant to cultivate patriotic feelings and to strengthen the society’s cohesion<sup>210</sup>, while a balance is needed between “teaching practical knowledge and passing on our national culture”<sup>211</sup>. The “idea of a nation” is also the basis for policies, and Hungary uses the term to include the Hungarian communities in neighboring states as well, for whose prosperity Hungary is claimed responsible<sup>212</sup> as their security is closely linked to Hungary’s. Thus, Hungary is to monitor their situation in neighboring states and to support them in benefiting from “the forms of self-government and autonomy best suited to their specific situation”<sup>213</sup>. Hungarian communities beyond borders are expected to contribute to the preservation of the Hungarian language and culture<sup>214</sup>. As shown by Csiki Varga<sup>215</sup>, national sovereignty is bound to the extended conceptualization of the “Hungarian political nation” which includes the Hungarian communities in neighboring states, and this conceptualization of the strategy is consistent with past decade’s debates and conflicts stirred by Hungary’s endeavors in this regard.

The functional understanding of societal security is more prominent than the “identity-based” approach in both strategies, and this is especially observable by the nature of described threats and risks to society. Romania’s National Defence Strategies focuses on signaling societal threats such as information-related ones (disinformation, fake news, online radicalization, and jihadist propaganda), cyber, hybrid, organized crime, extremist terrorism, and illegal migration, but also vulnerabilities brought by technological developments which may affect critical infrastructures. The strategy places a great focus on building state resilience while it also recognizes the importance of enhancing crisis management capabilities. An overview of the terms that dominate the speech in the segments that were coded as about “functional” societal security is presented below.

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<sup>205</sup> *Ibidem*, p. 14

<sup>206</sup> *Ibidem*, p. 10

<sup>207</sup> *Ibidem*, p. 38

<sup>208</sup> The Government of Hungary, *Government Resolution 1163/2020 (21<sup>st</sup> April) on Hungary’s National Security Strategy*, 21.06.2021, paragraph 7, <https://honvedelem.hu/hirek/government-resolution-1163-2020-21st-april.html>, (19.02.2023)

<sup>209</sup> *Ibidem*, paragraph 20

<sup>210</sup> *Ibidem*, paragraph 122

<sup>211</sup> *Ibidem*, paragraph 42

<sup>212</sup> *Ibidem*, paragraph 13

<sup>213</sup> *Ibidem*, paragraph 84

<sup>214</sup> *Ibidem*, paragraph 83

<sup>215</sup> Tamas Csiki Varga, *Hungary’s new National Security Strategy – A critical analysis*, Institute for Strategic and Defense Studies, ISDS Analyses 2021/1, 2021, p. 5



Fig. 1 Occurrence of the main “functional” societal security-related terms in Romania’s National Defence Strategy (generated with MAXQDA)<sup>216</sup>

Hungary’s National Security Strategy also places a great emphasis on threats such as hybrid, information-related (disinformation and fake news), cyber, terrorism, organized crime, and political, religious, and ideological extremism. A greater focus is, however, placed on illegal migration which is considered on the one hand a threat that enhances terrorism, but also one that leads to demographic changes. Enhancing crisis management is a goal prominent in Hungary’s strategy as well while building national resilience constitutes a goal less iterated than in Romania’s National Defence Strategy. An overview of the terms that dominate the speech in the segments that were coded as about “functional” societal security is presented below.



Fig. 2 Occurrence of the main “functional” societal security-related terms in Hungary’s National Security Strategy (generated with MAXQDA)<sup>217</sup>

## Conclusions

The Romanian and Hungarian conceptualization of “societal security” is characterized by a mixed approach, with the functional understanding being more prominent than the “identity-based” one, as new societal threats, specific to this paradigm are observable and dominant throughout the Romanian National Defence Strategy and Hungary’s National Security Strategy adopted in 2020. The nature of societal threats is quite similar in the two strategies, but there is however a greater focus on the need to fight illegal migration in the provisions of the Hungarian strategy, a concern which is consistent with Hungary’s public discourse on the matter. The main societal threats commonly signaled by the strategies are information-related, cyber, hybrid, organized crime, and terrorism, with the latter being especially

<sup>216</sup> The nature of described threats and the societal security discourse is dominated (explicitly or implicitly) by markers of functionalist approaches to “societal security” in Romania’s National Defense Strategy.

<sup>217</sup> The nature of described threats and the societal security discourse is dominated (explicitly or implicitly) by markers of functionalist approaches to “societal security” in Hungary’s National Security Strategy.

linked with illegal migration in Hungary's strategy. The Romanian strategy's societal security dimension is dominated by the goal of building state resilience, which is iteratively emphasized throughout the document.

When it comes to the "identity-based" approaches there is an observable difference between how the two states relate to it. While Romania seeks to "promote" it and links it with the preservation of natural and cultural heritage, Hungary's goal is to "instill" it through education, by cultivating patriotic feelings and seeking to preserve the Hungarian language and culture both inside and beyond borders, where Hungarian communities live. Hungary establishes itself as the "guardian" of Hungarian minorities in the neighboring states, claiming it would advocate for their aspirations and appropriate form of autonomy, according to their specific situations. As shown by Weaver, securitizing identity through education, language, and culture are specific societal security measures. Thus, we argue that Hungary's "identity-based" approach is much more prominent in the security strategy than in Romania's case. Moreover, both states aspire to build their societies' cohesion, and since Hungary's goal of building societal cohesion includes the Hungarian national minority in Romania as well, conflicting "loyalty" dilemmas may arise, as the states' measures to advance these goals may collide.

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**FROM THE INFORMATION AGE TO THE DISINFORMATION AGE. UKRAINA'S  
FIGHT AGAINST DISINFORMATION BY STRENGTHENING MEDIA LITERACY**

<b>Abstract:</b>	<i>The development and evolution of the information society, framed in the ample process of globalization, brings with it a series of vulnerabilities, risks, and threats, which have repercussions on public perception. Managing the information flow, especially in crisis or conflict situations, has become a real challenge.</i> <i>The mechanisms by which the negative effects can be diminished, at the informational level, are directly related to the educational aspect, by creating an information culture. Information literacy and media literacy are tools that can act as shields against the infodemic. Our research aims to analyze the process of building and developing in Ukraine the conceptual and practical framework for implementing media literacy.</i>
<b>Keywords:</b>	<b>Media literacy; Information literacy; Ukraine; Learn to Discern; crise; fake news; manipulation; education; information literacy</b>
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### **Introduction**

During crises, the need for communication and the number of rumors can be ascertained. People cannot be prevented from communicating, believing, and reacting, the communication act being indispensable, even vital in states of insecurity, abnormality, danger, or fear. The communicational phenomenon in such situations has a strong increase<sup>218</sup> in producing effects and influences on public opinion, aggravated by the technological evolution that facilitates the creation and development of a new communication environment available to all, social networks. Compared to traditional media, which has a legal deployment framework, and the possibility of control – at least on the formal level, containing coercive elements, the new media have brought a series of challenges and attempts to build a control system, which, so far, has not been effective. The evolution of crises on the international relations stage, characterized by the increase in scale and complexity, requires security to become a multidimensional concept, both operatively and reactively. More so in the information society, information is a weapon, a target, and a strategic raw material that underlies all decisions making<sup>219</sup>. In this context, we are witnessing the tendency to globalize information that facilitates the simultaneous relationship of millions of people who are aware that living in a society means communicating. At the same time, the means that favor the new agora and facilitate this type of dialogue, can become a new weapon, perhaps the most powerful, of conditioning and mystification of the human being<sup>220</sup>.

From this perspective, every actor on the international relations stage was confronted with the identification of tools that would effectively contribute to the management of the communication phenomenon, in terms of effects. Both at the state level and of international organizations, building

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<sup>218</sup> Ioan Drăgan, *Paradigme ale comunicării de masă*, Șansa, București, 1996, p. 9

<sup>219</sup> Ștefan Cantargiu, *E-Defence și societatea informațională*, in "Observatorul Militar", No. 39, 2002, p. 18

<sup>220</sup> Ioan Drăgan, *Opinia publică, comunicarea de masă și propaganda*, Editura Științifică și Enciclopedică, București, 1980, p. 8

strategies to combat disinformation has become a priority, especially since the strategic narratives represent a tool for political actors to shape perceptions and actions of domestic and international audiences, also to articulate a certain position on a certain issue<sup>221</sup>. In this matter, one of the solutions should be focused on improving people's information and media literacy<sup>222</sup>.

### **Media Literacy**

Communication is seen as a means of influence and social power; is a resource of power and even a necessary condition for the exercise of power<sup>223</sup>. In this context, the aggression of information has caused a breach in the defense and security strategy, received from three perspectives: information as a means for the benefit of forces, the infosphere as a medium for carrying out military actions, and the infosphere as a stake of conflict situations<sup>224</sup>. These elements are directly related to media literacy which refers to the knowledge and motivation needed to identify and engage with journalism<sup>225</sup>. The studies conducted in this area were developed in 2004 by James Potter who considers that media literacy is a concern that demands we do something and created a cognitive model of media literacy, based on five basic knowledge structures: media content, media effects, media industry, the real world, and the self-interact with a person's combination of drives, needs, and intellectual abilities. "With knowledge in these five areas, people are much more aware during the information-processing tasks and are, therefore, more able to make better decisions about seeking out information, working with that information, and constructing meaning from it that will be useful to serve their own goals"<sup>226</sup>. Other researchers are concerned about the idea that media literacy education is not all the time successful but has positive effects on perceived realism, media knowledge, criticism, behavioral beliefs, self-efficacy, and attitudes<sup>227</sup>. The main idea within the media literacy approach is that media representations of reality are, in many cases incomplete or accurate<sup>228</sup>. The technology evolution brings certain challenges in this area so the need to assess the effectiveness of media literacy education becomes a big concern<sup>229</sup>. Mass communication seen as "technical means for receiving, editing, and disseminating messages: print, radio television, press agencies, studios, newsrooms, and broadcasting networks" is considered a part of cultural services within a society<sup>230</sup>. In this regard, the connection between the educational field as a sine qua non-condition for the implementation of media literacy is related to the cultural services, as primordial infrastructure in every modern society.

### **Premises for creating media literacy in Ukraine**

After the collapse of the Soviet Union, the Ukrainian government instituted major reforms in libraries by opening many literary collections and reorganizing the libraries. This is the first step within the information literacy framework-building system, which preceded the next step, creating the media literacy infrastructure.

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<sup>221</sup> Miskimmon Alister, Ben O'Loughlin, Laura Roselle, *Strategic Narratives. Communication Power and the New World Order*, Routledge, New York, 2013, <https://doi.org/10.4324/9781315871264>

<sup>222</sup> Kristin M. Lord, Katya Voght, *Strengthen Media Literacy to Win the Fight Against Misinformation*, in "Stanford Social Innovation Review", May 2021, DOI: 10.48558/py1b-3g51

<sup>223</sup> Denis McQuail, *Comunicarea*, Institutul European, Iași, 1999, p. 207

<sup>224</sup> Mircea Șuteu, *Războiul informațional în conflictele armate moderne*, in "Gândirea militară românească", No. 3, 2022, pp. 101-107

<sup>225</sup> Adam Maksl, Seth Ashley, Stephanie Craft, *Measuring New Media Literacy*, in "Journal of Media Literacy", Vol. 6, No. 3, 2015, p. 29

<sup>226</sup> James Potter, *Theory of Media Literacy: a Cognitive Approach*, Sage Publication, 2004, p. 69

<sup>227</sup> Jeong See-Hoo, Hyunyi Cho, Yoori Hwang, *Media Literacy Interventions: a Meta-Analytic Review*, in "Journal of Communication", Vol. 62, No. 3, 2012, pp. 454-468

<sup>228</sup> Renee Hobs, Amy Jensen, *The past, present and future of media literacy education*, in "Journal Of Media Literacy Education", Vol. 1, No. 1, 2008, pp. 3-9

<sup>229</sup> Hans Martens, *Evaluating media literacy education: Concepts, theories and future directions*, in "Journal of Media Literacy", Vol. 2, No. 1. 2010, pp. 5-21

<sup>230</sup> Felix Constantin Goldbach, Andreea Nicoleta Dragomir, Ioana Maria Bărbat, *Culture – a Value of Public Management*, in "Procedia Economics and Finance", No. 16, 2019, p. 196

One of the most significant activities within the process of building a media literacy frame in Ukraine was in 2002: the Ukraine Media Partnership Program<sup>231</sup> focused on improving the quality of journalism and building stronger business management practices, a program sponsored by the Bureau of Educational and Cultural Affairs of the US Department of State through the Public Affairs Sections of the US Embassy in Ukraine. The result of this program consists in initiating partnerships between Ukrainian and American media outlets; more than thirty media organizations across the USA were hosting hundreds of Ukrainian journalists and media managers for training; more than 150 American Journalists and media managers have traveled to Ukraine, providing mentoring, and sharing best practice<sup>232</sup>.

Another step was the project entitled Bibliomist Program started in 2008 and had the purpose to ensure all Ukraine`s citizens access to information. The partners were the Minister of Culture of Ukraine, the Ukrainian Library Association, the US Agency for International Development (US AID), and Microsoft Bill&Melinda Gates Foundation which was developed through IREX (International Research and Exchanges Board)<sup>233</sup>, an international development non-governmental organization<sup>234</sup>. Bibliomist was built as a joint effort between the government, librarians, and civil society to modernize Ukraine`s public libraries, so all citizens have access to information. The previous studies highlighted that only 17% of the population, at that time, had internet access<sup>235</sup>. According to the latest data, the program empowered 4,000 librarians with actual skills, provided training on e-governance to almost 450 government officials, more than 2,000 citizens and 1,800 librarians, modernized 1,930 libraries with modern technology and free internet access, hosted half a million unique patrons annually and sixty million total visits, more than 8,000 librarians` received training to provide services<sup>236</sup>.

Another contribution and interest in media literacy, particularly in media education in Ukraine, belongs to the Institute of Social and Political Psychology of the National Academy of Pedagogical Science in Ukraine. In 2011 a five-year pilot program was developed in 120 schools, by offering an elective media literacy course<sup>237</sup>. In 2010, in Ukraine was adopted the concept of introducing media education taught to 120-grade students in schools from different regions of Ukraine<sup>238</sup>.

### **The Implementation of media literacy in Ukraine**

Ukraine`s Learn to Discern Program (L2D), originally named Citizen Media Literacy started in February 2015 (till March 2016), after the events concerning the Russian Federation`s annexation of Crimea, as an IREX Project. Was launched with the financial support of the Canadian Embassy<sup>239</sup>, Canadian Department of Foreign Affairs, Trade and Development, Through the Global Peace and Security Fund, and Ministry of Foreign Affairs<sup>240</sup>, in collaboration with the Association of Ukrainian Press and Stop Fake. Before launching the L2D program, a study conducted by IREX, in 14 regions of Ukraine among the population aged 18-70 revealed that 50% of the respondents were not able to identify the fake news, proved to blindly trust the media messages, and they did not check the information, especially if the sources are their acquaintances<sup>241</sup>.

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<sup>231</sup> IREX, Ukraine Media Partnership (UMPP), [Ukraine Media Partnership Program \(UMPP\) IREX](#), (26.05.2023)

<sup>232</sup> *Idem*

<sup>233</sup> IREX, Bibliomist-Global Libraries Ukraine, [Bibliomist - Global Libraries Ukraine | IREX](#)

<sup>234</sup> Erin Murrok, Joy Amulya, Mehri Druckman, Tetiana Liubyva, *Winning the War on State-Sponsored Propaganda: results from an Impact Study of a Ukrainian News Media and Information Literacy Program*, in "Journal of Media Literacy Education", Vol. 10, No. 2, 2018, p. 54

<sup>235</sup> Bibliomist Program, [Details \(itu.int\)](#), (12.05.2023)

<sup>236</sup> Bibliomist\_Global Libraries Ukraine, *Quick Facts*, [Bibliomist - Global Libraries Ukraine | IREX](#), (23.05.2023)

<sup>237</sup> Maria Haigh, Thomas Haigh, Tetiana Matychak, *Information Literacy vs. Fake News: the Case of Ukraine*, in "Open Information Science", June 2019, p. 157, <https://doi.org/10.1515/opis-2019-0011>

<sup>238</sup> Maryna Dorosh, *Media Literacy in Ukraine: Blurred Motion Vectors*, i [Media literacy in Ukraine: blurred motion vectors - MediaSapiens. \(detector.media\)](#)

<sup>239</sup> USAID, IREX, *Vibrant Information Barometer 2022*, p. 15, [VIBE 2022 Ukraine.pdf \(irex.org\)](#), (23.05.2023)

<sup>240</sup> Maria Haigh, Thomas Haigh, Tetiana Matychak, *Information Literacy vs. Fake News: the Case of Ukraine*, in "Open Information Science", June 2019, p. 159, <https://doi.org/10.1515/opis-2019-0011>

<sup>241</sup> Tara Susman-Pena, Katya Vogt, *Ukrainians` Self-defense Against Disinformation: What We Learned from Learn to Discern*, June 12, 2017, [Ukrainians` self-defense against disinformation: What we learned from Learn to Discern | IREX](#), (21.05.2023)

L2D reached more than 15,000 people of all ages and professional backgrounds, and more than 90,000 people were indirectly involved, by the shared information<sup>242</sup>; 20.7 million Ukrainians saw an accompanying public-service announcement in 2016<sup>243</sup>. At that time, it was anticipated that till 2021, through applying the methodology within Ukrainian high school curricula, the program will reach more than 40,000 students and will provide the know-how tools to integrate L2D into the academic process<sup>244</sup>. The first step was to assemble a committee of 15 experts of experts in media literacy, fake news, and counter-propaganda work, managed by Renee Hobbs and her colleagues from the USA finalized in October 2015 with a 196 pages document of annotated examples of fake news, propaganda, and biased reporting from Russian and Ukrainian media, split into three chapters: first chapter provides a theoretical and basic understanding of propaganda and information, in terms of media ownership, media objectives, media activity; the second chapter covers the danger relating the fake news, manipulation, and propaganda, with practical exercises and media content analyses; the third chapter presents the effects and consequences of the speech in media dehumanization and stereotypes<sup>245</sup>.

One year later, in 2016, the Academy of Ukrainian Press in collaboration with the Free Press Centre, financially supported by the MATRA Program of the Ministry of Foreign Affairs of the Kingdom of the Netherlands, elaborated a 202 handbook “Media Literacy in social sciences lessons”<sup>246</sup>; contains eleven sections about media, media education, media literacy, basic methods of critical thinking, aspects regarding the history of Ukraine, world history, Ukraine’s struggle for independence in 1917-1920, Ukrainization, Holodomor, world wars, Nazism, subculture, propaganda<sup>247</sup>. This handbook was the second publication of this type, within the framework of the Academy of Ukrainian Press; on December 2015 another 36 pages handbook was published, “ABC of Media”<sup>248</sup> by Norbert Boltz, a professor at the Technical University of Berlin<sup>249</sup>; the content is targeting the media technologies as a systematic and integrated perspective of the modern media. In 2016, more than 15,000 Ukrainians took part in Learn to Discern workshops, and 20.7 million Ukrainians saw an accompanying public-service announcement<sup>250</sup>.

In 2018, the program continued. Learn to Discern goal was to support the Ukrainian’s future generation to deal with the information environments, avoid being manipulated, detect false information, and make informed decisions. Within the L2D 50 schools were tested, including in the eastern city of Mariupol; trainers started initially teaching adults across the country how to detect disinformation and propaganda before turning to younger generations<sup>251</sup>.

IREX’s Learn to Discern – Schools project was funded by the British Embassy in Ukraine and the US Embassy in Ukraine. Was implemented in partnership with Stop Fake Organization, the Academy of Ukrainian Press, and the Ministry of Education and Science of Ukraine. Started as a pilot experiment in

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<sup>242</sup> *Idem*

<sup>243</sup> IREX, *IREX and Partners Conduct Countrywide Media Literacy Lesson in Ukraine*, July 15, 2019, [IREX and partners conduct countrywide media literacy lesson in Ukraine | IREX](#), (21.05.2023)

<sup>244</sup> Tara Susman-Pena, Katya Vogt, *Ukrainians’ Self-defense Against Disinformation: What We Learned from Learn to Discern*, [Ukrainians’ self-defense against disinformation: What we learned from Learn to Discern | IREX](#), (21.05.2023)

<sup>245</sup> Maria Haigh, Thomas Haigh, Tetiana Matychak, *Information Literacy vs. Fake News: the Case of Ukraine*, in “Open Information Science, June 2019, p. 160, <https://doi.org/10.1515/opis-2019-0011>

<sup>246</sup> Academy of Ukrainian Press Library of Mass Communication and Media Literacy, *Media Literacy in social sciences lessons*, 2016, [MO\\_big\\_col2-2.indd \(aup.com.ua\)](#), (19.05.2023)

<sup>247</sup> MediaSapiens, *Manual for Teachers “Media Literacy in Social Science Lessons~ has been published*, [A manual for teachers "Media literacy in social science lessons" - MediaSapiens has been published. \(detector.media\)](#), (17.05.2023)

<sup>248</sup> Norbert Boltz, *ABC of Media*, Academy of Ukrainian Press Library of Mass Communication and Media Literacy, 2015, [bolz.indd \(aup.com.ua\)](#), (12.05.2023)

<sup>249</sup> MediaSapiens, *The Manual of “ABC Media” by professor of the Technical University of Berlin Norbert Boltz was published in Ukraine*, [AUP has published a manual "ABC of Media" by German professor Norbert Boltz - MediaSapiens. \(detector.media\)](#), (12.05.2023)

<sup>250</sup> IREX, *IREX and partners conduct countrywide media literacy lesson in Ukraine*, July 15, 2019, [IREX and partners conduct countrywide media literacy lesson in Ukraine | IREX](#), (12.05.2023)

<sup>251</sup> Sasha Ingber, *Students in Ukraine Learn How to Spot Fake Stories, Propaganda and Hate Speech*, March 22, 2019, [In The Wake Of Ukraine's Civil War, Students Learn How To Identify Fake News : NPR](#), (12.05.2023)

50 schools in Ukraine, for 5,425 students in 8<sup>th</sup> and 9<sup>th</sup> grade<sup>252</sup>. During this program, 3,612 eighth and ninth-grade teachers were trained and equipped with L2D resources and instructional guidance<sup>253</sup>. Trained personnel on teaching media and information literacy proposed a curriculum focused on certain subjects, each of it having proposals for channels for integration<sup>254</sup>:

- History of Ukraine. World History - in terms of a manipulated narrative of historical events used to influence the modern civic issue; channels for integration: working with historical sources and interpretations, such as scientific papers, blogs, articles, web pages, films, political image-making, webpages;
- Ukrainian Language. Ukrainian Literature - in terms of working with different types of texts; analysis of messages; channels for integration: analysis of narratives, especially media messages, work with facts, the influence of texts idea language manipulations,;
- Art – in terms of the importance of the visual context`s role within modern consumption, eyewitnesses, manipulation through emotions, music, and video testimonies.

The assessed evaluated pilot program was expanding to 650 schools across Ukraine. Learn to Discern initiated different activities or projects to address disinformation in some other countries around the world: Jordan, Serbia, Tunisia, and the United States<sup>255</sup>.

### **Effects of Implementation of the L2D in Ukraine**

During the evaluation stage of the L2D 2018 pilot program, from September to December 2018, seventeen schools participating in the Learn to Discern Program and ten control schools that were not exposed to these lessons were studied (named control school within the study). The results showed that the students from the first category had better results on all assessment tasks: identifying hate speech, false stories, facts, and opinions; they also proved better knowledge of the media messages, and proved healthier habits and media consumption behavior, with an analytical approach<sup>256</sup>. Regarding the topic of media analysis measures, the ability to identify facts vs. opinions, intended audience, points of view, missing information, the goal of the story, and the way media messages are built, the evaluation revealed that the students who participated in L2D enhanced curricula performed control group students by 11%<sup>257</sup>. The answers to the subjects such as editorial influences, censorship, ownership of important media networks, differences between valid information and propaganda, and the way to deal with the situations regarding the exposure to potentially fake posts on different social media showed that the difference was by 14% in favor of L2D students<sup>258</sup>. The ability determines if a statement is a fact with a source or a fact without a source or opinion, revealed a 16% difference, and regarding the ability to identify a fake post the difference was 18%, in favor of the same group. The biggest difference, 114%, was in the ability to identify hate speech. Other aspects considered in this study refer to a locus of control, a sense of control over media consumption, and self-reported information consumption.

A few months after the beginning of the war in Ukraine, from April 4 to April 13, 2022, L2D achieved an online survey for teachers and school administrators, 354 persons, who have been participating in the training since 2018. The results revealed: “9% of teachers report that L2D helped them navigate the information space during the war; 93% of teachers discussed the topic of media and information literacy at least once since the invasion with students, partners, and others; 90% of teachers helped other people analyze information. Most of them were helping their family, friends, and

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<sup>252</sup> *Idem*

<sup>253</sup> Katie Strine, *IREX Information Literacy L2D methodology is Proving Vital During the War in Ukraine*, May 24, 2022, [IREX information literacy L2D methodology is proving vital during the war in Ukraine | IREX](#), (12.05.2023)

<sup>254</sup> *Boosting Immunity to Disinformation, Ukrainian Students Better Detect False Information after Teachers Integrate Media Literacy into Standard Subjects*, p. 2, [L2D-S Pilot Results for Students External Report 3.22.19 \(irex.org\)](#), (12.05.2023)

<sup>255</sup> *Ibidem*, p. 21

<sup>256</sup> *Boosting Immunity to Disinformation, Ukrainian Students Better Detect False Information after Teachers Integrate Media Literacy into Standard Subjects*, p. 22, [L2D-S Pilot Results for Students External Report 3.22.19 \(irex.org\)](#), (23.05.2023)

<sup>257</sup> *Idem*

<sup>258</sup> *Idem*

colleagues”<sup>259</sup>. The results of the study were considered an inspiration for the L2D team to continue their activity, in terms of providing resources, support, tools, and a safe convenient way for the educational environment.

According to the latest IREX Annual Impact Report<sup>260</sup> from 2022, the cooperation includes the National Union of Journalists, the Academy of Ukrainian Press, and Freedom House Ukraine, to assist more than 100 journalists. The report shows that 98% of the teachers trained through IREX’s Learn to Discern curriculum admitted that the program helped them to counteract the information manipulation<sup>261</sup>. IREX’s online Learn to Discern courses and tools to build resilience to manipulative information are available in various languages as Albanian, Estonian, Latvian, Lithuanian, English, Russian, Arabic, and Ukrainian, across eleven countries, with a target public of over 100,000 people<sup>262</sup>. Regarding the Ukrainian version, named “Very Verified Ukraine”<sup>263</sup>, it has received more than 80,00 views and issued over 13,000 certificates of completion, which represents an average completion rate of over 35%<sup>264</sup>. The impact on learner’s skills refer to the ability to identify hate speech more than doubled, with a 32% improvement in those who took the course in media analysis skills<sup>265</sup>.

In April 2023 the non-governmental organization Media Detector released a quantitative study to determine the index of media literacy of Ukrainians, comparing two studies conducted before in 2022/2021 and 2021/2022<sup>266</sup>, comparing the first study from 2021 with the latest one. The first study from March 2021<sup>267</sup> (2020 as the year of the research) demonstrated that almost two-thirds of Ukrainians, 63% believe that the primary purpose of media is to inform about socially significant developments, and 67% are convinced that media serve the interests of their owners, not those of state (8%) or society (8%)<sup>268</sup>. Regarding disinformation, 57% of the Ukrainian audience considers that is relevant, and 6% never heard about fake news. Only 24% check media content. The same percentage, 57%, admit that there is a manipulation problem within the media<sup>269</sup>. Another interesting issue concerns the paid-for materials; 55% consider that to be a real problem. The level of media literacy within this study was evaluated on a scale from 0 to 10 (1 is the lowest level, 10 is the highest level, and 5 is the average); the results highlighted that 15% of Ukrainians have a low level of media literacy and 33% is below average<sup>270</sup>.

The researchers have found that this aspect is directly connected with educational status, gender, age, type of population area, urban or rural, northern, and southern Ukraine; the lower the level of media literacy is related to the lower the educational level. Residents of northern Ukraine have the highest level of media literacy, and those living in the southern area have the lowest one. But the biggest difference

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<sup>259</sup> Katie Strine, *IREX Information Literacy L2D Methodology is Proving Vital During the War in Ukraine*, May 24, 2022, [IREX information literacy L2D methodology is proving vital during the war in Ukraine | IREX](#), (23.05.2023)

<sup>260</sup> IREX, *IREX 2022 Annual Impact Report*, p. 15, [IREX Annual Impact Report 2022.pdf](#), p. 15, (28.05.2022)

<sup>261</sup> *Idem*

<sup>262</sup> IREX, *Learn to Discern (L2D) Online Tools for Building Resilience to Information Manipulation*, [Learn to Discern \(L2D\) Online Tools for Building Resilience to Information Manipulation | IREX](#), (27.05.2023)

<sup>263</sup> [EdEra – студія онлайн освіти | Very Verified \(ed-era.com\)](#), (12.05.2023)

<sup>264</sup> IREX, *Learn to Discern (L2D) Online Tools for Building Resilience to Information Manipulation*, [Learn to Discern \(L2D\) Online Tools for Building Resilience to Information Manipulation | IREX](#), (27.05.2023)

<sup>265</sup> *Idem*

<sup>266</sup> Detector Media Tea, *Media Literacy Index of Ukrainians: 2020-2022*, [Media literacy index of Ukrainians: 2020-2022 \(short presentation\) :: Detector Media](#), IREX, *Learn to Discern (L2D) Online Tools for Building Resilience to Information Manipulation*, [Learn to Discern \(L2D\) Online Tools for Building Resilience to Information Manipulation | IREX](#), (15.05.2023)

<sup>267</sup> The study is an analytic report based on the findings of complex research, on the data of the quantitative research conducted by the research agency Info Sapiens, compiled at the request of Media Detector by Maria Naumova, associate professor, a senior research fellow at the Institute of Sociology of the National Academy of Science of Ukraine, [EN REPORT MEDIALITERACY INDEX-DM \(detector.media\)](#), (15.05.2023)

<sup>268</sup> Detector Media, *Media Literacy Index of Ukrainians*, p. 31 [EN REPORT MEDIALITERACY INDEX-DM \(detector.media\)](#), (15.05.2023)

<sup>269</sup> *Ibidem*, p. 8

<sup>270</sup> *Ibidem*, p. 10

within this study is between people with different financial statuses: 72% of those whose income is only enough for food have low and below average levels of media literacy<sup>271</sup>.

The latest research from April 2023 indicates an important increase in general media literacy between 2020 and 2022, from 55% to 81%<sup>272</sup>; the average value of the indicators rose from 4.8 (in 2020) to 5.9 points (in 2022). “Within the general level of media literacy, the percentage of individuals with high competency doubled in three sub-indices: understanding the role of media in society (from 45% to 72%), digital competence (from 49% to 64%), and sensitivity to distorted content (from 56% to 66%)”<sup>273</sup>. The researchers observed, compared with 2020, that media literacy was higher among 18-25 years old, because of access to digital literacy. Regarding the differences between lower and higher educational status, 33% of those with general secondary education received low or below-average scores compared with 10% of those with full or partial higher education. As in the first research, financial status was an important criterion; respondents with higher levels of well-being had higher indices, 72%, and those with low levels of living 12%.

## Conclusions

Information literacy is the conceptual and practical framework that is necessary to precede the existence of creating and consolidating media literacy. We consider that in the first category, Bibliomist Program had the main role to open the path, by building a library infrastructure, both technical and in terms of data approaches, including databases. With this foundation, media literacy, through L2D was easier to implement, the programs being permanently connected to each other, and having a strong mutual element –education.

The existence of these two infrastructures doesn't guarantee the existence of objectivity, and impartiality within the implementation of specific activities, both in terms of informational literacy, as well as media literacy. There are a few elements that we should consider reading between the lines and adopt a reserved attitude, at the same time as a critical and analytical approach; from our point of view, the first element is the financing source of any project or program; the second one is the national, regional, and international context chosen for their initiation and implementation. For example, the L2D Program is considered a necessary program considering the events in Crimea in 2014. At the same time, at the European Union Level was an important moment that led to the initiation and consolidation of new actions to fight against disinformation from the Russian space, which benefited from important support, both conceptually logistically, and financially<sup>274</sup>. A short comparative view between our research in this working paper and our previous study published at Cambridge Scholars Publishing demonstrates many similarities in terms of actors involved (the state, civil society, researchers, fact-checkers), a mutual enemy to fight against, conceptual frameworks, tools, etc.

Also, for avoiding subjectivity and for a deeper analysis is significant to mention that the first study of Media Detector for the year 2020 (released in March 2021) had a sample size of 2000 respondents, the adult population of Ukraine, over 18 years old, and the compared study from 2020 to 2022 (from April 2023) has 1200 respondents, also the adult population over 18 years old. Another difference between these two is that for the first study, the sample type was a breakdown by age, gender, population area scope, and region (Kyiv, Northern Ukraine, Western Ukraine, Central Ukraine, Southern Ukraine, Eastern Ukraine), and the second one was conducted in terms of age, sex, the typical size of the settlement and region in the temporarily occupied territories of Donetsk, Luhansk, Zaporizhzhia, Kherson regions and the Autonomous Republic of Crimea.

In this infosphere and post-truth age that characterizes contemporaneity, there is a fine line between the elements of the information age and the disinformation age, and we must be aware that every actor on the international stage, under the pavement of good intentions, is impossible not to propagate subliminal manipulative and/or propagandistic messages. We reiterate the importance of education for the

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<sup>271</sup> *Idem*

<sup>272</sup> *Idem*

<sup>273</sup> *Idem*

<sup>274</sup> Nicoleta Annemarie Munteanu, *Combating Misinformation at European Level*, in “The European Union in the Age of (In)Security. From Theory to Practice”, 2<sup>nd</sup> Edition, Cambridge Scholar Publishing, 2022, pp. 103-133

creation and consolidation of both informational literacy and media literacy, with the caveat that is necessary to analyze beyond official and formal statements, beyond the stated goals of the projects.

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## IMPLICATIONS OF DIGITIZATION ON PUBLIC SPACE

<b>Abstract:</b>	<p><i>The period of social distancing and the transfer of social and private activities to the digital environment can be a formative experience that, in the medium term, can lead to the development of an ethical, educational, legal, and administrative system in which digital citizenship is a basic component of interactions between individuals.</i></p> <p><i>The article develops the prerequisites for the real digitization of public space, which involves the use of electronic means so that social relations in the virtual environment are offered solutions for regulating and responding to developments in the digital domain through coherent and functional anticipation.</i></p> <p><i>The security of the digital environment and the complex risks and threats to cybersecurity implicitly impact national, European, and international public space.</i></p>
<b>Keywords:</b>	<b>Public space; digital space; digital sovereignty; digital citizenship; digital identity; digital security</b>
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### Introduction

The phenomenon of digitization is not a current one, but concerns about the implementation of new information technologies in all areas of activity have led to a massive spread of the scope of digitization and the information society.

The digital space can be conceived of as a public space, which in turn is dominated by an ideology driven by interactions between individuals. Consequently, the digital public space is the product of interaction between individuals, a field of variable intensity, strictly dependent on the progress of the quality and quantity of the internet and digital technologies, which have practically transformed the world we live in, creating a new dimension of public space, the analysis of which is carried out mainly by J. Habermas.

We begin our analysis of the proposed topic by defining the basic term, *public space*, or public sphere<sup>275</sup>. Public space is an environment, which is based on political reason, a space where individuals can express themselves freely, without constraints of time, and resources, and where arguments prevail over power and status<sup>276</sup>. This space is created by the very interactions between individuals willing to accept that argued ideas have more power than the authority of tradition<sup>277</sup>. Habermas originally conceived public space as a form of mediation between the

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<sup>275</sup>Jurgen Habermas, *Sfera publică și transformarea ei structurală*, Comunicare.ro, București, 2005

<sup>276</sup>Dragoș Dragoman, *Declinul democratic din România după 2007*, TehnoMedia, Sibiu, 2022, p. 38

<sup>277</sup>Pauline Johnson, *Habermass Search for the Public Sphere*, in "European Journal of Social Theory", Vol. 4, No. 2, 2001, pp. 215-236

state and civil society. However, the conditions of communication through which the opinion and will of the public of citizens are formed are reflected in social relations of inequality and domination. These characteristics of social relations are since communication processes belong to different social fields, and therefore access to public space is different, unequal, and conflictual.

The boundary between the real world and the digital world has become blurred. However, if we look at the characteristics of digital space, we will find that this space is not free for exploration and use for various reasons<sup>278</sup> even if the boundaries of this space are not analogically determinable. We experience socio-economic barriers regarding access, the information we consume online is increasingly mediated by algorithms, and searching depends largely on the information, data searched, and available to the public.

At the same time, existing online barriers restrict access to products and services, which means, among other things, removing barriers to online trade. This problem has been addressed by the EU Regulation 2018/302<sup>279</sup> which addresses the issue of unjustified discrimination about online sales based on the nationality or nationality, residence, or headquarters of customers within the internal market. Banning geo-blocking is an important element of the Digital Single Market strategy<sup>280</sup>.

Another very important point to make is that digital space is not controlled by states alone. It is increasingly controlled by non-state entities, especially private companies. This is, of course, where we should point out that we are developing the subject within democratic states, as authoritarian states have a different attitude to access to information.

In recent decades, the level of trust in national governments has been steadily declining. Public administrative strategies to increase trust in government have focused on popularizing the benefits of government, improving services, and - perhaps most importantly - equipping individuals with the means to influence public policy and government decision-making, online applications, or e-democracy<sup>281</sup>.

These directions are proving to be ideal since such innovations help cultivate an environment where information is accessible, people feel more connected to their governments, and citizens specialize in participating in political processes, with cooperation and assistance being the main priorities. Examples might include open-source innovations or simply Facebook groups that have brought us closer to like-minded people.

The importance of open-source information has increased as the globalization of information has expanded. A relevant experiment conducted by the US intelligence community revealed the importance of open-source information in the field of security<sup>282</sup>. Also, The USA Information Community established that OSINT represents the data available to the public, which could be electronic or printed and can be transmitted via television, radio, newspapers,

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<sup>278</sup>Mirela Mărcuț, *Spațiul digital nu e ca spațiul cosmic. Despre suveranitatea digitală*, in "Digital", European Union, <https://digitalpolicy.ro/2021/05/22/spatiul-digital-nu-e-ca-spatiul-cosmic-despre-suveranitatea-digitala>, (25.01.2023)

<sup>279</sup>Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on the prevention of unjustified geo-blocking and other forms of discrimination based on nationality or nationality, domicile, or the registered office of customers in the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32018R0302>, (26.01.2023)

<sup>280</sup>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. A Digital Single Market Strategy for Europe, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52015DC0192>, (26.01.2023)

<sup>281</sup>Ibidem, p. 11

<sup>282</sup> Nicoleta Annemarie Munteanu, *Illegal migration approach from the perspective of open source intelligence (OSINT)*, in "Research and Science Today", No.2 (18)/2019, p. 104

databases, and portable media. These can be propagated to a broad audience, to a heterogeneous public specifically within mass media, but also to well-defined groups<sup>283</sup>.

Also, worth mentioning in this category is the series of protest movements that have taken place in several countries in the Middle East and North Africa since the end of 2010 - the Arab Spring. The protests took place mainly in Arab countries where authoritarian or totalitarian regimes reigned and the existence of modern means of communication such as Facebook or Twitter facilitated the organization of the uprising, which is why the governments of several countries affected by the protests blocked access to them or even to the entire Internet. International media access in several countries has been severely restricted and reporters from several international broadcasting channels (CNN, Al Jazeera, etc.) on the ground have been threatened, detained by police, or even beaten<sup>284</sup>.

**Digital democracy** is an attempt to practice the democratic system outside the confines of time, space, and other physical conditions, using information and communication technology or computer-mediated communications to replace or supplement but not exclude traditional or analog political processes. In other words, digital democratic applications are seen as alternative means of democratic participation<sup>285</sup>.

At the EU level, digital democracy is already being implemented. Public authorities are using the Internet to facilitate an open dialogue between citizens and the government. The digital transformation element represents a novel vision in the public sector, and the adoption of this approach presents advantages such as increased efficiency, transparency, and simplification that enhance the productivity of processes to a considerable degree. Leaders of public institutions must recognize the importance of adopting new technologies, continually adapting to the evolving needs of citizens, and prioritizing the provision of quality, secure, and prompt online public services. Consequently, the involvement of citizens in the policy-making process is bolstered, the authorities' capacity to react swiftly and accurately to the public's concerns is augmented, and the expenses incurred by the government are curtailed.

In Romania, the Authority for the Digitization of Romania (ADR)<sup>286</sup> is the structure with legal personality within the Ministry of Research, Innovation, and Digitization, whose role is to carry out and coordinate the implementation of strategies and public policies in the field of digital transformation and information society.

**E-government** is a complex interaction between society and technology. Amidst the COVID-19 pandemic, digital technologies have facilitated the interaction between governments and their populace, as well as continued the provision of services online. In numerous nations, the digital government has taken on an even more critical role, serving as an essential component of communication, governance, and cooperation between policymakers and society. However, apprehensions surrounding privacy and the dissemination of false information have mounted. Evidence of successful implementation of eGovernment can be observed in the US, Canada, the

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<sup>9</sup> In 1995 The Aspin-Brown Commission, formally titled The Commission on the Roles and Capabilities of the United States Intelligence Community was charged with reviewing the entire US international community, and the experiment suggested naming open sources against secret sources.

<sup>284</sup> *EU's response to the "Arab Spring": The State-of-Play after Two Years, official EU document*, 8 February 2013, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.consilium.europa.eu/uedocs/cms\_Data/docs/pressdata/E N/foraff/135292.pdf., (04.04.2023)

<sup>285</sup> Europe Direct Information Centre Timisoara, *Digital Citizen's Guide*, 2018, p. 13, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.europedirect-tm.ro/wp-content/uploads/2018/12/Ghidul\_cetateanului\_digital\_2018.pdf, (04.04.2023)

<sup>286</sup> ADR, *Transformarea digitală a instituțiilor publice*, <https://www.adr.gov.ro/transformarea-digitala-a-instituțiilor-publice/>, (04.04.2023)

UK, Estonia, as well as other northern European countries that have reached an advanced stage of eGovernment.

In the context of the public sector's use of information and communication technologies to improve access to information and services provided by public administration authorities through fast and efficient service to the citizen, the citizens have an imperative role to play in correctly assessing the efficiency and security of this digitally enabled public sector.

Thus, the citizen, accessing the facilities of the government-citizen partnership (transparent administration for citizens, improved services in terms of quality, convenience, cost, and active involvement of citizens in decisions and actions in the public sector) must abide by a code of ethics for the use of artificial intelligence both in the judiciary and in the administrative system<sup>287</sup>.

With the transfer of specific administrative and judicial activities to the virtual environment, the transfer of fundamental rights of individuals, as laid down in the European Convention on Human Rights (ECHR) and the Convention on the Protection of Personal Data, must also take place. Under these circumstances, the digital environment must:

- design and implement artificial intelligence tools and related services compatible with fundamental rights;
- specifically prevent the development or intensification of any discrimination between individuals or groups of individuals;
- process documents and data, using certified sources and intangible data, developed in a multidisciplinary manner, in a secure technological environment;
- ensure that users are informed actors and make informed decisions<sup>288</sup>.

With a *Code of Ethics on the Use of Artificial Intelligence*<sup>289</sup> and an *Internet Education (Literacy) Manual*<sup>290</sup> published by the Council of Europe, we can also talk conceptually about digital citizenship.

**Digital citizenship** can be defined as engaging citizens in appropriate and responsible behavior when using technology. Digital citizenship specifically refers to expertise in digital literacy, ethics, etiquette, online safety, norms, rights, culture, and other related areas. A digital citizen is someone who understands what constitutes appropriate and inappropriate behavior online, demonstrates smart technology behavior, and makes sound decisions when using technology.

Starting from the basic concept of citizenship, that permanent political and legal bond between a person and a particular state, we propose to examine the concept in terms of its digital component.

Thus, this bond is expressed by all mutual rights and obligations between a person and the state of which he or she is a citizen. While citizenship can be acquired mainly by birth or naturalization, digital citizenship is a right that is acquired with access to the Internet and digital equipment. We can therefore interpret digital citizenship not as a legal concept, but as a technical

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<sup>287</sup> The European Commission for the Efficiency of Justice, a branch of the Council of Europe, approved the first set of ethical guidelines in 2018 for the use of artificial intelligence in judicial systems. The guidelines are known as the "European Ethical Charter on the use of artificial intelligence in and related to the judiciary".

<sup>288</sup> Veronica Dobozi, *Carta etică europeană cu privire la utilizarea inteligenței artificiale în sistemul judiciar și în legătură cu acesta*, <https://www.juridice.ro>, (25.01.2023)

<sup>289</sup> European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe, *European Ethical Charter on the Use of Artificial Intelligence in Legal Systems and their Environment*, <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c>, (25.01.2023)

<sup>290</sup> Council of Europe, *Internet Education (Literacy) Manual*, <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://rm.coe.int/internet-handbook-ro/16809f0b11>, (25.01.2023)

one, and we can even include it in the category of citizenship for a fee<sup>291</sup>, whereby citizenship can be obtained for a certain amount of money, but this time the cost is not imposed by programs that offer foreign investors the opportunity to obtain citizenship, but by the obligation of each state to ensure that the design and implementation of the corresponding artificial intelligence technologies and the services offered are compatible with the fundamental rights of citizens, but also by regulations on digital services, such as the Digital Services Regulation<sup>292</sup> which includes rules for online intermediary services, which millions of Europeans use every day.

In the European context, the European Union, a supranational entity, has started to develop more and more chapters on “new technologies”. Due to digital dependencies<sup>293</sup> (telecommunications, mobile telephony, Internet, computers, microprocessors, data, etc.), the European digital public space is limited by the concept of **digital sovereignty**.

Sovereignty<sup>294</sup> is that inherent, inalienable, and indivisible attribute of the state, which consists of the supremacy of state power within its borders and its independence in relations with other states. It should be noted that the territorial limit of state sovereignty limits public space but not digital space. However, digital space is itself an essential economic resource for the fourth industrial revolution, so territorial and material barriers, and limits are subject to national, European, and international regulations.

Daniel Lambach and Kai Oppermann conducted an empirical analysis of the phenomenon of digital sovereignty<sup>295</sup>. In the published study both positive (benefits and opportunities) and negative (risks and challenges) references for digitization were presented. Reference was also made to the threats to digital sovereignty that may arise from digitization. In terms of narrative characters<sup>296</sup>, the authors have described three types of actors:

- potential bearers of digital sovereignty;
- agents charged with establishing or protecting digital sovereignty;
- agents charged with establishing or protecting digital sovereignty.

The holders and agents of digital sovereignty have been divided into societal, individual, or collective actors (such as individual citizens or consumers as well as society at large), economic actors (including companies and industries), and EU public actors (such as institutions and government agencies).

Focusing on the negative references of digitization, but also on the threats to digital sovereignty, we would also like to draw attention to “computerized battles for influence”, a new component of **cyber defense**, aimed at countering information manipulation and countering propaganda maneuvers. The conflict in Ukraine is a perfect illustration of the impact of this form of action, which is primarily the responsibility of the state<sup>297</sup>. In these circumstances, cooperation between the public and private sectors is essential, as many solutions are in the hands of companies and security providers.

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<sup>291</sup>Shora Azarnoush, Claudia Stefan, *Preturi mari pe piața naționalităților*, [adevarul.ro/blogurile-adevarul/preturi-mari-pe-piata-nationalitatilor-1554527.html](http://adevarul.ro/blogurile-adevarul/preturi-mari-pe-piata-nationalitatilor-1554527.html), (25.01.2023)

<sup>292</sup>European Commission, *Proposal for a Regulation of the European Parliament and of the Council on a single market for digital services (Digital Services Act) and amending the Directive 2000/31/CE*, COM/2020/825 final, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52020PC0825>, (25.01.2023)

<sup>293</sup>European digital industries are seen as lagging their American and Chinese competitors. US-built platforms have created oligopolies that threaten the security of European users’ data.

<sup>294</sup>Reference definition: sovereignty. <https://dexonline.ro/definitie/suveranitate>, (25.01.2023)

<sup>295</sup>Daniel Lambach, Kay Oppermann, *Narațiuni ale suveranității digitale în discursul politic german*, 2022, <https://onlinelibrary.wiley.com/doi/10.1111/gove.12690>, (25.01.2023)

<sup>296</sup>*Idem*

<sup>297</sup>Marc Watin-Augouard, *Securitatea cibernetică - o condiție sine qua non pentru "deceniul digital" al UE*, 2022, <https://www.bursa.ro/securitatea-cibernetica-o-conditie-sine-qua-non-pentru-deceniul-digital-ale-ue-41975642>, (26.01.2023)

Given the above, the digital space extends the obligations of the classical concept of sovereignty as argued by the authors of the Tallinn Manual 2.0 "Cyber activities take place on territory and involve objects, or are conducted by persons or entities, over which States may exercise their sovereign prerogatives"<sup>298</sup>.

Despite the perception of a borderless cyberspace, individuals' activities are still subject to the jurisdiction of the state. Presently, many nations apply their national laws to actions conducted in the digital realm, particularly in cases where cybercrime has a tangible real-world counterpart, such as intellectual property or identity theft, financial fraud, human trafficking, or unauthorized access to sensitive data.<sup>299</sup>

The European Union, and the European Commission, have adopted the interpretation of digital sovereignty as the control of the "resource regime" about data by developing a regulatory environment that structures the interactions between market actors<sup>300</sup>. The proposed Data Governance Act<sup>301</sup> (DGA) includes elements of data access control and localization.

Digital sovereignty gets a real sense of state, even supranational, control if we look at the new set of rules of the sharing economy<sup>302</sup> and the emergence of new entities, technology companies that mediate more and more of our social and economic interactions and without which we would find it increasingly difficult to function as a society<sup>303</sup>.

Internationally, digital supremacy is focused on economic and security stakes and the competition will be won by those companies that will build digital infrastructures on the territory of countries that promote digital democracy. In other words, the aim is to promote user autonomy, because citizens do not have the freedom to choose their data but are simply passive users who receive information based on their profile. From this, we conclude that the "shared economy (in the narrow sense) is not about sharing" but about profit orientation, expected reciprocity, and the absence of feelings of community<sup>304</sup>.

As the governments of European states, with a common heritage of political ideals and traditions, respect for freedom, and the rule of law, it is for the European states to take the first steps towards collectively guaranteeing certain rights set out in the Universal Declaration. Digital citizens are users of the world's most important information-sharing service, even if they do not feel any of the mutual obligations that arise when they share their identity, i.e., the fundamental characteristics that distinguish them from all others and make them remain themselves for the whole of their existence, in time and space. In this context, on the 26<sup>th</sup> of January 2022, the European Commission proposed a solemn inter-institutional declaration on

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<sup>298</sup>Michael N. Schmitt (ed.), *Manualul Tallinn 2.0 privind dreptul internațional aplicabil operațiunilor cibernetice*, Cambridge University Press, 3<sup>rd</sup> of February 2017, <https://doi.org/10.1017/9781316822524>, (04.04.2023)

<sup>299</sup>Cosmina Moghior, *Suveranitatea digitală europeană: o analiză a delegației de autorități*, in "Romanian Journal Of European Affairs", Vol. 22, No. 1, 2022, p.108

<sup>300</sup>Pascal König, *Analizarea guvernantei datelor în UE prin prisma conceptului de regim al resurselor*, 2022, <https://www.ssrn.com/abstract=4050804>, (25.01.2023)

<sup>301</sup>European Commission, *Proposal for a Regulation of the European Parliament and of the Council on European data governance (Data Governance Act)*, COM/2020/767 final, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020PC0767>, (25.01.2023)

<sup>302</sup>Sebastian Vith, Achim Oberg, Marcus A. Höllerer, Renate E. Meyer, *Vizionarea „Orașului partajat”: strategii de guvernare pentru economia partajată*, in "Jurnalul de etică în afaceri", Vol. 159, 2019, pp. 1023–1046, <https://link.springer.com/article/10.1007/s10551-019-04242-4>, (26.01.2023)

<sup>303</sup>Mirela Mărcuț, *Spațiul digital nu e ca spațiul cosmic. Despre suveranitatea digitală*, in "Digital", European Union, <https://digitalpolicy.ro/2021/05/22/spatiul-digital-nu-e-ca-spatiul-cosmic-despre-suveranitatea-digitala>, (26.01.2023)

<sup>304</sup>Giana M. Eckhardt, Fleura Bardhi, *The sharing economy isn't about sharing at all*, in "Harvard Business Review", 2015, <https://hbr.org/2015/01/the-sharing-economy-isnt-about-sharing-at-all>, (26.01.2023)

digital rights and principles for the digital decade<sup>305</sup>. The digital rights and principles described in the declaration will supplement current rights, including those stemming from the EU Charter of Fundamental Rights and data protection and privacy regulations. The suggested rights and principles focus on a people-centric digital transformation, encompassing freedom of choice, safety and security, solidarity and inclusion, participation, and sustainability.

Moreover, “the Commission will soon propose a secure European electronic identity. An identity that we can trust, and that any citizen can use anywhere in Europe for everything from paying taxes to renting a bike. A technology where we can control for ourselves what data is used and how it is used”<sup>306</sup>.

**The European Digital Identity** is scheduled to be accessible to citizens, residents, and businesses of the European Union who wish to authenticate their identity or corroborate certain personal details. It will be able to be used to purchase both public and private services, either online or offline, throughout the EU<sup>307</sup>. Digital identity will give anyone a simple and secure way to control shared information and will work through digital wallets available as apps on smartphones and other devices<sup>308</sup>.

Digital identity is seen as an extension of national or European identity, while digital citizenship is an extension of the conventional concept of citizenship. Digital sovereignty refers to a nation's ability to control and protect its own digital activities, information, and resources. Essentially, it is about a state's ability to protect its sovereignty in the digital space, as well as promote and defend its interests in terms of digital policy.

In the European context, sovereignty is based on the principle that each member state must digitally protect and manage its digital resources. However, transaction costs and the credibility of political commitments may mean that some aspects of digital policies are managed at the supranational level. For example, the European Union (EU) promotes common policies and regulations regarding cyber security, data protection, and digital rights, to ensure that all member states follow the same standards and practices. In addition, supranational institutions such as the European Commission may be tasked with managing specific aspects of digital policy, such as the coordination of EU-wide digital infrastructure. In general, digital sovereignty in Europe involves finding a balance between protecting national sovereignty and coordinating and collaborating on digital policy at the supranational level.

The concept of digital sovereignty involves a nation's ability to protect and control its digital activities and resources, but it can also have a wider impact on the geopolitical scene. Currently, there is a global competition for dominance over the "digital model", which involves different perspectives and objectives regarding the role of technology in the interaction between the state, citizens, and the economy. Some countries want to have a dominant role. The normative interpretation of the triangular relationship between the European Union, the United States, and China is a critical component of digital geopolitical competition. The EU champions

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<sup>305</sup>Comisia Europeană, *Deceniul digital al Europei: obiective digitale pentru 2030*, [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/europes-digital-decade-digital-targets-2030\\_ro](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/europes-digital-decade-digital-targets-2030_ro), (26.01.2023)

<sup>306</sup>Ursula von der Leyen, President of the European Commission, in her State of the Union address, 16 September 2020

<sup>307</sup>EU Council, Press release 6 December 2022, *European Digital Identity (eID): Council makes progress towards EU digital wallet, a paradigm shift for digital identity in Europe*, <https://www.consilium.europa.eu/ro/press/press-releases/2022/12/06/european-digital-identity-eid-council-adopts-its-position-on-a-new-regulation-for-a-digital-wallet-at-eu-level/>, (26.01.2023)

<sup>308</sup>European Commission, *European Digital Identity*, [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/european-digital-identity\\_ro](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/european-digital-identity_ro), (26.01.2023)



a technological model based on “democratic values, respect for the rule of law and fundamental rights”<sup>309</sup>.

In contrast, the United States maintains a relatively hands-off approach to technological progress, preferring to let the private sector self-regulate and standardize with minimal government intervention. In contrast, China represents the other end of the spectrum, strongly supporting the extension of traditional principles of digital sovereignty but the government exercising exclusive authority over all non-state entities and other governments operating in their national cyberspace<sup>310</sup>.

Digital sovereignty is a source of power, also at the European level.

In essence, sovereignty involves giving power to the state to govern and control the territory and resources within a given area. In the context of European digital affairs, it is not immediately clear who holds this power. The typical model for power delegation is the principal-agent theory, where the state is the principal and citizens are the agents<sup>311</sup>. This theory is based on an economic theory, according to which the principal will look for an agent to carry out certain activities for which the principal does not have the necessary resources (in particular, the emphasis is on the principal’s lack of expertise and the fact that the agent has much more information on specific areas of activity)<sup>312</sup>.

The concept of delegation refers to a hierarchical and dyadic relationship between two parties, the principal and the agent. The principal delegates his responsibility or authority to the agent to act on his behalf or to perform certain tasks. This relationship is interdependent because the success of the agent depends on the success of the main goals. The agent has his preferences and interests which may or may not align with those of the principal. If the agent's preferences align with those of the principal, agents will be more willing to follow the principal's instructions without the need for incentives or sanctions. However, when the agent's interests do not align with those of the principal, it may be necessary to use appropriate rewards or sanctions to keep the agent on track.

The agent's preferences and interests are influenced by his personal value system, which may differ from that of the principal. These differences in the agent's identity characteristics can influence how he exercises his authority and how he performs his tasks. Therefore, the principal must have a clear understanding of the agent's values and motives to communicate with the agent in a way that encourages the desired behavior.<sup>313</sup>

The theory mentioned above clarifies why EU Member States are inclined to transfer more authority to supranational organizations. The primary motives for this are to minimize transaction costs related to information, negotiation, and implementation, as well as to enhance the credibility of policy commitments by making a long-term commitment to critical

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<sup>309</sup>European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Joint Communication to the European Parliament, the European Council and the Council: *EU Cyber Security Strategy for the Digital Decade*, Brussels, 2020, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52020JC0018&from=EN, (26.01.2023)

<sup>310</sup>Rogier Creemers, *Concepția Chinei despre suveranitatea cibernetică: retorică și realizare*, in D. Broeders& Berg B. van den (Eds.) “Guvernarea spațiului cibernetic: comportament, putere și diplomație. Tehnologii digitale și politică globală”, Lanham, Rowman&Littlefield, 2020, pp. 107-142

<sup>311</sup>Cosmina Moghior, *Suveranitatea digitală europeană: o analiză a delegației de autorități*, in ”Romanian Journal of European Affairs”, Vol. 22, No. 1, 2022, p.109

<sup>312</sup>David G. Hawkins et al. (eds.), *Delegation and Agency in International Organizations*, Cambridge University Press, 2006, online 2009, <https://doi.org/10.1017/CBO9780511491368>, (04.04.2023)

<sup>313</sup>Simona Claudia Creța, *Problema delegării și relațiile dintre politicieni și birocrați*, in ”Revista Transilvană de Științe Administrative”, 1(10), 2004, pp. 19-24

legislation<sup>314</sup>. In the same sense, digital sovereignty provides additional incentives for delegating powers. The concept, therefore, facilitates compromise in the virtual world.

The European Communities created the common market, which has become a single market, now the European Union must access the program plan “for the digital decade” presented in March 2021. But the red thread of respect for national and supranational sovereignty is cyber security, which is not an end but a condition based on common values.

## Conclusions

Regardless of the state of progress of new technologies, we must work together as digital citizens, to be present at this great event, the digitization of society, to share our knowledge, to build an efficient legal system, and to propose well-thought-out and analyzed solutions. Social needs are essential for both the private and public existence of individuals and communities. The future depends on understanding the concept of the digital citizen in conjunction with the concept of digital sovereignty, i.e., how the digital citizen proposes to respect the limits of the application of the digitization of public space in all sectors of activity.

Digital security thus becomes a prerequisite for the existence and proper functioning of democratic societies at the regulatory, executive, and jurisdictional levels.

We conclude that digital sovereignty, digital citizenship, and digital identity, from a normative point of view, are terms that translate into ideas, political, and even metaphorical understandings.

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<sup>314</sup>Cosmina Moghior, *Suveranitatea digitală europeană: o analiză a delegației de autorități*, in “Romanian Journal of European Affairs”, Vol. 22, No. 1, 2022, p.109

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**PUBLIC DIPLOMACY OF THE RUSSIAN FEDERATION  
IN THE INTERNATIONAL RELATIONS**

<b>Abstract:</b>	<p><i>This article aims to examine the theoretical and practical changes in the role of public diplomacy in the foreign policy of the Russian Federation and to analyze the modalities of action and political and social effects because of public diplomacy campaigns initiated in the relations between Russia and Ukraine in the immediate aftermath of the crisis in Ukraine since 2014. Specifically, the article analyzes the role of public diplomacy in relations between states and presents public diplomacy as an essential part of soft power until the 2014 Ukraine crisis.</i></p> <p><i>The research question is: what is Russia's message to the West and how is it conveyed? And to answer the question, qualitative research methods will be used: content analysis and evaluation of official documents and reports by the Russian and Ukrainian authorities. The importance of studying this issue stems from the fact that more and more countries have launched information campaigns in recent years, designed to contribute to foreign policy priorities, and the revelation of the paper is based on the changes that are taking place in the international arena, changes that have led to an increase in the importance of public diplomacy in international relations.</i></p>
<b>Keywords:</b>	<b>International relations; public diplomacy; Russian Federation; Ukraine; soft power</b>
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### **Introduction**

Under the impact of globalization, contemporary international relations have registered a process of resizing, leading to the elimination of the state monopoly on foreign policy. As a result, a whole range of non-state actors influence the image of a country abroad, and information technologies provide them with multiple communication mechanisms. In this situation, diplomatic activities must be accompanied by a process of communication, both in its internal and external markets. Most researchers assume that the transformation of the modern world is due to changes in interstate relations after the end of the Cold War<sup>315</sup>.

This change in interstate relations is an important structural element of the world's political organization. At the same time as changes in the political organization of the world, the role of social and humanitarian resources and, consequently, their means of influence increases; this is due to the importance of the human factor. Strengthening the role of social and humanitarian resources is associated with the development of communication and information technologies. With changes in the world's political organization, an increasing number of actors are involved in public diplomacy, and the instrument of public diplomacy is becoming more important for states. Alongside public diplomacy, other

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<sup>315</sup> Elena Gurgu, Dumitru Cociuban, *The Role of Public Diplomacy in International Relations in Full Process of Globalization*, in "Annals of Spiru Haret University, Economic Series", Universitatea Spiru Haret, Vol. 7, No. 2, 2016, pp. 125-143

tools related to social impact are widely used around the world, such as propaganda, strategic communication, public relations, etc.<sup>316</sup> In this case, it is essential to highlight the characteristic features of public diplomacy, which distinguish it from other instruments, such as soft power, propaganda, etc.

Russia is currently an active player on the world stage. The analysis of Russian public diplomacy will allow us to better understand how various state and non-state structures are involved in shaping the perceptions of the world through Russian public diplomacy and its implementation. The article emphasizes public diplomacy in general and Russian public diplomacy. The toolbox for public diplomacy is largely universal. However, the way it is applied, what technologies are used, and how public diplomacy is combined with other means of influence are specific to each state. The concept of public diplomacy was implemented in the Russian Federation and other countries through the Anglo-Saxon school of thought of international relations. Therefore, before considering Russian public diplomacy, it is important to consider what is generally understood by public diplomacy.

The changing nature of diplomacy has been a topic of interest throughout the 20<sup>th</sup> century and gained momentum both after World War II and after the Cold War. The growing importance of public opinion and the emergence of the media were key arguments in these debates. While the influence of the West expanded, the Soviet Union began to lag both due to the tenacious initiatives of the West (especially the US) and the Soviet Union's inability to improve its policies<sup>317</sup>. Soviet diplomacy was able to identify the increasing influence of public opinion after World War II, but it failed to capitalize on the full potential of this new source of power.

The article aims to examine the transformations at the theoretical and practical level regarding the role of public diplomacy in Russia's foreign policy and to analyze the ways of action and the effects on the political and social level as a result of the public diplomacy campaigns initiated in the relations between Russia and Ukraine in the immediate aftermath of the crisis in Ukraine. More specifically, the article analyzes the role of public diplomacy in relations between states and presents public diplomacy as the essential part of soft power, a concept around which the foreign policy of the two-state actors is sought. The question this paper intends to address is: What is Russia's message to the West and how is it transmitted? To answer the question, qualitative research methods will be used, namely content analysis and evaluation of official documents and reports made by the Russian and Ukrainian authorities. The importance of studying this issue comes from the fact that more and more countries have launched information campaigns in recent years, aimed at contributing to foreign policy priorities, and the relevance of the paper is based on the changes taking place in the international arena, changes that have led to the increase in the importance of public diplomacy activities in international relations.

The article presents public diplomacy as an essential part of soft power, being one of the soft power tools used by states in international politics. The article examines a general perspective on the concept of public diplomacy, the vision of political scientist Joseph Nye on the term soft power, and Russia's efforts to control and instrumentalize the sources of soft power and analyzes contemporary Russian public diplomacy, namely the objectives of Russian public diplomacy, its actors and instruments, and a brief analysis of Russian public diplomacy in Ukraine will be presented.

### **Public Diplomacy: a conceptual framework**

The concept of public diplomacy is one of the most controversial topics in the discipline of international relations. While both practitioners of diplomacy and scientists recognize its existence as a tool in international relations, views on the sphere, usefulness, practice, and theoretical basis vary significantly. The concept of public diplomacy was first introduced into the academic sphere in 1965 by American diplomat Edmund Guillon, to describe the process by which international actors tried to achieve their foreign policy objectives by interacting with audiences in different countries. Thus, according to Guillon: "Public diplomacy deals with the influence of public attitudes in the formation and execution of foreign policies. It encompasses dimensions of international relations, beyond traditional diplomacy (including): government formation of public opinion in other countries; interaction between

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<sup>316</sup> Henry Kissinger, *World Order*, Penguin Press, New York, 2015

<sup>317</sup> Wilson Dizard Jr., *Inventing Public Diplomacy: The Story of the U.S. Information Agency*, Lynne Rienner Publishers, Boulder, and London, 2004, p. 255

private interest groups in different countries; informing people about international affairs and their influence on domestic policy; communication between those whose function is communication, such as diplomats and foreign journalists; (and) the process of intercultural communication”<sup>318</sup>.

The definition of the term is very contested, being defined in different ways by several authors, thus there is no universally accepted definition; In this regard, to have a clearer picture of how public diplomacy is understood, we have selected some interpretations of practitioners, specialists, among them, Paul Sharp, he described public diplomacy as “the process by which direct relations with people in a country are cultivated to promote their interests and expand their values”<sup>319</sup>. Cull also claims that public diplomacy is an international actor’s attempt to conduct his foreign policy by involving the foreign public<sup>320</sup>.

However, public diplomacy has been understood not only as a process but also as a tool. Joseph Nye defined public diplomacy as “a communication tool that governments use to mobilize resources, communicate, and attract audiences from other countries. Public diplomacy tries to convince by drawing attention to these potential resources through dissemination, subsidizing cultural exports, organizing exchanges, etc.”<sup>321</sup> A central aspect of public diplomacy is the concept of soft power, which was introduced by Joseph Nye, and which refers to the ability of an actor to get what he wants in the international environment due to his cultural attractiveness and values. and not because of its military or economic power. Therefore, public diplomacy can be seen as one of the mechanisms of using soft power by promoting the values of a state actor. While practical knowledge of public diplomacy has been significantly improved during the Cold War, public diplomacy debates have gained momentum since the September 11 terrorist attacks.

Many researchers who belong to the realistic school of international relations perceive the state as the only actor on the international relations scene. Constructivist and liberal approaches, on the other hand, also see the public as an actor in international relations. While the liberal approach highlights the importance of public opinion through its effect on national decision-making, the constructivist approach emphasizes the emergence of an international public sphere<sup>322</sup>. Marking public diplomacy as a mere propaganda tool implies that the public is a passive actor in international relations, which cannot exert influence in the international arena. However, the public increasingly appears as an actor in international relations through international organizations, as well as improvements in the media and the media. Therefore, we must recognize the public as an entity that interacts in the international arena and influences and is influenced by other actors. Nancy Snow supports this view by differentiating traditional diplomacy from contemporary public diplomacy. She argues that although traditional public diplomacy referred to governments dealing with public influence, it recently included both governments and individuals, as well as groups influencing public opinion and foreign policy decisions<sup>323</sup>. As we mentioned, public diplomacy can be better defined by differentiating its main features from those of traditional diplomacy. First, public diplomacy is transparent and widespread, while traditional diplomacy has narrower dissemination. Second, traditional diplomacy is passed on by governments to other governments and can be described as how states communicate with each other at different levels, while public diplomacy deals not only with governments but also with governments, as well as individuals and non-governmental organizations and focus on how governments, deliberately, through both officials and private individuals or institutions, communicate with citizens of other states. Third, the topics and issues that official diplomacy addresses are mainly about the behavior and policies of governments, while public

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<sup>318</sup> Wilson Dizard Jr, *Digital Diplomacy: U.S. Foreign Policy in the Information Age*, Praeger, London, 2001, p. 5

<sup>319</sup> Paul Sharp, *Revolutionary States, Outlaw Regimes and the Techniques of Public Diplomacy*, Jan Melissen, *The New Public Diplomacy: Soft Power in International Relations*, Palgrave Macmillan, New York, 2005, pp. 106-123

<sup>320</sup> Nicholas Cull J., *The Cold War and the United States Information Agency: American propaganda and public diplomacy, 1945–1989*, Cambridge University Press, New York, 2008, p. 15

<sup>321</sup> Joseph Nye Jr., *Public Diplomacy and Soft Power*, in “Annals of the American Academy of Political and Social Science”, Vol. 616, 2008, p. 95

<sup>322</sup> Nicholas Cull J., *Public Diplomacy Bioregulator: The Evolution of a Phrase*, <https://uscpublicdiplomacy.org/blog/public-diplomacy-gullion-evolution-phrase>, (18.02.2023)

<sup>323</sup> Nancy Snow, *Rethinking Public Diplomacy*, Routledge Handbook of Public Diplomacy, New York, 2009, p. 6

diplomacy is concerned with the attitudes and behaviors of the public, which makes it more visible and effective<sup>324</sup>.

### **Soft power: a conceptual framework**

Political scientist Joseph Nye describes public diplomacy as a political expression of soft power, a concept he introduced in the early 1960<sup>s</sup>. Nye defines soft power as the ability to attract and persuade to shape the preferences of others and to obtain the benefit sought by the one who uses it. The broad spread of the concept is due to certain actions by state or non-state actors that open a wide range of political implications or lead to the achievement of political or geopolitical objectives, without these actions being able to be framed in the patterns of coercive force<sup>325</sup>. Nye introduced this term at the end of the Cold War to define power that is based on attraction rather than coercion, and that refers to an actor's ability to achieve what he wants in the international environment because of its cultural attractions and its values, and not because of its military or economic power. Therefore, as I mentioned, public diplomacy can be the mechanism for using soft power, by promoting the cultural values of an actor and by convincing the population of other actors about the attractiveness of its cultural values. Soft power is a modern concept, which became more important, especially in the 20<sup>th</sup> century<sup>326</sup>.

Joseph Nye first used the term soft power in his book - *Bound to Lead: The Changing Nature of American Power*<sup>327</sup>. He challenged the prevailing view that post-World War II American power was in decline. Instead, he argued that no other country matched the US not only in terms of economic or military power but also in what he called soft power. Nye also distinguishes two methods of exercising power: the first is that a country can channel its resources to target government elites to promote its support and thus achieve the desired result, and the second method is that resources can be channeled to foreign audiences to promote their support and achieve the desired results. The first method may be closer to soft power in classical diplomacy, while the second is a direct representation of public diplomacy itself.

Nye believes that gaining power in world politics is determined by the attractiveness of the model that a particular state represents and propagates: the admiration of "others" for its values, the imitation of example, and the aspiration for the level of prosperity are the cues of soft power. Thus, the concept of soft power offers the possibility of creating a favorable environment for the one who develops it for the long term; the use of soft power gives the state the possibility to "create such a favorable international environment in which the state, the holder of this power, will be able to realize its interests without resorting to direct and harsh influence or threats"<sup>328</sup>.

Nye argues that a country's soft power is primarily based on three resources: its culture (where it is attractive to others), its political values (when it is a fundamental landmark both domestically and internationally), and its foreign policies (when acknowledged as legitimate), thus having the ability to persuade other actors in the same direction of the foreign policy objectives pursued<sup>329</sup>.

In international politics, power is the ability of one actor to influence another to perform certain actions that he would not have taken otherwise. The form of power represented by soft power can be seen in contrast to the use of constraint. Hard power is the ability of one actor to compel another to execute certain actions and includes military intervention, coercive diplomacy, and economic sanctions as tactics. In contrast, soft power refers to the ability to persuade an actor to take those actions. The combination of the two represents smart power, which is born of the need for an actor to possess the necessary hard power capacity to achieve his foreign policy objectives, thus defining it by combining and

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<sup>324</sup> Ion Guceac, Sergiu Porcescu, *Diplomația publică – componentă indispensabilă a discursului extern în condițiile globalizării*, in "Revista de Știință, Inovare, Cultură și Artă Akademos", Vol. 1, No. 16, 2010, pp. 6-10

<sup>325</sup> Joseph Nye Jr., *Soft Power: The Means To Success In World Politics*, Public Affairs, New York, 2004, p. 5

<sup>326</sup> Joseph Nye Jr., *Soft Power*, in "Foreign Policy", No. 80, 1990, p. 159

<sup>327</sup> Joseph Nye Jr., *Bound to lead: The changing nature of American power*, Basic Books, New York, 1990

<sup>328</sup> Carnes Lord, „Public Diplomacy and Soft Power”, ed. Michael Waller J., *Strategic Influence: Public Diplomacy, Counterpropaganda, and Political Warfare*, The Institute of World Politics Press, Washington D.C., 2008, p. 65

<sup>329</sup> Joseph Nye Jr., *Op.cit.*, pp. 94-109



efficiently using these resources together<sup>330</sup>. Soft power can be exercised both by states and by all actors in international politics (NGOs or international institutions).

Power, in the classical sense, is the ability to affect others to achieve desired results; behavior that can be affected either by threats of coercion or by attraction; an attraction that causes others to want what you want. Power also holds a significant share in the practice of state public diplomacy. If public diplomacy, in its essence, interacts with the foreign public, it is natural that power, in its classical sense (that is, military, political, and economic power) constitutes a part of the resources that are used for public diplomacy, besides culture, and other means of interaction.

### **Soft power in the Russian context**

The internal protests and the crisis in Ukraine in 2014 brought to the forefront of Russian politics a growing concern for soft power. The concept began to be used in speeches and official documents and a series of measures were taken to avoid “dangers” and to streamline Russia’s soft power<sup>331</sup>. This dichotomous approach to the “power of attraction” revealed the differences in the perception of soft power by Russian officials and Western counterparts.

The use of the term soft power is relatively new in Russian political circles but has recently become increasingly popular among Russian analysts and policymakers. The term itself was first used in Russian political discourse in February 2012 by Vladimir Putin. In the presidential election, V. Putin pointed out that soft power is “a set of tools and methods to achieve foreign policy goals without the use of weapons, but by exercising information and other levers of influence” and is frequently used by “large countries, international blocs or corporations...to develop and provoke extremist, separatist and nationalist attitudes, to manipulate the public and to intervene directly in the domestic politics of sovereign countries”<sup>332</sup>.

A year later, *the* concept of soft power was introduced in a Russian official document - Концепция внешней политики Российской Федерации<sup>333</sup> (Concept of the Foreign Policy of the Russian Federation), approved by Vladimir Putin in February 2013. The document describes the principles, priorities, and objectives of Russia’s foreign policy and defines soft power as “a comprehensive toolkit for achieving foreign policy objectives based on the potential of civil society, information, cultural methods and other methods and technologies alternative to traditional diplomacy”. However, like the definition of President V Putin, this document refers to soft power as “an indispensable component of modern international relations” but warns that soft power can sometimes be used in an “illegal or destructive” way to “exert pressure on sovereign states, interfere in their internal affairs, and do not interfere with the state of affairs. destabilize their political situation or manipulate public opinion”<sup>334</sup>. Therefore, Russia tries to remove the risks of soft power threats by nationalizing civil society, and at the same time, it also aims to instrumentalize soft power for its foreign policy objectives.

Moscow has a dichotomic approach to soft power. It perceives soft power simultaneously as a threat, when used by Western actors and also as a pragmatic tool that should serve Russia’s national interests<sup>335</sup>. This approach led the Russian Federation to take a series of measures to prevent the “destructive” consequences of this power and to increase its effectiveness in achieving foreign policy objectives. However, these measures taken by the Russian government contradict the very logic of the “power of attraction”.

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<sup>330</sup> Joseph Nye Jr., David A. Welch, *Understanding Global Conflict and Cooperation*, Pearson, New Jersey, Ed. 9, 2013, p. 47

<sup>331</sup> Vasile Rotaru, *Instrumentalizing the Sources of Attraction: How Russia Undermines its Own Soft Power*, in “AcademiaEdu”, Bucuresti, 2015, pp. 1-11

<sup>332</sup> Vladimir Putin, *Russia and the changing world*, <https://russiaeu.ru/en/news/article-prime-minister-vladimir-putin-moskovskiyenovosti>, (21.03.2023)

<sup>333</sup> *Concept of the Foreign Policy of the Russian Federation*, <https://www.voltairenet.org/article202037.html>, (21.03.2023)

<sup>334</sup> *Idem*

<sup>335</sup> Jeanne Wilson, *Soft Power as a Component of Russian and Chinese Discourse and Strategy. Constructivist and Realist Interpretations*, in “Annual Meeting of the American Political Science Association”, 2013, p. 24

All these efforts by the state to control civil society and access to information, to create governmental institutions to promote a desired national image abroad, show that Russia perceives power as a state project and an instrument of its foreign policy. Thus, while Nye sees a country's foreign policy as one of the sources of its soft power, for Russia, soft power is perceived as an instrument of foreign policy<sup>336</sup>. Thus, Russia understands soft power rather than the ability to influence public opinion in the target countries.

### **Contemporary Russian public diplomacy**

Russia underwent a significant institutional restructuring after the dissolution of the Soviet Union. This restructuring process has led Russia to take a rather passive position in the international arena. However, in the more recent period, Russia has emerged as an active and assertive actor in the international arena. Many researchers attribute the interest in public diplomacy by the Russian Federation to the presidential campaign of V. Putin in February 2012 and the official concept of the foreign policy of the Russian Federation. The tone of the statements in the presidential campaign indicates that the Russian institutions assess the Russian foreign policy regarding the use of this instrument and attribute its use to the Western powers in an interventionist way toward the domestic policy of sovereign countries. Remarks by President V. Putin on the notion of soft power are an important indicator of how Russia perceives public diplomacy, more precisely, as a tool of Russian policy and a dangerous weapon in the hands of Western powers<sup>337</sup>. In 2003, a survey was conducted on the image of Russia in the eyes of American citizens, the result of which had negative connotations, which could be identified with the Cold War period and with communism. This poll showed President Vladimir Putin that the existing image of Russia in Western public opinion was problematic. However, the same article claims that while Russia opens its arms and smiles warmly toward the West, in the internal sphere, the windows are sealed against journalists and no opposition can be heard<sup>338</sup>. It follows that among the main challenges of Russian public diplomacy are image and credibility.

The image of Russia in the eyes of the foreign public is an aspect that must be taken into account when considering Russian public diplomacy. While Russia's image as an undemocratic, corrupt, and aggressive policy can be attributed to the Soviet image of the Cold War, the impact of foreign policy can be presented as important in terms of low credibility. This brings us again to the discussion of the relationship between foreign policy and domestic policy, as well as the importance of implications, rather than advertising in the field of public diplomacy. The Ukrainian conflict was an example that contributed to the image of an aggressive Russian Federation. The Russian occupation of Crimea has shattered its international image, which is seen as a rogue state by more and more countries and their citizens. Russia's image in the EU has been tarnished a lot, and while Vladimir Putin was talking about the weakness of NATO's Eastern European partners in Poland, Romania, and the Baltic states<sup>339</sup>; The Eastern Ukraine crisis of 2014 prevented Russia from making any move to establish its image, due to its association with an illegal and aggressor state.

In Russia, public diplomacy is closely correlated with national interests (preservation of current political regime, culture, achieving equal status with other major international actors, etc.), national security, and foreign policy objectives, making them Russian foreign policy instruments that are usually implemented by institutions affiliated to the government<sup>340</sup>. Over the past decade, Russia has made serious efforts to advance its practice of public diplomacy. Thus, another point to be considered in the analysis of Russian public diplomacy is its institutionalization. The Russian Federation has undergone a substantial institutionalization process, with many institutions regulating their public diplomacy efforts to

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<sup>336</sup> Jarosław Ćwiek-Karpowicz, *Limits to Russian Soft Power in the Post-Soviet Area*, in "DGAPanalyse", Berlin, No. 8, 2012, pp. 1-9

<sup>337</sup> Vasile Rotaru, *Op.cit.*, pp. 1-2

<sup>338</sup> Julian Evans, *Spinning Russia*, <https://foreignpolicy.com/2005/12/01/spinning-russia/>, (20.02.2023)

<sup>339</sup> Elizabeth Pond, *Russia vs the West: The Consequences of Putin's Invasion of Ukraine*, <https://www.newstatesman.com/politics/2015/03/russia-vs-west-consequences-putin-s-invasion-ukraine>, (20.02.2023)

<sup>340</sup> Anna A. Velikaya, *The Russian Approach to Public Diplomacy and Humanitarian Cooperation*, in "Rising Powers Quarterly", Vol. 3, No. 3, 2018, pp. 39-61

restore its image. These include the Russian Science and Culture Centers abroad, funded by the Ministry of Education and Science of the Russian Federation. Currently, there are over 70 branches worldwide. The main purpose of these institutions is to facilitate academic exchanges. Another similar institutional example is the Federal Agency of Rossotrudnichestvo<sup>341</sup>, established by Dmitry Medvedev in 2008, it acts as an institution for the coordination of Russian foreign humanitarian activity, and also has the role of promoting Russian culture and language through educational cooperation; 21 structures have also been created, such as the Alexander Gorchakov Foundation for Public Diplomacy, the Council of Russia, the Russkiy Mir Foundation and the Fund for supporting and protecting the rights of compatriots living abroad. News agencies, Russia Today (2005), RIA Novosti, Sputnik (2014), and TASS, can be presented as examples of international news agencies established to institutionalize public diplomacy<sup>342</sup>. These international dissemination tools have been developed because of several failures in shaping global public opinion on its political agendas. Key actors in the sphere of public diplomacy include<sup>343</sup> the Ministry of Foreign Affairs, the Ministry of Emergencies, Russian NGOs (Russian Humanitarian Mission, Institute for Literary Translation), and think tanks (Valdai Club, Russian Committee for Research BRICS).

In different countries, public diplomacy has different forms, methods, and aspects. In Russia, as well as in most post-Soviet countries, public diplomacy is regarded as engaging the foreign public by encouraging cooperation in political, economic, and cultural spheres to promote the national interests of the country, whereas in Western countries (especially the US), public diplomacy combines two components: engaging allies (through educational and cultural activities) and confronting enemies (such as violent extremism). In Russia, public diplomacy is perceived as aiming to create an objective and favorable image of the country, without undermining the efforts of other actors<sup>344</sup>.

A distinctive feature of Russian public diplomacy is not to use the “countering” component against foreign propaganda, or terrorist threats, which is seen as part of strategic communications. Unlike the public diplomacy of Western countries, Russian public diplomacy does not focus on exporting democracy but aims to promote international dialog and strategic stability among various international actors. Russian public diplomacy is used to attract allies and build a dialog with difficult partners. Through its public diplomacy, Russia promotes the message that the national state is the only reliable guarantor of international peace and stable world order. So the practice and terminology of public diplomacy are different in Russia from the United States, as it includes elements of engagement, not elements of combat<sup>345</sup>. In addition, the term is interpreted in a very narrow sense in Russia compared to other countries.

The existing literature has a huge gap in public diplomacy policies. The Soviet Union, being one of the two main warring powers of the Cold War, provides a significant case study of the practice of public diplomacy. As the main successor to the Soviet Union, the Russian Federation also offers a crucial case in terms of the practice of public diplomacy.

### **Russian public diplomacy in Ukraine**

Ukraine is one of the countries that Russia has considered an inseparable part of its sphere of influence for historical, cultural, and strategic reasons. Historically, Ukraine is seen as the cradle of Russian politics due to the emergence of Kievan Rus as the first political entity for Eastern Slavs. Similarly, Ukrainians and Russians share a deep cultural connection in terms of language, religion, and long history together, in addition to the significant Russian-speaking minority in eastern Ukraine. Strategically, access to the Ukrainian coastline constitutes a significant part of Russian capacity in the

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<sup>341</sup> Federal Agency for Commonwealth of Independent States Affairs, Compatriots Living Abroad and International Humanitarian Cooperation

<sup>342</sup> Greg Simons, *Russian public diplomacy in the 21st century: Structure, means and message*, in “Public Relations Review”, Vol. 40, No. 3, 2014, pp. 445- 447

<sup>343</sup> Tatiana Zanova, *Public diplomacy and its actors*, <https://russiancouncil.ru/en/analytics-and-comments/analytics/public-diplomacy-and-its-actors/>, (20.02.2023)

<sup>344</sup> Borishpoletz, K.P., *Public diplomacy in EEU region: understanding the phenomenon and its development*, in “MGIMO Journal”, Vol. 5, No. 44, 2015, pp. 42-55

<sup>345</sup> Anna A. Velikaya, *Op.cit.*, pp. 39-61

Black Sea, especially given the existing naval bases on Ukrainian soil (especially in Crimea). Tensions between the two countries return to the EU's Eastern Partnership Program initiated in 2009<sup>346</sup>.

The Ukrainian balance between the EU approach and the Russian counteroffer of the Eurasian Customs Union (ECU) led to a period of internal turmoil for Ukraine, which led to the exit of President Yanukovich, who was supported by a Russian-speaking minority<sup>347</sup>. These events led to an armed uprising (supported by the Russian Federation) in the eastern and southeastern regions of the country, which are largely inhabited by the Russian-speaking minority, as well as the annexation of Crimea following a referendum under Russian occupation. Despite Russian claims focused on the right to self-determination, the referendum was not recognized by the UN and the related resolution indicated the referendum as illegal<sup>348</sup>. Ukraine was trying to find a diplomatic solution to the 2014 conflict by inviting the Russian Federation to the table, while Russian occupation and armed conflict between the Ukrainian army and Russian-backed rebels were still ongoing<sup>349</sup>.

The situation in Ukraine is characterized by instability, lack of predictability, and asymmetric threats. Funding political parties or mass communication agencies, creating blogs and web pages, manipulating people's emotions through social networks, and supporting subversive corruption are just some of the methods used by the Russian propaganda apparatus to spread uncertainty and disinformation in Ukrainian society and Eastern European countries; the Ukrainian crisis has become a complex geopolitical battlefield. Moscow's aggression took place in both real and virtual space and was multi-dimensional. Through these means, Moscow<sup>350</sup> tried to convince both domestic and foreign public opinion that the post-Soviet space remains "our" territory.

Russian public diplomacy aimed to discredit the distinctiveness of Ukrainian identity. The main reason behind this approach was to get the Ukrainian public to associate with Russian culture to have a long-term positive effect on future policies. Russian public diplomacy has set itself the goal of achieving this goal by various means, including through culture and religion. An example of this is the Russian Orthodox Church. Especially after the appointment of Patriarch Kirill I, the Russian Orthodox Church pursued a policy of limiting the autonomy of the Kyiv Patriarchate by registering new parishes within the Moscow Patriarchate<sup>351</sup>.

The practices of public diplomacy in Russia were applied through mechanisms of control of public opinion, thus, to promote its objectives in the countries of the former Soviet space, Russia used media channels<sup>352</sup>: this method consists of creating speeches delivered to the public through newspapers, television, radio and any other technical support that provides information; another instrument is Russian, which is the most spoken foreign or maternal language in former soviet countries; Russian ethnic minorities are other sources of public opinion control. These measures were complemented by coordinated campaigns, using Western PR firms, think tanks, and interest groups to achieve Moscow's foreign policy objectives.

Regarding the situation in the current period, in general, the Russian strategy has turned towards force tactics rather than more subtle ways of spreading influence. Joseph Nye wrote that "while hard

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<sup>346</sup> Dragneva, R., Wolczuk, K., *Russia, the Eurasian Customs Union and the EU: Cooperation, Stagnation or Rivalry?*, in "Russia and Eurasia Programme", Chatham House, London, 2012, p. 10

<sup>347</sup> Staff Reuters, *Yanukovich denounces "coup", says staying in Ukraine*, [https://www.reuters.com/article/ukraine-crisis-yanukovichidINDEEA1L04320140222?edition-redirect=in\\_21.02.2023](https://www.reuters.com/article/ukraine-crisis-yanukovichidINDEEA1L04320140222?edition-redirect=in_21.02.2023)

<sup>348</sup> *Resolution adopted by the General Assembly on 27 March*, [https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_res\\_68\\_262.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_68_262.pdf) (21.02.2023)

<sup>349</sup> Holly Ellyatt, *Ukraine leader says meeting Putin is key 'if we want to end the war in the Donbas region*, <https://www.cbc.com/2019/10/10/ukraines-president-says-meeting-putin-is-key-to-ending-war.html>, (21.02.2023)

<sup>350</sup> Suslov Mihail, *The Utopia of 'Holy Russia Today's Geopolitical Imagination of the Russian Orthodox Church: a Case Study of Patriarch Kirill*, "Plural: History, Culture, Society", ed. ARC, Moldova, vol. 2, no. 1-2, 2014, pp. 81-96

<sup>351</sup> Alexander Bogomolov, Oleksandr Lytvynenko, *A Ghost in the Mirror: Russian Soft Power in Ukraine*, "Russia and Eurasia Programme", Chatham House, London, 2012, p. 12

<sup>352</sup> Martin, Kragh; Sebastian, Åsberg, *Russia's strategy for influence through public diplomacy and active measures: the Swedish case*, in "The Journal of Strategic Studies", London, Vol. 40, No. 6, 2017, p.2

military power will decide the outcome of Russia's war in Ukraine, the power of values, persuasion, and attraction are hardly irrelevant. Though soft power tends to operate more subtly and over a longer time horizon, it has nonetheless emerged as a key feature of Ukraine's defense<sup>353</sup>. Thus, it follows that, in the short term, hard power is more efficient than soft power. The effects of soft power tend to be slow, in the sense that we can see the effects of bombs immediately, while the attraction of values and culture can only be seen in the long term; and the war in Ukraine offers these lessons. The short-term battle was, of course, dominated by hard power. How this situation will play out, in the long run, will depend in part on the outcome of the war.

## Conclusions

Currently, many countries face international crises either as participants or as peacemakers, and since we are facing increasing conflicts worldwide, public diplomacy is becoming an increasingly necessary tool, able to put the foundations of international cooperation and promote the international agenda. Public diplomacy initiatives may be the time to prevent the global confrontation we are witnessing today. Public diplomacy is one of the most important concepts of political communication, becoming an indispensable component of the foreign policy of states, but also a topic on the agenda of international organizations.

Currently, Russian public diplomacy is becoming increasingly important to effectively promote a positive, balanced, and unifying international agenda. As we have noted, the Russian approach to public diplomacy differs from the Western one that appeals to the agenda of human rights, transparency, and the rule of law. Russia does not agree that values (free speech, freedom of peaceful assembly, freedom of religion, equality of men and women) prevail over national interests. The destabilization of vast regions through the practice of regime change demonstrates this message.

The term soft power has also become popular among Russian politicians. However, their approach to the concept differs from how the West understands it. While scholars point out that soft power cannot be controlled by governments to the same extent as hard power, and that many soft power resources often operate indirectly, are separate from the government, and can only partially serve the purpose of the state, Russia sees soft power as a state-centered project and an instrument of its foreign policy.

For Russia, soft power is perceived as an instrument of its foreign policy, which must serve the state's interests in international affairs. Moscow understands to have full control of soft power and to use it only in the service of "state interests". However, this approach can be dangerous and counterproductive. Russian government soft power audiences are becoming warier of Moscow's instrumentalization of soft power resources and questioning their reputation and credibility. Thus, rather than increasing the effectiveness of Russia's pull power, government actions to nationalize and instrumentalize pull sources undermine their potential to generate soft power.

The Ukrainian crisis demonstrates that public diplomacy can be used as a weapon to achieve political and strategic goals. Public diplomacy works at the level of human interaction and thus provides a solid basis for building trust in a certain area of geopolitical interest, in our case Ukraine. The battle for information as a weapon has become vital in the Ukraine crisis. Both the West and Russia have used the image as a weapon to achieve their strategic and military goals.

Given the complexity of the Russian-Ukrainian crisis and implicitly its evolution at this time, by using this qualitative methodology on documents and articles it is inevitable that some limits will emerge.

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## PREVALENCE AND MANIFESTATIONS OF DIGITAL HARASSMENT AMONG YOUNG ADULTS IN SERBIA<sup>354</sup>

<b>Abstract:</b>	<i>Although the literature on digital violence is largely dominated by studies focusing on the pre-adolescent or adolescent population, young adults are a vulnerable category as well, due to a high prevalence of Internet use. The goal of this research was to examine the extent to which young adults in Serbia report committing or being exposed to different types of cyber harassment and to identify possible differences in gender and the level of attended education (secondary school or university). The research was conducted on 312 participants (32.69% male and 67.31% female), from 18 to 25 years (mean age = 19.23). The sample included high school seniors (33.33%) and university students (66.67%). Obtained results reveal that the most represented forms of cyber harassment are online stalking (52.56%), ignoring/excluding someone from groups on social networks (27.88%), harassment by phone calls (24.68%), and the use of false/someone else's identity or creating profiles in someone else's name (22.76%). We conclude that one of the main priorities in the digital era is to create a secure online environment not only for children and adolescents but also for young adults, as they too are frequently exposed to digital violence.</i>
<b>Keywords:</b>	<b>Cyberharassment; digital harassment; cyberbullying; cyberstalking; victimization; young adults</b>
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### Introduction

Exposure to violence in the digital era, and various risks on the Internet, are one of the greatest challenges of modern society. The use of digital technology and social media has become an integral part of everyday life for most people around the globe, especially for the members of the so-called Generation Z<sup>355</sup>. As social interaction increasingly moves from a real to a virtual environment, forms of violence also change and transform from traditional into more virtual ones. To describe various types of violent behavior on the Internet (or via other forms of modern communication) in literature used terms such as

<sup>354</sup> Funding: This work was supported by the Provincial Secretariat for Higher Education and Scientific Research of the Autonomous Province of Vojvodina under Grant number 142-451-2619/2019-02

<sup>355</sup> American Psychological Association (APA), *Stress in America: Generation Z*, in "Stress in America™ Survey", 2018, pp. 1-11



cyberbullying, cyberharassment, digital bullying, electronic bullying, bullying on the Internet, online bullying, harassment in the digital world, etc.<sup>356</sup> as well as electronic aggression, or online harassment<sup>357</sup>.

Cyberbullying is an “umbrella” term used to describe several different and loosely connected phenomena. Probably the easiest and at the same time, the broadest definition is one that implies any kind of bullying that is perpetrated using modern electronic means. A more detailed, yet still simple enough way to describe cyberbullying is as using digital technology (Internet and mobile phones) to upset, hurt, humiliate, and harm another person<sup>358</sup>. Another frequently used definition determines cyberbullying as an aggressive and intentional behavior carried out repeatedly by a group or an individual, via electronic means against a victim who cannot easily defend him or herself<sup>359</sup>. Although research related to this phenomenon is mainly focused on children and teenagers, it is important to emphasize that not only youth but also adults commit and experience digital violence. According to some authors, when adults are harassed online, the term which is used is not cyberbullying, but rather cyberstalking or cyberharassment<sup>360</sup>. However, studies concerning cyber harassment among the adult population are quite scarce. Even among young adults, the research on digital violence is still insufficient, as most previous studies mostly focused on the pre-adolescent and adolescent populations<sup>361</sup>.

Although digital violence takes place in a “virtual” ambience, cyberbullying often has causes and consequences in a real environment<sup>362</sup>. The experience of digital violence has been associated with different negative outcomes such as e.g., anxiety, depression, sleep disturbance, substance abuse, murder, or suicide<sup>363</sup>. Therefore, in the last few decades<sup>364</sup>, cyberbullying as a serious problem has attracted significant attention from researchers worldwide. It is estimated that the number of youths who experience violence online ranges from 10% to 40%, largely varying in dependence on the age of participants and the definition of cyber harassment<sup>365</sup>. Other research suggests that digital harassment is

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<sup>356</sup> Dobrinka Kuzmanović, Biljana Lajović, Smiljana Grujić, Gordana Medenica, *Digitalno nasilje– prevencija i reagovanje*, Ministarstvo prosvete, nauke i tehnološkog razvoja Republike Srbije/ Pedagoško društvo Srbije, Beograd, 2016

<sup>357</sup> Megan A. Moreno, *Cyberbullying*, in “JAMA Pediatrics”, Vol. 168, No. 5, 2014, p. 500

<sup>358</sup> Dobrinka Kuzmanović et. al., *Op. cit.*

<sup>359</sup> Robin M. Kowalski, Susan P. Limber, Patricia W. Agatston, *Cyberbullying: Bullying in the digital age* (2<sup>nd</sup> ed.), Wiley-Blackwell, Malden, MA, 2012; Megan A. Moreno, *Op. cit.*

<sup>360</sup> Parry Aftab, *Cyberstalking and Harassment*, 2016, <http://www.wiredsafety.com>, (29.06.2020)

<sup>361</sup> Cristina Jenaro, Noelia Flores, Cinthia Patricia Frías, *Systematic review of empirical studies on cyberbullying in adults: What we know and what we should investigate*, in “Aggression and Violent Behavior”, Vol. 38, 2018, pp. 113-122; Alejandra Sarmiento, Mauricio Herrera-López, Izabela Zych, *Is cyberbullying a group process? Online and offline bystanders of cyberbullying act as defenders, reinforcers and outsiders*, in “Computers in Human Behavior”, Vol. 99, 2019, pp. 328-334

<sup>362</sup> Dobrinka Kuzmanović et. al., *Op. cit.*; About network society, network wars, cyberspace and geopolitics of internet see in: Ljubiša Despotović; Vanja Glišin, *Savremeni međunarodni odnosi i geopolitika*, Kairos, Sremski Karlovci, 2021, pp. 117-130

<sup>363</sup> Tanya Beran, Qing Li, *Cyber-harassment: A study of a new method for an old behavior*, in “Journal of Educational Computing Research”, Vol. 32, No. 3, 2005, pp. 265–277; Kimberly J. Mitchell, Michele Ybarra, David Finkelhor, *The Relative Importance of Online Victimization in Understanding Depression, Delinquency and Substance Use*, in “Child Maltreatment”, Vol. 12, No. 4, 2007, pp. 314–324; Michele L. Ybarra, Marie Diener-West, Philip J. Leaf, *Examining the Overlap in Internet Harassment and School Bullying: Implications for School Intervention*, in “Journal of Adolescent Health”, Vol. 41, No. 6, 2007, pp. 42–50

<sup>364</sup> Dobrinka Kuzmanović et. al., *Op. cit.*; Jovana Vaselek, *Nasilje na internetu*, Graduate thesis, University of Belgrade, Belgrade, 2018

<sup>365</sup> Amanda Lenhart, *Cyberbullying 2010: What the Research is Telling Us*, “Pew Internet & American Life Project”, 2010, <https://www.pewresearch.org/internet/2010/05/06/cyberbullying-2010-what-the-research-tells-us/>, (05.07.2020); Megan A. Moreno, *Op. cit.*; Lindsey M. O'Brennan, Catherine P. Bradshaw, Anne L. Sawyer, *Examining developmental differences in the social-emotional problems among frequent bullies, victims, and bully/victims*, in “Psychology in the Schools”, Vol. 46, No. 2, 2009, pp. 100–115; Daniel Pontzer, *A Theoretical Test of Bullying Behavior: Parenting, Personality, and the Bully/Victim Relationship*, in “Journal of Family Violence”, Vol. 25, No. 3, 2010, pp. 259–273

very widespread among youth and adults<sup>366</sup>, with some studies indicating that nearly 75% of children of school age report that they have experienced digital aggression at least once during the last year. According to available resources, most of the early research regarding cyber harassment among young adults, namely university students, was conducted in the USA, with a considerable lack of similar research in Europe<sup>367</sup>. One of those pioneering studies, conducted at New Hampshire University in 2002, showed that 10-15% of students were exposed to some kind of cyber harassment<sup>368</sup>. In 2008, the research conducted at Northeastern Pennsylvania University showed that more than 50% of the participants were familiar with the phenomenon of internet violence<sup>369</sup>. In 2010, a study among students at Midwestern University showed that 21.9% of the participants had experienced internet violence during the studies, while 8.6% had perpetrated the same kind of violence<sup>370</sup>. Among the recent specific studies concerning the USA, we can just briefly mention the research of Branch et al. (2017), Lee and Sanchez (2018), Li and Pustaka (2017), Näsi et al. (2017), O'Connor et al. (2018), Poullet and Chawdhry (2020) and others<sup>371</sup>.

Regarding the studies conducted outside North America and Europe, to show the global nature of cyber harassment phenomena among young adults, as well as the global nature of its research, we can point just to a few of the most recent studies from different parts of the world. One research from

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<sup>366</sup> Jaana Juvonen, Elisheva F. Gross, *Extending the School Grounds? Bullying Experiences in Cyberspace*, in "Journal of School Health", Vol. 78, No. 9, 2008, pp. 496-505; Catarina Katzer, Detlef Fetthenauer, and Frank Belschak, *Cyberbullying: Who are the victims? A comparison of victimization in Internet chatrooms and victimization in school*, in "Journal of Media Psychology", Vol. 21, No. 1, 2009, pp. 25-36

<sup>367</sup> Vesna Baltezarević, Radoslav Baltezarević, Borivoje Baltezarević, *Rasprostranjenost viktimizacije i vršenja nasilja na internetu među studentskom populacijom*, in "Temida", Vol. 19, No. 3-4, 2016, pp. 373-387; Cristina Jenaro, Noelia Flores, Cinthia Patricia Frías, *Op. cit.*; In some of the European countries (Finland, Germany, Hungary, Italy, Norway, Portugal and UK), in the last few years there is visible progress concerning research of some aspects of cyberharassment among young adults. For the most recent of them, see f. e. Matti Näsi; Pekka Räsänen; Markus Kaakinen; Teo Keipi; Atte Oksanen, *Do routine activities help predict young adults' online harassment: A multi-nation study*, in "Criminology & Criminal Justice", Vol. 17, No. 4, 2017, pp. 418-432; Sophie Weingraber; Christina Plath; Laura Naegele; Margit Stein, *Online victimization—an explorative study of sexual violence and cyber grooming in the context of social media use by young adults in Germany*, in "Social Work and Society", Vol. 18, No. 3, 2020; Katalin Parti; Tibor Kiss; Gergely Koplányi, *Architecture of aggression in cyberspace. Testing cyber aggression in young adults in Hungary*, in "International Journal of Cybersecurity Intelligence & Cybercrime", Vol. 1, No. 1, 2018, pp. 56-68; Frederica Bastiani; Patrizia Romito; Marie-Joséphine Saurel-Cubizolles, *Mental distress, and sexual harassment in Italian university students*, in "Archives of women's mental health", Vol. 22, No. 2, 2019, pp. 229-236; Marjan Nadim; Audun Fladmoe, *Silencing women? Gender and online harassment*, in "Social Science Computer Review", Vol. 39, No. 2, 2021; Sónia Caridade; Hélder Fernando Pedrosa e Sousa; Maria Alzira Pimenta Dinis, *Cyber and offline dating abuse in a Portuguese sample: prevalence and context of abuse*, in "Behavioral Sciences", Vol. 10, No. 10, 2020

<sup>368</sup> Jerry Finn, *A Survey of Online Harassment at a University Campus*, in "Journal of Interpersonal Violence", Vol. 19, No. 4, 2004, pp. 468-483

<sup>369</sup> Carol M. Walker, Beth Rajan Sockman, Steven Koehn, *An Exploratory Study of Cyberbullying with Undergraduate University Students*, in "TechTrends", Vol. 55, No. 2, 2011, pp. 31-38

<sup>370</sup> Christine D. MacDonald, Bridget Roberts-Pittman, *Cyberbullying among College Students: Prevalence and Demographic Differences*, in "Procedia-Social and Behavioral Sciences", Vol. 9, 2010, pp. 2003-2009

<sup>371</sup> See more in: Kathryn Branch, Carly M. Hilinski-Rosick, Emily Johnson, Gabriela Solano, *Revenge porn victimization of college students in the United States: An exploratory analysis*, in "International Journal of Cyber Criminology", Vol. 11, No. 1, 2017, pp. 128-142; Gang Lee, Matheson Sanchez, *Cyber bullying behaviors, anonymity, and general strain theory: A study of undergraduate students at a South Eastern University in the United States*, in "International Journal of Cyber Criminology", Vol. 12, No. 1, 2018, pp. 84-96; Qing Li, Arkhadi Pustaka, *When cyberbullies meet gamers: what do young adults think?*, in "Educational Research", Vol. 59, No. 4, 2017, pp. 426-443; Matti Näsi, Pekka Räsänen, Markus Kaakinen, Teo Keipi, Atte Oksanen, *Do routine activities help predict young adults' online harassment: A multi-nation study*, in "Criminology & Criminal Justice", Vol. 17, No. 4, 2017, pp. 418-432; Kimberly O'Connor, Michelle Drouin, Jedidiah Davis, Hannah Thompson, *Cyberbullying, revenge porn and the mid-sized university: Victim characteristics, prevalence and students' knowledge of university policy and reporting procedures*, in "Higher Education Quarterly", Vol. 72, No. 4, 2018, pp. 344-359; Karen Poullet, Adnan Chawdhry, *Cyberstalking... No means no: An exploratory study of university students*, in "Issues in Information Systems", Vol. 21, No. 1, 2020, pp. 125-130

Malaysia was published in 2017. showed that 8% of the participants were bullies, 18.6% were victims, 15.2% were both (bully-victims) and 53.4% were bystanders<sup>372</sup>. The 2019. research from New Zealand showed that nearly 14.9 percent of respondents stated that they have been a target of cyberbullying, with 2.2 percent of respondents reporting such experiences within the past month<sup>373</sup>. Another research from the United Arab Emirates was published in 2020. demonstrates that 91% of the study sample confirmed the existence of acts of cyberbullying on social media<sup>374</sup>. Among the newest studies from non-Western countries, we can also underline some of the research recently conducted in Australia<sup>375</sup>, Brazil<sup>376</sup>, Colombia<sup>377</sup>, China<sup>378</sup>, Kenya<sup>379</sup>, Pakistan<sup>380</sup>, Papua New Guinea<sup>381</sup>, South Korea<sup>382</sup>, Vietnam<sup>383</sup>, and other countries.

The research on cyberbullying in Serbia started much later compared to foreign scientific practice. One of the first and at the same time the most complex studies were conducted in 2012, organized by the Ministry of Education, Science and Technological Development of the Republic of Serbia, UNICEF, and Telenor, within the project "Stop Digital Violence". It was research on the use of digital technology, risks, and digital violence among primary and secondary school students from Serbia<sup>384</sup>. In this research, a large sample of students (from primary and secondary schools), parents, and teachers were included<sup>385</sup>. The study showed that the most common form of harassment among high school students was harassment by phone calls, text messages, and harassment on social networks. These three forms of behavior were more prevalent among high school students than among elementary school students<sup>386</sup>. According to the Alternative report on the position and needs of young people in the Republic of Serbia, which was created

<sup>372</sup> Vimala Balakrishnan, *Actions, emotional reactions and cyberbullying—From the lens of bullies, victims, bully-victims and bystanders among Malaysian young adults*, in "Telematics and Informatics", Vol. 35, No. 5, 2018, pp. 1190-1200

<sup>373</sup> Meng-Jie Wang, Kumar Yogeewaran, Nadia P. Andrews, Diala R. Hawi, Chris G. Sibley, *How common is cyberbullying among adults? Exploring gender, ethnic, and age differences in the prevalence of cyberbullying*, in "Cyberpsychology, Behavior, and Social Networking", Vol. 22, No. 11, 2019, pp. 736-741

<sup>374</sup> Ghada M. Abaido, *Cyberbullying on social media platforms among university students in the United Arab Emirates*, in "International Journal of Adolescence and Youth", Vol. 25, No. 1, 2020, pp. 407-420

<sup>375</sup> Anastasia Powell, Nicola Henry, *Technology-facilitated sexual violence victimization: Results from an online survey of Australian adults*, in "Journal of interpersonal violence", Vol. 34, No. 17, 2019, pp. 3637-3665

<sup>376</sup> Jaqueline Gomes Cavalcanti, Maria da Penha de Lima Coutinho, Adriele Vieira de Lima Pinto, *Cyber dating abuse: a study of social representations with Brazilian university students*, in "Ciencias Psicológicas", Vol. 14, No. 2, 2020, p. 2312

<sup>377</sup> Alejandra Sarmiento, Mauricio Herrera-López, Izabela Zych, *Is cyberbullying a group process? Online and offline bystanders of cyberbullying act as defenders, reinforcers, and outsiders*, in "Computers in Human Behavior", Vol. 99, 2019, pp. 328-334

<sup>378</sup> Xingchao Wang, Li Yang, Jiping Yang, Pengcheng Wang, Li Lei, *Trait anger and cyberbullying among young adults: A moderated mediation model of moral disengagement and moral identity*, in "Computers in Human Behavior", Vol. 73, 2017, pp. 519-526

<sup>379</sup> Joshua RA Ndiege, Gabriel Okello, Patrick K. Wamuyu, *Cyberbullying among University Students: The Kenyan Experience*, in "The African Journal of Information Systems", Vol. 12, No. 1, 2020, pp. 23-43

<sup>380</sup> Sijil Shahbaz Butt, Farhat Jamil, Ruhi Khalid, *Cyberbullying, self-esteem, and interpersonal trust in young adults*, in "Pakistan Journal of Social and Clinical Psychology", Vol. 17, No. 1, 2019, pp. 38-46; Sadia Musharraf, M. Anis-ul-Haque, *Impact of cyber aggression and cyber victimization on mental health and well-being of Pakistani young adults: The moderating role of gender*, in "Journal of Aggression, Maltreatment & Trauma", Vol. 27, No. 9, 2018, pp. 942-958

<sup>381</sup> Alythea Siraba, *Cyberbullying and online harassment among Facebook users in Papua New Guinea*, in "Contemporary PNG Studies", Vol. 30, 2019, pp. 42-50

<sup>382</sup> Soonhwa Seok, Boaventura DaCosta, *Relationships between young South Koreans' online activities and their risk of exploitation*, in "Journal of Online Learning Research", Vol. 6, No. 1, 2020, pp. 77-101

<sup>383</sup> Thi Truc Quynh Ho, Chun Li, Chuanhua Gu, *Cyberbullying victimization and depressive symptoms in Vietnamese university students: Examining social support as a mediator*, in "International Journal of Law, Crime and Justice", Vol. 63, 2020

<sup>384</sup> Dragan Popadić, Dobrinka Kuzmanović, *Korišćenje digitalne tehnologije, rizici i zastupljenost digitalnog nasilja među učenicima u Srbiji*, Institut za psihologiju Filozofskog fakulteta Univerziteta u Beogradu, Beograd, 2013

<sup>385</sup> *Idem*

<sup>386</sup> *Idem*

after the research of The National Youth Council of Serbia (KOMS) in 2018, every third of young people in Serbia experienced digital violence. More precisely, the results have shown that 31% of the participants in the study experienced some kind of digital violence in 2018, which is (according to the same source) 9% more compared to the previous year<sup>387</sup>. One of the very rare studies in Serbia that focused exclusively on university students is the research from 2016. conducted by V. Baltezarević, R. Baltezarević, and B. Baltezarević. The results showed that 24.9% of the students experienced violence on the Internet during the year preceding the research, while 18.3% of them engaged in violence<sup>388</sup>. Among the latest scientific works in Serbia, it is worth mentioning the research conducted in 2019 about cyber violence on social networks among high school students<sup>389</sup>. According to the results of this research, about one-fifth of the participants (20.2%) reported that have cyberharassment, and half of the participants (51.6%) reported victimization; the most common shapes of cyberbullying were insulting, mocking, and spreading rumors<sup>390</sup>.

Speaking about the other countries from the Balkan region, we can mention two research conducted in Croatia. The first one was published in 2016. and showed that during the 1- year-long period before the research, 24.9% of students had been the victims of internet harassment, while 18.3% of them had perpetrated the same model of violence<sup>391</sup>. Another study from the same year showed that during the 1- year-long period before the research, 3.57% of the students had been the victims of internet violence, while 2.01% of them had perpetrated internet violence<sup>392</sup>.

As we can see, widespread research regarding digital violence among young adults has only recently begun, while this area is still largely dominated by studies focusing on pre-adolescent or adolescent participants. However, the population of young adults is also a vulnerable category because a high percentage of young people use the Internet on an everyday basis. Therefore, the goal of our research was to further illuminate the presence of digital violence in the population of young adults. Another important feature of this research is related to the highly expressed heterogeneity in almost all previous domestic studies, regarding the definition of cyberbullying, the selected approach to its measurement, and the period covered by the study. To overcome this lack of consistency in the literature, we decided to focus on a wide range of different forms of behavior that can be characterized as digital violence, to explore it in an unlimited period, to include data about the frequency of committing/experiencing violence, and to use the term cyber harassment (or digital harassment) as young adults were the target population. The main aim of this study was to explore the prevalence of involvement in/experience of digital harassment among the population of young adults. There were also three sub-goals of our research: a) to determine which types of cyberharassment and victimization are the most prevalent among young adults b) to explore whether there are any gender differences in various sorts of harassing behavior or

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<sup>387</sup> Boban Stojanović, *Alternativni izveštaj o položaju i potrebama mladih u Republici Srbiji – 2018. godina*, Krovna organizacija mladih Srbije – KOMS, Beograd, 2018

<sup>388</sup> Vesna Baltezarević, Radoslav Baltezarević, Borivoje Baltezarević, *Op. cit.*, pp. 373-387

<sup>389</sup> Dušan Stanković, *Sajber nasilje na društvenim mrežama među mladima u Republici Srbiji*, in “Revija za kriminologiju i krivično pravo”, Vol. 19, No. 2, 2019, pp. 9-23

<sup>390</sup> Aleksandar Matković; Ivana Novakov, *Violence Among Adolescents in the Age of Technology – a New Phenomenon or an Old Problem in Serbia?*, in “Geography of Childhood: An Interdisciplinary Synthesis of Research Approaches and Practices” (Ed. Alexandra Gennadievna Filipova), Center for Scientific and Information Technologies “Asterion”, St. Petersburg, 2018, pp. 9-13; Jelena Opsenica Kostić; Tanja Panić; Vanja Cakić, *Karakteristike nosilaca uloga u elektronskom maltretiranju*, in “Primenjena psihologija”, Vol. 8, No. 2, 2015, pp. 131-146; Dragan Popadić; Zoran Pavlović; Dalibor Petrović; Dobrinka Kuzmanović, *Global Kids Online Serbia: Balancing between Opportunities and Risks: Results from the Pilot Study*, University of Belgrade, Belgrade, 2016; Branislava Popović-Citić, *Vršnjačko nasilje u sajber prostoru*, in “Temida”, Vol. 12, No. 3, 2009, pp. 43-62; Branislava Popović-Citić; Slađana Đurić; Vladimir Cvetković, *The Prevalence of Cyberbullying among Adolescents: A case study of middle schools in Serbia*, in “School Psychology International”, Vol. 32, No. 4, 2011, pp. 412–424; Jovana Rančić, *Vršnjačko nasilje na društvenim mrežama u Republici Srbiji*, in “CM Komunikacija i mediji”, Vol. 13, 2018, pp. 95-124

<sup>391</sup> Sanela Kutnjak, *Uznemiravanje i nasilje na internetu i njihove posljedice*, Graduate thesis, Josip Juraj Strossmayer University of Osijek, Osijek, 2016

<sup>392</sup> Dea Kričkić, *Rizično ponašanje studenata u kontekstu novih medija*, Graduate thesis, Josip Juraj Strossmayer University of Osijek, Osijek, 2016

experiences, and c) to identify possible differences about the level of attended education (secondary school or university).

## Materials and methods

### Sample

The research was conducted during the autumn/winter of 2019. on 312 participants, aged from 18 to 25 years (mean age = 19.23). The sample consisted of 102 male and 210 female respondents and included fourth-grade high school students (seniors) and university students, as seen in (Table 1). High school students were recruited from three different gymnasiums, while university students were recruited from the Faculty of Philosophy, Faculty of Technical Sciences, Faculty of Medicine, Faculty of European Legal and Political Studies, and Faculty of Law. All participants included in this research attended educational institutions from the city of Novi Sad and its surroundings, located in the province of Vojvodina, Republic of Serbia. The sampling approach was non-probability, convenience sampling. Participation in the study was anonymous and voluntary. All respondents signed a written consent before approaching the research.

Gender / educational institution	Frequency	Percent	Minimum age	Maximum age	Mean age	SD
Male	102	32.69	18	25	19.64	2.05
Female	210	67.31	18	25	19.04	1.39
Gymnasium	104	33.33	18	19	18.01	0.10
University	208	66.67	18	25	19.85	1.73
Σ	312	100	18	25	19.23	1.66

**Table 1. Frequency, percentage, and age of participants according to the gender and attended level of education**

### Instruments

For this research, the Questionnaire for cyberharassment<sup>393</sup> was constructed, based on the manual “Digital Violence – Prevention and Response”<sup>394</sup> published by the Ministry of Education, Science and Technological Development of the Republic of Serbia and the Pedagogical Society of Serbia. As there are various forms of cyberbullying, in this research we largely relied on the typology proposed by Kuzmanović et al. (2016)<sup>395</sup>, since it is very comprehensive and well-systematized. The Questionnaire for cyberharassment used in this research contains 29 binary yes/no items, 14 of which refer to engagement in different types of digital harassment (e.g. “I sent computer viruses”) and 14 of which refer to being a victim of diverse types of digital harassment (e.g. “I was harassed over the phone”). The last question was open-ended and referred to seeking help from someone due to being victimized. Participants were asked to indicate yes or no, whether they have ever been involved in certain types of digital harassment or have they ever been exposed to any certain type of digital violence. If yes, participants were further asked to respond if such behavior/experience occurred only once or twice, or more over time. Questionnaire items and explored types of behavior and experiences related to digital violence are listed and shown in (Table 2). Basic demographic data such as gender, age, and level of education were also collected.

### Results

<sup>393</sup> Aleksandar Matković, Ivana Novakov, *Questionnaire for Cyberharassment*, Unpublished material, Novi Sad, 2019

<sup>394</sup> Dobrinka Kuzmanović et. al., *Op. cit.*

<sup>395</sup> *Idem*

Collected data indicate that, at a general level, 75.32% of participants engaged at least once in a lifetime in some form of digital harassing behavior. On the other hand, 85.58% of participants experienced at least once some form of violent act on the Internet or through other digital means of communication. Furthermore, 64.74% of participants were involved in some kind of harassing behavior twice or more, while 75% of participants reported being a victim of some sort of digital harassment twice or more in a lifetime. However, only 18.38% of those participants who experienced some sort of cyber harassment twice or more turned to someone for help. Those who did mostly sought help from their parents (or other family members), than from friends and peers, while the smallest number of participants turned to professionals such as psychologists or security institutions such as the police.

In Table 2 it can be seen that, generally, the most represented forms of digital harassment are: intensive stalking of a liked person via the Internet to obtain information about that person's life (52.56%), ignoring or excluding someone from groups on social networks (27.88%), harassment by phone calls (24.68%), and the use of false or someone else's identity, or creating profiles on social networks in someone else's name (22.76%). On the other hand, in Table 2 it can also be seen that individuals are generally most likely to experience someone else initiating or maintaining unwanted communication with them via the Internet or telephone (49.68%), receiving indecent sexual offers via the Internet or telephone (39.74%), receiving computer viruses (39.74%), being a victim of harassment by phone calls (37.82%), being intensively stalked via the Internet (35.58%), and being a victim of someone changing or stealing their passwords (27.56%). Other types of perpetrated and suffered acts of cyberharassment are relatively less represented. As seen in (Table 2), for most forms of digital violence, participants report committing or being a victim of certain acts twice or more, except in a few cases, such as e.g., changing or stealing passwords.

Examined types of online harassment		Engaging in harassing behavior		Victim of harassment	
		Frequency	Percent	Frequency	Percent
1. posting disturbing, offensive, or threatening comments, images, or videos to other people's profiles or sending such materials through messages	only once	12	3.85	19	6.09
	twice or more	13	4.17	32	10.26
	<b>generally</b>	<b>25</b>	<b>8.01</b>	<b>51</b>	<b>16.35</b>
2. Recording and distribution of images, messages, and materials of sexual content	only once	5	1.60	3	0.96
	twice or more	23	7.37	1	0.32
	<b>generally</b>	<b>28</b>	<b>8.97</b>	<b>4</b>	<b>1.28</b>
3. Harassment by phone calls	only once	18	5.77	31	9.93
	twice or more	59	18.91	87	27.88
	<b>generally</b>	<b>77</b>	<b>24.68</b>	<b>118</b>	<b>37.82</b>
4. Using false or someone else's identity, creating profiles on social networks in someone else's name	only once	34	10.90	29	9.29
	twice or more	37	11.86	28	8.97
	<b>generally</b>	<b>71</b>	<b>22.76</b>	<b>57</b>	<b>18.27</b>
5. Unauthorized disclosure of other people's private information, publishing false accusations or rumors about another person on social networks, blogs, etc.	only once	3	0.96	14	4.49
	twice or more	18	5.77	22	7.05
	<b>generally</b>	<b>21</b>	<b>6.73</b>	<b>36</b>	<b>11.54</b>
6. Changing or stealing passwords	only once	24	7.69	68	21.79
	twice or more	16	5.13	18	5.77
	<b>generally</b>	<b>40</b>	<b>12.82</b>	<b>86</b>	<b>27.56</b>
7. Sending computer viruses	only once	7	2.24	27	8.65
	twice or more	13	4.17	97	31.10
	<b>generally</b>	<b>20</b>	<b>6.41</b>	<b>124</b>	<b>39.74</b>

8. Making fun of someone in online chat rooms, on social networks, or internet forums	only once	6	1.92	9	2.88
	twice or more	34	10.90	29	9.29
	<b>generally</b>	<b>40</b>	<b>12.82</b>	<b>38</b>	<b>12.18</b>
9. Inappropriate commenting on other people's images, comments on profiles and blogs	only once	7	2.24	11	3.52
	twice or more	35	11.22	44	14.10
	<b>generally</b>	<b>42</b>	<b>13.46</b>	<b>55</b>	<b>17.63</b>
10. Ignoring or excluding someone from groups on social networks	only once	32	10.26	25	8.01
	twice or more	55	17.63	33	10.58
	<b>generally</b>	<b>87</b>	<b>27.88</b>	<b>58</b>	<b>18.59</b>
11. Inciting hatred via the Internet or social networks	only once	2	0.64	7	2.24
	twice or more	14	4.49	17	5.44
	<b>generally</b>	<b>16</b>	<b>5.13</b>	<b>24</b>	<b>7.69</b>
12. Initiating or maintaining communication via the Internet or telephone with someone against his/her will	only once	14	4.49	24	7.69
	twice or more	13	4.17	131	41.99
	<b>generally</b>	<b>27</b>	<b>8.7</b>	<b>155</b>	<b>49.68</b>
13. Proposing indecent sexual offers via the Internet, text messages, or telephone	only once	2	0.64	20	6.41
	twice or more	5	1.60	104	33.33
	<b>generally</b>	<b>7</b>	<b>2.22</b>	<b>124</b>	<b>39.74</b>
14. Intensive stalking via the Internet (on social networks etc.) of a liked person to obtain information about that person's life	only once	34	10.90	24	7.69
	twice or more	130	41.67	87	27.88
	<b>generally</b>	<b>164</b>	<b>52.56</b>	<b>111</b>	<b>35.58</b>

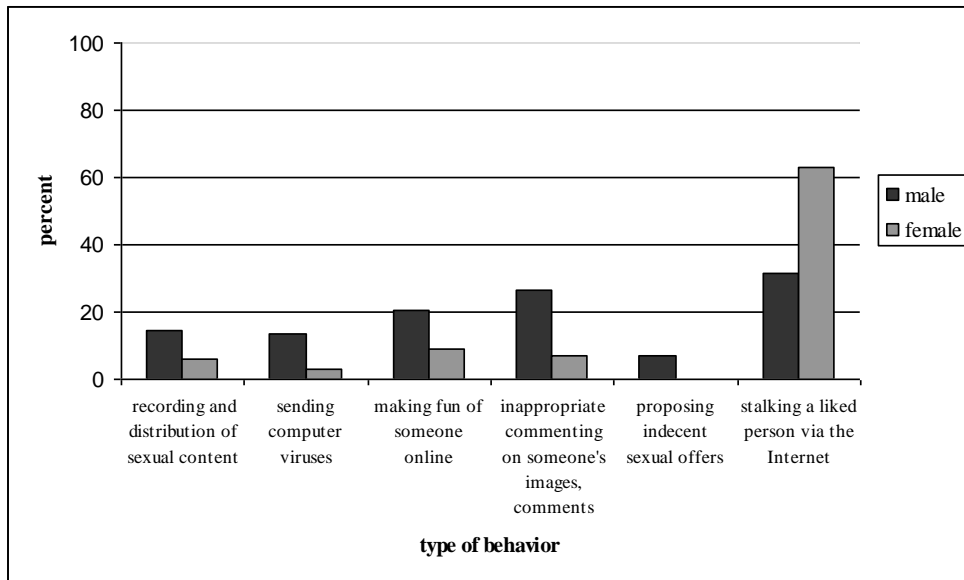
**Table 2. Prevalence of different types of cyber harassment among young adults<sup>396</sup>**

After examining the prevalence of various forms of digital harassment in our sample, we were further interested to explore if there were any differences by gender, or by the level of attended education, in reporting engagement in or exposure to harassing behavior. As all variables were categorical in their nature, the chi-square test was applied, as the most suitable nonparametric approach for determining the relations between categorical variables. In cases where expected counts in the contingency table were smaller than 5, Fisher exact test was used. For all analyses, data for general involvement in/exposure to cyber harassment were used rather than data indicating the frequency of such experiences (only once/twice, or more), to obtain more comprehensible results.

When analyzing engagement in digital violence, a significant gender difference was obtained for recording and distribution of sexual content,  $\chi^2(1, N=312) = 6.10, p = .014, \phi = -.14, p = .014$ , where male participants were more likely to engage in such activities (14.7%) than female participants (6.2%). The gender difference was also detected for sending computer viruses,  $\chi^2(1, N=312) = 13.52, p < .001, \phi = -.21, p < .001$ , with males being more likely to report such behavior (13.7%) than females (2.9%). A significant difference was further obtained for making fun of someone in online chat rooms, on social networks, or forums,  $\chi^2(1, N=312) = 8.18, p = .004, \phi = -.16, p = .004$ , with males engaging in this activity in higher percent (20.6%) than females (9%). For inappropriate commenting on other people's images or comments on profiles or blogs, a significant difference was revealed,  $\chi^2(1, N=312) = 22.01, p < .001, \phi = -.27, p < .001$ , with males engaging in this activity in higher percent (26.5%) than females (7.1%). For proposing indecent sexual offers significant gender difference was also detected; Fisher exact test ( $p < .001$ ) showed that male participants were more likely to engage in such behavior (6.9%) than females (0%). Finally, for intensive stalking of a liked person via the Internet, a significant gender difference was revealed,  $\chi^2(1, N=312) = 27.29, p < .001, \phi = .30, p < .001$  with females reporting this

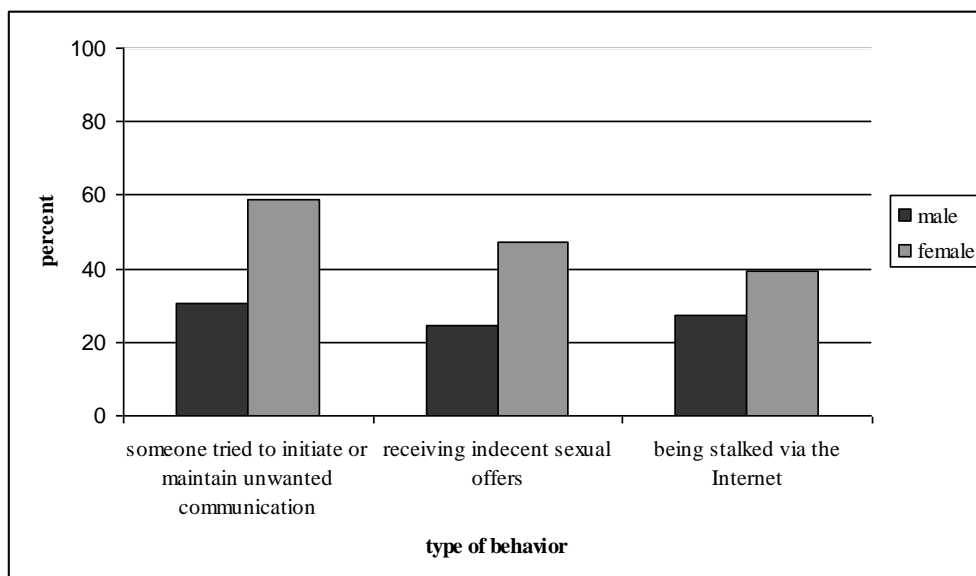
<sup>396</sup> Author's own research

activity in higher percent (62.9%) than males (31.4%). Prevalence by gender for all types of harassing behavior for which significant differences were found is presented in (Figure 1). For other forms of engagement in cyberharassment, significant gender differences were not detected.



**Figure 1. Significant gender differences in perpetrated cyberharassment**

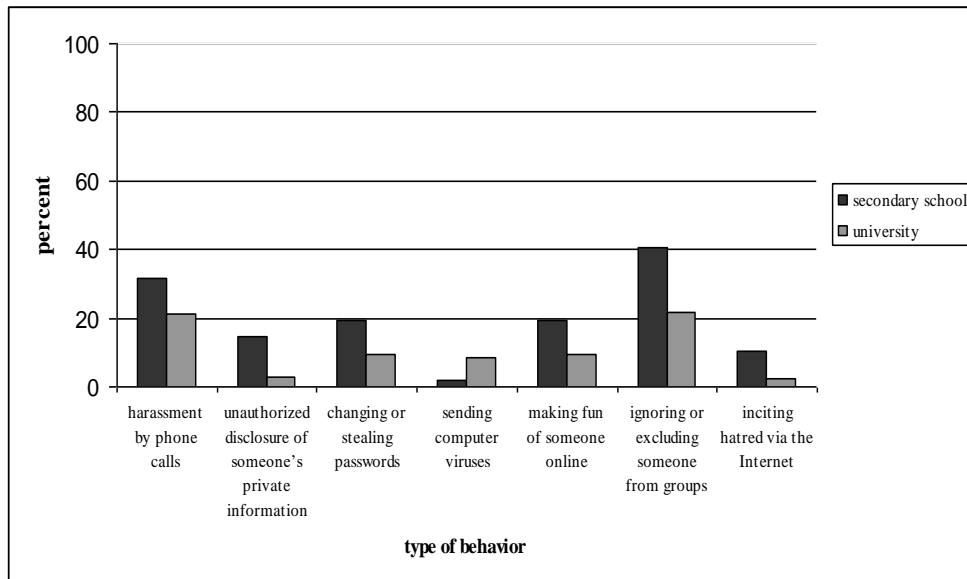
When gender differences in exposure to digital harassment were analyzed, a significant difference was detected for the experience of someone else initiating or maintaining unwanted communication over the phone or the Internet,  $\chi^2(1, N=312) = 22.55, p < .001, \phi = .27, p < .001$ , with female participants being more likely to be exposed to such behavior (59%) than males (30.4%). A significant difference was also found in the case of receiving indecent sexual offers via the Internet or telephone,  $\chi^2(1, N=312) = 14.68, p < .001, \phi = .22, p < .001$ , with females being more likely to receive such offers (47.1%) compared to males (24.5%). Finally, a significant gender difference was detected for being stalked via the Internet,  $\chi^2(1, N=312) = 4.37, p = .037, \phi = .12, p = .037$ , with females reporting such experience in higher percent (39.5%) than males (27.5%). Prevalence by gender is presented in (Figure 2) for all types of experienced cyber harassment for which significant differences were found. For other forms of victimization due to cyberharassment, significant gender differences were not detected.





**Figure 2. Significant gender differences in experienced cyber harassment**

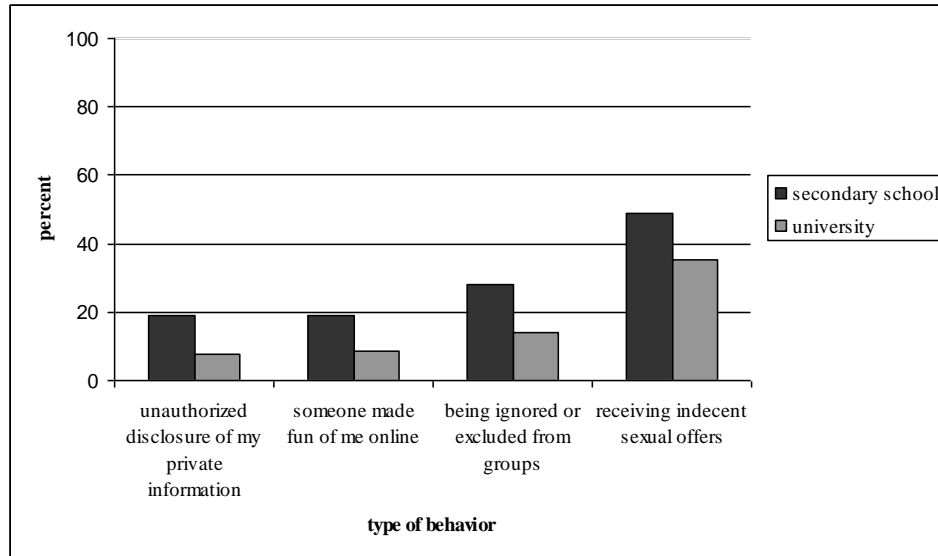
When we analyzed involvement in harassing behavior by the level of attended education, we detected significant differences in harassment by phone calls  $\chi^2(1, N=312) = 4.17, p = .041, \phi = -.12, p = .041$ , with secondary school students being more likely to engage in such behavior (31.7%), than university students (21.2%). Furthermore, a significant difference was found in unauthorized disclosure of other people’s private information, publishing false accusations or rumors about another person on social networks, blogs, etc.  $\chi^2(1, N=312) = 14.70, p < .001, \phi = -.22, p < .001$ , with secondary school students being more likely to perform such acts (14.4%), than university students (2.9%). A significant difference was also found for changing or stealing passwords,  $\chi^2(1, N=312) = 5.73, p = .017, \phi = -.14, p = .017$ , with secondary school students engaging in such behavior in higher percent (19.2%), compared to university students (9.6%). For making fun of someone in online chat rooms, on social networks, or internet forums  $\chi^2(1, N=312) = 5.73, p = .017, \phi = -.14, p = .017$ , it has been shown that secondary school students were more likely to exhibit such behavior (19.2%) than university students (9.6%). In ignoring or excluding someone from groups on social networks,  $\chi^2(1, N=312) = 12.12, p < .001, \phi = -.20, p < .001$ , secondary school students took higher part (40.4%), than university students (21.6%). A significant difference was also detected for inciting hatred via the Internet or social networks,  $\chi^2(1, N=312) = 9.52, p = .002, \phi = -.17, p = .002$ , with secondary school students reporting such behavior in higher percent (10.6%), than university students (2.4%). However, a significant difference was detected,  $\chi^2(1, N=312) = 5.24, p = .022, \phi = .13, p = .022$ , indicates that university students were more likely to send computer viruses (8.7%), than secondary school students (1.9%). In (Figure 3), the prevalence by the attended level of education can be seen for all types of cyber harassment for which significant differences were obtained. For other forms of cyberharassment, significant differences were not detected.



**Figure 3. Significant differences in perpetrated cyberharassment by the level of education**

When differences in exposure to acts of digital harassment were analyzed by attending secondary school or university, a significant difference was found in being a victim of unauthorized disclosure of private information or publishing false accusations or rumors on social networks and blogs,  $\chi^2(1, N=312) = 9.04, p = .003, \phi = -.17, p = .003$ , with secondary school students being more likely to be exposed to such acts (19.2%) than university students (7.7%). A significant difference was also detected in the case of being ridiculed by someone in online chat rooms, on social networks, or internet forums,  $\chi^2(1, N=312) = 7.25, p = .007, \phi = -.15, p = .007$ , with secondary school students being more likely to be victims of such behavior (19.2%), compared to university students (8.7%). The difference was also found for being ignored or excluded from groups on social networks,  $\chi^2(1, N=312) = 8.91, p = .003, \phi = -.17, p = .003$ ,

where secondary school students report such experience in greater percentage (27.9%) compared to university students (13.9%). For receiving indecent sexual offers, a significant difference was also found,  $\chi^2(1, N=312) = 5.63, p = .018, \phi = -.13, p = .018$ , with secondary school students being more likely to report such offers (49%) than university students (35.1%). In (Figure 4), the prevalence by the attended level of education is presented for all types of experienced cyber harassment for which significant differences were found. For other forms of victimization due to cyberharassment, significant differences were not detected.



**Figure 4. Significant differences in experienced cyberharassment by the level of education**

## Discussion

This research aimed to explore the prevalence of various forms of digital harassment or victimization in a sample of young adults in Serbia, as well as to test differences by gender and the level of attended education, regarding engagement in or suffering different forms of cyber harassment.

Obtained results indicate that, when observed on the individual level, specific types of cyberharassment and victimization vary from being very low to moderately represented in our sample. However, on a general level, young adults in Serbia still report to a large degree engaging in cyberharassment twice or more, and this trend is further significantly increased when it comes to reporting about experiencing digital violence twice or more in a lifetime. Likewise, it is of concern that a very small percentage of participants, who have been exposed to some forms of digital violence repeatedly, were willing to seek help in this regard. These findings are by the results of Kurtušić<sup>397</sup> who conducted the research in Croatia and found that a very small number of students were willing to report cyberharassment to official institutions, as well as to inform persons from their closest surroundings (parents and friends) about the problem they had experienced.<sup>398</sup> Therefore, young people need to be more encouraged to seek help when they are at risk.

Interestingly, stalking a liked person via the Internet proved to be the most common form of perpetrated harassing behavior. Furthermore, it turned out that exclusion from groups on social networks, harassment by phone calls, and the use of false or someone else's identity are also the most common types of reported malignant behavior among young adults in the context of modern technologies. These findings are part by the results of Popadić and Kuzmanović<sup>399</sup>, in the sense that harassment by phone calls

<sup>397</sup> Suzana Kurtušić, *Op. cit.*

<sup>398</sup> Sameer Hinduja, Justin W. Patchin, *Cyberbullying: An Exploratory Analysis of Factors Related to Offending and Victimization*, in "Deviant Behavior", Vol. 29, No. 2, 2008, pp. 129–56 (from the sample of 1,500 Internet-using adolescents, fewer than 15% of the victims told an adult about the incident)

<sup>399</sup> Dragan Popadić, Dobrinka Kuzmanović, *Op. cit.*

and on social networks was found to be the most prevalent forms of undesirable behavior, especially among high school students. Our findings are relevant because they reveal a notable prevalence of harassing behaviors that may be carried out without the victim even knowing about it, such is the case with stalking or creating profiles in someone else's name. Therefore, it is very important to educate young people about risks in the digital environment that can occur without their knowledge and to provide them with self-protecting skills.

On the other hand, speaking about victimization, individuals are generally most likely to report experiencing that someone else tried to initiate or maintain unwanted communication with them via the Internet or telephone, that they received indecent sexual offers via the Internet or telephone, were exposed to computer viruses, were the victims of harassment by phone calls, were intensively stalked via the Internet, or were victims of someone changing or stealing their passwords. These data about common types of cyber-victimization stand partially by some of the previous research<sup>400</sup>, but a comprehensive comparison is not possible due to the general problem regarding the lack of using more detailed and better-profiled categories of cyberharassment in another available research. Our findings reveal the areas in which young adults are especially vulnerable, and to which threats they are most frequently exposed, underlining the strong need to empower young people to develop skills for maintaining security, privacy, and data protection in a digital environment.

According to the results of our research, male participants were more likely to carry out the recording and distribution of images, messages, and materials of sexual content, sending of computer viruses, make fun of someone online, inappropriately comment on other people's images, comments on profiles and blogs, and proposing indecent sexual offers. Still, female participants were more likely to accomplish stalking of a liked person via the Internet to obtain information about that person's life. However, when it comes to the digital violence suffered, female participants were more likely to report being victims of someone's attempts to initiate or maintain unwanted communication, receiving indecent sexual offers, and being stalked via the Internet. In the existing literature, there is no consensus about the impact of gender issues regarding cyber harassment perpetration and victimization. Some authors found that both males and females are equally present as perpetrators of cyber violence;<sup>401</sup> however, many studies indicated that male perpetrators are more present than females<sup>402</sup>. Regarding the victimization, there are quite widespread opinions that young females are more susceptible to cyberharassment than young men<sup>403</sup>. On the other hand, there could be seen some opposite results which suggest that men are more vulnerable to cyberharassment<sup>404</sup>, while several surveys implicate that gender is not of considerable importance regarding cyberharassment vulnerability in general<sup>405</sup>. Nevertheless, our findings suggest that young males seem to be more likely to report participating in cyberharassment, than their female peers. Yet, it is unknown if these differences are the result of real gender disparity in violent behavior online, or if male participants are only more willing to acknowledge such behavior, while for females that would be socially undesirable. On the other hand, female young adults are more likely to report being a victim of certain types of digital harassment, although it is unclear whether such a result might be because males

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<sup>400</sup> Sanela Kutnjak, *Op. cit.*

<sup>401</sup> Christine D. MacDonald, Bridget Roberts-Pittman, *Op. cit.*; Michele L. Ybarra, Kimberly J. Mitchell, *Online Aggressor/Targets, Aggressors, and Targets: A Comparison of Associated Youth Characteristics*, in "Journal of Child Psychology and Psychiatry", Vol. 45, No. 7, 2004, pp. 1308-1316

<sup>402</sup> Buent Dilmac, *Psychological Needs as a Predictor of Cyber Bullying: A Preliminary Report on College Students*, in "Educational Sciences: Theory and Practice", Vol. 9, No. 3, 2009, pp. 1307-25; Robin M. Kowalski, Susan P. Limber, *Electronic Bullying Among Middle School Students*, in "Journal of Adolescent Health", Vol. 41, No. 6, 2007, pp. 22-30; Sanela Kutnjak, *Op. cit.*; Suzana Kurtušić, *Op. cit.*; Dušan Stanković, *Sajber nasilje na društvenim mrežama među mladima u Republici Srbiji*, in "Revija za kriminologiju i krivično pravo", Vol. 19, No. 2, 2019, pp. 9-23

<sup>403</sup> Vesna Baltezarević, Radoslav Baltezarević, Borivoje Baltezarević, *Op. cit.*; Robin M. Kowalski, Susan P. Limber. *Op. cit.*; Carlos P. Zalaquett, SeriaShia J. Chatters, *Cyberbullying in College: Frequency, Characteristics, and Practical Implications*, in "Sage Open", Vol. 4, No. 1, 2014

<sup>404</sup> Sanela Kutnjak, *Op. cit.*

<sup>405</sup> Ashley N. Doane, Michelle L. Kelley, Evelyn S. Chiang, Miguel A. Padilla, *Development of the Cyberbullying Experiences Survey*, in "Emerging Adulthood", Vol. 1, No. 3, 2013, pp. 207-218; Suzana Kurtušić, *Op. cit.*; Christine D. MacDonald, Bridget Roberts-Pittman, *Op. cit.*; Dušan Stanković, *Op. cit.*

have difficulty admitting that they have suffered violence. Similar findings about females as more willing to report cyberharassment than men are visible in other research.<sup>406</sup> Considering the results of our study, it seems that in young adulthood gender still might be an important factor associated with exposure to specific risks in digital communication, which is important to have in mind when designing educational programs and strategies for safe functioning online.

Furthermore, it turned out that secondary school students report to a larger extent both being engaged in different forms of cyberharassment, as well as being victims of digital violence. It might be that with older age, susceptibility to peer violence, and thus digital aggression, may be less expected. However, findings regarding this topic are inconsistent; some research goes in line with such a hypothesis<sup>407</sup>, while others do not<sup>408</sup>. Based on our results, it seems that secondary school students might be more vulnerable to cyber harassment compared to the university population. It also seems that it is especially important to work with high school students on strengthening their skills for the safe use of modern technologies. However, university students are more likely to report sending computer viruses, which might indicate that their age and knowledge increase the chance of engaging in technologically more demanding and sophisticated forms of malicious behavior online.

This is one of the very few studies to date that explored the phenomenon of digital violence among the population of young adults, covering a wide range of different and clearly defined forms of digital violence, with data on whether violent acts have been committed or suffered only once, or repeatedly. This comprehensiveness represents an important contribution to the current body of knowledge regarding cyberbullying phenomena in Serbia and beyond. However, it would be recommended for future studies to include an even larger sample of participants that would cover all parts of the country. Also, given that this research is cross-sectional in its nature, a longitudinal design would be required in subsequent studies to explore the phenomenon of cyberharassment through the temporal perspective and its trajectories even in later adulthood.

Our data suggest that cyber harassment among young adults is a widespread phenomenon with complex perspectives and multiple consequences. Thus, we can conclude that one of the main priorities in the digital era is to create a secure online environment for young people. As Serbia is an emerging country in the context of digitalization, we can assume that the safety of young people online will become an increasing challenge in the future. Therefore, it is important to develop systematic and well-organized strategies to support not only children and adolescents but also young adults, as they might also be frequently exposed to digital violence. Important goals of these strategies would be to help young people in developing skills for personal data protection, safe behavior online, and prudent use of digital media, as well as to encourage them to seek adequate help when confronted with any form of cyberharassment. The findings of this research may have a significant application in planning and creating different preventive and educational programs that could be implemented within high schools and colleges. These programs might include interactive workshops and lectures, printed or digital educational materials, and the participation of professionals providing support to those who suffered from digital violence. Furthermore, specifically tailored preventive and supportive strategies could be designed for secondary schools and universities, which would be particularly aimed at those most common problems that young people face in a digital environment.

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<sup>406</sup> Suzana Kurtušić, *Op. cit.*

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**SOME CONSIDERATIONS ON HOW HUMAN SECURITY HAS BEEN AFFECTED BY THE COVID-19 PANDEMIC, WHICH HAS BROKEN HUMAN LIFE, FREEDOM, AND DIGNITY**  
**(part 2)**

<b>Abstract:</b>	<i>As a preliminary title and as a perspective for the entire present approach, analysis, and theoretical conclusions that follow, it is necessary to state that the theme in the title and its treatment are circumscribed to the great changes in approach and perception promoted in the complex field of legal and social evolution in the field of scientific knowledge. Thus, the right to dignity received a legal configuration in the Civil Code, which brings many new elements about the Civil Code from 1865, "adapting the civil norms to today's realities and the reforming legislative trends manifested in other legal systems". The Civil Code is the first normative act that expressly enshrines personality rights. Art. 58 Civil Code enumerates personality rights: the right to life, to health, to physical and mental integrity, to dignity, to one's image, and to respect for private life. The list of personality rights remains open, with the legislator specifying that this category also includes "other rights recognized by law". Art. 72 Civil Code with the generic name "Right to dignity" provides that "(1) Every person has the right to respect his dignity. (2) It is forbidden to harm the honor and reputation of a person, without his consent or without observing the limits provided for in art. 75".</i>
<b>Keywords:</b>	<b>Dignity; human security; administrative act; military command act; pandemic; power; excess of power</b>
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**The military command act and the administrative act were issued for the application of the state of emergency between the hammer of legality and the anvil of opportunity**

As a preliminary title and as a perspective for the entire present approach, analysis, and theoretical conclusions that follow, it is necessary to state that the theme in the title and its treatment are circumscribed to the great changes in approach and perception promoted in the complex field of legal and social evolution in the field of scientific knowledge. That being the case, we must mention the fact that Art. 5 of the Administrative Litigation Law no. 554/2004 with the marginal title "acts not subject to control and the limits of control", expressly states in para. (1) that the administrative acts of the public authorities that concern their relations with the Parliament and the command acts of a military nature cannot be challenged in the administrative litigation. In par. (2), art. 5 indicates the acts that are not subject to control by way of administrative litigation, respectively the administrative acts for the modification or abolition of which another judicial procedure is provided, by organic law. We note, at the same time, that according to par. (3) of the same article, important in our analysis, stipulates that in



disputes concerning administrative acts issued for the application of the state of war, state of siege or emergency, those concerning defense and national security, or those issued for the restoration of public order, as well as for the removal of the consequences of natural disasters, epidemics, and epizootics are not applying the provisions of art. 14 of Law no. 554/2004 of the administrative contentious.

Looking for the reason for the regulation, a first finding after reading this article of the law indicates that para. (3) no longer indicates the limits of control, respectively specifies the administrative acts that can be attacked only for the excess of power, in contradiction with the marginal title which refers to the limits of control by way of administrative litigation. In addition, another pertinent observation would be that the legislator established that the administrative acts issued for the application of the state of emergency and for the removal of the consequences of epidemics do not apply to the regulations of Art. 14, provisions which provide that in well-justified cases and for the prevention of imminent damage, the injured person may request the competent court to order the suspension of the execution of the unilateral administrative act until the ruling of the court of first instance. In the note of the above, we proposed to draw up the appropriate distinctions between the act of command of a military nature, which cannot be subject to control through administrative litigation, and the administrative act issued for the application of the state of emergency or for removing the consequences of epidemics, which can be challenged in an administrative litigation action, but cannot be suspended, to correctly observe the legal nature of the military ordinances recently issued by the Ministry of Internal Affairs (MAI) in the context of the COVID-19 pandemic.

Thus, the concept of a military command act is enshrined for the first time in the 1923 Constitution which provided for the lack of competence of the judiciary to rule on military command acts, a provision that appears because of situations that manifested in the First World War. Until that date, the term was unknown in Romanian law, being a novelty not only for doctrine and jurisprudence but also for the legislation of the time. Thus, in the interwar period, it was appreciated that “the notion of the military command act, just like the governing act, does not emerge from the legal analysis and as such cannot be a legal notion; it can only be an extra-legal notion, born of the need to satisfy certain interests directly related to the activity of public services of a special nature, which is that of national defense”<sup>409</sup>. In this context, a distinction was made between military acts of command which intervened in relations between the military authorities and citizens, which could be the subject of an action in administrative litigation, as well as command acts which intervened within the military hierarchy, which represented military acts which cannot be challenged through administrative litigation<sup>410</sup>.

The 1925 law on administrative litigation stipulated in art. 3 that “acts of military authority may be challenged only in respect of decrees of withdrawal and only for the amount of the pension”, which made it difficult to determine whether the act of military command was synonymous with the act of military authority. Moreover, it was considered that the reason for stealing military command acts from the scope of acts subject to the control of legality consists in ensuring not only the spirit of discipline and military order but also the observance of the conditions of energy, capacity, unity, and speed. military. At that time, the acts emanating from the military authorities were classified into two categories: acts of command of a military character, that deviated from the control of legality, and acts of military authority, which could be challenged only in respect of decrees of withdrawal and only for the amount of the pension, it was appreciated that the two notions are not identified, establishing a relationship from the whole to the part between the acts of military authority and the acts of military command. In the doctrine,<sup>411</sup> it was appreciated that the military command act presents a series of relevant elements such as:

- is based on the discretionary power of the public administration or the theory of exceptional circumstances;

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<sup>409</sup> Constantin G. Rarincescu, *Contenciosul administrativ român*, Editura Universul Juridic, București, 2019, București, 2019, p. 29

<sup>410</sup> Raluca Laura Dornean Păunescu, *Firul Ariadnei: the possibility of partial or total cancellation of the provisions contained in the military ordinances issued during the state of emergency caused by COVID-19*, <https://drept.uvt.ro/administrare/files/1634397556-articol-raluca-paunescu.pdf>, (19.09.2022)

<sup>411</sup> Corneliu Liviu Popescu, *Exemption of command documents of a military nature from administrative litigation in the light of the right of access to a court*, in "Curierul Judiciar" No. 11/2003, p. 6

- belongs to the category of administrative acts which is distinguished from the act of military administration;
- may emanate from military or civilian authorities with military command duties (head of state, government, minister of national defense);
- it can be issued both in time of armed conflict or in another exceptional situation (state of siege, state of emergency, state of mobilization), but also in time of peace.

Law no. 554/2004 regarding the administrative contentious<sup>412</sup> defines the command act with military character in art. 2 lit. 1) as “the administrative act referring to the strictly military problems of the activity within the armed forces, specific to the military organization, which presuppose the right of the commanders to give orders to subordinates in matters related to the leadership of the troop in time of peace or war military service”. Regarding the legal definition of the notion of military command, the doctrine expressed the opinion that the scope of this notion includes all orders and service instructions on troop training measures, troop mobilizations and concentrations, assignment and execution of commands, maneuvers, military exercises, and operations. About the established doctrine, it does not understand the definition of the notion, stating that “the classification of a concrete administrative act in the sphere of military command acts is a matter of appreciation of the court, but an assessment theories, including the distinction between acts of military authorities of a purely administrative nature (identical to the acts of any other administrative body) and their acts aimed at commanding the troop, either in peacetime or in time of war”<sup>413</sup>. Moreover, it is considered that the military is subject to the rigors of the rule of law and therefore cannot tolerate disobedience to the Constitution and the law, violation of fundamental rights and freedoms, or the principle of equality before the law, which leads to the conclusion that administrative courts must exercise caution in classifying an administrative act in the category of military command acts. Given the characteristics of the military command act, respectively the distinctive features, if the act of military authority does not meet these requirements, it may be subject to judicial review of legality. For example, the orders to transfer the military to the reserve are not acts of command according to Art. 2 para. (1) lit. 1) of Law no. 554/2004, as it does not refer to the strictly military issues of the activity of the armed forces and can therefore be subject to court censorship. In other words, the difference between military command acts and other acts of military authority is that the former refers to strictly military aspects of military activity and not to human resources management. In the corollary, in the sphere of acts of military authorities that may be subject to legality control, we can include acts related to human resources management, respectively unilateral acts concerning appointments, promotions, retirement, retirement, or sanctions<sup>414</sup>.

According to an opinion<sup>415</sup>, art. 126 para. (1) sentence I of the Constitution must be interpreted in the sense that it does not allow the judicial control of military command acts exclusively through administrative litigation, respectively by the courts specialized in administrative litigation. In such a situation, to comply with the provisions of Art. 21 para. (1) of the Constitution and art. 6 par. 1 and 13 of the European Convention on Human Rights, military command documents may be censored by courts not specialized in administrative litigation, to establish the nullity of the act, to oblige to issue or amend the act, or to award compensation. This opinion is based on the argument that art. 53 of the Constitution provides for the restriction of the exercise of certain rights or freedoms in certain situations but does not make express reference to the right of access to justice, respectively the right to a fair trial, absolutely recognized by art. 21 of the Constitution (article found in the original constituent). Thus, since the derived constituent power is not a full one, unlike the original constituent power, the author of the exception considers unconstitutional the very provision set out in art. 126 para. (6) sentence I of the Constitution, a provision introduced following the constitutional revision without respecting the limits of the revision. Moreover, the military command documents that can be issued by the President of Romania, the Government, the Prime Minister, or the relevant minister, can be adopted in peacetime, as there is no judicial procedure to control the constitutionality and legality of these acts. to invalidate them in case of illegality. Or the supremacy of the Constitution and the laws over the military command acts is removed

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<sup>412</sup> Law No. 554/2004 regarding the administrative contentious, Official Gazette of Romania, No. 1154/2004

<sup>413</sup> Antonie Iorgovan, *Treaty of Administrative Law*, All Beck, București, 2005, p. 489

<sup>414</sup> Raluca Laura Dornean Păunescu, *Exception of Illegality*, Universul Juridic, București, 2017, p. 120

<sup>415</sup> Corneliu Liviu Popescu, *Op. cit.*, p. 3

by this very interpretation given by the Constitutional Court regarding the constitutionality of the limitation of the control over the military command acts, in contradiction with the principles of the rule of law<sup>416</sup>.

In the light of these considerations, at first sight, we might consider that the constitutional provision constitutes a restriction on access to justice, since in the event of harm to the rights, freedoms, or legitimate interests of a person caused by acts of military command, it cannot be introduced. a lawsuit. About the analysis of the scope of acts that may be subject to legality control, this different approach may lead to a change in the essence and the possibility of censoring the court against a military command act, which is an act of military authority, respectively an act of the military administration which is subject to legal control. Specifically, the question arises as to whether an action for the annulment of a military command act is admissible if it harms the rights, freedoms, and legitimate interests of certain persons. To laboriously investigate the answer to this situation, we must keep in mind, ab initio, that the military, through military command acts, could disregard the will of the nation or the prescriptions of the legislature or executive, in violation of the principles of the democratic regime and this manifestation should be censored in court. Subsequently, we consider that the separation of powers in the state must not be disregarded, and the role of the judiciary in controlling the executive is unlimited, or by limiting the control of the legality of military command acts, the judiciary could be forced to accept non-compliance. Constitution and laws by the military authorities. In the same sense, if a military command act disregards a court decision, the independence of the judiciary would be violated because of the interpretation that requires the absolute evasion of the legal control of the command acts of a military nature. military<sup>417</sup>.

Given the specific international human rights norms as well as those contained in international humanitarian law, and international criminal law, which provide that certain serious violations of human rights constitute international crimes (genocide, crimes against humanity, war crimes), we appreciate that the state of legality must also be imposed on the military administration when issuing military command documents. Therefore, without disregarding the principle of *salus rei publica suprema lex*, we consider that the national judge should be allowed to observe the legality of all acts brought before the court for the good administration of justice by the right to a fair trial and free access to justice. it cannot be restricted by any law. Thus, without impeding the execution of military command acts, as the state must bear the patrimonial consequences in case of damage to certain rights or legitimate interests, we propose to exclude these acts from the category of acts exempt from control in administrative disputes. In such a situation, the injured person would have the right to request the court to declare the illegality of the act, by way of exception and oblige the issuer to pay material and moral damages, the latter due to the violation of fundamental rights, dignity, and human security as we will discuss in the section next.

### **How did the military command act and the administrative act issued for the application of the state of emergency affect human dignity and security?**

There is no doubt that human dignity, a concept with a history of 2,500 years<sup>418</sup>, has been harmed throughout the pandemic. An essential element of the human being, dignity has been the object of concern of many theologians and philosophers who have influenced its evolution. Among them, the "father of the modern concept of human dignity" is considered to be the philosopher Immanuel Kant, who in his work "Foundations of the Metaphysics of Morals" made the following important considerations from the perspective of this study: "Respect for another it can show (*observant aliis praetenda*) is, in fact, the recognition of a dignity (*Dignitas*) in other people, such as a value that has no price, no equivalent, in exchange for which the object of appreciation can be changed). Judging a thing as worthless is contempt. As such, every human being has the right to be respected by his peers, and reciprocally, he is also obliged to respect each of them". In the opinion of the German philosopher, pride, slander, and mockery are vices that damage the duty of respect for other people. According to the philosopher of Königsberg, man must be seen as an end, not just to be used by another will at will<sup>419</sup>. The concept of human dignity was missing

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<sup>416</sup> Raluca Laura Dornean Păunescu, *Op. cit.*, p. 4

<sup>417</sup> *Ibidem*, p. 5

<sup>418</sup> Aharon Barak, *Human Dignity. The Constitutional Value and the Constitutional Right*, Cambridge University Press, 2015, p. 132

<sup>419</sup> Immanuel Kant, *The Metaphysics of Morals*, Antaios Publishing House, Oradea, 1999, p. 231

from the normative landscape until the middle of the century. XX when the abominable deeds committed by the Nazis during the conflagration and the spectacular evolution of the biomedical sciences had a strong resonance worldwide and "aroused the fear - that we can deny a man in his very essence - and a defense - protection, through dignity". The change began with the adoption in 1948 of the Universal Declaration of Human Rights, which states in the Preamble that "the recognition of the inherent dignity of all members of the human family and their equal and inalienable rights is the foundation of freedom, justice, and peace in the world". Article 1 that "All human beings are born free and equal in dignity and rights". Human dignity has become a central concept not only in the international instruments adopted in the field of human rights but also in many modern constitutions. on dignity: as the supreme value of the Romanian state [Article 1 paragraph (3)] and as the limit of freedom of expression - Article 30 paragraph (6).

The right to dignity has also received a legal configuration in the Civil Code, which brings many elements of novelty to the Civil Code of 1865, "adapting civil norms to today's realities and reformist legislative tendencies manifested in other legal systems". The Civil Code is the first normative act that expressly enshrines the rights of the personality. Article 58 of the Civil Code lists as rights of the personality: the right to life, to health, to physical and mental integrity, to dignity, to one's image, and to respect for private life. The list of personality rights remains open, with the legislator specifying that "other rights recognized by law" also belong to this category. Article 72 of the Civil Code with the generic name "Right to dignity" stipulates that "(1) Everyone has the right to respect his dignity. the limits laid down in Article 75". The Romanian legislator does not define dignity, limiting himself to proclaiming the existence of the right to dignity and specifying the content formed by the person's honor and reputation. Honor is that complex feeling, determined by the perception that each person has about his dignity, but also about the way others perceive him in this respect, and reputation is the social expression of the same whole, acquired by the way the person is perceived in private or social life because of his behavior. Any violation of the right to dignity causes the victim moral (mental) suffering and exposes her to the risk of exclusion from the social, professional, and family sphere. The person whose right to dignity has been violated has at his disposal the following actions: the action in cessation of the violation and the prohibition of the violation for the future if it still lasts - art. 253 para. (1) lit. b) Civil Code, and the action in ascertaining the illicit character of the deed, if the disturbance it produced subsists -art. 253 para. (1) lit. c) Civil Code. Also, the person who has suffered a violation of the right to dignity may ask the court to compel the perpetrator to perform any measures deemed necessary by the court.

Such an approach would include those acts in the sphere of control of legality carried out directly by the courts specializing in administrative litigation (given the specificity and importance of those acts in the public interest) and would require recognition of the possibility. the person injured by requesting the annulment of these acts, as well as compensation. Returning to the research on the legal nature and effects of military ordinances issued by the Ministry of Internal Affairs during the state of emergency, there are still several uncertainties regarding the possibility of restricting the exercise of fundamental rights and freedoms provided in the Romanian Constitution. citizens of a state governed by the rule of law against possible abuses of public authorities committed through such acts. To determine the legal nature of the military ordinances issued by the Ministry of Internal Affairs, we specify as a matter of priority that these administrative acts are signed by the Minister of Internal Affairs, respectively by a central public administration authority, with the consent of the Prime Minister. by which the state of emergency was established, as well as other legal provisions provided in the Emergency Ordinance no. 1/1999 on the state of siege and the state of emergency<sup>420</sup>.

About the content of these administrative acts, we state that they include various administrative measures provided for by state authorities or institutions, as well as measures restricting the exercise of fundamental rights and freedoms, under the provisions of the Emergency Ordinance on the state of siege and the state of emergency, which have been enshrined in law<sup>421</sup>. In the corollary, the military ordinances

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<sup>420</sup> Official Gazette of Romania, Part I, No. 22 of January 21, 1999. Adopted by Parliament through Law no. 453/2004 and amended by Law No. 164/2019 for the amendment and completion of the Government Emergency Ordinance No. 1/1999 regarding the regime of the state of siege and the regime of the state of emergency.

<sup>421</sup> Bogdan Dima, *How Military Is the Military Ordinance?*, <https://www.juridice.ro/677828>. (19.09.2022)

represent administrative acts with a normative character through which the execution is organized, and the provisions of legal rank are included in the Government Emergency Ordinance no. 1/1999 on the state of siege and the state of emergency. However, are these military ordinances administrative acts of a military nature since they contain the term "military" in their title? Or are they administrative acts issued for the application of the state of emergency? Can we qualify them both for the application of the state of emergency and for the documents issued to remove the consequences of the epidemics? Finally, are military ordinances acts that have established measures to combat the pandemic and not acts that have been issued to remove the consequences of an epidemic? In the recent doctrine, it was appreciated that to qualify either military command acts or administrative acts issued for the application of the state of emergency, the actual content of these normative acts must be taken into account, and in case the military ordinance would include both military commands, as well as administrative measures for the effective implementation of the provisions of the Emergency Ordinance, those military command provisions could not be challenged through administrative litigation, but the other provisions could be subject to such control, without their effects being able to be suspended until the final settlement of the dispute<sup>422</sup>.

Therefore, the military ordinances are real normative administrative acts issued for the application of the state of emergency, but we appreciate that it should be noted that these are real administrative acts that do not include military command provisions, being instead issued both for the application of the state of emergency, as well as to remove the consequences of epidemics. We make this statement because, on the one hand, the pandemic is an epidemic that extends over vast territories, including several countries or continents, so we will interpret extensively the provisions of the Romanian legislator, and on the other hand, we consider the evolution of the situation. epidemiological problems caused by COVID-19, a disease that has had several consequences in all areas, the consequences that have occurred in the social spectrum, the importance of public health, which is above the individual interest, measures taken at national and international level to combat the spread of SARS-CoV-2 coronavirus. Indeed, military orders can be carried out by the Police, Gendarmerie and Border Police, as well as by military personnel, but these personnel has received military service orders on measures of preparation and execution of orders to observe compliance with military ordinances, which have the legal nature of real military command acts, as they refer to the military organization. Or, in the doctrine it was noted that in the category of acts removed from the control of the courts are included all orders and service instructions regarding measures of training and instruction of officers, the distribution and deployment of units, given the need to ensure a spiritual discipline to subordinates, in the light of the authority of superiors as well as the conditions of unity and speed in any military operations. However, the correct classification of an act in the sphere of military command acts remains at the discretion of the court<sup>423</sup>.

Another argument in favor of the opinion is that the increase in the number of people infected or killed by COVID-19 is a real consequence of the pandemic, and the public authorities are trying, by issuing military ordinances, to remove these consequences to flatten the curve. active case statistics, respectively the decrease in the number of contaminated persons, as well as the decrease in the number of deaths. In essence, these administrative acts ordered the restriction of the exercise of certain rights, but their substance was not affected, but a legitimate aim was pursued, this restriction is necessary for a democratic society and proportionate to the aim pursued, namely the public interest - the right to the health of the people, because, in the battle between health and intimacy, health will triumph. Finally, we emphasize the importance of diminishing the effects generated by the reduction of some economic and social activities, as a result of preventive or restrictive measures intended to protect the Romanian population, being necessary to adapt the measures to other public services, infrastructures that provide essential services for the population, the state and economic operators. Including the attempt to limit the abuse of power through the administrative courts, as we will configure in the end. Including, the attempt to limit the abusive power through the administrative contentious courts, as we will configure further. Including the attempt to limit the abusive power, and the excess of power, through the administrative litigation courts, as we will configure in the concluding statements that follow.

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<sup>422</sup> *Ibidem* p. 4

<sup>423</sup> Dana Apostol Tofan, *Administrative Law*, C.H. Beck, Bucharest, 2017, p. 195

## Conclusions, excuse about power and excess of power, causes of damage to human dignity and security

In the present ones, we did not propose to make an incursion into the etymology of the term power, but the importance that power has in the organization of society has made the vocabulary of power an extremely complex one. Among the terms that can be subsumed under the generic idea of power, we can list capacity, violence, dominance, force, potency, possibility, faculty, and authority, to which is added, of course, power itself. These concepts should not be confused with each other. Concepts acquire a meaning of their own that gives them a special force, especially in law. Any human society requires a certain order; even anarchy presupposes a set of rules. These rules establish a hierarchy between people. At the base of any hierarchy is the idea of power. From a certain point of view, the evolution of human society can be traced precisely to the coordinates of the transformation of force (power in fact) into power (limited, defined, and managed on a legal, abstract level). Incidentally, the first documentary attestations of dynamic (in Homer and Hesiod) refer to physical force (especially military power). Similarly, the term was used in the Septuagint to translate the various references to military force in the Old Testament.

These developments are today largely obscured by the scientific revolution of the 18th and 19th centuries, which gave the term force a technical connotation, as that principle of mechanical movement (later extended to other branches of physics)<sup>424</sup>. It seems that this cleavage between force and power was keenly noticed at the beginning of the modern era, when Étienne de la Boétie, in his *Discours de la servitude volontaire ou le Contr'un*, observed that those who hold power in the modern era do not (more) are (necessarily) persons who also possess force. Power had lost all connection (quantitative or qualitative) with force. Instead, she "fed" on the passivity and compliance of others. Unlike force, which treats its object as an object, power treats others as partners, without which it cannot exist<sup>425</sup>.

We are witnessing an exacerbation of the boundaries of power, an attempt to distort its social purpose. Can power be censured in the rule of law? Of course, yes, legal instruments exist, and, through them, the excess of power can be challenged in administrative litigation. And here we have in mind the military ordinances. Is such a "non-receipt fine" action susceptible? Will the litigation thus born be judged urgently by the administrative court or will it be suspended based on the decree by which the state of emergency was instituted? We mention that under the provisions of art. 42 of Decree no. 195/2020 issued by the President of Romania, during the state of emergency, judicial activity continues in cases of special urgency, their list is established by the governing boards of the High Court of Cassation and Justice, respectively of the appeal courts for the cases within the competence of these courts, with the guidance of the Superior Council of Magistracy, which will ensure a uniform practice in this regard. Next, it is shown that during a state of emergency, the courts, considering the circumstances, can set short deadlines, including from one day to the next or even on the same day. Moreover, only regarding these processes, when possible, the courts have the necessary measures for conducting the court session by videoconference and proceed to the communication of procedural documents by fax, electronic mail, or by other means that ensure the transmission of the text of the document and confirmation of receipt this one. Because according to art. 17 para. (1) from Law no. 554/2004 regarding the administrative litigation, the requests addressed to the administrative litigation court are judged in public session, in the panel established by the law, the law not establishing that these disputes are judged urgently in the first instance, these were not considered by the CSM as having a special urgency.

The coherence and clarity of legal norms and operational instruments specific to the pandemic have a direct impact on the quality of life, the preservation of the value of real estate properties, and the health of the population. Economic dynamics and financial investments in the short, medium, or long term, at the local or central level, are equally affected. The absence, in the first post-communist decades of an adequate institutional and legal framework generated inadequate developments with significant dysfunctions, speculative investments, and sometimes inefficient institutional attitudes. Although, at the European and international level, the problems raised by the pandemic have an interdisciplinary approach

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<sup>424</sup> Radu Rizoiu, *Parallel Mirrors: Is the Power of Representation A Real Power?* in *The Romanian Journal of Private Law* no. 2/2019, <https://www.universuljuridic.ro/oglinzi-paralele>, (19.09.2022).

<sup>425</sup> Étienne de la Boétie, *About servitude*, All, Bucharest, 2014, p. 96

and are a priority in the public agenda of the governors, in Romania, the resolution of some of the dysfunctions identified in this extremely vast and diversified matter is in full swing. Moreover, at the level of the relevant ministry, the initiation of the transparency procedure for a draft Health Code is expected, which will allow the reunification and systematization of the legislation in the matter, which is often at the intersection between public and private interest. At the same time, within a debate forum, the interdisciplinary perspective of approaching the presented topics will be dominant, with specialists from different fields, such as lawyers, doctors, sociologists, etc., highlighting the need for such a complex analysis, which can sometimes lead to disputes between representatives of the public sector, with attributions in the field, and representatives of the private sector. Such debates can lead to the identification of some of the problems generated by the regulations applicable in the matter and allow the evocation of some solutions of the administrative litigation court that reflect a wide range of conflicts resulting either from the erroneous interpretation of some legal provisions or from the existence of a legislative vacuum. We recall, in this context, the decisions of the High Court of Cassation and Justice which aim to develop a unified interpretation and application of the legislation regarding the acts challenged in the administrative litigation. In such conditions, we observe whether an action for the partial or total annulment of a military ordinance will be judged by the administrative litigation court during this period, or whether the competent court will order the suspension of such a case. We consider that the acts issued for military ordinances that represent acts for the application of the state of war and for removing the consequences of epidemics are not exempted from the control of legality through administrative litigation, not being acts of military command, but they represent genuine exceptions from the suspension of the execution of the acts administrative.

However, in recent doctrine<sup>426</sup>, the question of the possible illegality of these administrative acts has been raised, because of the notification to the Secretary General of the UN and the Secretary General of the Council of Europe on the measures adopted by the decree establishing the state of emergency, which have the effect of limiting the exercise fundamental rights and freedoms, by Romania's international obligations. It was thus assessed that under the provisions of art. 15 of the European Convention on Rights, Romania legally derogated from the provisions of the Convention, considering the situation caused by the spread of the SARS-CoV-2 infection<sup>427</sup>. In the same sense, it was considered that the activation of this article gives Romania the possibility to take a series of derogatory measures from the obligations established by the Convention, but such an approach does not implicitly lead to a total removal of the guarantees provided by the Convention and does not would remove the control regarding the respect of fundamental rights. In another opinion,<sup>428</sup> it was considered that by invoking art. 15 of the European Convention on Rights, Romania suspended the application of the provisions of the convention and evaded the forms of protection of fundamental rights and freedoms or from subsequent liability for their violation during the state of emergency. Moreover, it was indicated that one of the direct consequences of this activation is represented by the fact that people who consider themselves injured in their rights during the derogation period do not have the right to address the European Court of Human Rights with complaints in this regard. Regardless of the opinion embraced regarding the derogation from the European Convention on Human Rights, we consider it appropriate to specify the fact that the fundamental rights and freedoms of citizens are protected by the levers offered by the Romanian Constitution, as well as by the Charter of Fundamental Rights of the European Union<sup>429</sup>. Regarding the judicial procedure of litigation whose object is the total or partial annulment of the provisions of a military ordinance, we report that the actions in the administrative litigation do not represent cases that are judged urgently according to Law no. 554/2004 of administrative litigation, meaning that correctly C.S.M. established that in the matter of administrative litigation, the courts only judge disputes regarding public procurements that strictly concern medical products and other procurements in the field of the state

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<sup>426</sup> Miruna Preda, *Pandemic COVID-19 – between force majeure, fortuitous event and unpredictability*, <https://www.juridice.ro>, (12.03.2023)

<sup>427</sup> Dima Bogdan, *State of emergency, Romania and ECHR*, <https://www.juridice.ro/677375>, (12.03.2023)

<sup>428</sup> Cristi Dănilă, *Romania has derogated from the ECHR. Did he really have to?*, <https://www.juridice.ro/677004>, (19.09.2022).

<sup>429</sup> Simona Brăileanu, *Activation by Romania of the derogation from the application of the ECHR during the state of emergency. Who protects whom?*, <https://www.juridice.ro/680204/activarea>, (19.09.2022)

of emergency, as well as those arising from the execution of these contracts or aimed at the application of measures in the field of the state of emergency.

In this sense, we appreciate that an action could be formulated to cancel, in whole or in part, a military ordinance, in the field of litigation aimed at the application of measures in the field of the state of emergency, meaning that such litigation would judge even during this period in which the state of emergency exists. Such an approach, like Ariadne's Thread, represents a correct and legal epistemological interpretation of normative administrative acts by which it was decided to restrict some fundamental rights and freedoms. Therefore, the Military Ordinance regarding some first emergency measures regarding the agglomerations of people and the cross-border movement of some goods, as well as the military ordinances regarding measures to prevent the spread of COVID-19, issued by the Ministry of Internal Affairs during the pandemic caused by COVID-19, represent genuine normative administrative acts, which do not have the legal nature of military command acts. Moreover, they were issued for the application of the state of emergency, as well as for removing the consequences of epidemics, in this case, the pandemic generated by the new SARS-CoV-2 coronavirus. Finally, a possible action in administrative litigation promoted against some provisions contained in these military ordinances is not subject to the suspension of plano based on the decree establishing the state of emergency but represents a true case of a special emergency that requires be judged by the new special provisions in the matter.

Those who love the law understood as a normative system, highlight the values and principles that underpin it, its force to create order in the community, to shape the behaviors of people and the relationships between them by these values and principles<sup>430</sup>. Affective adherence to the law is strengthened by the sophistication and subtlety of reasoning that discerns the meanings of legal texts and discovers their internal coherence. Legal logic first orders law as a normative system, so that it can then shape the actions of community members in all areas of life. Without a deep internal logic, the law cannot fulfill its practical function. The order of the community reflects, to a good extent, the logic of the legal system, and the values and principles of this system must be consubstantial with the values and principles of the community so that the order created by the law is one of freedom and security. The passion for law springs not only from the ethical foundations of the normative system but from the ordering force of its logic. The axiological and logical dimensions of law make up the matrix of its beauty. Those who love law and devote their entire lives to its study and practical application know that this feeling also has an aesthetic root. The fascination with the law is complete when the values and principles that underpin it and the subtle logic that gives it coherence are revealed in an aesthetic garment. The beauty of the form, built into the language and the technique of drafting legal texts, adds to the beauty of the background. The Romanian legal landscape must know a settlement, and the settlement must be around returning to some foundations, i.e., to be found. There is too much information circulating without being analyzed, too many interpretations in an exacerbated positive manner, and too little historical continuity in legal thought. In my view, the legal world must always look back and see the legal continuity that has existed up to this point. I don't know how the current crises will be overcome; in fact, they are not exclusively internal crises. It is a crisis that has internal sources, a crisis that has a general character. In any case, it seems to me that, first, we must depart from social culture.

The legal crisis in our country will not end until we implement at the level of general knowledge, from primary school, a healthy style of thinking, a style of thinking that makes minimal differences between values, has a minimal basis of legal culture, social, correct. Only then will we have some results? Unfortunately, even if we start tomorrow with a legal culture program at the school level, we will probably see the first results in 30 years. We live in strange times, when all true and healthy Christian concepts are replaced by wrong and misleading concepts, often carried out with bad intentions, of course with the undeniable desire to pull people back from the good path of a truly Christian life. In all this one can discern a kind of black hand that acts rationally, working to bind people as closely as possible to this temporal, earthly life, forcing them to forget the future life, the eternal life, which awaits us everyone. We must be as clear as possible about the times in which we live. indeed, only a spiritually blind man or one who has already sold his soul to the enemies of our Holy Faith and Church, cannot feel in everything that is happening now in the world the spirit of the approaching Antichrist. As if more than ever, today, the

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<sup>430</sup> Valeriu Stoica, *About the beauty of law*, <https://www.universuljuridic.ro>, (19.09.2022)



fashionable slogan, which we all repeat with peace, is: "human rights". Although everyone understands it differently. Politically correct intellectuals understand it: freedom of speech, press, assembly, and emigration, but many of them would be outraged and would demand that "rights" as understood by the common man, from the people, be banned: the right to have a to live and work where you are fed, which is why millions of people would rush into God's arms today when the psychopaths in power are under the wing of institutions of force. They don't do anything on their own because these specialists are responsible for the sale, or even the alienation for free, of the riches of Romania. This explains why tourists from Cotroceni can have his party, government, his parliament, army, police, and security. "From the information appearing in the mass media and on the Internet, it appears that Mr. Klaus Werner Iohannis, PNL candidate for the position of President of Romania, also has German citizenship and is, apparently, an undercover officer in the German Secret Services"<sup>431</sup>. Recently, and more seriously than we can imagine, the former Minister of Defense, Vasile Dîncu, makes serious revelations in an interview with the Cluj press, which could easily refer to the most disturbing hypothesis imaginable, that President Klaus Iohannis, the supreme commander of the force's armament, in fact, discretely and systematically sabotages the defense of Romania. We have used a mild phrase, but we state at the outset that we cannot now speak of all that we know, think, or feel on this matter. It is neither the moment nor the historical time that has yet come. Dîncu's statement about Iohannis and the defense of Romania in the conditions created by the war in Ukraine is, in our opinion, infinitely worse than Traian Băsescu's in 1997, in his famous interview that led to the fall of the Ciorbea government. Then, we remind you, Băsescu only said that the prime minister was behind on economic reforms, and the political scene caught fire. Considering Dîncu's statements, are we dealing with a president who discretely and controlled sabotages his own country's army and its defense industry strictly to pave the way for the importation of weapons from other countries and the importation of soldiers from foreign troops?<sup>432</sup>

Such personal assets, which mean the confiscation of the Romanian state for private or foreign interest, borders on insanity and have cost and are costing Romania and its peace a lot. Everything depends on the immoral skill of the institutions of force! But what is the moral in a political dictatorship? Let's not imagine that we will do better, no matter who comes to power. Let's not imagine that the politicians will suddenly become civilized or that their conscience will gnaw at them, and they will bandage the wounds of the people. They can no longer do this because they sold Romania with all its assets, against unimaginable commissions. The people will be just as oppressed, just as ineffective in eradicating poverty and counterfeit will be the social measures, adopted according to European measures. Higher and more taxes and fees, astronomical gas and energy bills, high inflation, low wages, and pensions. Well, someone said that "Romania is the richest country in the world. For over two thousand years, everyone has been stealing from it, but there is still more to steal!", so the power grabs will never end. Maybe when corruption and political thievery have completed their metamorphosis, fattening up in such a way that they will slap under their bacon. Hamsters are an organic food for power grabbers, their red has beneficial effects, and these hamsters will always have well-sharpened fangs. Romanians will get used to these watchdogs of immorality, as well as to the false barking. The Romanian political "elite" has sold out to the selfish barbarians who rule the world, pushing Romania towards a bleak future. Sleepy and submissive, the people go through implacable changes, buttoned by the heavy hand of ostracizing "colonialism" in all its forms and manifestations. The locomotive of history is speeding towards unprecedented disasters. The economic independence and freedom of many peoples, including Romania, were fettered in the chains of terrible world slavery by the bastions of the new imperialism, which tumultuously tramples over the borders of the states of the world, being the source of horrifying bloodshed, of terrible social suffering, pandemics and dead on the strip, resulting in the desired and declared goal - depopulation. The time when Romania was a sovereign and independent country respected in the world when Romanian soldiers were not allowed to get involved in the wars of other countries, to die in foreign theaters of war, was left in the history books, as it was otherwise not allowed,

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<sup>431</sup> <https://www.justitiarul.ro/partidul-romania-noastra-p-r-n-contesta-la-ccr-candidaturile-lui-iohannis-barna-si-honor-pe-motiv-ca-au-si-alte-cetatenii-germana-franceza-si-ungara>, (19.09.2022)

<sup>432</sup><https://www.qmagazine.ro/dincu-sugestie-tulburatoare-iohannis-saboteaza-armata-romaniei>, (19.09.2022).

not even a trace of a foreign soldier on Romanian land. Today, foreigners have in our country much more troops, weapons, and military equipment than the country has. The evil done to Romania has deep roots.

Cauterizing this evil seems impossible today. Especially now when human dignity and security are in great danger, the pandemic and the war brought to Romania's door by the unworthy politicians from Bucharest, headed by the big boss at the state, have revealed themselves to be metalheads who rely on the noise effect special. And they succeed because of their greed for power and money. Money, their most powerful drug, has erased any trace of humanity. Politicians' love of money has replaced their sense of reality. For over thirty years we have respected our tradition, we accept to be led by traitors, impostors, and thieves, who never had an emergency plan for Romania! Only fumigants, depending on the context, just like in the commercial: "Sleep peacefully Romanians, FNI works for you" in Iohannis's (re)educated Romania. Re-educated as in Pitesti, in the years when Ana Pauker ("Stalin in a skirt", as she was called), was "capo di tutti capi". In general, the ghost from the Cotroceni Opera can be considered the father of deeply treacherous meanings. A fanatical anti-Romanian, because the individual has nothing in common with the Romanian Nation, which he destroys "step by step", on order. The self-elected people eat as they please from the pieces of the palm trees, without paying attention to the "*Pravilniceasca conduct*", modified and annotated according to the photos, to cover their acts of corruption and destructive Machiavellianism! We, too, will go out with the Russians' crumpled turbans, with the stained Schutzstaffel uniform of the Nazi "Deutsche Volksgruppe in Rumänien", with the centuries-old Romanian forests bald by the current Österreich, with the gold from Roșia Montana "directed" towards the maple leaf, with the hat of American cowboy... crumpled and riddled with bullets. How well said the Marshal of Romanian History, Gheorghe Buzatu "We are too close to Russia and too far from God!" Where were we when these impostors started the destruction of Romania? Were we somehow "fixing" Iliescu, Roman, and the others to get rid of the "heap of old beasts"? But now? When is the country's sovereignty offered as a gift to planetary terrorists? Where are we all? We look at the salt pan like scared rabbits, but we do nothing to prevent the disaster as in the case of the pandemic, genocide planned and meticulously executed by the executioners of the Romanian people.

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**THE INTRODUCTION OF AN ALTERNATIVE DELIVERY NETWORK OF GOODS TO ALLOW FOR INCREASED OVERALL HUMAN SECURITY AND EFFICIENCY**

<b>Abstract:</b>	<p><i>Recent technological developments, as well as the outbreak of the COVID-19 pandemic, resulted in the rapid growth of e-commerce and therefore a huge increase in parcels delivered worldwide. Traditional practices fail to meet new requirements and companies seek new approaches to satisfy increased demand and fast-growing customer needs.</i></p> <p><i>In this context, the resolving of problems related to the “last mile” (the final delivery stage when goods are handed over to the recipient) became a topic of scientific research, as it involves navigating complex and often unpredictable urban environments, dealing with traffic congestion, and making multiple stops to deliver individual packages to different addresses. This part of the delivery process is considered the most challenging and expensive. The research focused on the introduction of an alternative delivery network, based on the “sharing economy” principles and the use of recent technological tools, such as Blockchain, IoT, etc.</i></p> <p><i>The proposed alternative delivery network not only does it addresses some of the operational problems related to the “last mile” but also allows for increased security and transparent monitoring throughout the final leg of the delivery process.</i></p>
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**How technological advancements and the pandemic introduced new business needs**

Gradually over the past 20 years, the postal sector -as we knew it- ceased to exist and a new business model emerged, where traditional postal services were set aside, and new products/services

emerged to meet new and fast-growing customer needs. Technology, at first, played a key role in paving the way for the big change to come. Between 2000 and 2023, internet users, as a percentage of the global population, grew almost by 1.400%, while in some regions (e.g., Africa) growth exceeded 13.000%<sup>433</sup>. E-commerce pioneers (such as amazon.com), after holding on during early turbulent times, are currently well-established and facing fierce competition from numerous new entrants in this rapidly growing market. Retail e-commerce sales are expected to reach 6,9 billion USD by the end of 2024 from 1,3 billion USD in 2014<sup>434</sup>.

In 2020, the world faced an unexpected threat in the form of a global pandemic (COVID-19). The pandemic kick-started a fast-paced transformation process of customers' purchasing habits. E-commerce growth reached 19% globally during 2020 (on top of a 9% expected growth) and 22% during 2022 (on top of a 12% expected)<sup>435</sup>. What's more important, looking closely at the figures, is that e-commerce growth is there after the pandemic threat is gone, which is a shred of strong evidence that customer behavior is significantly transformed and the process of purchasing goods over the Internet will soon replace traditional purchasing habits. This argument is based on a series of studies indicating that a constant growth of 8%-10% will continue to take place until 2026<sup>436</sup>.

In this context, companies are now very much aware of the importance of electronic order management as well as Supply Chain Management in general, and how these drive revenues and profits. The former depends heavily on what we call "overall customer experience" regarding delivery speed, flexibility, and security while the latter on achieving the lowest possible order fulfillment costs.

### **Problems related to the "last mile" and innovative practices to cope with them**

What companies (e-shops mainly) strive to achieve is a balance between efficient customer service, low distribution cost, and safe delivery of goods. At the end of the day, it all comes down to how companies operate within what we call "the last mile", or, in other words, the final delivery stage when goods are handed over to the recipient. Some common problems associated with the last mile of postal items delivery are:

- Inefficient delivery routes: Postal workers may have to drive long distances to deliver packages to isolated or rural areas, which can be time-consuming and expensive.
- Traffic congestion: Delivery trucks can get stuck in traffic, leading to delays and missed delivery windows.
- Address accuracy: Incorrect or incomplete addresses can make it difficult for postal workers to find the recipient's location, leading to delayed or undelivered packages.
- Package theft: Porch piracy has become a significant problem in recent years, with thieves stealing packages from doorsteps and mailboxes.
- Restricted access: In some cases, postal workers may be unable to access certain buildings, leading to missed deliveries.
- Weather conditions: Inclement weather, such as heavy rain or snow, can make it difficult for postal workers to deliver packages safely and on time
- Lost Parcels: A significant number of parcels go missing during the delivery process due to the lack of an efficient monitoring system.

Postal operators and transportation companies, currently, are seeking to exploit technological advancements to tackle all the above, minimize cost and enhance delivery efficiency. Several innovative practices have emerged in recent years regarding mail and goods delivery, such as:

- Predictive analytics: Some companies use predictive analytics to optimize their delivery routes and schedules. By analyzing data on factors like traffic patterns (using telematics) and delivery history, companies can identify the most efficient delivery routes and reduce delivery times and, by extension, delivery costs.

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<sup>433</sup>Miniwatts Marketing Group, <https://www.internetworldstats.com/stats.html>, (16.05.2023)

<sup>434</sup>Statista, <https://www.statista.com/statistics/379046/worldwide-retail-e-commerce-sales/>, (16.05.2023)

<sup>435</sup>International Trade Administration, <https://www.trade.gov/impact-covid-pandemic-ecommerce>, (16.05.2023)

<sup>436</sup>eMarketer Insider Intelligence, <https://on.emarketer.com/rs/867-SLG-901/images/eMarketer%20Global%20Retail%20Ecommerce%20Forecast.pdf>, (16.05.2023)

- Smart lockers: Smart lockers, like those provided by Amazon and UPS, allow customers to pick up their packages at a convenient location, such as a grocery store or gas station. This reduces the need for multiple delivery attempts and helps to prevent package theft.
- Drones: Companies like Amazon and UPS are experimenting with the use of drones for package delivery. Drones can deliver packages quickly and efficiently, especially in remote or hard-to-reach areas.
- Autonomous delivery vehicles: Self-driving delivery vehicles are being developed and tested by companies like Ford and Walmart. These vehicles have the potential to increase efficiency and reduce costs in the delivery process.

The development and final deployment of some of the above is still at an early stage since the maturity level of the associated technologies is still low. Moreover, most of them require significant investment in assets, equipment, and other resources, increasing the risk of poor future returns, should the market and/or the competition not eventually evolve as initially expected.

### **An alternative delivery network**

Traditional postal services either fail to provide an acceptable customer experience (e.g., collection from local post offices by the recipient) or fulfill customer needs at the expense of increased delivery costs (e.g., multiple failed delivery attempts due to recipient absence, erroneous recipient address, etc.).

Normally, each postal operator deploys a delivery network using either its resources in association with self-operated access points, or 3<sup>rd</sup> party resources and assets within the context of a mutual agreement (e.g., franchisees). Either way, postal operators are expected to build such a network from scratch, be responsible for its smooth operation and use it exclusively to fulfill their own operational needs. The problem lies in that the building, handling, maintenance, and continuous modification of such a network, designed to meet current requirements and follow constantly changing customer traits, is no walk in the park for any postal operator, no matter how big or small the company is.

Moreover, continuous changes in the product mix of postal products/services (e.g. major drop in the demand for traditional postal letters in conjunction with a dramatic rise of parcels and small parcels, as a result of what we call the “electronic substitution” or simply a sudden decision of a major client to switch supplier and choose a competitor) enhance the investment risk of building such a network, since none of its characteristics (capacity, delivery options, technologies, etc.) can be taken for granted by any single postal operator, with the small players to appear a lot more vulnerable<sup>437</sup>

Taking all the above into account, a challenging research topic came up, aiming to:

- reduce investment risk;
- enhance delivery efficiency;
- improve customer satisfaction;
- reduce distribution and delivery costs.
- ensure privacy and data security.

The research finally focused on the introduction of a new alternative delivery network model, based on the “sharing economy” principles, that can be implemented with the use of recent technological tools, and more specifically, the use of Blockchain technology.

In this context, a wide platform will be created, able to hold all existing parcel delivery points from all collaborating partners (postal operators), allowing every operator to make use of any available delivery point when such a need comes up. Moreover, local businesses and outlets may also join the marketplace acting as parcel storing and/or pick-up points. Before going into detail on the proposed model, the basic components of the value chain are presented below.

<b>Component</b>	<b>Role in the value chain</b>	<b>Basic Needs / Challenges</b>
<b>Customer/ Consumer</b>	Selects and purchases desired goods through the Internet.	Low transaction cost, goods receiving at the desired time and place, goods overall receiving the

<sup>437</sup> Haya R. Hasan, Khaled Salah, *Blockchain-based proof of delivery of physical assets with single and multiple transporters*, in “IEEE Access”, Vol. 6, 2018, pp. 46781-46793

Component	Role in the value chain	Basic Needs / Challenges
		reliability, support mechanisms to cope with potential problems.
<b>E-shop</b> (Manufacturers, Wholesalers, Retailers, etc.)	Informs the customer on available goods on sale along with their characteristics and assists in choosing the desired goods, within a secure transactional environment.	Sales and profit maximization, decrease in returns and proper handling should they occur, customer request handling, transaction security, delivery time minimization, and an overall increase in customer satisfaction.
<b>Sender</b> (Manufacturers, Wholesalers, Retailers, etc.)	Sends postal items (goods) to people or companies.	Low cost, efficient transportation, and transportation time minimization.
<b>Carrier</b> (Warehousing /Transportation, companies, Postal operators)	Companies that receive goods from Senders, store, transport, and deliver them to recipients (Customer/ Consumer).	Low operational cost, transportation efficiency and security until the final delivery of goods to the recipient, decrease in delivery time, increase in successful delivery attempts, minimization of returns.
<b>Recipient</b> (Customer/ Consumer)	Selects and purchases desired goods through the Internet.	Low transaction cost, goods receiving at the desired time and place, goods overall receiving the reliability, support mechanisms to cope with potential problems.

**Table 1: Alternative network value chain<sup>438</sup>**

To come up with the optimum network, a 3-factor approach was used:

- The first factor is the Expected Parcels per Capita (EPpC), which depends on the average daily parcel deliveries per person of a given geographical area and the estimated market share for the specific area.
- The second factor is the Pickup Point Capacity (PPC) which depends on the characteristics of the pickup point in terms of size, location, type, opening hours, etc.
- The third factor is the estimated number of people ( $P_i$ ) that are expected to choose the alternative network to collect their parcels. The number of people is subject to the distance between the resident and the nearest Pickup Point, according to the following formula<sup>439</sup>:

$$P_i = \sum_{j=1}^n M_j * \exp(-\lambda * d_{ij}) \quad (1)$$

where:

$P_i$  is the potential number of people attracted to the pickup point I,

$M_j$  is the population of the area j,

$d_{ij}$  is the distance between i and j, and

$\lambda$  is the exponent of the function.

<sup>438</sup> Sifis Plimakis, Alexandros Triantafyllakis, Ioannis Papastylianou, Nikolaos Ladogiannis, *PI.1: Operational Model&Processes*, Research funded by the Operational Program Competitiveness, Entrepreneurship, and Innovation, under the call Research-Create-Innovate, Athens, p.18, 2023

<sup>439</sup> Hans Skov-Petersen, *Estimation of distance-decay parameters -GIS-based indicators of recreational accessibility*, Danish Forest and Landscape Research Institute, Copenhagen, 2001, p. 5

The estimation of the exponent parameter  $\lambda$  is crucial. The higher the value of  $\lambda$ , the greater the decline of influence on the population as the distance increases. A distance-decay parameter measures the relationship between observed interaction patterns and distance when all other determinants of interaction are constant. The parameter is estimated as the best fit to the current situation, represented by an empirical data set. Distance-decay, both in terms of the function involved and the parameters, varies between different regions, for different activities, and different modes of transport. Distance-decay parameters are functions of spatial structure as well as interaction behavior<sup>440</sup>. Hereby the modeling of spatial behavior is not just a consequence of the available transport system – which again is, at least partly, a function of the local topography, etc. - but also social differences, etc. Hence, the parameter  $\lambda$  could be different in rural and non-rural areas as well as in high and low commercial areas.

Therefore, the  $\lambda$  parameter for the calculation of the estimated number of people ( $P_i$ ) that are expected to choose the alternative network to collect their parcels could accept multiple inputs based on the social, physical, and commercial characteristics of the given area.

The aim is to maximize the profit from a potential number of people that will choose an alternative delivery point with the minimum number of Pickup Points (Smart Locker and Commercial Stores). Hence, optimal profit can be calculated according to the following formula:

$$\max [Profit] = \sum_{j=1}^n \sum_{i=1}^{m_j} \left( P_i * EPpC_j * \left( GP - \frac{SC_i}{PPC_i} \right) \right) \quad (2)$$

where:

n total number of areas

$m_j$  total number of pick-up points of area j

$P_i$  is the potential number of people attracted to the pickup point i,

$EPpC_j$  is the expected parcels per capita of area j

GP is the average gross profit per parcel (price minus fee & unit variable cost)

$SC_i$  is the setup cost of pick-up point i (Smart Locker purchasing cost, installation, etc.)

$PPC_j$  is the parcel capacity of the pick-up point i

### Increased security in the delivery of goods and other benefits

Blockchain technology can be used to enhance the security and efficiency of postal services in several ways. Here are a few examples:

- *Package tracking*: postal services can use Blockchain to track packages and parcels in real-time as they move through the delivery process. This would enable customers to monitor the progress of their packages and would help to prevent theft and loss.
- *Identity verification*: blockchain can be used to verify the identity of senders and recipients of mail and packages. This would help to prevent fraud and identity theft and ensure that packages are delivered to the right recipient.
- *Secure data exchange*: postal services can use Blockchain to securely exchange data and information with other parties, such as customs agencies or law enforcement. This would help to protect sensitive information and would ensure that only authorized parties have access to it.
- *Payment processing*: postal services can use Blockchain to process payments for services such as delivery fees. This would help to reduce fraud and would make it easier for customers to make payments quickly and securely.

Overall, Blockchain technology has the potential to improve the security, efficiency, and transparency of postal services, making them more reliable and trusted by customers and is expected soon to play a crucial role in the delivery of goods coming from e-shops, since it allows the sharing and validation of all participants without requiring a relationship amongst them or the existence of a proxy/mediator. More specifically, a public Blockchain key can be used to solve the issue of “personalized receipt”, which will authenticate the users right after they enter the platform. Moreover,

<sup>440</sup> Stewart Fotheringham, *Spatial structure and distance-decay parameters*, in "Annals of the Association of American Geographers", UK, Vol. 71, No. 3, 1981, pp. 425-436



details such as receiver name, receiver address, the association of the delivery code with both the sender as well as the receiver, and the authentication of the receiver, (when such a thing is required), will be stored unaltered in the Blockchain. In addition, a “digital signature”, provided by the Blockchain platform, could be used in all transactions that will take place and will be stored within the transaction, allowing every member to authenticate every bit of data. The digital signature used in the process of parcel receipt is expected to be the most efficient and innovative solution to the issue of “personalized receipt”<sup>441</sup>.

Furthermore, shortly, Blockchain will play a dominant role in the transparent monitoring process of goods, since the exact location of goods can be monitored using GPS devices, while actual data related to the arrival of goods to every station, as well as the delivery code, can also be stored in the Blockchain<sup>442</sup>.

Additionally, Blockchain is expected to play a vital role in coping with issues related to the recording and monitoring of critical-security actions, since key actions, such as item shipment, item delivery, failed deliveries, and timestamps of all events will all be stored within the Blockchain, as mentioned above.

Apart from data security, the proposed alternative delivery network is expected to increase physical items’ security by reducing the risk of theft, loss, obliteration, etc., since it is based mainly on smart lockers, a delivery alternative that was introduced to cope with this issue along with providing the recipients the ability to collect their items at a convenient location, anytime they wish<sup>443</sup>.

Currently, parcel theft is on the rise, and it is considered to be a growing problem, should no appropriate measures are not taken promptly. According to a recent survey<sup>444</sup>, more than 1 billion packages were either stolen or lost globally between May 2021 and April 2022, with the UK witnessing the largest increase (500 base units), from 7% of the total population affected to a staggering 12% during the 12 months. According to the findings of the survey, one in ten people across the world said they had at least one parcel lost or stolen during the 12 months and almost one-third of the global population have suffered a parcel loss at least once in their lifetime.

The use of smart lockers can increase parcel security in many ways, such as:

- *Secure location*: By providing a secure location for package pickup, smart lockers eliminate the need for packages to be left unattended on doorsteps or in mailboxes.
- *Access control*: Smart lockers are accessed using unique codes or mobile app authentication, which prevents unauthorized access and reduces the risk of package theft.
- *Secure storage*: Smart lockers are designed with security in mind, using features like reinforced steel construction and tamper-proof locks to protect packages from theft or damage.
- *24/7 monitoring*: Smart lockers are typically monitored by security cameras and staffed with personnel who can assist with package pickup. This helps to deter theft and ensure that packages are delivered safely.
- *Efficient package retrieval*: Smart lockers can improve the speed and efficiency of package delivery, allowing customers to pick up their packages at a time and location that is convenient for them.
- *Minimum manual handling*: Since fewer people are involved in the handling of parcels delivered through smart lockers, the possibility of loss/theft is considerably reduced.

Besides security, the use of smart lockers offers more benefits to consumers, businesses, and the community in general, such as:

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<sup>441</sup> Serkan Karakas, Zafer Acar, Berk Kucukaltan, *Blockchain adoption in logistics and supply chain: a literature review and research agenda*, in “International Journal of Production Research”, UK, 2021, p. 1-24

<sup>442</sup> Dounia Marbouh, Tayaba Abbasi, Fatema Maasmi, Ilhaam Omar, Mazin Debe, Khaled Salah, Raja Jayaraman, Samer Ellahham, *Blockchain for COVID-19: review, opportunities, and a trusted tracking system*, in “Arabian journal for science and engineering”, No. 45, 2020, pp. 9895-9911

<sup>443</sup> Anuj Batta, Mohina Gandhi, Arban Kumar Kar, Navin Loganayagam, Vignesh Ilavarasan, *Diffusion of blockchain in logistics and transportation industry: an analysis through the synthesis of academic and trade literature*, in “Journal of Science and Technology Policy Management”, No. 12(3), UK, 2021, pp. 378-398

<sup>444</sup> *The Penn Elcom Global Parcel Theft Report 2022*, p. 4, Global Parcel Theft Report 2022 | pennparcelbox-usa, (21.05.2023)

- *Convenience*: smart lockers offer a convenient way for consumers to receive their packages. They can be in a variety of locations, including apartment buildings, office buildings, and shopping centers, allowing consumers to pick up their packages at a time and location that is convenient for them.
- *Efficiency*: smart lockers can improve the efficiency of package delivery by reducing the need for delivery drivers to make multiple stops to deliver packages. Instead, packages can be delivered to a central location, where they can be sorted and stored for pickup.
- *Cost savings*: smart lockers can help businesses save money on delivery costs by reducing the need for delivery drivers and eliminating the need for re-deliveries due to missed deliveries.
- *Sustainability*: smart lockers can help reduce the environmental impact of package delivery by reducing the number of delivery vehicles on the road and promoting more efficient package delivery routes.

## Conclusions

The main topic of the research was the introduction of an alternative delivery network, based on the “sharing economy” principles and the use of recent technological tools, aiming not only to address some of the operational problems related to the “last mile” but also to allow for increased security and transparent monitoring throughout the final leg of the delivery process, contributing to increased location & storage security, advanced monitoring, identity verification as well as secure data & payments handling.

The implementation of the proposed alternative network will pave the way for future security improvements, by incorporating technologies to enhance monitoring capabilities, such as temperature & humidity control, required in the cases of perishable goods/foods, pharmaceuticals, etc.

Moreover, the proposed alternative network could immediately be implemented with the use of current knowledge and technology and be effortlessly adopted by postal operators and transportation companies.

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**EXPLORING THE DETERMINANTS OF CORRUPTION IN PRIVATE COMPANIES:  
AN ANALYSIS OF MOTIVATIONS AND REMEDIES AS  
HUMAN SECURITY ELEMENTS**

<b>Abstract:</b>	<i>This paper tries to improve knowledge of the factors that facilitate corruption in public and private entities and seeks to provide valuable insights for improved regulations and anti-corruption measures, as an efficient strategy for reducing the effects of corruption on human security. We believe the policymakers should first decide which approach is adequate within Romanian society.</i> <i>We argue that to sustain progress in preventing and combating corruption, public policy measures must adhere to the European legal framework and also consider the conceptual paradigms concerning the psychological and ethical underpinnings of engaging in corrupt behavior, suggesting a few remedies for reducing corrupt practices and also a few lines of further research which aim to improve human security.</i>
<b>Keywords:</b>	<b>corruption; human security; anti-corruption strategies; private companies;</b>
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### **Introductory remarks**

Romania reaffirmed its commitment to fight corruption, democracy, and the independence of the judiciary<sup>445</sup>, as the foundation of future action for implementing national security policy. Economic challenges, the persistence of the underground economy, and corruption slow down Romania's potential for growth as well as its “capacity for achieving its political-military, diplomatic, and image objectives abroad”<sup>446</sup>.

As United Nations Trust Fund for Human Security (UNTFHS)<sup>447</sup> states, the primary goal of human security is prevention. It focuses on identifying risks and accentuates early action by addressing the fundamental causes of vulnerabilities. It enhances community resources for resilience and encourages solutions that encourage cohesiveness in society and respect for human rights and integrity.

In late 2022, Romania saw the lifting of the Collaboration and Verification Mechanism (CVM), which had been implemented in 2007 to aid the country's efforts towards modernizing its judicial system and combatting corruption<sup>448</sup>. Subsequently, the Law on the Protection of Whistleblowers, which

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<sup>445</sup> *National Defence Strategy 2020-2024*, approved by Decision No. 22 of the Joint Meeting of the Senate and Chamber of Deputies on June 30th, 2020, p. 3, [https://www.presidency.ro/files/userfiles/National\\_Defence\\_Strategy\\_2020\\_2024.pdf](https://www.presidency.ro/files/userfiles/National_Defence_Strategy_2020_2024.pdf), (02.05.2023)

<sup>446</sup> *Ibidem*, p. 28

<sup>447</sup> United Nations Trust Fund for Human Security, *What is Human Security*, <https://www.un.org/>, (03.05.2023)

<sup>448</sup> *Report From the Commission to the European Parliament and the Council on Progress in Romania Under the Cooperation and Verification Mechanism*, [https://ec.europa.eu/info/files/progress-report-romania-com-2022-664\\_en](https://ec.europa.eu/info/files/progress-report-romania-com-2022-664_en), (28.02.2023)

transposes the European Whistleblower Directive 2019/1037, was published in the Official Journal on December 19th, 2022. Romania was supposed to collect almost 6 billion euros in 2022 if the deadlines in the National Recovery and Resilience Plan (PNRR) were respected by Romanian officials. The request for payment for the second tranche of the Plan went to the Commission, late, in December. In January 2023, the European Commission sent a letter to the Romanian Government, warning of unsolved problems and unmet milestones, including the inadequate regulation of whistleblowers' anonymous reporting, which is currently discouraged by the existing law, as highlighted by the press<sup>449</sup>.

As previously noted, the draft law underwent a process of reexamination before its adoption. The objective of this review was to modify certain aspects, including the provisions for investigating anonymous reports, the extension of the report retention period from two to five years to facilitate thorough investigations, and the retention of the principle of presumed good faith of the whistleblower<sup>450</sup>. Despite these modifications, the European Commission's findings reiterate our earlier concerns - "the actual implementation of the law will not adequately serve the scope of the law"<sup>451</sup>. Therefore, even with the lifting of the Collaboration and Verification Mechanism (CVM), further public policy measures must be implemented to ensure the continued advancement of corruption prevention and suppression efforts.

Understanding the underlying mechanisms that drive corruption within public or private organizations is a vital step in developing effective regulations and anti-corruption strategies. Therefore, we argue that any necessary modifications aimed at meeting the European Commission's expectations for anticorruption regulations must consider the European legal framework (the transposition of European Whistleblower Directive 2019/1037 being mandatory), along with conceptual paradigms related to psychological explanations, ethical dilemmas surrounding the decision to engage in corrupt practices and the effect on human security components. These factors are discussed further below.

### **A conceptual framework for understanding the decision-making process behind engaging in corrupt practices; the determinants of bribes in the private sector**

The notion of international business corruption encompasses three critical aspects<sup>452</sup>. Firstly, it involves the engagement of an individual or organization in criminal activities. Secondly, it involves the abuse of power or authority, which violates current laws and regulations or operates outside legal boundaries. Lastly, it pertains to the exploitation of an individual or corporation's position of power for personal benefit, whether financial or non-financial, instead of prioritizing the interests of the nation or shareholders.

In the context of combating corruption, it is essential to consider the cultural differences in the perception of this phenomenon. Democratic cultures are primarily rule-based and distinguished by a clear separation between the public and private spheres, while other cultures are relationship-based. This cultural variation highlights the need for a nuanced and context-specific approach to anti-corruption strategies.

Another provocative perspective highlights the "corruption of the concept of corruption", regarding "ideological and theoretical biases, prevalent in mainstream economics and elsewhere, that have corrupted the concept of corruption"<sup>453</sup>. "The rare but real phenomenon of "noble cause corruption" suggests that corruption is not strictly and universally for private gain, despite selfish motives often being involved. Another distorting factor that pervades the literature on corruption is the utilitarian reduction of

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<sup>449</sup> <https://www.g4media.ro/surse-transa-a-doua-din-pnrr-in-valoare-de-3-miliarde-de-euro-blocata-la-bruxelles-europarlamentarul-dragos-paslaru-guvernul-vrea-sa-scape-de-reformele-pnrr-solicit-publicarea-scrisorilor-schimba.html>, (28.02.2023)

<sup>450</sup> Alexandrina-Augusta Bora, *Whistleblower's Regulation – Legal and Ethical Perspectives on EU Directive Transposition into National Law*, in "Studia UBB Philosophia", Vol. 67, No. 3, December 2022, pp. 125-149

<sup>451</sup> *Ibidem*, p. 146

<sup>452</sup> Salman Bahooa, Ilan Alonb, Andrea Paltrinieri, *Corruption in international business: A review and research agenda*, in "International Business Review", Vol. 29, No. 4, 2020, p. 2

<sup>453</sup> Geoffrey Hodgson M., Shuxia Jiang, *The Economics of Corruption and the Corruption of Economics: An Institutionalist Perspective*, in "Journal of Economic Issues", Vol. XLI, No. 4, 2007, p. 1044

morality to matters of utility or satisfaction. Consequently, the moral dimension of corruption has been dissolved into the hedonic calculus of individual gain or loss<sup>454</sup>.

The findings of a longitudinal study shed light on the variables that impact multinational corporations' corruption, revealing an intricate combination of different level components that causes corruption and impacts efficiency among leading international corporations<sup>455</sup>. The study identified two types of corruption: corruption within organizations and corruption by organizations<sup>456</sup>. The former includes people acting in their self-interest and causing harm to a firm (e.g., theft, fraud, embezzlement), while the latter is endorsed by corrupt organizations and seeks to get illicit advantages or rewards for the organization (e.g., bribes to sign contracts). When an organization is the culprit or offender, such acts will be punished and solved by independent bodies. Unethical pro-organizational behavior has also been theorized as "a set of unethical actions, but seek to further the interests of the organization or its agents"<sup>457</sup>. While traders are often used as scapegoats and characterized as outliers in cases of corruption within organizations, some researchers argue that the normalization of corruption develops within the emotional and cognitive environment of the organization<sup>458</sup>.

Some researchers regard corruption as a challenge for established approaches to leadership in global corporations: agency theory, transaction cost economics, the resource-based view, resource dependence, and neo-institutional theory. They argue that "the agency and resource-dependence theories are best for explaining the causes of corruption, whereas the resource-based view and neo-institutional theory are more appropriate for exploring the consequences of corruption"<sup>459</sup>. The greatest theory for deciding how to control corruption in international companies is the transaction cost theory. In addition, various conceptual paradigms have been studied to provide a psychological explanation for engaging in corrupt practices. The most widely studied models include the fraud triangle model and the neutralization theory<sup>460</sup>.

Neutralization techniques allow individuals to justify and rationalize their illicit or unethical actions, making them seem more acceptable and less problematic. This can help alleviate negative emotions associated with such behavior which are often influenced by denial, self-deception, and self-serving narratives or beliefs developed by individuals and communities<sup>461</sup>.

The fraud triangle model highlights that when three factors, motivation, opportunity, and rationalization combine, they create the conditions that enable individuals to engage in corrupt activities. According to the neutralization theory, individuals who are considering engaging in corrupt activities employ linguistic techniques to neutralize the negative emotions associated with such behavior. This allows them to participate in corrupt activities while maintaining a positive self-image and social reputation. By doing so, these individuals remain attached to dominant social norms and rules without experiencing the negative emotions typically associated with such behavior. Some studies suggest that internal motivation and competence may play a role in making professionals resilient to physical appearance stereotyping and the appearance of the halo effect<sup>462</sup>.

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<sup>454</sup> *Idem*

<sup>455</sup> Leyla Orudzheva, Manjula S. Salimath, Robert Pavor, *Vortex of Corruption: Longitudinal Analysis of Normative Pressures in Top Global Companies*, in "Journal of Business Ethics" No. 163, 2020, p. 529

<sup>456</sup> *Ibidem*, p. 531

<sup>457</sup> Madhurima Mishra, Koustab Ghosh, Dheeraj Sharma, *Unethical Pro-organizational Behavior: A Systematic Review and Future Research Agenda*, in "Journal of Business Ethics", Vol. 179, 2022, p. 64

<sup>458</sup> Edouard Pignot, *Bringing down the house (of Goldman Sachs): Analyzing corrupt forms of trading with Lacan*, in "Ephemera: Theory & Politics in Organization", Vol. 15, 2005, p. 405

<sup>459</sup> Salman Bahooa, Ilan Alonb, Andrea Paltrinieri, *Op.cit.*, p. 6

<sup>460</sup> Christian Hauser, *Fighting Against Corruption: Does Anti-corruption Training Make Any Difference?*, in "Journal of Business Ethics", 2019, p. 284

<sup>461</sup> *Ibidem*, p. 282

<sup>462</sup> Marc Eulerich, Jochen C. Theis, Junpeng Lao, Meike Ramon, *Do fine feathers make a fine bird? The influence of attractiveness on fraud-risk judgments by internal auditors*, in "International Journal of Auditing", Special Issue Articles, Wiley-Blackwell, p. 332

The findings show that exceeding both personal desires as well as societal standards increases the risk of participating in illegal behavior<sup>463</sup>.

The researchers also investigated the relationship between entrepreneurial intentions, risk aversion, and perceived corruption by comparing these variables across countries with varying levels of perceived corruption<sup>464</sup>. Understanding this relationship can help to shape public policies that increase entrepreneurial activity.

The outcomes demonstrate that corruption has a detrimental impact on entrepreneurial initiatives, particularly among risk-tolerant individuals. Therefore, "reducing the level of corruption may not only benefit countries by creating more transparent and efficient institutions but may also have a positive effect on entrepreneurial intention"<sup>465</sup>.

Still, studies conducted at the intersection of business and corruption revealed that while individuals may be able to recognize bribes in the public sector, they often fail to identify corruption in the private sector<sup>466</sup>. It is argued that organizational dysfunction emerges from an unethical work environment. For example, a corporation that accommodates bribery in its sales department to receive orders may be vulnerable to bribery in its procurement department when acquiring items.

Moreover, the normalization of corruption in one segment of an organization may suggest a lack of ethical standards in other areas, resulting in a climate that prioritizes personal gain over business objectives. This can lead to inefficient decision-making, negatively impacting employee morale, and damaging the company's reputation<sup>467</sup>. The author concludes that the "dominance of business reasons as an explanation suggests a disconnect between ethics and business"<sup>468</sup>.

A comprehensive review of scientific literature on corruption indicates three major approaches to describing its determinants. One group of studies suggests that corporations themselves can be a factor of corruption, while another collection of research contends that cultural variables are a determinant of corruption<sup>469</sup>. Finally, a third set of research suggests that economic issues can also be a predictor of corruption. Other studies investigate the determinants of employee silence "as a multidimensional construct that is triggered by specific motives rather than as a unitary concept"<sup>470</sup>, taking the form of quiescent, acquiescent, prosocial, and opportunistic silence. Acquiescent silence is associated with employees who have lost hope for progress and are unwilling to decide to open up or take action. Quiescent silence involves the intentional withholding of critical information to protect oneself, based on a fear that speaking up will lead to individual undesirable consequences. Prosocial silence refers to withholding relevant information with the justification of helping colleagues or the organization. Opportunistic silence involves withholding or giving "incomplete information with a purpose to mislead, disguise, or confuse"<sup>471</sup>.

A more nuanced conclusion on the factors and determinants of corruption was drawn by an interesting study on the "prevention and detection of corruption in pharmaceutical companies"<sup>472</sup> which differentiates between accidental corruption and repeated corrupt behaviors: "financial pressure, an ethical rationalization, and a perceived opportunity are causal factors for accidental fraudsters, whereas a

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<sup>463</sup> Yuri Mishina, Bernadine J. Dykes, Emily S. Block, Timothy G. Pollock, *Why "good" firms do bad things: the effects of high aspirations, high expectations, and prominence on the incidence of corporate illegality*, in "Academy of Management Journal", 2010, Vol. 53, No. 4, p. 701

<sup>464</sup> Luciana de Andrade Costa, Emerson Wagner Mainardes, *The role of corruption and risk aversion in entrepreneurial intentions*, in "Applied Economics Letters", No. 23 (4), August 2016, p. 292

<sup>465</sup> *Ibidem*, p. 293

<sup>466</sup> C. Gopinath, *Recognizing and justifying private corruption*, in "Journal of Business Ethics", Vol. 82, No. 3, 2008, p. 751

<sup>467</sup> *Ibidem*, p. 749

<sup>468</sup> *Ibidem*, p. 752

<sup>469</sup> Salman Bahooa, Ilan Alonb, Andrea Paltrinieri, *Op.cit.*, p. 4

<sup>470</sup> Michael Knoll, Rolf van Dick, *Do I Hear the Whistle...? A First Attempt to Measure Four Forms of Employee Silence and Their Correlates*, in "Journal of Business Ethics", 2013, p. 349

<sup>471</sup> *Ibidem*, p. 351

<sup>472</sup> Dominic Peltier-Rivest, *The prevention and detection of corruption in pharmaceutical companies*, in "Pharmaceuticals Policy and Law", No. 19, 2017, p. 21

criminal mindset, arrogance, and a perceived opportunity are contributing factors for repeat offenders”<sup>473</sup>. Based on these findings, pharmaceutical companies should address these vulnerabilities by developing a prevention framework based on three components: *release pressures* (provide employee support programs, adjust unattainable performance targets based on sales or stock prices); *enhance ethics* (use inspirational management, provide staff training, and monitor accomplishments through accreditation); *minimize perceived opportunities* (adopt transparent procedures and confidential report systems, determine and evaluate global corruption threats, establish anti-corruption protections mechanisms, and uncover corruption networks utilizing red flag assessment<sup>474</sup>.

Despite the widespread belief that low income is a motivator for corruption, research has found no correlation between earnings and the degree of corruption across corporate purchasing employees. These findings provide more insight into the effect of salaries on corruption as well as the applicability of the principal-agent theory in the field of corruption<sup>475</sup>.

Moral disengagement is suggested to have contributed to the initial act of corruption by both facilitating and accelerating individual unethical decision-making that favors organizational objectives<sup>476</sup>. It is argued that moral disengagement contributes to organizational corruption by decreasing individuals' awareness of the ethical consequences of their decisions.

### Remedies and conclusions

Analyzing a plethora of studies on the determinants of corruption, we discovered two approaches: a radical one that does not accept functional deviations within the company, and a more tolerant one that, while condemning corruption and proposing measures to reduce it, admits a certain amount of organizational functioning by breaking some rules in hopes of improving the operation. These two distinct paradigms also impact the recommended approaches for reducing corruption inside the organization.

Research has shown that sufficient disclosure on a critical issue, such as a company's efforts to combat corruption may impact stakeholders' perceptions and thereby improve a company's image. Building on this, researchers affirm that in the context of anti-corruption, transparency, and disclosure are positively linked to social reputation<sup>477</sup>.

A study examining the impact of corruption on the entrepreneurial environment in Romania has found that a high level of corruption negatively affects labor productivity, resulting in unfavorable economic outcomes and decreased investments<sup>478</sup>. However, the literature<sup>479</sup> provides conflicting findings on the impact of corruption on business innovation. One perspective suggests a negative association between corruption and innovation – the “sand in the wheel effect”. In contrast, the “grease the wheel” effect of corruption on innovation indicates that corruption may promote innovation by facilitating the resolution of bureaucratic obstacles. For instance, firms may engage in bribery with governmental authorities to obtain contracts, licenses, and approvals, thus eliminating minor operational impediments.

The researchers also argue that relying solely on judicial sanctions neglects the most significant cost to shareholders of corporations engaged in acts of overseas bribery, which is reputational consequences. By emphasizing the various cost elements of bribery, we can better evaluate the real social

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<sup>473</sup> *Ibidem*, p. 21

<sup>474</sup> *Ibidem*, p. 23

<sup>475</sup> Gabriela De La Torre Campos, Katharina Radler, Bramantio Utomo Saptodi, *Fighting Greed with Money: How Wage Levels Impact Corruption in the Private Purchasing Sector*, in “Management”, Vol. 12, No. 4, 2017, pp. 355-374

<sup>476</sup> Celia Moore, *Moral Disengagement in Processes of Organizational Corruption*, in “Journal of Business Ethics”, 2008, p. 129

<sup>477</sup> Igor Álvarez Etxeberria, Maider Aldaz Odriozola, *The social reputation of European companies: Does anti-corruption disclosure affect stakeholders' perceptions?*, in “Corporate Social Responsibility and Environmental Management”, Vol. 25, Issue 5, 2018, p. 718

<sup>478</sup> Bianca Avram, Stelian Brad, *How does corruption influence the entrepreneurial environment in Romania?*, in “Young Economists Journal/Revista Tinerilor Economiști”, University of Craiova, Faculty of Economics and Business Administration, Vol. 1(25), 2015, p. 36

<sup>479</sup> Elchin Aghazad, Gaygysyz Ashyrov, *Corruption and firm innovation: evidence from post-Soviet countries*, in “Working Papers. Business Administration”, University of Tartu-FEBA, p. 3



costs of such corporate wrongdoing. It was shown that, on average, "the invisible hand of the market penalizes firms by about 4.5 times more than the visible hand of regulators"<sup>480</sup>. Therefore, companies may benefit from creating strong compliance and ethics programs that internalize legal norms of behavior, as bribery investigations can lead to considerable market value decreases<sup>481</sup>. Additionally, as evidenced by researchers, organizations that are unable to anticipate the consequences of non-compliance are more likely to reject and resist policy initiatives<sup>482</sup>.

Several methodologies have been suggested for controlling corruption in companies, such as "training of employees, the creation and use of codes of conduct, whistle-blower systems, indicators and metrics, and the deployment of various investigative methodologies aimed at handling corruption risks"<sup>483</sup>. Due diligence can also be employed to evaluate the reputation of possible partners before starting a business with them. While a great amount of the measures that can be taken to reduce corruption are dependent on government responsibility, companies have been encouraged to act as socially responsible economic actors and implement corporate self-regulation strategies to avoid liabilities. Encouraging corporations to implement internal anticorruption measures may limit bribery in the private sector<sup>484</sup>. However, not all programs have been equally successful in achieving this goal.

The implementation of anticorruption measures in organizations may be influenced by the personal characteristics of managers. Studies have found that personal values can be more effective and consistent in reducing unethical behavior and promoting work behavior than value congruence, regardless of the industry or age of managers. Therefore, hiring managers who prioritize personal values may discourage unethical behavior and promote positive work behavior<sup>485</sup>. Individual characteristics and regulations play a significant role in understanding the prevalence of misconduct, even if constrained by the environment and historical traditions<sup>486</sup>.

The "Corporate Integrity Assessment Questionnaire (CIAQ)" is a tool designed for public and private corporations to assess their efforts in developing and promoting ethical practices and to help organizations "assess and measure their progress in making a formal and transparent commitment to ethics and integrity in the workplace"<sup>487</sup>.

The Corruption Vulnerability Index (CVI)<sup>488</sup> is another tool to evaluate corruption susceptibility at the organizational level. Unlike other assessments that focus on perceptions of corruption, the CVI assesses actual susceptibility to corruption. The tool can be applied at various levels, including industry, strategic business unit, department, and activity levels.

In the scientific literature, some arguments imply a positive link between corruption and innovative product development. However, research findings indicate that the potential advantages of corruption in new product development are restricted to emerging economies with inherent institutional weaknesses. As the degree of governmental development increases, the effect of corruption on businesses' new product

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<sup>480</sup> Vijay S. Sampath, Naomi A. Gardberg, Noushi Rahman, *Corporate Reputation's Invisible Hand: Bribery, Rational Choice, and Market Penalties*, in "Journal of Business Ethics", Vol. 151, 2018, p. 757

<sup>481</sup> *Ibidem*, p. 757

<sup>482</sup> David Motherway, Federica Pazzaglia, Kanar Sonpar, *Failures in Regulator-Led Deinstitutionalization of Questionable Business Practices*, in "Journal of Business Ethics", Vol. 149, 2018, p. 640

<sup>483</sup> Hans Krause Hansen, Tang-Jensen Hove, Morten, *Making up corruption control: Conducting due diligence in a Danish law firm*, in "Ephemera: Theory&Politics in Organization", Vol. 15, p. 366

<sup>484</sup> Rajeev K. Goel, Jelena Budak, Edo Rajh, *Private sector bribery and effectiveness of anti-corruption policies*, in "Applied Economics Letters", Vol. 22 No. 10, 2015, p. 765

<sup>485</sup> Damodar Suar, Rooplekha Khuntia, *Influence of personal values and value congruence on unethical practices and work behavior*, in "Journal of Business Ethics", 97, 2010, p. 433

<sup>486</sup> Hugo van Driel, *Financial fraud, scandals, and regulation: A conceptual framework and literature review*, in "Business History", 2019, Vol. 61, No. 8, p. 1290

<sup>487</sup> Normah Omar, *Corporate integrity as an antidote to corruption and sustenance of organizational development: the renewed role of management accountants*, in "Malaysian Accounting Review", Vol. 14, No. 2, 2015, Accounting Research Institute, Universiti Teknologi MARA, Malaysia, p. 113

<sup>488</sup> Vinayar Janardhanan, Ranjeet Nambudiri, *Developing a corruption-vulnerability index for organizations: a study of Indian state-owned enterprises*, in "Public Administration Quarterly", 2019, Southern Public Administration Education Foundation, Indian Institute of Management, Indore, p. 433

innovation will gradually decline<sup>489</sup>. The findings offer new perspectives on evaluating corruption in emerging economies, and present organizational implications regarding organizations' dilemmas regarding ethics; the solution is "to promote pro-market institutional reform to reduce the potential benefits of corruption"<sup>490</sup>. It is demonstrated that firms in emerging economies may confront considerable ethical challenges given that they must frequently operate within the framework of an environment of corruption to be able to remain operational<sup>491</sup>.

These conclusions are reaffirmed by additional research findings which show the negative impact of corruption on entrepreneurship. When business conditions are unfavorable, the impact is lower but still harmful<sup>492</sup>, corruption "causes tremendous damage to firms, creating the potential for moral hazards in managerial behavior"<sup>493</sup>. The findings imply that developing institutional mechanisms is the key to resolving ethical concerns<sup>494</sup>. Corruption negatively impacts established businesses, as well as decisions to start new companies in transition economies<sup>495</sup>. The influence of corruption perceptions on entrepreneurial aspirations is moderated by attitudes and perceived control.

A thought-provoking perspective in terms of corruption analysis and anticorruption strategies is that of "functional deviance", a notion developed to illustrate that organizations depend on both direct and implicit rule-breaking to remain flexible. It is suggested that present anti-corruption strategies, by prioritizing openness, accountability, and compliance, risk establishing an inflexible and unproductive framework by "discouraging functional deviance"<sup>496</sup>. Within this framework, the author makes a clear distinction between organizational corruption and functional deviance, highlighting the necessity for anti-corruption activists to comprehend the limitations of compliance and the challenges of shaming deviations. Nevertheless, corruption can certainly be addressed by "institutional fine-tuning" and a sociologically nuanced understanding of organizational transformation. In this regard, the concept of functional deviance can provide valuable insights for learning and improvement<sup>497</sup>. Further research is needed to determine the extent to which a society grappling with endemic corruption can embrace and internalize the notion of functional deviance.

To effectively prevent and combat corruption, public policy actions must adhere to both the European legal framework and the conceptual paradigms surrounding psychological explanations and ethical dilemmas of engaging in corrupt practices. To accomplish this, Romania must establish appropriate methodologies for controlling corruption at both the societal and organizational levels, as they emerge from extensive scientific research.

Since the European framework is clear enough, the transposition of the European Whistleblower Directive 2019/1037 being mandatory, we believe the policymakers should set focus on deciding which paradigm is suitable for Romanian society: a radical one that does not permit functional deviations inside the corporation, and a more forgiving one that, while criticizing corruption and offering steps to decrease it, allows for some organizational functioning by disregarding some regulations having the goal of enhancing the operation. Based on empirical observation and public reports, we are reluctant to suggest a „functional deviance tolerance” approach, since corruption offenses in Romania seem to already have a functional role, providing easy illegal solutions to problems. We think this paradigm could become a risk from the human security perspective. The human security approach involves not only a detailed

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<sup>489</sup> Xuemei Xie, Guoyou Qi, Kevin Xiaoguo Zhu, *Corruption and New Product Innovation: Examining Firms' Ethical Dilemmas in Transition Economies*, in "Journal of Business Ethics", No. 107, 2019, p. 107

<sup>490</sup> *Ibidem*, p. 107

<sup>491</sup> *Ibidem*, p. 121

<sup>492</sup> Nabamita Dutta, Russell Sobel, *Does corruption ever help entrepreneurship?*, in "Small Bus Econ", No. 47, 2016, p. 179

<sup>493</sup> Xuemei Xie, Guoyou Qi, Kevin Xiaoguo Zhu, *Op.cit.*, p. 122

<sup>494</sup> *Ibidem*, p. 123

<sup>495</sup> Diana Traikova, Tatiana S.Manolova, Judith Möllers, Gertrud Buchenrieder, *Corruption perceptions and entrepreneurial intentions in a transitional context—the case of rural Bulgaria*, "Journal of Developmental Entrepreneurship", Vol. 22, No. 3, 2017, p. 16-17

<sup>496</sup> Fran Osrecki, *Fighting corruption with transparent organizations: Anti-corruption and functional deviance in organizational behavior*, "Ephemera: Theory & Politics in Organization", 2015, Vol. 15, p. 337

<sup>497</sup> *Ibidem*, p. 358

evaluation of needs, vulnerabilities, and capacities but also a review of the security and empowerment actions required to prevent or minimize the recurrence of insecurity.

The researchers showed that corruption and all its elements had an impact on human security throughout every one of its parameters, leading to a deterioration or inability to attain them<sup>498</sup>, especially within society in transitions.

Therefore, we believe that Romania should conduct its research to account for any cultural biases that may exist within the country regarding corruption and then decide on the adopted paradigm and subsequent anti-corruption strategies to minimize human security vulnerabilities.

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