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CONTENT

SECURITY IN THE LAW PARADIGM

Aleksandar PAVLESKI, Rade RAJKOVCHEVSKI	A HUMAN RIGHTS ISSUE THROUGH CONFLICT TRANSFORMATION – THE MACEDONIAN APPROACH	7
Laurențiu ȘONERIU	DIGITAL TRANSFORMATION OF PUBLIC ADMINISTRATION IN ROMANIA AND THE EUROPEAN UNION	18
Maciej SKRZYPEK	FROM COLLECTIVE ACTION TO CIVIL DISORDER: A COMPARATIVE ANALYSIS OF PANDEMIC-RIDDEN CZECHIA AND SLOVAKIA	26
Meljana BREGU	THE ROLE OF THE EU AS A NORMATIVE POWER ON THE PROTECTION OF HUMAN RIGHTS IN ALBANIA	38
Kamila REZMER	PUBLIC BACKLASH AS A RESULT OF PROTEST POLICING IN PANDEMIC-AFFECTED SPAIN	47
Marius ȘPECHEA, Ioana Eveline COMAN	THE CURRENT CRISIS OF EUROPEAN GOVERNANCE AND CHALLENGES TO DEMOCRACY	54
Iulian DINULESCU	THE RISKS TO SOCIETY GENERATED BY "SOVEREIGN CITIZENS" BASED ON THE ATTITUDE INFLUENCED BY RELIGIOUS BELIEFS	62
Oliwia SZELAĞ, Maciej SKRZYPEK	REPRESSION-INSPIRED INNOVATIVE FORMS OF PROTEST AS A FACTOR SUSTAINING MOBILIZATION: THE CASE STUDY OF ALL- POLISH WOMEN'S STRIKE	73
Alina-Maria MOLDOVAN, Robert PFÜTZNER	UNDERSTANDING CIVIL RIGHTS THROUGH THEATRE PEDAGOGY IN SCHOOLS	89
Iurie ODAGIU, Constantin RUSNAC	CONCEPT AND CHARACTERISTIC OF CRIMINAL PROSECUTION ERROR	97

HUMAN SECURITY

Alexandru KIS	HUMAN SECURITY – A CROSS-CUTTING TOPIC IN MILITARY OPERATIONS. A STUDY CASE FOR HUMINT IN NATO	108
Juliana (MARKO) GJINKO	HUMAN RIGHTS AND INSTITUTION BUILDING IN POST-SOCIALIST ALBANIA. THE GENDER PERSPECTIVE	116
Brunilda ZENELAGA	INTERNATIONAL MIGRATION AND WORK-RELATED SECURITY. A CASE STUDY FROM THE ALBANIAN CONTEXT	125
Iulia BULEA	ILLEGAL MIGRATION FROM THE PERSPECTIVE OF ROMANIAN STRATEGIES FOR PUBLIC ORDER AND SECURITY	133
Augustin ZAPUHLÎH	EU RESPONSE TO THE UKRAINIAN REFUGEE CRISIS: A LIBERALIST TRIUMPH	141
Andreea DRAGOMIR, Ioana FLORESCU	THE INTEGRATION OF REFUGEES IN EU STATES	149
Alexandra PORUMBESCU	THE WAR BEYOND THE BORDER: ROMANIA'S RESPONSE TO THE ARRIVAL OF UKRAINIAN REFUGEES	158

ENERGY SECURITY

Francis Kwesi KYIREWIAH, Emmanuel Yaw ATTAH	DRIVING FACTORS OF CHINA'S ENERGY DIPLOMACY TOWARDS AFRICA IN THE CONTEXT OF INTERNATIONAL ENERGY SECURITY	169
Mihai MELINTEI	THE NEPTUN DEEP PROJECT AND THE REDESIGN OF THE REGIONAL ENERGY SECURITY	181
Cristina ONET, Ciprian FLOREA	ROMANIA'S ENERGY SECURITY, REGIONAL AND EUROPEAN ECONOMIC STABILITY FACTOR	191
Laila ALGALAL, Chen XI	EXAMINING TOTAL ENERGY CORPORATION'S CONDUCT IN YEMEN: A COMPARATIVE ANALYSIS OF POLITICAL CORRUPTION AND SHIFTING DYNAMICS, 2005-2023	201
Emilia TOMESCU, Silvia STATE	TÜRKIYE'S ENERGETIC DEVELOPMENT AND THE ENERGY HUB STRATEGY TOWARDS VULNERABLE STATES	217

INTERNATIONAL RELATIONS

Mihai MELINTEI, Olga STATE	CHINA'S STATUS IN ASIA PACIFIC. ITS REGIONAL INFLUENCE AND THE EFFECTS ON THE INTERNATIONAL RELATIONS	226
Iustin Florin VANCEA	ISSUES RELATED TO THE OPERATING INSTRUCTIONS AND REGULATIONS OF THE ROMANIAN MILITARY ATTACHÉS DURING THE PERIOD 1925-1943	235
Dorel DANCIU	SOCIAL MEDIA AND THE SECURITY OF MILITARY OPERATIONS	242
Anamaria HAPA, Nicoleta Annemarie MUNTEANU	INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT - THE SECOND ITALO-ETHIOPIAN WAR (1935-1936)	250
Cristina Alexandra DEFFERT Iuliana NEAGOŞ	THE NECESSITY AND EFFICIENCY OF NATO-LED INTERNATIONAL PEACEKEEPING OPERATIONS IN KOSOVO AFTER 1999	256

BOOK REVIEW

Marius ŞPECHEA	THE MOST RECENT COLLECTIVE CONTRIBUTION TO THE TRANSNISTRIAN ISSUE: „THE ARMED CONFLICT OF THE DNIESTER. THREE DECADES LATER”, BY PETER LANG PUBLISHING GROUP	270
Nicoleta Annemarie MUNTEANU	ASPECTS OF ISLAMIC RADICALIZATION IN THE BALKANS AFTER THE FALL OF COMMUNISM	274

SECURITY IN THE LAW PARADIGM

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A HUMAN RIGHTS ISSUE THROUGH CONFLICT TRANSFORMATION – THE MACEDONIAN APPROACH

Abstract:	<i>A human rights issue gains additional importance with actualizing the human security concept and conflict transformation approach. In fact, through the prism of such concepts, a human rights issue acquires a security dimension, which complements the modern understanding of security on the one hand, and the broader understanding of the conflict transformation process on the other hand. Experience so far in global frameworks shows that human rights, i.e., their violation, are often pointed out as part of the reasons for the emergence and escalation of conflicts. On the other hand, such an issue occupies a central place in the activities related to conflict transformation and post-conflict peacebuilding. Their importance is further highlighted once they occur in multi-ethnic or multi-religious contexts. In this sense, the paper more specifically analyses the human rights issue impact on the emergence of the conflict in Macedonia in 2001, as well as the managing process of such issue in the post-conflict period. Hence, such analysis should create a clearer framework for understanding the essential aspects of human rights issues, both during the pre-conflict and the post-conflict period, especially through the prism of implementing the Ohrid Framework Agreement.</i>
Keywords:	Human security; human rights; conflict transformation; peacebuilding; Ohrid Framework Agreement
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Introduction

The question about the importance of human rights as part of the security and peace agenda especially started to become relevant after the end of the Cold War. Namely, contrary to the expectations that more relaxed international and interstate relations would follow the end of the Cold War and people would live in safer and more peaceful environments, the mosaic of the global and European strategic picture was filled with new sources of threats and instability. It refers to both - the security of the states themselves, and international peace and security as well. Namely, the complexity of the relations characteristic of the period of democratic transformations of the states in transition, among other things, directly manifested the sensitivity in the political, economic, social, and especially in the sphere of relations in the inter-ethnic existence as a potential source of instability. Within all indicated spheres, the issue of respecting human rights began to receive significant attention.

Such new risks and threats to peace and security have initiated a necessity for new responses and approaches in dealing with them. As a result, within the academic and political communities, attention has

been especially focused on strategies and instruments of preventive diplomacy, conflict prevention, conflict management, conflict transformation, and peacebuilding.

Since its formal independence from the former Yugoslavia in 1991, the Republic of Macedonia¹ has been the subject of different conflict prevention strategies utilized by numerous international institutions. Faced with the need for constant balancing between regional (the violent breakup of the former Yugoslavia) and internal challenges for peace and stability, and periodically supported in avoiding violent scenarios, Macedonia, from numerous international representatives, was labeled as the most successful case of conflict prevention, or later (since 2001), as a successful case of crisis prevention and conflict transformation as well. Different arguments were used to support such assessments, but the main one was that the violence that was experienced in other ex-Yugoslav conflicts did not emerge in Macedonia².

However, in 2001, ten years after independence, Macedonia faced an armed conflict. At least three ownership attempts appeared because of the various explanations and justifications of the reasons for the conflict and the use of violence by different actors. In this sense, the explanation that came predominantly from the ethnic Macedonians referred to that the criminal and ethnic political agendas have found common ground and it differed from the explanation exposed predominantly by the ethnic Albanians. The ethnic Albanians saw the cause of the conflict due to poor respect for human rights and minority status as the primary sources of the conflict. Judging by the position taken by the international community vis-à-vis the Macedonian conflict, it seemed that this conflict was similar, but not the same as the other Yugoslav conflicts. However, ethnic radicalism and nationalism, human rights abuse, and weak state institutions have created the international actors' explanatory agenda³.

Considering the noted reason for the conflict from the Albanian ethnic community, i.e., weak respect for human rights and minority status, the paper specifically analyses the management of the human rights issue as part of the process of conflict transformation in Macedonian society. Therefore, the paper analysis is generally based on the four chapters: 1) the theoretical framework about the nexus between the human rights issue, peace, and security agenda; 2) the pre-conflict environment and challenges; 3) the process of conflict transformation and post-conflict peacebuilding; and 4) concluding observations. The application of such an analytical framework aims to provide a clearer perception of the management of human rights as part of the structural potentials and causes of the conflict in 2001 on the one hand, as well as part of the agenda of the conflict transformation approach after 2001, on the other hand.

Human Rights Issue Through the Peace and Security Agenda – Theoretical Aspects

There is no universal definition of the meaning of human rights in the academic community. Still, from the most general point of view, what is a common aspect of the numerous approaches to defining human rights, is the fact that the focus is generally on socially developed perceptions about human freedom as an individual. For example, T. Cushman analyzes the human rights issue through the prism of the socially constructed ideals of freedom and human-being⁴.

Hence, the need for establishing norms, ideals, and values by the states arises, which firstly would be labeled as human rights, and which, then would define the framework of approaches for their respect and promotion at local, national, and global levels as well. Namely, from today's perspective, there is no doubt that most international and universal documents and declarations in the field of human rights, among other things, create and offer an adequate framework for universal treatment of such issues. The reason for this is also

¹ Since the independence from the former Yugoslavia in 1991, Greece has not accepted the constitutional name Republic of Macedonia and therefore has blocked the Euro-Atlantic integration path of Macedonia. On June 17, 2018, Macedonia and Greece signed the so-called Prespa Agreement, by which Macedonia agreed to change its constitutional name to the Republic of North Macedonia to realize its strategic goals for membership in the EU and NATO. Considering that the analysis in the paper generally covers the period until the signing of the Prespa Agreement, the first official name is used in the paper, i.e. Republic of Macedonia.

² Lidija Georgieva, Marina Mitrevska, *Macedonia towards the EU: whether and how much prevention matters*, "Croatian International Relations Review", Vol. 10, No. 36/37, 2004, p. 127

³ Lidija Georgieva, *The Dilemma of Prevention or Resolution of Conflicts: Is Macedonia Unique Case?*, "Journal of International Relations and Conflict Resolution", Vol.1, No.1, 2016, p. 52

⁴ Thomas Cushman, *The Globalization of Human Rights*, "The Routledge International Handbook of Globalization Studies", London, 2010, p. 590

because human rights themselves are, in their essence, global rights at the same time. As a result, persons that are not able to enjoy the goods of their human rights (regardless of their location), are victims of serious moral wrongs⁵.

An additional significant aspect of the human rights issue is the fact, that today within the academic community, this issue is not perceived as a static one, but as a continuous development process of various ideas of rights as ideals of human freedom and therefore as protections against types of human vulnerability⁶.

According to the provisions of the UN Universal Declaration of Human Rights, there is a set of 30 universal human rights and freedoms, of which, in the context of the research focus in this paper, the following are particularly significant: right to equality; freedom from discrimination; right to equal treatment before the law; freedom of opinion and expression, the right to work and education⁷.

The analysis of the situation with these rights in the Macedonian context before 2001, shows the existence of a certain level of their respect. Namely, within the first parliamentary composition of the Macedonian Assembly out of a total of 120 members of Parliament (MPs), 23 were from the Albanian ethnic community in the country, represented by three political parties. However, at the same time, it is characteristic that these MPs did not vote for the adoption of the Macedonian constitution on 17.11.1991, considering that the constitutional framework didn't provide the necessary level of respect for the rights of the Albanian ethnic community.

A debate about the nexus between human rights issue and peace, security, and conflicts, usually notes that human rights issue has a two-dimensional meaning. Namely, from one aspect, it can be analyzed in terms of factors for threatening peace and initiating conflict, while from another aspect, as part of the peace and security's strengthening and promoting instruments. Regarding the first aspect, Human needs theory as developed by John Burton (1990), labels the unfulfilled basic human needs and rights as part of conflict causes. Moreover, according to such a theoretical view, humans are deeply motivated to satisfy their basic needs of identity, recognition, and security, so, if any of such needs remain unfulfilled, individual or group conflict will result⁸. It follows that the complete and effective conflict transformation and resolution is directly determined by the entire fulfillment of basic human needs and rights. On the other hand, the human rights issue is also one of the challenging aspects of the conflict transformation approaches that could facilitate post-conflict peacebuilding and that could create a new, and relaxed dynamic in the relations between the conflict parties or groups and communities as well. It follows that human rights issues have a significant role in post-conflict transformation and development. Therefore, no doubt trusted relationships building as well as developing networks based on human rights respecting and promoting, among other aspects, is substantial for any society.

From the theoretical view of the sociologist Emile Durkheim, the human rights issue might be analyzed through the social cohesion context. Namely, he understands social cohesion as the capacity of a society to ensure the well-being of all its members, minimizing disparities and avoiding marginalization⁹. Therefore, in terms of eliminating or mitigating the structural potential for conflict, societies should respect the human rights of all existing social groups. Still, although there is no single agreed definition of social cohesion, this term can be linked to the generation of shared values, identities, and norms, and denotes an awareness of social exclusion and inclusion. According to Green, social cohesion emphasizes the integration of the individual and the group as the basis of overcoming social, ethnic, or political conflict¹⁰. Such an integration understanding usually implies that "other" (e.g., minority) groups must adjust to the majority's social and cultural norms so that the society becomes cohesive.

However, the example with the context in the Macedonian society in the period from 1991 to 2001, shows that the indicated approach is not equally applicable, especially in multi-ethnic societies. Namely, according to the Albanian ethnic community, their poor social inclusion, and their refusal for adoption to the

⁵ Paul Robert Churchill, *Human Rights and Global Diversity*, Pearson Education, New Jersey, 2006, p. 12

⁶ Bryan Turner, *Vulnerability and Human Rights*, PA Pennsylvania State University Press, 2006, pp. 27-29

⁷ United Nations, *Universal Declaration of Human Rights (1948)*, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (20.10.2023)

⁸ John Burton, *Conflict: Resolution and Prevention*, St. Martin's Press, New York, 1990, p. 37

⁹ Emile Durkheim, *Le suicide: Étude de Sociologie*, F. Alcan, New York, 1897, p. 67

¹⁰ Andry Green, Jan Janmaat G., Cristine Han, *Regimes of Social Cohesion, Centre for Learning and Life Chances in Knowledge Economies and Societies*, Institute of Education, University of London, 2009, pp. 19-20

social and cultural norms of the majority, Macedonian ethnic community, was one of the main causes of the conflict in 2001.

Within peace and security studies, the issue of human rights gains additional importance, especially with the peace and security concepts expansion. In this sense, the term - positive peace, introduced by Johan Galtung, highlights the meaning and importance of another type of violence - "structural violence". The term "structural" is used because violence and injustice can also arise from structural inequalities in society, both from different forms of inequality between people and from a deliberate act of using force or violence¹¹.

In this sense, Galtung precisely distinguishes three types of violence: direct, structural, and cultural violence. Direct and indirect violence, according to him, are related to the source of the violence. Namely, in a situation where the provider of the violence is visible, it is a question of direct violence, while in the case of indirect violence, the provider cannot be recognized. Hence, indirect, or structural violence does not result from an act of violence by one person against another person, but violence is embedded in the structure of society and is shown as a situation of unequal power, which as a result creates unequal opportunities for life¹².

Within such a novel approach, the concept of peace includes the phenomenon of basic human needs and rights as a part of the key values within the so-called positive peace.

The shifts in the concept are made by accepting that structural violence not only affects the condition of the individual but also increases the tensions that lead to conflict and war. Hence, the concept has been expanded with accepting of the basic human rights issue and the protection of the individual. Therefore, peace research is beginning to focus on the issue of freedoms and basic human rights at multiple levels, including small groups, ethnic groups, international collectivities, etc.¹³ The significance of the human rights issue is even more concretely recognized in the post-new agenda of peace research, which highlights the main challenges for peace and security after the Cold War. They are as follows: 1) identity and nationalism; 2) respect for human rights; and 3) respect for human rights at different levels.

On the other hand, the human rights issue has also received significant attention within security studies and more specifically with the expansion and broader understanding of the security concept. As an outcome, the sub-concepts of human security, societal security, social security, etc. are increasingly being discussed within the security agenda. Hence, the issue of human rights occupies a significant place in the analyses and research within the indicated security types. For example, as the importance of human security has increased in the past three decades, it has become an integral part of theoretical and practical approaches to security versus human rights and freedoms.

Pre-Conflict Environment: Challenges and Conflict Potentials

Macedonia on its path following the dissolution of former Yugoslavia faced numerous challenges, which emanated from the economic, social, and political transition processes¹⁴. Since 1991, Macedonia "struggled" with the image of a successful case of conflict prevention in the Balkans and wider. Such status resulted from the relatively successful strategy of international actors that decided to apply the model of preventive diplomacy in the country, strengthened with the preventive deployment of peacekeeping forces on the north-western border to deter the spill-over effects of the conflict from Bosnia and Herzegovina to Kosovo and Macedonia. In this sense, the "message" sent by the implementation UNPREDEP mission had more symbolic political, and psychological meaning regarding the security of Macedonia, differentiating from the usual mandate and goals of precedent peacekeeping UN missions.

Such a so-called "peace comfortable period" occurred due to the presence of UN forces on Macedonian frontiers and due to the continuous attention of the international community due to the prevention of spilling over the conflicts from former Yugoslavia. Such circumstances created a state of hibernation in the Macedonian society¹⁵. In this regard, the external input of conflict prevention was perceived by the domestic political actors as an appropriate long-term peacekeeping mechanism. In addition, such an approach was

¹¹ Johan Galtung, *Peace Research – Education – Action*, "Essays in Peace Research", Vol.1, No.4, 1975, pp. 30-35

¹² Johan Galtung, *Cultural Violence*, "Journal of Peace Research", Vol. 27, No. 3, 1990, p. 291

¹³ Lidija Georgieva, *Peacemaking*, Faculty of Philosophy, Skopje, 2007, p. 108

¹⁴ Alice Ackerman, *Making Peace Prevail: Preventing Violent Conflict in Macedonia*, Syracuse University Press, 1999, p. 47

¹⁵ Lidija Georgieva, *Conflict Prevention and Peacebuilding: Macedonian Post-Conflict Dilemmas*, Faculty of Philosophy, Skopje, 2005, p. 354

combined with some confidence-building measures between domestic political actors, that hypothetically had to provide guarantees for peace. At the same time, there was a lack of an initiative or state policy for designing the essential approach to peace-building mechanisms aimed at reducing the conflict potential or institutionalizing the ways to solve persistent internal problems and challenges. Macedonian society, like the majority of other post-communist and post-socialist societies, did not avoid the process of structurally embedding potential for conflict. Such a thing would be too much to expect in the period of Macedonia's independence and in a situation where it is a classic post-communist society in which political dilemmas and thinking are manifested, in which economic potentials are limited. The valves that connected it with economic partners from the former Yugoslav republics closed due to armed conflicts or the embargo established by the UN. As a result, the informal trust-building meetings between the political parties of the Macedonians and the Albanians primarily touched the established leadership positions of the parties, but not the entire society. This approach was used by the political representatives of the ethnic Albanians to provide access to more power in the society but seen on the long term it was out of their commitments and agenda for providing more human rights and freedoms for ethnic Albanians in the country. From the aspect of human security and human rights issues, multiethnicity turned into a process of seeking a balance of power between the largest ethnic groups, which, supplemented by social inequality and poverty, deepened more and more.

In this sense, the structural problems that supported and "fed" the conflict process became embedded with the ethnic signs of the political parties. Their strategy of being a legitimate representative of the ethnic majority or minority community strengthened the process of additional segregation along ethnic lines and the feeling of belonging to "us" and "them". The struggle for access and exercise of power, based on the principle of dividing spheres of influence on the electorate and control of regions loyal to the party, threw out ethno-political mobilization as the simplest, but at the same time, the most dangerous means of obtaining public support and votes. In particular, the ethno-political mobilization as a means of obtaining political legitimacy from and on behalf of the ethnic community was at times based on extremely radicalized political attitudes of both the Macedonian and the Albanian bloc of parties and their fans. It made the conflict process a closed circle of ethnic competition and a race to gain an advantage over the other or at least not to lose the position gained.

The coalition of political parties (from different ethnic backgrounds) in all governments dated since 1991, was not a sufficient recommendation to relativize the conflict process. On the contrary, the already ethicized political process did not resist the challenge of criminalization and the use of such (non-political and non-democratic) means in and for political purposes, which further burdened inter-ethnic trust and the sense of security and stability.

The absence of efficient governance was another characteristic shortcoming of Macedonian society in the last decade of the 20th century. In that sense, experts and the public have often criticized the functioning of institutions deeply affected by the process of partisanship, nepotism, and corruption. As such, the institutional capacities did not enable efficient implementation of the rule of law's principle, and state's functionality and were not addressing the citizens' interests and needs. At the same time, all phenomena that affected the institutions due to politicization largely contributed to increasing the potential of further conflicts and to an additional polarization of society. In an environment with a lack of efficient functioning of democratic institutions, and ethicized and criminalized political activity, a series of events took place that turned the political scene into the so-called "undemocratic battlefield". The use of pressure, threats, and physical violence was part of the strategy of the political parties, who accepted the speech of force and nationalistic rhetoric, instead of the speech of democracy¹⁶.

A Human Rights Issue Through Conflict Transformation: The Outcomes of Armed Conflict in 2001

The complex internal and regional security situation connected to many political scandals in Macedonia led to a serious political and military crisis in 2001. After six months of uncertainty and armed conflict between the Macedonian security forces and the National Liberation Army (NLA), the Ohrid Framework Agreement (OFA) was signed in August 2001. Representatives of the international community mediated this process. It can be noted that the Agreement ended the armed conflict and provided the basis for post-conflict peacebuilding and conflict transformation, especially through the prism of constitutional and

¹⁶ *Ibidem*, p. 355

political reforms. In addition, OFA also provided grounds for addressing the police reforms as a part of the process of introducing democratic policing. Key aspects of the OFA related to the police were directed to address better representation of the ethnic communities (mostly ethnic Albanians) in the police, redeployment of ethnically mixed police patrols to the post-conflict areas, retraining of the police, introduction of community policing and other activities typical for post-conflict policing. The basic OFA's principles considered the following:

- the complete and unconditional rejection of the use of violence in achieving political goals;
- the inviolability and completeness of the territorial integrity and sovereignty of the state;
- the need to preserve and promote the multi-ethnic character of the Macedonian society;
- constitutional guarantees for full fulfillment of the needs of all citizens following the highest international standards; and
- the development and decentralization of local self-government¹⁷.

In Chapter 4, the OFA highlighted the commitment to full respect of the principle of non-discrimination and equal treatment of all persons before the law.¹⁸ The main challenge regarding such an issue before 2001, was the dilemma of how to change the perception among the Albanian ethnic community that the situations in which the representatives of this community will find themselves in court (for criminal or illegal activities) are directly and only related to their ethnicity.

On the other hand, within OFA it is emphasized that the non-discrimination principle will be specifically applied concerning the Albanian community representatives' employment in public administration and public enterprises as well. Regarding the issue of education and the use of languages, in Chapter 6, it is emphasized that in primary and secondary education, teaching will be carried out in the student's native languages, as well as that the state itself, will provide funding for higher education in the languages that are spoken by at least 20% of the population (ethnic communities) in society. In addition, it is indicated that during the enrolment of new students to the state universities, who belong to communities that are not the majority population in Macedonia, the principle of positive discrimination will be applied until the enrolment fairly reflects the composition of the population in Macedonia¹⁹. However, this indicated solution does not mean that before 2001 the representatives of the Albanian community did not have access to the state educational institutions. The only problem was the possibility of studying on Albanian language of instruction, for which a certain solution has been offered even a year before 2001, with the provisions of the new Law for higher education from 2000.

Regarding the issue of identity expression, the Agreement states that next to the symbol of the Republic of Macedonia, local authorities will have the freedom to place symbols on the front of local public buildings that mark the identity of the majority community in the local community, under international rules and applications. Three annexes are an integral part of the Agreement: 1) constitutional amendments; 2) legislative changes; and 3) implementation and confidence-building measures. Regarding the third annex, both parties manifested their commitment to the active engagement of the international community in facilitating, monitoring, and assisting the implementation of the Agreement provisions, emphasizing the commitment that such efforts should be coordinated by the EU in cooperation with the Stabilization and Association Council²⁰.

In addition, within the framework of such an Annex, special attention is also devoted to the issues of repatriation of refugees, election monitoring; protection of human rights; revitalization and reconstruction; development of decentralized government; non-discrimination and fair representation; as well as to the culture, education, and languages use. So, the Agreement foresees a comprehensive set of measures for restoring and building trust, through which a successful and efficient transformation of the conflict and its structural potentials should be ensured. However, despite all the controversies and dilemmas that followed the crisis itself and the OFA's content and purpose, as well as despite the different agendas for explaining the immediate or structural causes of the conflict, most of the time the Agreement was considered a political solution instrument, aimed to "break" the cycle of violence, to some extent way as an exhaustive model for conflict

¹⁷ *Ohrid Framework Agreement, 13.08.2001,*

https://www.pravdiko.mk/wpcontent/uploads/2013/11/ramkoven_dogovor-3.pdf (19.10.2023), pp. 2-3

¹⁸ *Idem*

¹⁹ *Ibidem*, p. 4

²⁰ *Ibidem*, pp. 8-12

transformation. Although it mainly defines the peacebuilding strategy at the constitutional-normative and political level and determines or encourages the dimensions for political peacebuilding, the process of social peacebuilding and conflict transformation is ignored.

Certainly, political peacebuilding cannot replace the social peace-building process. Social peacebuilding is mainly based on and created at the local level to create prerequisites for sustainable stability, and human development, while trust between the local community, citizens, and local institutions is of essential importance. Therefore, this is exactly the main challenge that will inevitably have to be paid attention to in the following period. Moreover, the process of the Agreement's implementation and post-conflict peacebuilding were not immune to the old problems and challenges that characterized the pre-conflict period. The structural problems that constituted the potential for conflict have to a certain extent been displaced by the political and legal reforms and the introduction of a kind of new framework of relations. In particular, the majority-minority relationship is broken down by the formula of communities in the Constitutional preamble, and the solutions in the Agreement introduce consensual democracy and strengthened language rights, equal representation in public democracy, and decentralization. All these issues, to a lesser or greater extent, create a new relationship of relations in the Macedonian society in which multi-ethnicity and the civil concept require a compromise.

However, such a situation is not without contradictions and challenges, characteristic of the post-conflict environment. The potential for instability and uncertainty, as well as the potential for conflict, has not and cannot be eliminated. In that sense, even the theory does not recognize sterile, conflict-free societies. However, two components are always needed: opportunities and political will, for eradication of structural problems and potentials. In the Macedonian case, the opportunities/security risks in the period after 2001 were still present, such as illegal weapons, the criminalization of politics and corruption, illegal armed groups, etc. On the other hand, the last precondition was also present, i.e., the political will to use non-democratic means to achieve interests. In this sense, the talk of force and violence heard by political leaders sounded like a lesson badly learned. In such an environment, the political crisis represented an almost "normal" state in the relations of the political competition, but also a too sensitive and worrisome warning for a possible introduction into a security crisis.

The idea of OFA, as an instrument supposed to enable successful post-conflict peacebuilding and conflict transformation, was to promote the peaceful and harmonious prosperity and development of civil society, while also respecting the ethnic identity and interests of all Macedonian citizens. Still, the main challenge in this context, especially from today's perspective, is the fact that most representatives of the Albanian ethnic community do not identify themselves as Macedonian citizens, but as Albanian ones, with specific identity. In fact, to this day, the absence of the acceptance of the state symbols of Macedonia by the Albanian ethnic community is somehow visible. Regardless it is a sports competition, a politician's office, the celebration of public holidays, etc. the absence of the symbols of the Macedonian state is visible among the representatives of the Albanian community.

Current Perspectives and Dilemmas

There is no doubt that OFA put a formal end to the military conflict in the country and established frameworks for inter-ethnic coexistence. What is characteristic of the OFA itself two decades and a couple of years later, is the fact that it was perceived and understood all this time as the only instrument whose successful implementation is determined by the extent of achievement of human rights protection and the transformation of the structural potentials that led to the conflict.

From today's perspective (end of 2023), it can be emphasized that the Agreement guaranteed the unitary character of the state, and parallel to that, the rights of the Albanians and other smaller ethnic communities in the country, including the Turks, Bosniaks, Roma, Serbs, Vlachs and others, were advanced. The Agreement traced the process of conflict transformation, mainly through constitutional amendments, new legislation, and confidence-building measures. In this sense, since the implementation of the OFA, legal amendments and additions have been adopted, most of which are laws on non-discrimination and fair representation in state institutions, and some of them are in the sphere of identity, culture, education, and decentralization of government. In addition, it was decided that the language spoken by more than 20 percent of the ethnic communities would be the language for official use in any city of the country, in addition to the Macedonian language. The Law on the Use of Languages, adopted by the Parliament on January 11, 2018,

promoted the use of the Albanian language. The provisions of this law entered into force one year later, on January 15, 2019. As part of the implementation of the agreement, the Secretariat responsible for the implementation of the OFA, which was part of the Government in 2004, has been established. The Secretariat was later transformed into the Ministry of Political System and Community Relations.

From the aspect of basic human freedoms and rights, as well as from the aspect of the human security approach, it can be pointed out that 23 years later, most of the items from the OFA have been fulfilled. In particular, the Agreement turned into a process of multi-ethnic democracy. However, on the other hand, the political representatives of the minority communities over the years pointed out that there is an obvious need for additional involvement of the state in implementing, promoting, and protecting the rights of the minority ethnic communities in the country. In particular, the incomplete implementation of the fair representation of underprivileged ethnic communities in the institutions of the state is highlighted.

In this context, on the 20th anniversary of the signing of the Agreement, the current Macedonian President, Mr. Stevo Pendarovski, declared: "The deal has stood the test of time, although it is far from perfect. If we look for omissions in it, then, in my opinion, the biggest mistake was that under the pressure of the extremely unfavorable dynamics of the events on the ground, the participants in the negotiations did not have time at all to devote themselves to the rights and status of the less numerous ethnic communities, and therefore the agreement with is qualified as binational, and that is certainly not an advantage in a multicultural society. In a heterogeneous political community like ours, the binational must not be a substitute for the authentic multinational model that we need to develop"²¹.

According to him, for the only successful example of a functional multi-ethnic democracy in the region to continue to exist, the basic principles of the Framework Agreement, which reject the use of violence to achieve political goals, should be constantly considered, because only political solutions can guarantee a stable and democratic future.

On the other hand, the current president of the Assembly, Mr. Talat Xhaferi, declared that: "The OFA is a Peace Treaty and Agreement that set the new rules for social cohesion and better inter-ethnic functioning, which was the most solid foundation on which we visibly transformed our multi-ethnic, multi-confessional, and multicultural society"²².

According to Ali Ahmeti, (the political leader of the National Liberation Army during the conflict), who after 2001 formed the political party Democratic Union for Integration (DUI) and has been at its head since then, stereotypes and prejudices are still present in the country. In this sense, he believes that the citizens of Macedonia have no other alternative but to respect the agreements reached, so he points out that the communities in the country should be the masters of their destinies, while the language and culture of the other/others should not be an obstacle to that way²³.

Related to the current perspectives of the OFA, the former Prime Minister - Zoran Zaev, believes that the Agreement sent a message of mutual understanding, apology, and forgiveness between Macedonians and Albanians, as well as among all other citizens. It is a message for coexistence, for equal citizens, in the common state. According to him, the Agreement brought a new spirit of policy-making – policies that build bridges, not tear them down. Policies that bring citizens together, and do not divide them, on the path that ensures the common future²⁴.

Such indicated statements of the political leaders manifest their firm conviction in the rightness of accepting the OFA, not only as an instrument for ending the violence in 2001 but also as the main instrument of the conflict transformation and post-conflict peacebuilding process. To a certain extent, it is expected, especially if we consider the fact that the Agreement itself is a political product/instrument of the four largest political parties (two Macedonian and two Albanian) in 2001.

On the other hand, in addition to the political, the importance of civil and social peace-building conflict transformation should also be considered, for which in the Macedonian case the entire past period is in the shadow of the first, i.e., of the political peacebuilding. Namely, since 2001 political initiatives have had a

²¹META-Independent News Agency, *The Ohrid Agreement "turned" 20 years old - the Celebration Passed without the Surviving Signatories*, <https://meta.mk/ohridskiot-dogovor-napolni-20-godini-odbelezhuvanjeto-pomina-bez-prezhiveanite-potpisnici/> (22.10.2023)

²² *Idem*

²³ *Idem*

²⁴ *Idem*

central place for such issues, which gives the entire process of conflict transformation a so-called centralized approach, i.e., from “top to bottom”. The main challenge regarding such an approach is that the applicability of political initiatives and proposed solutions as well as their long-term sustainability is often questioned on the ground.

For example, related to the issue of adequate (20%) representation of members of the Albanian community in the bodies and institutions at the central and local levels, the tendency to solve it quickly in a large number of cases allowed the violation of the criteria for selection of the best candidates, and on the other hand, also in a relatively large percentage of cases, the newly employed Albanians did not even go to work, because objectively, in a good part of the state and local institutions, there was neither a need for new employment nor were new jobs foreseen. However, despite that, they received monthly income from the state or local budgets for their “job” engagement.

What is different about such issues, before and after the conflict in 2001, is the fact that representatives of the Albanian community, for the first time, held and still hold some of the highest state and local offices: Minister for Defence, Minister of Finance, Minister of Economy, Minister of Education, Vice Prime Minister, Speaker of the Assembly, Mayors and other high ranked position in the government, including the Prime Minister in the last 100 days of the current ruling government, as agreed within the coalition.

Parallel to this process/fact, according to public perception it is characteristic that the fight against corruption at a high level in the past 20 -annual period, is largely selective. Namely, even though DUI (the political wing/party of the National Liberation Army) has been in state power for 22 years now (as a most frequent coalition partner of various Macedonian political parties). In the indicated period the subjects of investigations for high corruption are generally politicians from the Macedonian community.

What is most characteristic about such issue, is the fact that usually after the public presentation of high-level corruption activities, the issues of non-compliance or incomplete implementation of the Framework Agreement, as well as the issues of its upgrading and expansion are also re-opened, such as: Constitutional introduction of Albanian language as the second official language on the entire territory of the country, introducing Albanians as the second constituent nation (besides Macedonian), opening the possibility for an Albanian to be appointed as the president of the country, contrary to the already established procedure and necessary votes for such position, etc.).

Such, as well as other activities and events generally undermine the faith of political leaders in the public, including their sincere intentions and policies that in the past 20 years should have enabled effective handling of all pre-conflict and post-conflict structural conflict potentials and factors.

Conclusions

There is no doubt that the human rights issue occupies a significant place in the peace and security agenda and hence in the efforts for effective conflict transformation, in the past 20-30 years. As the analysis in the paper shows, this very issue was largely connected with the causes of the conflict in 2001, as well as with the processes of conflict transformation and post-conflict peacebuilding. Regarding to the reasons themselves, it is characteristic that even today there are different interpretations between the Albanian and Macedonian ethnic communities and therefore there is still no acceptable explanation. Namely, as it was already pointed out, Albanians' perceptions of the conflict causes are somewhat simpler, starting with the Constitution as the cause, then, their long-term repression, and ending with the inability to study in their mother tongue in higher education, which means that in general their attitude is focused on the issue of human rights and repression. On the other hand, there is a noticeable greater confusion in the perceptions of Macedonians regarding the causes, which is due to the presence of several scenarios, starting from the perception that international actors and certain states are the main directors and generators of the conflict, to the perception that the causes are ideological, i.e. creation of a Greater Albania and that the issue of human rights is only abused in that context.

Regardless of whose perception is more accurate, to this day, the dilemma remains open as to whether the violence in 2001 was the only option to resolve the open issues, ie. whether weapons are the only alternative for promoting and respecting human rights. As the analysis in the paper shows, it is characteristic that in the pre-conflict period, the Albanians, continuously had their representatives in the highest echelons of the government, hence the dilemma inevitably arises, why they were not replaced by the Albanian electorate if they did not act effectively in the direction of advancing their rights, or why the blame for such a situation lies solely with the political representatives of the Macedonian ethnic community. Moreover, why if they were so

poorly represented and did not protect the interests of the disadvantaged, were new representatives not elected, or why was no clear criticism of the inefficient Albanian politicians from any party manifested in any civil association of the Albanians? Such dilemmas are still present in the Macedonian ethnic community even today and in some way burden the attempts to fully restore mutual trust as one of the aspects of real peacebuilding and transformation of the conflict.

Additionally, in this regard, the Macedonian case is characterized by the fact that the issue of human rights, as part of the process of conflict transformation and peacebuilding, somehow bypassed the instruments known as facing the past, judicial instruments, or sanctioning the perpetrators of war crimes during the conflict (except 2 representatives from the Macedonian community), reconciliation, etc.

What is specific to the Macedonian case is the fact that the success of the human rights issue management in the post-conflict period is mainly analyzed through the prism of the implementation of the OFA. However, the main challenge in this context is the application of the so-called "top-down" approach, despite the importance of the "bottom-up" approach to this plan. It means that opposed to the minor and insufficient role of the local communities, the non-governmental sector, etc. the main role in such issue management was played by the highest representatives of the government in the past 22 years. In this sense, the "small" role of the civil society and the non-governmental sector is evident, as opposed to the main role of the political elites in the entire process of implementation of the Agreement. In some way, the civil and non-governmental sectors did not sufficiently recognize the significance of their role in the entire past 22-year period.

As a result, it opened the possibility of making political decisions whose applicability is questioned on the ground, especially in terms of their justification and long-term sustainability. For example, if we analyze the issue of education in our language of instruction in higher education, the fact is indisputable that contrary to the only two state universities with the Macedonian language of instruction in the period until 2001, today besides others, three new state universities with the Albanian language of instruction are also functioning. Such a political solution certainly made it possible to improve the right to study in the native language of the representatives of the Albanian ethnic community, and thus increase the number of graduated and newly enrolled Albanian students, but the dilemma is whether such a solution improved mutual trust, communication, etc. between the two communities, and thus, how it advanced the peacebuilding and conflict-transformation process in the country.

The concessions made by the incompetent Macedonian politicians about the illegal use of the Albanian language in Macedonia and many other illegal privileges that seem like disrespect and manipulation with provisions of the Constitution can encourage the anger of the Macedonian people and the representatives of other ethnic communities towards the Albanian community in Macedonia and this could lead to a new open conflict. There is still a need for greater sensitivity and awareness of the Macedonian political elites and decision-makers about the long-term applicability and acceptability of the instruments and approaches they promote regarding human rights issue management through an effective conflict transformation and successful peace-building processes.

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DIGITAL TRANSFORMATION OF PUBLIC ADMINISTRATION IN ROMANIA AND THE EUROPEAN UNION

Abstract:	<i>This paper aims to analyze the process of digital transformation of public administration in Romania and the European Union, in the current legislative and institutional context. The reform of public administration, in the context of the digitization of the public sector, is focused on simplifying procedures and bureaucratic burdens for individuals and legal entities, increasing the efficiency and effectiveness of the administrative act, and ensuring accessibility and transparency of data use by public authorities and institutions. At the same time, this study also deals with issues related to eGovernment, cybersecurity, and the security of personal data of users of platforms and information systems.</i>
Keywords:	Digitisation; eGovernment; electronic services; electronic identity; interoperability; cyber security;
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Preliminary

The reform of public administration, in the context of the digitization of the public sector, is focused on simplifying procedures and bureaucratic burdens for individuals and legal entities, increasing the efficiency and effectiveness of the administrative act, and ensuring accessibility and transparency of data use by public authorities and institutions.

According to the European Commission's Digital Economy and Society Index (DESI) 2022²⁵, Romania ranks 27th out of 27 EU Member States, the main reasons being the lack of basic digital skills of citizens and the very low level of public services for both citizens and businesses. Romania, on the other hand, performs relatively well in terms of connectivity, with the best score in this chapter. The proportion of take-up of fixed broadband coverage of at least 100 Mbps (57%) and very high-capacity fixed networks (87%) exceed the EU average. The situation at the EU level is no better, with 42% of EU citizens lacking basic digital skills, including 37% of those in the workforce²⁶.

As technologies continue to evolve with the expansion of smartphones and the web, municipal governments have begun to use digital tools to interact with citizens more effectively. The internet has changed the way individuals interact with one another and enabled the digital transformation of the public sector²⁷.

²⁵Digital Economy and Society Index (DESI), *Report 2022*, <https://digital-strategy.ec.europa.eu/en/policies/desi> (15.05.2023)

²⁶ European Commission, *Shaping Europe's Digital Future*, <https://digital-strategy.ec.europa.eu/en/policies/digital-skills#:~:text=In%20Europe%2C%20more%20than%2090%25%20of%20professional%20roles,skills%2C%20including%2037%25%20of%20those%20in%20the%20workforce> (15.10.2023)

²⁷ Mădălina Voican, *Exploring Legal Mechanisms TO Foster E-Democracy: Norway Vs. Romanian Arrangements*, "Lex Humana", Vol. 15, No. 4, 2023, p. 2, <https://seer.ucp.br/seer/index.php/LexHumana/article/view/2790/3663> (10.10.2023)

Public Authorities and Institutions Involved in the Digital Transformation Process

Ministry of Research, Innovation and Digitisation

The Ministry of Research, Innovation, and Digitisation is the state authority with the role of synthesis and coordination in the fields of research, experimental and technological development, innovation, communications and digitization, cybersecurity, postal services, radiocommunications, information technology, information society, and national interoperability framework²⁸.

In the area of digitization, the Ministry of Research, Innovation, and Digitisation ensures inter-institutional coordination of public policies, investments, and information technology resources to align them with strategic objectives in the field of information technology and the national interoperability framework²⁹.

Authority for the Digitisation of Romania

The Authority for the Digitisation of Romania (ADR) is a structure with a legal personality that is organized and functions within the Government's working apparatus and under the coordination of the Prime Minister with the role of implementing and coordinating the implementation of public strategies and policies in the field of digital transformation and the information society³⁰.

As stated in Article 3 of the Government Decision No. 89/2020, the RDA aims to contribute to: "the digital transformation of the Romanian economy and society, the achievement of e-government at the level of the Romanian public administration and the fulfillment of the objectives for Romania of the European Union's financial assistance programs in its field of competence"³¹.

National Council for Digital Transformation

The National Council for Digital Transformation (CNTD) is an advisory body of the Authority for the Digitisation of Romania, without legal personality, which collaborates in its work with public institutions and academia, whose representatives may be invited to the work of the groups on the initiative of the Authority for the Digitisation of Romania³².

Electronic Identity

Electronic Signature

Concerning electronic signatures, Article 25 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 states that: "an electronic signature shall not be denied legal effect and admissibility as evidence in legal proceedings solely because it is in electronic form or that it does not meet the requirements for qualified electronic signatures"³³. A qualified electronic signature has the equivalent legal effect of a handwritten signature and is recognized as a qualified electronic signature across all the UE Member States³⁴.

At the national level, during the Covid-19 pandemic, to implement the provisions of EU Regulation No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, the Romanian Government adopted Emergency Ordinance No. 38/2020 on the use of electronic documents by public authorities and institutions³⁵.

²⁸ *Government Decision No. 371/2021 on The Organization and Functioning of the Ministry of Research, Innovation and Digitisation*, Monitorul Oficial al României, Part I, No. 333 of April 1st 2021

²⁹ *Idem*

³⁰ *Government Decision No. 89 of 28 January 2020 on the Organization and Functioning of the Authority for the Digitisation of Romania*, Monitorul Oficial al României, Part I, No.113, 13th of February 2020

³¹ *Idem*

³² *Autoritatea pentru Digitalizarea României, Consiliul Național pentru Transformare Digitală*, <https://www.adr.gov.ro/cntd> (20.10.2023)

³³ *EU Regulation No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC*, <https://eurlex.europa.eu/legalcontent/RO/TXT/HTML/?uri=OJ%3AL%3A2014%3A257%3AFULL> (28.10.2023)

³⁴ *Idem*

³⁵ *Monitorul Oficial al României*, No. 289, 7th of April 2020

Electronic Seal (Electronic Stamp)

An electronic seal shall not be denied legal effect and admissibility as evidence in legal proceedings solely because it is in electronic form or because it does not meet the requirements for qualified electronic seals³⁶. A qualified electronic seal shall benefit from the presumption of the integrity of the data and the correctness of the origin of the data to which the qualified electronic seal relates and shall be recognized as a qualified electronic seal in all other Member States.

Interoperability

An important step in the creation of the legislative framework necessary to implement the digital transformation of the Romanian public administration is the adoption of Law No. 242/2022 on the exchange of data between IT systems and the creation of the National Interoperability Platform³⁷. The National Interoperability Platform will be managed by the Romanian Authority for Digitisation.

Essentially, through this normative act, the legislator aims to create the technical conditions to facilitate the interconnection of the information systems of central and local public authorities and institutions and to facilitate the exchange of data between them, to provide integrated, quality electronic public services, accessible at any time, adapted to the needs of the beneficiaries of these services.

For example, the applicant for a building permit will no longer have to go through a series of public authorities and institutions to obtain the necessary permits, agreements, and other documents required to obtain a building permit. He will only have to apply to the competent authority at the local level, which, via IT systems and interconnected databases, will communicate with the other authorities, institutions, and structures involved in the permitting procedure, to solve the application for the issuance of the building permit, of course, within the limits of the powers conferred by law to each of them. In this case, we are talking about shared competencies. There is already a normative act in force, which stipulates the prohibition of institutions and specialized bodies of the central public administration "to request from natural or legal persons, to solve a public service, copies of opinions or other documents issued by public institutions or specialized bodies"³⁸.

The Government Cloud

The Government Cloud was established with the adoption of Government Emergency Ordinance 89/2022 on the establishment, management, and development of cloud IT infrastructures and services used by public authorities and institutions³⁹. This normative act regulates a wide range of benefits both for citizens and businesses and for administrative activity.

The Government Cloud appears to be very useful both in terms of storing and managing data and information more efficiently, as well as in terms of strengthening their cyber security, in the event of cyber threats or attacks, which may cause the leakage or loss of personal data of Romanian citizens, with negative repercussions also in terms of accessing funds available through the NRP. The Romanian Intelligence Service, in collaboration with the Special Telecommunications Service, will ensure the cyber security of the Government Cloud, within the limits of their legal powers. The cloud computing platform will be managed operationally by the Authority for the Digitisation of Romania.

Cyber Security

To ensure the cybersecurity of the National Interoperability Platform, the Authority for the Digitisation of Romania (ADR) will collaborate with the National Cyber Security Directorate and the Romanian Intelligence Service. In the field of cyber security, as proof of adaptation to the new security environment,

³⁶ *Article 35 of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on Electronic Identification and Trust Services for Electronic Transactions in the Internal Market and Repealing Directive 1999/93/EC*

³⁷ Monitorul Oficial al României, Part I, No. 752, 27th of July 2023

³⁸ *Law No. 267/2021 on the Completion of Government Emergency Ordinance No. 41/2016 on Some Simplification Measures at the Level of Central Public Administration and on the Modification and Completion of Some Normative Acts*, published in the Monitorul Oficial al României, No. 1076, Part I, 10.11.2021

³⁹ Monitorul Oficial al României, No. 638, 28.06.2022

since 2008, the Romanian state, according to CSAT decisions, designated the Romanian Intelligence Service as the national authority and established within its structure the National CYBERINT Centre⁴⁰.

The Romanian Intelligence Service, through the National CYBERINT Centre, promotes and acts to identify, prevent, and combat vulnerabilities, risks, and threats to Romania's cyber security⁴¹. To ensure the security of communications over the data transmission networks used by the National Interoperability Platform, the RDA will collaborate with the Special Telecommunications Service.

On 30 December 2021, the Romanian Government adopted the Romanian Cyber Security Strategy for the period 2022-2027 and the Action Plan for the implementation of the National Cyber Security System for the period 2022-2027⁴².

This document aims to set out the main guidelines and general approaches to cyber security. The new Strategy promotes an updated vision that will help society as a whole: public authorities and institutions and private entities, the academic community, and citizens.

Law No. 58 of 14 March 2023 on Romania's cyber security and defense⁴³, as well as for the modification and completion of some normative acts establishes the legal and institutional framework for the organization and implementation of activities in the fields of cyber security and defense, the cooperation mechanisms, and the responsibilities of the institutions with attributions in these fields.

Cyber security and cyber defense are achieved by adopting and implementing policies and measures to understand, prevent, and counter vulnerabilities, risks, and threats in cyberspace. To successfully implement actions under the cyber security strategy, authorities, public institutions, and specialized structures must attract and motivate, as appropriate, information technology experts with the know-how and experience needed to prevent and combat possible attacks and threats to the security of databases, IT platforms and applications through which public services are provided.

Electronic Administrative Act

The administrative act is the main, concrete form in which the work of public administration is carried out. In the doctrine, the administrative act has been defined as a unilateral manifestation of a will made to produce legal effects, issued under public authority, whereby the law is organized or applied in practice⁴⁴.

From a procedural point of view, the norm for issuing/adopting/concluding it is the written form. The digital transformation of public administration also covers aspects relating to the electronic administrative act, as an alternative to the classic administrative act, which is characterized by specific procedural forms, including electronic signatures and the elimination of the stamp⁴⁵. At the national level, there is currently a legislative framework for electronic administrative acts in tax matters. Consequently, the tax administrative act issued in electronic form lacks some of the essential elements of content, specific to the classic one, issued on paper, namely "the signature of the authorized persons of the tax authority", according to the law, respectively "the stamp of the issuing tax authority".

Law No. 169/2019 amending and supplementing Article V of Government Ordinance No. 17/2015 on the regulation of certain fiscal-budgetary measures and amending and supplementing certain normative acts provides for the abolition of the obligation for public legal entities to apply the stamp on:

(a) declarations, petitions, contracts, or any other documents or papers lodged with public institutions or authorities or issued or concluded in connection with public institutions or authorities [Article V (21)];

(b) documents or any other written documents issued in their relations with natural persons, legal persons governed by private law, and entities without legal personality - Article V (22).

⁴⁰ Daniela Panc, *Securitatea cibernetică la nivel național și internațional. instrumente normative și instituționale*, Hamangiu, București, 2017, p. 235

⁴¹ <https://www.sri.ro/cyberint> (01.11.2023)

⁴² *Government Decision No. 1321 of 30 December 2021 on the Approval of Romania's Cyber Security Strategy for the Period 2022-2027 and the Action Plan for the Implementation of Romania's Cyber Security Strategy for the Period 2022-2027*, Monitorul Oficial al României, No. 2 of 3 January 2022

⁴³ Monitorul Oficial al României, Part I, No. 214 of 15 March 2023

⁴⁴ Ovidiu Podaru, *Drept administrativ, Vol. I. Actul administrativ, repere noi pentru o peorie altfel, Tomul I. Noțiune*, Hamangiu, București, 2022, p. 18

⁴⁵ Emilia-Lucia Cătană, *Modernizarea dreptului administrativ în era transformării digitale. Actul administrativ electronic*, "Revista de Drept Public", No. 4, 2019

Models of Good Practice at the European Level

Estonia is the only country in the world where 99% of public services are digitized. The only public activities that cannot be done online are marriage, divorce, and real estate transactions. Denmark is another European benchmark for e-government. The process of digitization of the public sector in Denmark started as early as 1960.

The first digital signature was implemented in 2001, making it possible for citizens to sign documents digitally. In 2007, *NemID (EasyID)* was introduced, making it possible to identify every citizen on the websites of public institutions, as well as with banks and other private services. NemID was available free of charge to all citizens⁴⁶.

Using the digital signature (user ID and password), Danish citizens can easily access online banking, government services, and a growing number of private services. *NemID* is used by around 70% of the Danish population who connect to digital services safely and cyber-securely, thanks to collaboration between the public and private sectors⁴⁷.

Models of Good Practice at the National Level

Models of Good Practice at the Central Government Level

National Civil Servants Agency (N.N.F.P.) The digital transformation of public administration also concerns human resources management in the public sector, particularly the recruitment and selection process for civil servants, which is intended to be transparent, merit-based, and respectful of equal opportunities for all candidates. To this purpose, the National Civil Servants Agency has developed an IT application for the automatic extraction of subjects for competitions managed within the Integrated Information System, to make competitions for vacant public positions more transparent and increase public confidence in their fairness.

From March 2023, the N.F.P.A. has launched the pilot project of the national civil service recruitment competition, which is carried out on the IT competition platform. This IT platform is used to register candidates, create competition files, and check eligibility, preliminary testing, advanced testing, and management of the group of candidates promoted to the recruitment stage.

Persons who have passed the recruitment phase have the right to participate in the selection phase of the pilot project for a maximum period of 3 years from the date of promotion (at the end of the 3 years, the IT competition platform automatically blocks the right to apply for a competition for the post⁴⁸). Candidates can select/filter notifications of the vacancies they wish to receive and can use the information and documents in their profiles to participate in the next stage, the selection stage.

Ministry of Internal Affairs (M.I.A.)

The criminal record certificate for natural persons, according to Law No 3/2023 supplementing Article 28 of Law No 290/2004 on criminal records⁴⁹, can be requested and obtained online by citizens.

The history of road traffic sanctions, according to Article 22 2 of Government Emergency Ordinance No 195/2002 on traffic on public roads, republished, with subsequent amendments and additions, can also be requested and obtained online⁵⁰.

National Tax Administration Agency (N.T.A.A.)

Virtual Private Space is an online platform, with free access, 24/24, available to taxpayers to request and obtain tax administrative documents, file tax returns, obtain information on tax obligations, etc.

The PatrimVen IT platform enables public authorities and institutions to access information on the assets of persons who have debts to the local budgets, with a view to enforcement measures (distrain, etc.) or for taxation purposes (second home, etc.). The PatrimVen portal can also be used to determine the incomes and assets of a person applying for social assistance, social grants, etc.

National Agency for Cadastre and Real Estate Publicity (N.A.C.R.E.P)

⁴⁶cursdeguvernare.ro/digitalizarea-a-proape-integrala-a-danemarcei-interviu-rikke-zeberg-director-general-al-agentiei-daneze-pentru-digitalizare.html (26.10.2023)

⁴⁷ *Idem*

⁴⁸ <https://concur-pilot.anfp.gov.ro/desfasurare-proiect-pilot/etapa-recrutare/> (25.10.2025)

⁴⁹ Monitorul Oficial al României, Part I, No. 3 of 3 January 2023

⁵⁰ Monitorul Oficial al României, Part I, No. 246 of 20 March 2006

The National Agency for Cadastre and Real Estate Publicity provides central and local public authorities, autonomous administrative authorities, public institutions, national courts, notaries public, legal experts, persons authorized to carry out cadastre, geodesy, cartography, and photogrammetry works, lawyers, insolvency practitioners and bailiffs with free, direct, permanent access, in person or through a representative, to the online platform and services of the integrated cadastre and land registry system, to fulfill their obligations⁵¹.

Another useful service, especially for individuals, is that of issuing, online, for a fee, the land register information extracts, and extracts from the cadastral plan on orthophoto plan, through the IT platform provided by The National Agency for Cadastre and Real Estate Publicity⁵².

Romanian Automotive Register (R.A.R.)

Since 2019, the Romanian Automotive Register has developed the "Vehicle History" application, which allows anyone who owns or intends to purchase a vehicle to check its history, provided that the car has passed at least once the R.A.R., by accessing the official website of the Romanian Automotive Register www.rarom.ro.

Also, through the "Vehicle History" application, starting in 2020, the R.A.R. offers its customers the possibility to consult the vehicle's damage history online, for a fee⁵³.

Models of Good Practice at the Local Government Level

An example of good practice that I have identified at the level of local public administration and that I considered relevant to be analyzed and presented is that of the Municipality of Sighișoara, in Mureș County, where I worked as a personal advisor in the Office of the Mayor of Sighișoara, in the mandate 2016-2020, where the project "eCetatean@Sighisoara2021" was implemented, funded by the European Union and the Romanian Government, through the Operational Programme Administrative Capacity 2014 - 2020, Priority Axis 2 - Accessible and transparent public administration and judicial system, Specific Objective 2. 1- Introduction of common systems and standards in local public administration that optimize beneficiary-oriented processes in line with the SCAP⁵⁴.

The results obtained through the implementation of the project are the following:

a) e-service portal for citizens, containing the following modules: online submission of tax returns for local taxes and fees, online payment of local taxes and fines, online issuance of tax certificates, online submission of tax exemption applications, iReport-application for mobile devices (Android) for submitting petitions to the institution, etc.

b) Extended document management system;

c) Participatory budgeting - projects proposed by citizens;

d) Upgraded the website of the institution;

e) Retro-digitised archive.

As far as participatory budgeting is concerned, it involves involving citizens in the decision-making process by encouraging them to submit proposals for public investment projects of local interest, with funding from the local budget, to be technically and legally analyzed by a special committee appointed by order of the mayor, which includes representatives of the local executive, civil servants from the mayor's department, as well as local elected officials, the deputy mayor and other local councilors appointed by an administrative act of the local deliberative body.

The projects are submitted online on the IT platform⁵⁵, obviously after prior registration of citizens. Next comes the stage of analysis of the projects by the specialized committee, the voting stage, which consists of the expression of the option on the projects declared eligible for funding and implementation by the specialized committee, the analysis of the votes, and the publication of the final list of winning and rejected

⁵¹Article 1 (1) of Order no. 950 of 25 April 2023 Approving the Conditions of Access to the Platform, Data Sets, and Online Services of the Integrated Cadastre and Land Registry System, Monitorul Oficial al României, Part I, No. 382 of 4 May 2023

⁵² <https://epay.ancpi.ro/epay/SelectProd.action?prodId=1420> (26.10.2023)

⁵³ https://www.rarom.ro/wp-content/uploads/2020/05/Etape_Istoric_Daune.pdf (25.10.2023)

⁵⁴ <https://primariasighisoara.ro/portal/mures/sighisoara/portal.nsf/pagini/anun+finalizare+proiect+ecetatean-00016516> (25.10.2023)

⁵⁵ <https://ecetatean.sighisoara.org.ro> (26.10.2023)

projects and, finally, the stage of implementation of the project/projects declared winners, in the following budgetary year.

Another good practice model is the one developed by the City Hall of Cluj-Napoca, which has made available to citizens the online service for the automatic issuance of urban planning information certificates to reduce waiting times and costs for urban planning information through the Geographical Information System (GIS)⁵⁶.

In addition to the Information Town Planning Certificate, the GIS software also generates a plan for inclusion in the General Urban Plan (GUP).

The Financing of Digital Transformation

Romania's National Recovery and Resilience Plan (N.R.R.P.) is the main instrument for financing reforms and investments in digitization in the public sector and beyond⁵⁷. In this regard, Pillar II of Romania's NRRP, entitled *Digital Transformation*, highlights the congruence between the EU Digital Vision and Strategy and the National Strategy for Digital Transformation for Citizens and Businesses. All these perspectives revolve around 4 cardinal points that make up the "compass for the digital dimension": digitization of public services, skills, secure and sustainable digital infrastructures, and digital transformation of enterprises⁵⁸.

According to Component C7 - Digital Transformation of the N.R.R.P., the total budget allocated is €1,884.96 million and the reforms are aimed at:

1. Developing a unified framework for defining the architecture of a government cloud system.
2. Transition towards achieving the EU 2025 connectivity targets and stimulate private investment for the development of ultra-high-capacity networks.
3. Ensure cyber security of public and private entities owning critical infrastructures.
4. Increasing digital skills for public service and digital lifelong learning for citizens⁵⁹.

Conclusions

In conclusion, the digital transformation of public administration, in Romania and the European Union, both in its component aimed at providing timely, efficient, and accessible electronic public services and in its decision-making component, is in progress.

Even though we are not currently in an honorable position in the ranking of EU Member States in terms of digitization of public services, I appreciate that the Romanian state has taken important steps at the legislative, institutional, technical, and investment levels to achieve strategic objectives in the field of information technology in the public sector.

To facilitate access to electronic public services, public authorities and institutions involved in the process of digitization of public services should carry out information campaigns and finance training courses for citizens with poor basic digital skills and training and professional development courses for public administration staff in IT&C.

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⁵⁶ <https://primariaclujnapoca.ro/informatii-publice/comunicate/eliberarea-automata-a-certificatelor-de-urbanism-de-informare-gis/> (26.10.2023)

⁵⁷ *Romania's National Recovery and Resilience Plan*, pp. 13-14, <https://mfe.gov.ro/wpcontent/uploads/2021/10/facada6fdd5c00de72eecd8ab49da550.pdf>, (26.10.2023)

⁵⁸ *Idem*

⁵⁹ *Idem*

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**FROM COLLECTIVE ACTION TO CIVIL DISORDER: A COMPARATIVE ANALYSIS OF
PANDEMIC-RIDDEN CZECHIA AND SLOVAKIA⁶⁰**

Abstract:	<i>This paper aims to present how collective action has transformed into civil disorder against the pandemic policy in Czechia and Slovakia in 2020-2022. The research questions are as follows: 1) What factors decided the transformation of collective action into civil disorder? 2) What were the essential features of civil disorder in each state? The study draws on process tracing, qualitative analysis of sources, and qualitative comparative analysis. The research tool is fs/QCA software. The starting point is March 2020 when a state of emergency was declared in both states. The final point is March 2022 when most of the restrictions were canceled, the unofficial end of the pandemic. Cases selected include public gatherings in protest of the pandemic policy organized at that time in the cities of Prague, Brno, Ostrava (Czech Republic), and Bratislava and Košice (Slovakia). The cities have populations above 200 thousand and all of them are agglomerations that attract major socio-political events. Despite the initial success in dealing with the pandemic, the paper explains why collective actions to protect public health changed over time into civil disorder designed to undermine the pandemic policy. Therefore, the article provides evidence of the role antidemocratic played in inciting civil disorder.</i>
Keywords:	Civil disorder; qualitative comparative analysis; corona-related protest in Czechia; corona-related protest in Slovakia; QCA
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Introduction

The 2020-2022 coronavirus crisis in Europe triggered different forms of political contentious that transformed into civil disorders. The distrust of the style and essence of public governance and the way governments dealt with the pandemic led to disagreement with restrictions imposed on rights and freedoms. Some of the protests were organized in response to the worsening of the economic situation and the inefficiency of COVID-19 measures. In 2021, for various reasons, the idea of mass vaccination was undermined, which further fueled anti-vaccination movements. The accumulation of anger and frustration replaced solidarity and the need for cooperation to protect public health across Europe. The situation also marked a shift from following corona-related recommendations and restrictions to acting against the law. The latter took non-violent and violent forms. Violence was mostly used against public officers and law enforcement agents to manifest social demands to change the pandemic policy and even abandon corona-related measures. Scholars are still looking for reasons why the collecting of signatures under the petition against the pandemic policy led to riots⁶¹.

⁶⁰ This research paper is a result of the research project Civil Disorder in the Pandemic-ridden European Union. It was financially supported by the National Science Centre, Poland (Grant Number 2021/43/B/HS5/00290)

⁶¹ Joanna Rak, Karolina Owczarek, *Freedom of Assembly at Stake: The Warsaw Police's Partisanship During Polish Protests in Times of Pandemic*, "Studia Securitatis", Vol. 16, No. 2, 2022; Kamila Rezmer-Płotka, *Policing civil disorder*

The paper presents how collective actions have transformed into civil disorder against the pandemic policy in Czechia and Slovakia in 2020-2022. In both states, after the apparent success in dealing with the spring wave of coronavirus in 2020, when new cases and death index were the lowest in Europe, populist ruling elites decided to discontinue close cooperation with epidemiologists and started ignoring opinions expressed by experts. In Czechia, the populist government has continued the technocratic vision of public governance, namely the running of the state as a company. In Slovakia, new Prime Minister Igor Matovič securitized the pandemic. During the autumn-winter wave of 2020/2021, both leaders changed their attitudes. During his blaming game, Matovič accused his coalition partners and openly criticized citizens. Finally, after a scandal related to the purchase of the Russian vaccine Sputnik V and in the face of a growing number of violent anti-government manifestations, he resigned in March 2021. In turn, Babiš replaced the Head of the Health Department and ignored the will of the parliament. At the peak of his non-liberal governance, he introduced an unconstitutional state of emergency in mid-February 2021. Finally, in September 2021, the anti-Babiš coalition won the parliamentary election, which confirmed the distrust of the previous style of public governance. In both states, despite changes in anti-pandemic policies introduced by new ruling elites, corona-related gatherings were still organized, and some of them transformed into civil disorder. Therefore, the paper attempts to determine factors that transformed collective action into civil disorder in the two states when trust in pandemic strategies in the two countries rapidly dropped and clashes between demonstrators and law enforcement officers surged.

The paper explains why, despite the initial success in dealing with the pandemic, collective action to protect public health changed over time into riots that undermined the pandemic policy. Therefore, the paper provides evidence of the role of antidemocratic forces in inciting civil disorder that acted against the protection of public health. The study also provides an explanation for the partiality of the police when the government's position was threatened.

Theoretical Background

Over the years, scholars have offered different approaches to explain why collective actions transformed into civil disorder. Some scholars claimed that deprivation was a necessary condition and that the trajectory of this phenomenon stems from the interaction between individuals⁶². However, this approach focused on protesters only and ignored the role of law enforcement and state officers. In response to that perspective, researchers developed new theoretical categories and explanations that considered the role of the police. Policing as social control of public protests by the police has been well-grounded in theory and supported state authorities' approach to the control over dissidents. There were also differences in the approach to tactics and attitudes to protesters' legitimacy to participate in the socio-political process⁶³. Experience regarding anti-austerity movements⁶⁴ and the coronavirus⁶⁵ confirmed that it was a valuable approach that substantiated the movement away from the traditional model to a more negotiated style of protest policing. It does not mean that one type was replaced by the other⁶⁶. For example, Joanna Rak examined protests in Poland during the COVID-19 pandemic when the police, in response to disruption, used coercive force and repressed participants of demonstrations. She proved that the police-protesters' communication was negligible, the law enforcement failed to negotiate, and numerous arrests used to manage the crowd increased the risk that the

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⁶² Clark McPhail, *Civil disorder participation: A critical examination of recent research*, "American Sociological Review", Vol. 36, December, 1971, pp. 1058-1073

⁶³ Peng Wang, Paul Joosse, Lok Lee Cho, *The evolution of protest policing in a hybrid regime*, "The British Journal of Criminology", Vol. 60, No. 6, 2020, pp. 1523-1546

⁶⁴ Donatella Della Porta, Abby Peterson, Herbert Reiter, *Policing transnational protest: An introduction*, "The policing of transnational protest", Routledge, London and New York, 2016, pp. 1-12

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⁶⁶ Joanna Rak, *Theorizing Cultures of Political Violence in Times of Austerity: Studying Social Movements in Comparative Perspective*, Routledge, London and New York, 2018

demonstration may transform into civil disorder. Moreover, she provided evidence that during the coronavirus period, protest policing became more hybrid and combined elements of escalated force and negotiated management as two ideal types⁶⁷.

The first model operates under the premise that communication with protesters is minimized, endorsing the use of coercive force or even unlawful policing methods. This approach dismisses negotiations with protesters, resulting in severe repercussions for the reputation of law enforcement officers⁶⁸. It fosters a heightened distrust of law enforcement and escalates tensions, thereby elevating the risk of additional civil unrest. On the contrary, the negotiated management model prioritizes communication between police and protesters to avert resorting to coercive measures⁶⁹. In the escalated force, the police officers assign low precedence to the right to public gatherings, while in the second model, officers uphold the right to peaceful assembly. Some scholars argue that protesters' conduct may influence the police to opt for either escalated force or a more negotiation-oriented model⁷⁰. This study aims to demonstrate that similar dynamics occurred in Czechia and Slovakia, examining the consequences of immobilization tactics as outlined by Patrick Gillham and John Noakes⁷¹.

In literature, various perspectives on disparities in protest policing styles are evident. Donatella della Porta and Herbert Reiter propose a dual typology with nine indicators, each having antinomic values. These indicators include the degree of police force, the number of prohibited behaviors, the selective nature of repressed groups, police adherence to the law, the timing of law enforcement, the confrontational or consensual nature of communication with demonstrators, the adaptability to emerging situations, the formalization of rules, and the degree of preparation⁷². The challenge lies in imprecise definitions and unclear distinctions between extreme values⁷³. Adopted in this paper's approach is based on five features: law enforcement's readiness to protect the right to assembly, tolerance for community disruption, communication with assembly participants, the use of arrests to manage participants, and the use of force in conjunction with or instead of arrests⁷⁴. The paper details the essential features of each factor in both protest policing models.

Addressing the context of protests during the coronavirus period, Joanna Rak and Karolina Owczarek propose a model of police partisanship, where officers align with ruling elites under threat, leading to restrictions on assembly freedom and labeling protesters' behavior as civil disorder⁷⁵. Policing becomes politically biased, enforcing the law unevenly based on protesters' political affiliation. In contrast, neutral policing involves equal law enforcement regardless of political affiliation⁷⁶. This factor contributes to the transformation of collective action into civil disorder in pandemic-affected unconsolidated democracies. Given the loss of legitimacy by governments in Czechia (September 2021) and Slovakia (March 2021), the risk of partiality is acknowledged, requiring an additional factor in McPhail, and Schweingruber McCarthy's approach to better understand civil disorder.

The author posits that partisanship aligns with escalated force, while neutral policing aligns with negotiated management. The study combines McPhail, and Schweingruber McCarthy's protest policing features with Rak and Owczarek's partisanship category to identify factors determining the transformation of collective actions into civil disorder during coronavirus-related protests. This comprehensive examination

⁶⁷ Joanna Rak, *Policing anti-government protests during the coronavirus crisis in Poland: between escalated force and negotiated management*, "Teorija in Praksa", Vol. 58, 2021, pp. 598-692

⁶⁸ Alex S. Vitale, *From negotiated management to command and control: How the New York Police Department polices protests*, "Policing & Society", Vol. 15, No. 3, 2005, pp. 283-304

⁶⁹ Donatella della Porta, Herbert Reiter, *The Policing of Global Protest: The G8 at Genoa and its Aftermath*, "The Policing of Transnational Protest", Ashgate Publishing Limited, Hampshire and Burlington, 2006, p. 13

⁷⁰ Patrick Gillham and John Noakes, "More than a march in a circle": *transgressive protests and the limits of negotiated management*, "Mobilization: An International Quarterly", Vol. 12, No. 4, 2007, pp. 341-357

⁷¹ *Idem*

⁷² Donatella della Porta, Herbert Reiter, *The Policing of Protest in Western Democracies*, "Policing Protest: The Control of Mass Demonstrations in Western Democracies", University of Minnesota Press, Minneapolis and London, 1998, p. 4

⁷³ Joanna Rak, *Op. cit.*, p. 601

⁷⁴ Clark McPhail, David Schweingruber, John D. McCarthy, *Policing Protest in the United States: 1960-1995*, "Policing Protest: The Control of Mass Demonstrations in Western Democracies", University of Minnesota Press, Minneapolis and London, 1998, pp. 51-54

⁷⁵ Joanna Rak, Karolina Owczarek, *Op. cit.*, p. 172

⁷⁶ *Ibidem*, pp. 174-175

supports a nuanced understanding of civil disorder and protest policing. However, empirical evidence during the coronavirus crisis is predominantly based on individual cases, emphasizing the need for further research to establish a comparative perspective and enhance existing findings.

Materials and Methods

The study assumes that the transformation of corona-related protests into civil disorder was stimulated using the escalated force’s model of protest policing instead of negotiated management. The author seeks to discover which features of protest policing, according to McPhail, Schweingruber McCarthy’s typology, and Rak and Owczarek’s findings, created the necessary conditions for this phenomenon in Czechia and Slovakia during the coronavirus crisis. The research questions are as follows: 1) What factors (necessary conditions, NC) were decisive regarding the transformation of collective action into civil disorder? 2) What were the essential features of civil disorder in each state? The study draws on process tracing, qualitative analysis of sources, and qualitative comparative analysis (QCA). The research tool is fs/QCA software⁷⁷.

The research process was organized as follows. Firstly, according to data from ACLED⁷⁸, the author collected information about protests in Czechia and Slovakia that took place in the five largest cities: Prague, Brno, Ostrava (Czechia), and Bratislava and Košice (Slovakia) from March 2020 to March 2022. The cities have populations above 200 thousand and all of them are agglomerations that attract major socio-political events. In each case, corona-related and non-corona-related demonstrations were examined separately. The former were coded according to the six mentioned-above factors of protest policing. Each factor occurred in escalated force or negotiated management variants with different essential features described in Table 1. According to *crisp-set* QCA provisions, the value of each factor may be 0 or 1 depending on the protest policing model. The fact that factors in the escalated force model are marked as 1 and in negotiated management as 0 stems from the assumptions that determined the transformation of collective actions into civil disorder (outcome). Moreover, if collective actions do not transform into civil disorder, we have the absence of the outcome. Moreover, the author added an acronym (NAME) to each factor and put it into fs/QCA software.

Factors (NAME)	Escalated force model (1)	Negotiated management model (0)
Extent and scope of right to peaceful gatherings’ protection (RESPECT)	Recognizing some assemblies as illegitimate and repressing them by law enforcement. Unequal treatment of citizens depends on the will of political elites.	The universal right to peaceful assembly is accepted by law enforcement. Officers protect human rights, life, and property.
Police tolerance for community disruption (TOLERANCE)	Police officers tolerated only familiar and non-disruptive forms of protest.	Officers accept disruption as a by-product of assemblies. Instead of preventing demonstrations, they seek to limit or reduce disruptions.
Communication between the police and demonstrators (COMMUNICATION)	Communication at a minimal level, officers infiltrate and act as provocateurs. The police avoid conferring with assembly organizers and refuse to give up any assembly control to protesters.	The police initiate and maintain communication with protesters in many ways and negotiate every aspect of demonstrations, including time, place, limitations, and organization issues.
Extent and manner of arrests as a method of managing demonstrators (ARREST)	Arrests are widespread, even if no regulations are breached.	Arrebreaks are a last-resort tactic, only against individuals who break the law. Officers repeatedly warn that they break the law, instead of arresting them immediately. Necessary arrests only, properly

⁷⁷ Charles C. Ragin, Sean Davey, *Fuzzy-Set/Qualitative Comparative Analysis 4.0*. California, Department of Sociology, University of California, Irvine, 2022

⁷⁸ ACLED, <https://acleddata.com> (4.11.2023)

		documented, and avoiding injuries to assembly participants as priorities.
Force instead of or in combination with arrests (FORCE)	Force is a standard way of dealing with assemblies. Officers used a noticeable force (riot control techniques, tear gas, batons, fire hoses, water cannons, electric cattle prods, riot formations, dogs, and horses, which displace arrests), which increases gradually unless the protestors are in line with instructions and limit their activity.	Officers only use the minimum necessary force to fulfill their duties, especially to protect people and property or detain lawbreakers. Instead, of confrontation, they used cordoning off the assembly area and negotiating with protesters.
Police partisanship (PARTISANSHIP)	Police label participants as violators of law and pandemic restrictions. They ignore similar behavior by participants at gatherings organized by the state. Officers treat protesters as mad and irrational, and a threat to public order.	Police report protests without their evaluation, to avoid identification and political stigmatization of participants.

Table 1. Essential Features of Escalated Force and Negotiated Management Models⁷⁹

Then, the author formulated two hypotheses to identify the necessary conditions of the outcome and other factors. The first hypothesis (H1): configuration of all factors in the escalated force model led to the transformation of collective actions into civil disorder. The second hypothesis (H2): configuration of all factors in the negotiated management model prevented the transformation of collective actions into civil disorder. Each hypothesis is presented by the following notations:

H1: RESPECT*TOLERANCE*COMMUNICATION*ARREST*FORCE*PARTISANSHIP -> CD

H2: ~RESPECT*~TOLERANCE*~COMMUNICATION*~ARREST*~ FORCE* ~ PARTISANSHIP -> ~CD

Data regarding all protests organized in selected cities from March 2020 to March 2021 were collected in ACLED. They were coded into six factors (called conditions) and entered fs/QCA software. At the same time, the author conducted the following procedures: statistic description, indicate necessary conditions, and construct truth table algorithm and subset/superset analytics. Results allow us to list nieces the sary conditions for the analyzed outcome. In the next step, the author conducted a qualitative analysis of sources, such as media content, to find in-depth features that contributed to the transformation into civil disorder and to indicate essential features of the phenomenon.

The corpus of sources includes data from the ACLED and domestic media content published: Tyden, Mlada Fronta Dnes, Novinky, Ceske Noviny, Seznam Zpravy, Radiozurnal, Lidove Noviny, Pluska, SME, Topky, DenikN, Forum 24, Hlavny Dennik, Aktualne (Czech Republic), Aktualne (Slovakia), Noviny.sk, Denik, Cas, Teraz, Dnes24, 24hod, Info, TV Noviny SK, CeskaTelevize, Echo 24, SocSol, Vratme Deti do Skoly, Zivot PO, Tydenik Policie, CNN iPrima, TV Nova, Dnes24, Topky, Pravda, Dennik N, Virtualny Nowy Przemysl, Dnes24, Topky, Webnoviny, Bratislavske Noviny, Hlavny Dennik, Kosice Dnes, TV Nova. The comparative analysis is based on the purpose-oriented selection of cases. Czechia and Slovakia, post-communist states in Central-Eastern Europe, had a similar trajectory of dealing with the COVID-19 pandemic. After initial success in both states in the spring of 2020, leaders of the ruling elites decided to change their corona-related strategy from close cooperation with epidemiologists (Czechia) or deputies from other parties (Slovakia) and overestimated their ability to deal with the public health crisis. In Czechia, Prime Minister Babiš continued running the state as if it were a company, while Prime Minister of Slovakia Matovič favored

⁷⁹ McPhail Schweingruber, John D. McCarthy, *Op.cit.*, pp. 51-54; Joanna Rak, Karolina Owczarek, *Op.cit.*, pp. 174-175

the securitization of COVID-19. Nevertheless, both strategies failed, and each of the leaders lost their legitimacy. This undermined the stability of their governments. Additionally, over the months, Babiš and Matovič lost the ability to maintain their position, so their potential partners became critical of their pandemic policies. Therefore, comparative studies seek to find determinants of the transformation of collective actions into civil disorder in social structures.

Results

According to ACLED's data in both states, from March 2020 to March 2022, 399 protests were organized in five cities (273 protests in Czechia, and 126 in Slovakia). One hundred and fifty of them were related to the pandemic policy (101 in Czechia, 49 in Slovakia). The others were related to the economic situation and, after February 22, 2022, also to the Russian aggression in Ukraine. Twice as many corona-related collective actions were organized in Czechia than in Slovakia. Similarly, corona-related protests occurred more often in Czechia. However, only 21 corona-related collective actions in both states transformed into civil disorder (8 in Czechia, 13 in Slovakia). Although more demonstrations were organized in Czechia, the phenomenon occurred more often in Slovakia, which increased the risk of civil disorder. Considering information about COVID-19 cases from Our World in Data⁸⁰, in the two states, the transformation of collective actions into civil disorder did not coincide with waves of coronavirus. Instead, civil disorder mainly occurred when new restrictions were put in place (Czechia), and the government crisis stemmed from distrust of the pandemic policy (Slovakia). Therefore, civil disorder incidents were a response to the strategy of dealing with the pandemic. The frequency of civil disorder cases is presented in the diagrams below. Value 1 means a civil disorder that occurred on a specific day, whereas 0 marks corona-related collective actions, which did not transform into civil disorder:

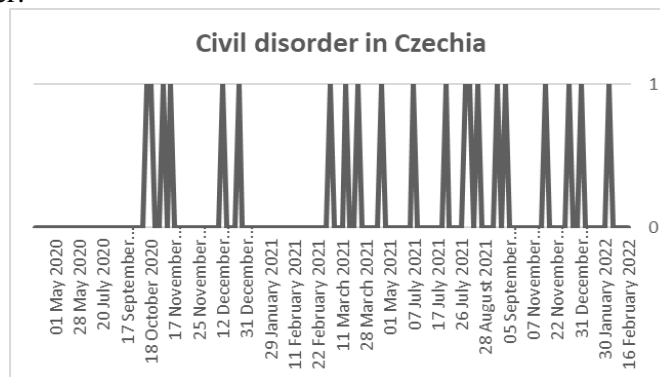


Diagram 1. Civil Disorder Cases in Czechia⁸¹



Diagram 2. Civil Disorder Cases in Slovakia⁸²

⁸⁰ *Coronavirus (COVID-19) Cases*, <https://ourworldindata.org/covid-cases> (5.11.2023)

⁸¹ *Idem*

The QCA is allowed to indicate necessary conditions for the outcome or its absence⁸³. For this purpose, the author followed provisions on the value of measures for a constituency and the coverage. The first is a numerical expression of the extent to which empirical evidence is in line with the relation. Essentially, the consistency threshold above which a condition could be considered necessary should not be below 0.9. In turn, coverage is a measure of how trivial a condition is regarding the outcome. The coverage was used to calculate how much of the entire outcome (transformation of collective actions into civil disorder) is “explained” by a causal condition (factor of protest policing). Firstly, it is worth noting that such factors as RESPECT, TOLERANCE, and COMMUNICATION occurred in all cases of negotiated management variants, and according to QCA’s provisions, the same value means that conditions are irrelevant. Therefore, the author avoided them while building notations to indicate necessary conditions.

Calculation of every possible configuration of factors allowed us to indicate that the combination of ARREST and FORCE (value: 0.95) was the necessary condition of the outcome, with full coverage (value: 1.0). The same values occurred in the case of combinations of these factors with PARTISANSHIP. Therefore, the last one is irrelevant and does not change the value of consistency. However, the last factors occurred in fewer (2) cases to be classified as equally important as ARREST and FORCE. Both demonstrations took place in Bratislava, and a common feature was the participation of opposition politicians. The analysis of the lack of outcome (no transformation of collective actions into civil disorder) allows us to conclude that all possible configurations of factors in the negotiated management model may be recognized as necessary conditions. However, the highest values of coverage occurred in two conditions: ~ARREST (0.94) and ~FORCE (0.94). Therefore, the presence of one of these factors increases the lack of outcome more than others. Summarizing, the QCA provided evidence that the variants of arrests as a method of managing demonstrators and the use of **force** were crucial for the trajectory of collective actions in pandemic-ridden Czechia and Slovakia.

The QCA allowed us to indicate necessary conditions for the outcome or its absence. To determine them, it is necessary to follow provisions related to the value of measures for a constituency and the coverage. It is a numerical expression of the extent to which empirical evidence aligns with a set relation. As a practical rule, the consistency threshold above which a condition could be considered necessary should not be below 0.9⁸⁴. In turn, the coverage measures how trivial a condition is for an outcome. The coverage was used to calculate how much of the entire outcome (transformation of collective actions into civil disorder) can be "explained" by a causal condition (protest policing). Firstly, it is worth noting that factors such as RESPECT, TOLERANCE, and COMMUNICATION occurred in all cases in the negotiated management variant, and according to QCA provisions, that same value means that conditions are irrelevant. Therefore, the author avoided them while formulating notations to determine the necessary conditions.

The calculation of every possible configuration of factors indicated that the combination of ARREST and FORCE (value: 0.95) was a necessary condition for the outcome, with full coverage (value: 1.0). The same values occurred in a combination of these factors with PARTISANSHIP. Therefore, the last one is irrelevant as it does not change the value of consistency. However, the factors occurred in too few cases (2) to classify them as crucial than ARREST and FORCE. Both demonstrations took place in Bratislava, and their common feature was the participation of opposition politicians. The analysis of the lack of outcome (no transformation of collective actions into civil disorder) showed that all configurations of factors were possible in the negotiated management model. Thus, they may be recognized as necessary conditions. However, the highest coverage values occurred in two instances: ~ARREST (0.94) and (~FORCE0.94). Therefore, the occurrence of one of these factors increases the probability of the lack of outcome more than others. In summary, the QCA analysis provided evidence that the arrests as a method of managing demonstrators and the use of force were crucial for the trajectory of collective actions in pandemic-ridden Czechia and Slovakia.

After the necessary conditions for the transformation of collective actions into civil disorder are determined as widespread arrests. Even if the law was breached and certain behaviors forced by police officers in confrontation with protesters, it is worth examining the essential features of the demonstrations. In Czechia,

⁸² *Idem*

⁸³ *Annex to the paper entitled From Collective Action to Civil Disorder: Comparative Analysis of Pandemic-ridden Czechia and Slovakia*

⁸⁴ Charles C. Ragin, *Set relations in social research: Evaluating their consistency and coverage*, “Political Analysis”, Vol. 14, No. 3, 2006, pp. 291-310

forms of civil disorder depended on forms of physical violence in response to coercive measures used by the police. For instance, football hooligans intentionally seek to clash with the police. One incident occurred on October 18, 2020, in Prague, after the protest was disbanded, chiefly due to the violation of hygiene measures. Hooligans began to throw bottles, firecrackers, and garbage cans, and the square became shrouded in smoke from chimneys. Some protesters expressed their intention to harm the Czech Health Minister or made the Nazi salute. In response, the police used firecrackers, tear gas, and dog handlers to disperse most of the protesters. Water cannons were also deployed. This incident contrasted with mostly peaceful protests in Czechia. Police officers confiscated various items, such as brass knuckles, collapsible truncheons, fireworks, and a gun. Then, the police changed their tactics to document offenses rather than engaging in large-scale maneuvers to disperse crowds⁸⁵. The police action against hooligans was supported by President Miloš Zeman, who condemned the protesters. Prime Minister Andrej Babiš also expressed astonishment at the recklessness and selfishness of some citizens who put themselves and others in danger. Police officers initially attempted to communicate with the protesters, emphasizing the need to maintain social distancing and wear facial masks. In short, police officers had support from the executive power, which legitimized law enforcement actions and blamed protesters for stimulating civil disorder. In the official state narrative, police actions were described as justified responses to protesters' behavior. This explained changes in the model of protest policing.

In general, other protests in Czechia against pandemic policies primarily involved collective actions and did not pose a significant threat to public order and safety. They focused on economic issues rather than opposing mass vaccination programs. They were also supported by members of opposition parties and political associations but mostly by non-parliamentary entities with marginal social support. The presence of anti-vaccination movement members primarily did not determine the transformation of collective actions into civil disorder. It confirmed that accidental cases of civil disorder were the result of a combination of hooligan aggressive behavior and police responses to these actions. Police partiality there was minimal, even if former Prime Minister Babiš attempted to label protesters, especially anti-vaccination activists, as agents of the opposition. Police officers focused on maintaining public order and, even in the face of rapidly decreasing support for the government, became independent in protest policing.

In Slovakia, football hooligans also resorted to physical violence. However, the main feature of corona-related protests, including forms of civil disorder, was the participation of members of mainstream opposition parties. Their presence during assemblies under the party's banner was reported nine times and seven of them escalated to civil disorder. The presence of radical opposition parties (People's Party Our Slovakia, Slovak National Party, and Direction - Social Democracy) legitimized the use of violence by protesters (e.g. on October 19, 2020, in Bratislava). Therefore, being the "enemies of the establishment", they supported incidents that increased the risk of civil disorder. Other essential features of corona-related protests, which transformed into civil disorder, were obstructing, and devastating public infrastructure and spaces. In both cases, police officers responded by using force and arresting the most dangerous individuals. On July 23, 2021, protesters against vaccination programs blocked entry to the Slovak parliament during a debate on exempting people vaccinated against COVID-19 from some domestic restrictions. Police officers used tear gas to disperse crowds trying to break into the parliament building⁸⁶. One policewoman was injured⁸⁷.

Then, on September 1, 2021, several thousand people took to the streets of the two largest Slovak cities, Bratislava and Košice, to protest government and pandemic restrictions. Demonstrations in the capital were orchestrated by the People's Party Our Slovakia and transformed into civil disorder.

On December 16, 2021, during a protest in Bratislava, Robert Fico, former Prime Minister, and the leader of the Direction - Social Democracy party, was arrested by the police for a few hours just before the protest started. It was a case of unfair and inadequate repressions used against one of the most important opposition politicians. Then, his popularity among opponents of the pandemic policy increased. Fico became

⁸⁵ *Demonstrace proti vládním opatřením se změnila v potyčky s těžkooděnci. Policie zadržela přes 100 lidí*, https://www.irozhlas.cz/zpravy-domov/praha-protesty-koronavirus-fotbalovy-fanousci-demonstrace-staromestske-namesti_2010181508_tkr (5.11.2023)

⁸⁶ *Protesters attempted to enter parliament, and police intervened with tear gas (updated)*, <https://spectator.sme.sk/c/22707443/people-protest-against-covid-related-measures-in-front-of-the-parliament.html> (4.02.2023)

⁸⁷ *'Fooled by disinformation': Vaccine protests at Slovak parliament*. <https://www.euronews.com/2021/07/23/fooled-by-disinformation-vaccine-protests-at-slovak-parliament> (4.02.2023)

recognized as a victim of the illegal police action. The anti-vaccination movement organized clashes with the police. In response, the police used water cannons and tear gas against demonstrators. Three people were brought into custody, while another three were injured⁸⁸. On December 31, 2021, Fico was detained again when he was about to make a statement to the media to encourage people to protest despite restrictions on gatherings⁸⁹. Therefore, the level of police partiality was higher than in Czechia. The leader of the opposition party was arrested and detained without any reason. Labeling protesters as opposition agents by the ruling elites was strengthened by the open support for demonstrators from some opposition politicians. Nevertheless, compared with Czechia, the Slovak ruling elites supported the police in public, which decreased the legitimacy of law enforcement decisions. Therefore, a higher level of partisanship did not impact wide support for the police from the government. In Slovakia, the extent and scope of using arrests and force against protesters were higher and occurred more frequently than in Czechia. Despite similar approaches to the respect to freedom of assembly, tolerance of disruption, and communication between officers and protesters, arrests as a method to manage demonstrations, the use of force, and police partisanship occurred in the escalated force model. This triggered more civil disorder instances than in Czechia.

Conclusions

In summary, comparative studies led to several conclusions regarding the trajectory of coronavirus-related protests in pandemic-ridden unconsolidated democracies. The QCA analysis provided evidence that the necessary condition for the full coverage of demonstrations analyzed was a combination of arrests as a method of managing demonstrators and the use of force in the escalated force variant. Therefore, these two factors were more important than the others. This applied especially to the right of peaceful assembly, tolerance to disruption, and communication with protesters which occurred in the negotiated management model. It confirmed that protest policing in both states had a hybrid nature. On the one hand, law enforcement services tried to maintain communication with protesters and provide non-discriminatory treatment of participants in anti-government demonstrations and disruption as a by-product of manifestations. On the other hand, in a few cases when violence was used by protesters the police abandoned the negotiated management model and resorted to escalated force. Furthermore, in some instances, the negotiated management model included collective actions without the transformation to civil disorder. Therefore, in the case of collective actions, it is crucial to resign from widespread arrests and the use of force to avoid civil disorder. In Czechia, civil disorder involved the participation of armed hooligans and the use of physical violence, whereas, in Slovakia, civil disorder occurred when protesters devastated public spaces. This happened in conjunction with violence addressed to police officers and when members of opposition parties participated in these demonstrations. Experiences of pandemic-ridden Czechia and Slovakia confirmed that the combination of McPhail, Schweingruber, and McCarthy's approach with Rak and Owczarek's proposition was useful for exploring protests during the coronavirus crisis.

Considering della Porta and Reiter's typology, the following factors occurred in both states: prohibited behavior, timing of law enforcement, involvement of repressed groups, and degree of communication with demonstrators. Therefore, the latter offers a less in-depth explanation of the difference between collective actions and civil disorder. This study also confirmed Rak's findings that since the 2007-2009 economic crisis law enforcement has often applied a hybrid strategy to the policing of protests. Experience from Czechia and Slovakia showed that the use of extensive arrests and force by police officers in the escalated force model increased the risk that collective actions may transform into civil disorder. At the same time, factors related to the respect of freedom of assembly, tolerance of disruption, and communication with protesters were close to the negotiated management model. As regards police partiality, it is hard to determine its role as a factor that occurred in both states. Therefore, to explain the transformation of collective actions into civil disorder we need further studies and cases involving diversified models of protest policing.

The results of the study also provided the methodological contribution that the crisp-set QCA technique to differentiate the impact of various factors on protest policing. Therefore, in pandemic-ridden post-

⁸⁸ *Anti-government protests take place in Slovakia's two largest cities*, https://www.euractiv.com/section/politics/short_news/anti-government-protests-take-place-in-slovakias-two-largest-cities (4.02.2023)

⁸⁹ *Slovakia police arrest former PM Fico ahead of rally*, <https://www.dw.com/en/slovakia-police-arrest-former-pm-fico-ahead-of-rally/a-60154805> (4.02.2023)

communist democracies in Central-Eastern Europe **arrests as a method of managing demonstrators and the use of force** in the escalated force variant were more significant than other factors that contributed to the transformation of collective actions into civil disorder.

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Annex to a Paper Entitled "From Collective Action to Civil Disorder. Comparative Analysis of Pandemic-Ridden Czechia and Slovakia"

Statistics Variable	Mean	Std. Dev.	Minimum	Maximum	N Cases	Missing	
civil disorder	0.14	0.346987	0	1	150	0	
RESPECT	1	0	0	1	150	0	
TOLERANCE	1	0	0	1	150	0	
COMMUNICATION	1	0	0	1	150	0	
ARREST	0.08666667	0.281346	0	1	150	0	
FORCE	0.08666667	0.281346	0	1	150	0	
PARTISANSHIP	0.01333333	0.1146977	0	1	150	0	

Analysis of Necessary Conditions | Outcome variable: civil disorder

Conditions tested:

Consistency Coverage

ARREST+FORCE+PARTISANSHIP 0.952381 1.000000

ARREST+FORCE 0.952381 1.000000

ARREST+PARTISANSHIP 0.619048 1.000000

FORCE+PARTISANSHIP 0.714286 1.000000

Analysis of Necessary Conditions | Outcome variable: ~civildisorder

Conditions tested:

Consistency Coverage

~ARREST+~FORCE+~PARTISANSHIP 1.000000 0.860000

~ARREST+~FORCE 1.000000 0.895833

~ARREST+~PARTISANSHIP 1.000000 0.871622

~FORCE+~PARTISANSHIP 1.000000 0.860000

TRUTH TABLE ANALYSIS

Model: civildisorder=f(RESPECT, TOLERANCE, COMMUNICATION, ARREST, FORCE, PARTISANSHIP)

Algorithm: Quine-McCluskey

--- COMPLEX SOLUTION ---

frequency cutoff: 2

consistency cutoff: 1

raw unique

coverage consistency

RESPECT*TOLERANCE*COMMUNICATION*ARREST*~FORCE 0.333333 0.333333 1

RESPECT*TOLERANCE*COMMUNICATION*FORCE*~PARTISANSHIP 0.619048 0.619048 1

solution coverage: 0.952381

solution consistency: 1

TRUTH TABLE ANALYSIS

Model: civildisorder=f(RESPLECT, TOLERANCE, COMMUNICATION, ARREST, FORCE, PARTISANSHIP)
Algorithm: Quine-McCluskey

--- PARSIMONIOUS SOLUTION ---

frequency cutoff: 2
consistency cutoff: 1
raw unique
coverage consistency

ARREST 0.619048 0.333333 1
FORCE 0.619048 0.333333 1
solution coverage: 0.952381
solution consistency: 1

TRUTH TABLE ANALYSIS

Model: civildisorder=f(RESPLECT, TOLERANCE, COMMUNICATION, ARREST, FORCE, PARTISANSHIP)
Algorithm: Quine-McCluskey

--- INTERMEDIATE SOLUTION ---

frequency cutoff: 2
consistency cutoff: 1
Assumptions:
ARREST (present)
FORCE (present)
PARTISANSHIP (present)
raw unique
coverage consistency

RESPLECT*TOLERANCE*COMMUNICATION*ARREST 0.619048 0.333333 1
RESPLECT*TOLERANCE*COMMUNICATION*FORCE 0.619048 0.333333 1
solution coverage: 0.952381
solution consistency: 1

THE ROLE OF THE EU AS A NORMATIVE POWER ON THE PROTECTION OF HUMAN RIGHTS IN ALBANIA⁹⁰

Abstract:	<p><i>Protection of human rights is a core value for the EU as well as a precondition for candidate countries. The European Commission, through the annual progress reports, monitors the protection of human rights and compliance of domestic legislation with international human rights instruments, particularly the European Convention on Human Rights.</i></p> <p><i>EU membership has always been the most cherished objective and has shaped the implementation of structural reforms and the protection of human rights. The European Union has grown as a normative power fostering democracy and promoting human rights through the promise of future accession.</i></p> <p><i>After the fall of the communist regime Albania has made significant progress toward respect for civil and political rights but still now due to the last report of the Freedom House is defined as partly free. The respect for civil liberties, especially the freedom of expression is still one of the main problems in Albania. While the Constitution guarantees freedom of expression, the intermingling of powerful business, political, and media interests inhibits the development of independent news outlets.</i></p> <p><i>The paper aims to analyze how the EU perspective membership has influenced the protection of human rights, especially civic rights like the freedom of media and expression, but also its limits.</i></p> <p><i>Methodologically, will be analyzed and compare progress reports, public speeches and declarations, national integration strategies, and the revised enlargement strategy.</i></p>
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Introduction and Theoretical Approach

The article analyzes the impact of the integration process on the protection of human rights in Albania, after granting the candidate status in 2014. The EU has been considered the only possible choice for Albania after the communist regime and a constant Albanian foreign policy objective. The EU has made a solid effort to promote and protect human rights, especially since the Treaty of Lisbon. As De Burca explains, the Treaty of Lisbon identified human rights as a foundational value of the EU, and this is evident due to the binding character of the European Charter of Fundamental Rights and the commitment of the EU to be part of the European Convention on Human Rights⁹¹.

⁹⁰ This article has been written in the framework of the Jean Monnet Center of Excellence "The Europeanization of Public Policies in Albania" 101048064 – EPPAL- Erasmus-JMO-2021-HEI-TCH-RSCH

⁹¹ Grainne De Burca, *The Road Not Taken: the European Union as a global human rights actor*, "The American Journal of International Law", Vol. 105, No. 4, 2011, p. 649

The EU promotes civil, political, and human rights, peace, liberty, and the rule of law; in Manners's words, it enables these core norms embodied in the EU treaties⁹². Consolidation of democracy, the rule of law, social justice, and respect for human rights are core values of the EU, institutionalized in the TEU and promoted in the candidate countries⁹³. (Article 2 and Article 6, TEU) This ability to influence states' behavior to internalize the EU values defines the EU as a *distinct* actor in politics and as a normative power⁹⁴.

The normative influence of the EU in Albania is strictly connected with the enlargement process, and these two aspects cannot be distinguished.⁹⁵ Through the enlargement process and Conditionality, the EU promotes and influences the reception of these values. Using Junco's theory, we can assume that the EU promotes core norms and values through Conditionality in the region, and we need to evaluate the power practices exhibited and the impact of this power.

Conditionality is defined as an instrument facilitating the diffusion of European norms, a tool for normative power transference when the EU relates with other states⁹⁶. Also, Conditionality is the EU's most potent instrument for dealing with the candidate and potential-candidate countries like Albania. Conditionality is the most powerful of the six diffusion factors mentioned by Manners in the Albanian case and generally in the Western Balkan case. EU conditionality aims to integrate the Balkan states into the EU: it intends to promote reform, prescribe criteria attached to EU-granted benefits, and differentiate among countries by assessing each on its own merits⁹⁷. The Conditionality used till now in Albania is positive and not negative. Until now, the EU practice has not involved a "punishment"; if one state fell short of applying a reform, the integration process was delayed, and its benefits were withheld⁹⁸.

However, using positive Conditionality in the region is often considered a fallout on the definition of the EU as a normative power and as a limit on enforcing EU norms⁹⁹. This fact can be actual regarding the influence of the EU as an international actor outside the continent. But, in the Balkans, the EU has assumed a "gatekeeping" behavior, as Grabbe describes it, to encourage and reward positive steps and performance but not to discourage the other states too much¹⁰⁰.

Using this positive Conditionality, the EU impacted the promotion of essential reforms and values such as democracy, respect for the rule of law, and the protection of human rights in the region, offering financial and technical assistance to meet the EU conditions. By 2023, European membership will be vital to the region's future, and all the countries are advancing the institutional framework built by the SAA. Conditionality is a powerful tool of the normative power in Albania. Still, another critical aspect that enforces the normative power of the EU is the high support of public opinion for the integration process. Also, the normative influence is possible due to the willingness to be open toward the normative power of the EU. Integration has always been the primary goal of Albanian foreign policy. Also, public opinion perceived the integration as a sign of political stability, economic progress, and social equality—in this way, the necessary reforms are often seen as a positive step. So, the Balkan Public Barometer in 2022, a survey conducted among private citizens and businesses in the region commissioned by the Regional Council, finds that in Albania, the support for EU membership is at 89%¹⁰¹. The EU uses the instrument of Conditionality to be a normative power in Albania,

⁹² Ian Manners, *Normative Power Europe: A contradiction in terms?*, "Journal of Common Market Studies", Vol. 40, No. 2, 2002, pp. 235-258

⁹³ *Treaty of the European Union*, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF, (13.11.2022)

⁹⁴ *Idem*

⁹⁵ Ana E. Juncos, *Normative Power Europe, Empirical and theoretical perspectives*, Palgrave Macmillan, London, 2011, p. 87

⁹⁶ Ian Manners, *Normative Power Europe: A contradiction in terms?*, "Journal of Common Market Studies", Vol. 40, No. 2, 2002, p. 235

⁹⁷ Othon Anastasakis, *The Europeanization of the Balkans*, "The Brown Journal of World Affairs", Vol. 12, No.1, 2005, pp. 77–88, <http://www.jstor.org/stable/24590667> (08.11.2023)

⁹⁸ Nathalie Tocci, *The European Union as a normative foreign policy actor*, 2008, <https://www.ceps.eu/> (08.11.2023)

⁹⁹ Raja Noureddine, *Normative Power Europe and in Field of Human Rights: is EU a force of good in the world?*, "Australia and New Zealand Journal of European Studies", Vol. 8, No. 2, 2016, p. 4

¹⁰⁰ Heather Grabbe, *European Union Conditionality and the 'Acquis Communautaire*, "International Political Science Review", Vol. 23, No. 3, 2002, pp. 249–68, <http://www.jstor.org/stable/1601310> (08.11.2023)

¹⁰¹ Regional Cooperation Council, *Balkan Barometer 2023*, <https://www.rcc.int/balkanbarometer/results/2/public> (09.11.2023)

but this is also related to the political elite desire to be part of the EU and with a solid European feeling and support for the integration process from the public opinion.

This high level of support influences the adoption of the necessary reforms and the amendment of the secondary legislation to protect human rights. The EU has used strategies to promote human rights, mitigating Albanians' lack of tradition in human rights issues. In Albania, respect for human rights is a recent issue, as during the communist regime, Albania lacked human rights protection tools, especially the right to life, freedom of speech, belief and religion, detainee rights, vulnerable groups, etc. To embrace the protection of human rights and to cut ties with the communist past, in 1996, Albania ratified the European Convention on Human Rights and its Protocols. Embracing the protection of human rights leads to a more just and equitable society. Albania has undertaken legal reforms that prioritize and protect human rights that involve revisiting and amending existing laws to align them with international and European human rights standards. The EU provides guidance and support to Albania in its accession process, which includes adopting and implementing human rights reforms. The European Union has a vital role in the protection of human rights in Albania. The ratification of the international instruments and national reforms were adopted due to the integration process to fulfill the accession criteria.

The EU attaches conditions to the accession process, requiring Albania to make tangible improvements in human rights protection. This Conditionality incentivizes Albania to address issues such as corruption, judicial independence, media freedom, and the rights of vulnerable groups. Due to the EU's Conditionality, Albania ratified Protocol 13 of the ECHR. As a Council of Europe member, Albania needed to abolish capital punishment, but the use of Conditionality of the European Union convinced the Albanian government to ban the penalty in any circumstance¹⁰². The abolishment of the death penalty was a clear sign of dissociation from the communist past.

Also, from 2016 until now, the European Union in Albania has acted as an essential normative power to adopt and implement the reform of the judicial system. It is considered crucial in the integration process and is being implemented under the observation of the EU. The reform was undertaken due to the need to rebuild the judiciary system to ensure it is accountable, transparent, and independent. Strengthening the judiciary, law enforcement agencies, and other government bodies will help protect human rights and prevent abuse of power. In this case, the EU used Conditionality and clarified that the integration process was at stake without justice reform.

However, while Conditionality enhances the legal framework, it cannot ensure its implementation. The EU monitors Albania's progress in human rights protection through various mechanisms, such as regular reports and assessments. According to the Progress Reports on freedom of expression, the legal framework is adequate with European values, but its performance still needs to improve. This specific case will be considered in the next part of the article.

The Freedom of Expression in Albania 2014-2022

For many years during the communist regime, Albania lacked freedom of expression and free speech due to one of the most ferocious dictatorial regimes in Europe. After the fall of communism, Albania began the first baby steps to protect civil liberties like freedom of expression and belief. Also, the immediate post-communist period was characterized by the politicization of media and the emergence of the media as a place of conflict and a party press¹⁰³. During the first decade of the democratic changes, the analysts concurred that there was no political will to implement existing laws and to improve legislation on freedom of expression, media, and access to information¹⁰⁴.

The legal instruments dedicated to the freedom of expression are the Constitution, the European Convention on Human Rights, and many laws. The Albanian Constitution protects the freedom of the press, radio, and television and prohibits the censorship of the means of communication. (Articles 22 and 23). The Constitution aligns with the European Convention on Human Rights, which protects everyone's freedom of

¹⁰² Meljana Bregu, *The Impact of the Council of Europe and the Process of European Integration on Protection of Human Rights in Albania*, "The Review of European Affairs", Vol .4, No. 7, 2020, p.19

¹⁰³ Marta Dyczok, Oksana Viktorovna Gaman-Golutvina, *Media, Democracy and Freedom: The post-Communist Experience*, Peter Lang, Bern, 2009, p. 177

¹⁰⁴ IREX, *Media Sustainability Index-Albania*, 2009, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2009-albania.pdf.pdf> (10.11.2023)

expression. (Article 10). In addition to the constitutional framework, Albania has adopted a broad legal framework related explicitly to the media, information, and mass communication over the years to protect the freedom of media and expression. This legislative framework aims to fulfill the European free and independent media standard. There is no special law that regulates written media. The visual media is regulated by the law on audiovisual media (97/2013); other laws are the law on the right to information (2014), the law on Electronic Communications (2008, with some amendments in 2012), the Personal Data Protection Law (2008, with some revisions in 2012 and 2014)¹⁰⁵. The progress of the European integration process impacted the legislative framework, especially after granting the candidate status. So, in this angle, Albania, due to the commitment to align national legislation with the EU legal framework, amended the 97/2013 law on audiovisual media in 2019 to be in line with the directive 2010/13/EU (*Audiovisual Media Services Directive*)¹⁰⁶, considering the changing realities of the market¹⁰⁶. The law was amended again in 2023 to align with the European Directive 2018/1808, which amended the 2010 directive.

Regardless of these developments in the legal framework, the influence of politics over media has always been evident in Albania, which aimed to exercise greater control over the media to convey to the citizens the information that it wants to share and not what is objective and accurate as it is. Albanian legislation prohibits the establishment of radio or television stations owned by the parties to avoid the direct control of political parties over audiovisual media, but the relations between media and politics remain evident.

The progress reports after the candidate status declared almost the same problems and findings. In May 2014, after granting the candidate status, Albania adopted the new National Strategy for Development and Integration, laying down and structuring its planned reforms under the key priorities. The European Commission's 2014 progress report declares that Albania has some level of preparation concerning the right to freedom of expression and has made some progress. However, better implementation of the legislation is needed. The National Strategy affirms the alignment of the legislation for the protection of human rights with EU legislation and its implementation as a challenge to the protection of human rights¹⁰⁷.

According to the Progress Report in 2014, the lack of transparency in media financing and the use of the media to promote political and private economic interests were significant challenges¹⁰⁸. In 2015, the European Commission evaluated the progress made within a year, especially the alignment of the Constitution and the legislation with European standards and international human rights law. Still, it recommended enhancing the transparency of government advertising in the media¹⁰⁹. Concern about using the media as a tool to promote political and private interests remains a common denominator of the last 12 years of Progress Reports.

In 2016, the country made no progress on freedom of speech, and the problem of transparency of government advertising needed to be addressed. The Commission recommended the introduction of legislation in line with European and international best practices on this problem¹¹⁰. The same recommendations were made in 2017 and 2018, but the problem still needs to be addressed, and the situation remains almost the same.

From 2019 to 2022, the country experienced a worsening freedom of speech. In June 2019, an international mission composed of the representatives of 6 organizations and organized by the European Center for Press and Media Freedom visited Albania. According to the delegation press freedom in Albania needed to be improved due to non-transparent relations between the public administration and the press, inappropriate language from the government to the journalists, and a small number of critical journalists.¹¹¹

¹⁰⁵ *Raportimi i Ngjarjeve Kriminale dhe Çështjeve Gjyqësore në Media*, <https://www.reporter.al/manualidrejtise/LIRIA%20E%20SHPREHJES%20DHE%20E%20MEDIAS.html> (10.11.2023)

¹⁰⁶ OSCE, *Legal analysis on the draft laws on changes and amendments to the law on audiovisual media and the law of electronic communications, in the Republic of Albania*, <https://www.osce.org/files/f/documents/e/1/440879.pdf>, p.11 (10.11.2023)

¹⁰⁷ Council of Ministers, *National Strategy for Development, and Integration 2015-2020*, <https://ips.gov.al/wp-content/uploads/2019/11/NSDI-eng.pdf> (10.11.2023)

¹⁰⁸ European Commission, *2014 Albania Progress Report*, https://neighbourhood-enlargement.ec.europa.eu/system/files/2018-12/20141008-albania-progress-report_en.pdf (10.10.2023)

¹⁰⁹ European Commission, *2015 Albania Progress Report*, https://neighbourhood-enlargement.ec.europa.eu/system/files/2018-12/20151110_report_albania.pdf (10.10.2023)

¹¹⁰ European Commission, *2016 Albania Progress Report*, https://neighbourhood-enlargement.ec.europa.eu/system/files/2018-12/20151110_report_albania.pdf (10.10.2023)

¹¹¹ European Centre for Press & Media Freedom, *Albania: Preliminary findings of joint freedom of expression mission, 2019*, <https://www.ecpmf.eu/albania-preliminary-findings-of-joint-freedom-of-expression-mission/> (11.11.2023)

This situation was due to a smear campaign against journalists from important political actors like Prime Minister Edi Rama and the leader of the opposition. Prime Minister Rama usually referred to the media as the "kazan" trash bin and the opposition leader Lulzim Basha as "caught" media and serves of the government¹¹². Reporters Without Borders, in 2019, noted a significant decline in levels of press freedom in Albania due to the government attack on the media; Albania was ranked 82nd down to 7 places¹¹³.

2019 was one of the worst years for media freedom in Albania, also due to the introduction of the 'anti-defamation' package, which was a direct threat to online media and to the freedom of media in general and an attempt to take control over the press with the excuse of fighting fake news¹¹⁴. In December, the Albanian parliament intended to pass two laws as part of the "Anti-Defamation" package aimed at organizing virtual media and fighting fake news, in theory¹¹⁵. However, the real *ratio* of the amendments was the control of virtual media through the introduction of state regulation of online media, which constitutes a threat to the freedom of expression and transparency. Introducing mandatory registration requirements for online media and establishing an administrative body with the power to fine, shut down, and block foreign online media without a court order raises important considerations related to freedom of expression, media independence, and potential abuse of power. While there may be legitimate concerns about the spread of misinformation and the need to regulate online media, it's crucial to strike a balance between ensuring accountability and safeguarding fundamental rights¹¹⁶. By vesting judicial powers to two national media operators, the Audiovisual Media Authority (AMA) and Electronic and Postal Communications Authority (AKEP), all online media would have been under the supervision of the state¹¹⁷.

This was contrary to international best practices, European values, the Albanian Constitution, and the European Convention on Human Rights, and it would have brought an ulterior deterioration of the freedom of expression and press freedom in Albania. The Albanian President vetoed the package. In this environment, we can identify one clear example of the influence of the normative power of the European Union in Albania regarding the freedom of media and expression. The EU reacted with local journalists' associations and international press freedom groups, including the Reporters without Borders, were immediate. In 2020, the President of the European Parliament visited Albania after the Council's adverse decision on opening the accession negotiations. He also stated the importance of the freedom of media and expression as fundamental values of the EU¹¹⁸.

The EU, Council of Europe, OSCE, and the Venice Commission also reviewed the package. The Venice Commission considered that these amendments were dangerously vague and may produce a "chilling effect" on the freedom of online journalism and not ready for adoption. The draft amendments were postponed for revision¹¹⁹. Journalism Organizations from Albania and the region asked the European Commission to intervene. The Commission didn't consider the withdrawal of the amendments as a condition for the accession

¹¹² *Idem*

¹¹³ Reporters Without Borders, *Albania 2019*, <https://rsf.org/en/country/albania> (11.11.2023)

¹¹⁴ Albanian Media Institute, *Albania ranks 84th in Reporters without Borders' 2020 World Press Freedom Index*, <https://www.institutemedia.org/albania-ranks-84th-in-reporters-without-borders-2020-world-press-freedom-index/> (11.11.2023)

¹¹⁵ Albanian Helsinki Committee, *National Barometer of Media Freedom in Albania*, Tirana: Albanian Helsinki Committee, 2020, p. 16, <https://ahc.org.al/wp-content/uploads/2021/10/National-Barometer-on-Media-Freedom.pdf>. (11.11.2023)

¹¹⁶ European Centre for Press & Media Freedom, *Albania: Preliminary findings of joint freedom of expression mission, 2019*, <https://www.ecpmf.eu/albania-preliminary-findings-of-joint-freedom-of-expression-mission/> (11.11.2023)

¹¹⁷ Rovena Sulstarova, *The defamation package violates human rights and the Constitution, Tirana, Albania* <https://idmalbania.org/defamation-package-december-2019/> (23.10.2023)

¹¹⁸ European Parliament, *President Sassoli to visit Tirana: Let us turn disappointment into new energy for the way forward*, https://www.europarl.europa.eu/former_ep_presidents/president-sassoli/en/newsroom/president-sassoli-to-visit-tirana-let-us-turn-disappointment-into-new-energy-for-the-way-forward.html (11.11.2023)

¹¹⁹ Venice Commission of the Council of Europe, *Annual Report of Activities 2020*, p.9, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-RA\(2020\)001-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-RA(2020)001-e). (11.10.2023)

talks but recommended that the changes to media law should respect the European standards and the Venice Commission's opinion¹²⁰.

After the European reaction, the ruling party followed the Venice Commission's opinion. The Progress Report recognized the stepping back of the government, but due to the findings, more progress was needed in freedom of expression¹²¹. The prime minister and the ruling party stepped back due to internal and external pressure; the EU was clear that the media law needed to be in line with the Venice Commission's accommodation. The situation still needs to improve despite the European Commission's insistence on media freedom. Albania has good preparation regarding the legislative framework, but implementation still needs to be improved, and the institutions undermine access to information and space of media freedom. Addressing the gap between legislative preparation and implementation, along with improving institutional effectiveness, is crucial for fostering media freedom and access to information in Albania.

The progress reports in 2021 and 2022 have identified the same problems which, after the opening of the accession negotiations, are still there, like the transparency enhancement of government advertising in the media, the independence of the press, and the quality of journalism, which is threatened by the intersection of business and political interest¹²². Albania has a moderate level of preparation, but for almost 5 years, progress has not been made in this field. Freedom House, in its report of freedom in 2022, identified Albania as partly free and estimates that while the Albanian Constitution guarantees freedom of expression, the combination of business, political, and media interests inhibits the development of independent news outlets despite the high number of outlets and visual media in the country¹²³.

Similarly, Reporters Without Borders ranked Albania at 96th among 180 countries and explained the lack of transparency and media pluralism due to the influence of business and politics¹²⁴. In November 2022, the partners of the Council of Europe Platform on the Safety of Journalists organized a two-day mission in Tirana. According to their report, Albania experiences no progress in media freedom. The legal framework is adequate, but there needs to be an improvement for independent journalism and media freedom, especially regarding the need for more transparency and access to information¹²⁵. The screening report 2023 finds that Albania is partially aligned with the EU acquis and European standards on freedom of expression, especially addressing the fact that legal changes should reflect the Council of Europe and Venice Commission's recommendation¹²⁶. The Albanian government is preparing a roadmap that will outline the key measures in response to the screening report specifically addressing Chapter 23, and it remains to be seen in which way the Albanian government will address the issue. This level of preparation cannot fulfill the criteria requested by the EU on freedom of expression.

The problem remains the same: the EU can influence the approval of an appropriate legislative framework and, in some cases, prevent the adoption of an inappropriate legislative framework but cannot ensure the implementation of this legislative framework. Indeed, the concept of normative power referring to the EU's ability to shape global norms and standards through its practices and values, has its limits. When it comes to freedom of expression in Albania, these limits are often evident in the face of political internal interests within the state. The normative power in this specific area didn't overcome political internal interests.

¹²⁰ Alice Taylor, *Albania's declining media freedom won't impact EU accession*, Tirana, <https://www.euractiv.com/section/global-europe/news/albanias-declining-media-freedom-wont-impact-eu-accession/> (10.10.2023)

¹²¹ European Commission, *Albania – Progress Report 2020*, https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-10/albania_report_2020.pdf (11.11.2023)

¹²² European Commission, *Albania – Progress Report 2021*, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-10/Albania-Report-2021.pdf> (11.11.2023)

¹²³ Freedom House, *Freedom in the World -Albania*, <https://freedomhouse.org/country/albania/freedom-world/2023> (23.10.2023)

¹²⁴ Reporters Without Borders, *Albania Factsheet-2023*, <https://rsf.org/en/index/score-eco?year=2023> (23.10.2023)

¹²⁵ Reporters Without Borders, *Albania: Media pluralism and transparency concerns fuel deterioration in media freedom*, 2022 <https://rsf.org/en/albania-media-pluralism-and-transparency-concerns-fuel-deterioration-media-freedom> (23.10.2023)

¹²⁶ European Commission, *Screening Report Albania – 2023*, https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-07/AL%20Cluster_1%20Draft%20screening%20report_external%20version.pdf (11.11.2023)

Conclusions

The article addresses the role of the EU as a normative power in Albania in the protection of human rights. The European Union (EU) has played a significant role in shaping norms and influencing the protection of human rights in Albania. The EU is known for using its normative power to encourage candidate countries, such as Albania, to align their policies and practices with EU standards, including those related to human rights. Human rights are a crucial aspect of the integration process, and the EU often emphasizes the importance of respecting and promoting human rights as part of it. The EU exercises its normative power in different ways, the most common is the use of conditionality. The EU attaches conditions to its engagement with Albania, emphasizing the importance of respecting and protecting human rights. Albania is expected to demonstrate progress in areas such as the rule of law, fundamental rights, and democratic governance as part of the accession process. This conditionality acts as a powerful incentive for Albania to improve its human rights record. By leveraging its normative power, the EU pushes Albania to adopt and implement human rights standards and principles. This influence helps advance the protection of human rights in Albania, promoting democratic values, encouraging respect for fundamental freedoms, and ultimately assisting Albania in cutting ties with its communist past.

In this regard, Albania has undertaken different and important reforms. One important step in the protection of human rights was the ratification of Protocol 13 of the European Convention on Human Rights due to the conditionality of the EU. As a candidate country for EU membership, Albania was expected to align its legal framework and practices with EU standards, which include the abolition of the death penalty. Albania as a state member of the Council of Europe after the ratification of the ECHR suspended the application of the death penalty but only due to the EU conditionality ratified in 2006 Protocol 13 for the abolition of the death penalty in all circumstances. By ratifying Protocol 13, Albania aligned itself with EU norms and values regarding the protection of fundamental rights.

After the granting of candidate status in 2014, Albania has undertaken important reform due to the use of the EU conditionality. The justice reform in Albania has been a significant process aimed at addressing systemic issues in the country's judiciary and ensuring the rule of law. The European Union (EU) has played a crucial role in supporting and facilitating this reform process. The justice reform in Albania is focused on enhancing the independence, efficiency, and transparency of the judiciary. It involves a comprehensive set of measures aimed at improving the overall functioning of the justice system and ensuring the protection of human rights. Through its involvement, the EU aims to ensure that justice reform in Albania is aligned with European standards and principles. The goal is to establish a robust, independent, and efficient justice system that safeguards the rule of law, protects human rights, and enhances the trust of citizens in the judiciary. In this case, the EU was able to influence the adoption of an important reform especially to ensure the political compromise between the government and the opposition to reach the quorum to modify the constitution. The EU was clear on its commitment, the reform was a necessary condition for the progress of the integration process. Despite the success in influencing the adoption of important reforms, normative power and the use of conditionality have their limits regarding the implementation of these reforms.

Therefore, while conditionality can be a powerful tool in promoting human rights, it is not a guarantee of the full and immediate implementation of these laws. The problem remains the same: the EU can influence the approval of an appropriate legislative framework and, in some cases, prevent the adoption of an inappropriate legislative framework but cannot ensure the implementation of this legislative framework. The EU sets expectations and requirements for countries seeking EU membership or cooperation, but ultimately, it is up to the member state to ensure the full implementation and enforcement of human rights.

Indeed, the concept of normative power referring to the EU's ability to shape global norms and standards through its practices and values, has its limits. When it comes to freedom of expression in Albania, these limits are often evident in the face of political internal interests within the state.

The normative power in this specific area didn't overcome political internal interests. In the case of Albania, political internal interests may sometimes hinder the full realization of freedom of expression. While Albania has made progress in adopting legislation that protects freedom of expression, there may still be gaps or inconsistencies in the legal and regulatory framework. Another challenge is the lack of institutional capacity and independence, lack of pluralism, smear campaigns against journalists, and lack of transparency and access to information.

Overcoming these challenges requires a comprehensive approach that includes legal reforms, building institutional capacity, promoting media pluralism, safeguarding the safety of journalists, and fostering a culture of respect for freedom of expression. It also requires continuous monitoring, engagement with civil society organizations, and international support and cooperation to address these challenges effectively. All this panorama cannot depend only on the power of the EU, but it is principally an internal commitment.

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PUBLIC BACKLASH AS A RESULT OF PROTEST POLICING IN PANDEMIC-AFFECTED SPAIN¹²⁷

Abstract:	<p><i>Since the outbreak of the coronavirus pandemic, research into the process of democratic backsliding in the states of the EU has been intensified even more than ever before. After the initial shock connected with the crisis and getting used to the new situation, more and more protests began to appear in opposition to the security measures introduced by the government. In addition, many countries have extended the catalog of powers of the security services that they could use against people who did not comply with the restrictions introduced. The article focuses on society activities in the form of protests in Spain during the first month of the pandemic, from 11 March 2020 when it was officially announced by the WHO to 31 March 2020.</i></p> <p><i>The analysis will answer the following questions: what issues were raised during the protests, what was their purpose? What groups protested in March 2020? Were they peaceful protests or riots, and what were their dynamics of change from peaceful to violent events? What action did the police take against the protesters? The method used in the article is the qualitative method of source analysis. In conclusion, the escalated force policing protest took place 4 times, translating into riots. Protesters took to the streets 34 times in connection with the coronavirus pandemic, and 17 times it was about other issues that were not directly related to the pandemic.</i></p>
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Introduction

Since the outbreak of the coronavirus pandemic, research into the process of democratic backsliding¹²⁸ in the states of the EU has been intensified even more than ever before¹²⁹. Governments adopting measures to counter the spread of the virus in many cases have begun to restrict the rights and freedoms of individuals on a large scale¹³⁰. One of the laws that was treated particularly restrictively was related to freedom of assembly¹³¹.

¹²⁷ This work was supported by the National Science Centre, Poland (Grant Number 2021/43/B/HS5/00290)

¹²⁸ Joanna Rak, Roman Bäcker (Eds.), *Neo-militant Democracies in Post-Communist Member States of The European Union*, Routledge, London and New York, 2022

¹²⁹ Maciej Skrzypek, *Democratic Backsliding in Poland on Example Draft Amendments in Electoral Code During the COVID-19 Pandemic*, "Polish Political Science Yearbook", Vol. 50, No. 2, 2021, pp. 37-50; Joanna Rak, Roman Bäcker, Przemysław Osiewicz, *The Right to Exercise Protest Under Threat? Between the Rise of Autocracy and Democratic Resilience in Crisis-Driven Poland*, "Political Life", Vol. 3, 2021, pp. 5-10

¹³⁰ Kamila Rezmer-Plotka, *Restrictions of Religious Freedom as an Indicator of Militant Democracy: Instrumental Treatment of Religion in Spain in 2009-2019*, "Aportes. Revista de Historia Contemporánea", Vol. 36, No. 107, 2021, pp. 69-98; Maciej Skrzypek, *Between Neo-militant and Quasi-militant Democracy: Restrictions on Freedom of Speech and the Press in Austria, Finland, and Sweden in 2008-2019*, "European Politics and Society", Vol. 24, 2023, No. 5, pp. 552-571

¹³¹ Przemysław Osiewicz, *Limitations to the Right to Freedom of Assembly in Poland during COVID-19 Pandemic: The Case of Women's Strike*, "HAPSc Policy Briefs Series, Vol. 1, No. 2, 2020, pp. 195-200, Kamila Rezmer-Plotka, *Policy*

Governments have introduced limits on the number of people attending gatherings, rules on how to report about them, and the time it takes to announce the date of the gathering. However, this has raised concerns about the freedom of expression in the form of spontaneous protests. In addition, some difficulties are relevant to the choice of a protest tactic, which arises from the limitation of resources, not only the pandemic and security. In involving a threat to life, the choice of tactics is subordinated to the principle of protecting the self and not exacerbating the situation of others¹³². After the initial shock connected with the crisis and getting used to the new situation, more and more protests began to appear in opposition to the security measures introduced by the government¹³³. Also significant was the unequal treatment of some sections of the community, which resulted in different measures taken by the authorities. Stephen Reicher and Clifford Stott as an example point to self-isolation, which for poorer groups in society could be implemented to a limited extent, due to their lower ability to afford to take holidays. Another risk that the authors saw was the enforcement of these measures by the police and military, which led to the insecurity of perceiving these bodies as privileged groups, instead of treating them as neutral guardians of law and order. In this way, there was a risk of a loss of trust by the public, and thus ultimately of a conflict¹³⁴.

In addition, many countries have extended the catalog of powers of the security services that they could use against people who did not comply with the restrictions introduced. It began to lead to excessive force by the police, and as a result, to the transformation of peaceful demonstrations into riots and the violation of the democratic order in states. This was the period when police leaders needed to ensure that procedurally just practices were occurring between police and the public. Strengthened powers and legislation were expected to enable the police to increase public security. In this context, it was extremely important to make the security services aware that how they interact with the community in these uncertain times will either build or damage police legitimacy¹³⁵. For this reason, the biggest challenge was the policing of peaceful public assembly. The dangers that researchers see in this situation include giving the police too much discretionary power in determining whether public assemblies are in line with the binding law, and under what conditions they can occur¹³⁶.

The activities of the security services can be analyzed under the five ideal types of public order policing. Among them, the performance of the following includes service policing, control policing, hybrid policing, disordered policing, and crisis policing¹³⁷. This means that it comes to the point that collective actions transform into civil disorder, and civil disorder continues and changes over time under two conditions, i.e. depending on the model of protest policing or the selected dimensions of protest policing and the level of police's partisanship during protest policing¹³⁸. The dimensions that distinguish Donatella della Porta are: "(1) "repressive" versus "tolerant," according to the range of prohibited behaviors; (2) "selective" versus "diffuse," according to the range of groups subject to repression; (3) "preventive" versus "reactive," according to the timing of police intervention; (4) "hard" versus "soft," according to the degree of force involved; (5) "dirty"

on Public Assemblies in Times of Crisis: Recommendations Concerning the Strategy of Militant Democracy, "HAPSc Policy Briefs Series", Vol. 1, No. 2, 2020, pp. 201-207

¹³² Maciej Kowalewski, *Street protests in times of COVID-19: adjusting tactics and marching 'as usual'*, "Social Movement Studies", Vol. 20, No. 6, p. 759

¹³³ Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, "Teorija in Praksa", Vol. 58(SI), 2021, pp. 598-615; Joanna Rak, *Framing Enemies by the State Television: Delegitimization of Anti-Government Protest Participants During the First Wave of the Pandemic in Poland*, "Journal of Contemporary Central and Eastern Europe", Vol. 29, No. 2-3, pp. 157-175

¹³⁴ Stephen Reicher, Clifford Scott, *Policing the Coronavirus Outbreak: Processes and Prospects for Collective Disorder*, "Policing: A Journal of Policy and Practice", Vol. 14, No. 3, 2020

¹³⁵ Daniel J. Jones, *The Potential Impacts of Pandemic Policing on Police Legitimacy: Planning Past the COVID-19 Crisis*, "Policing: A Journal of Policy and Practice", Vol. 14, No. 3, 2020, pp. 579-586

¹³⁶ Clifford Stott, Matt Radburn, Geoff Pearson, Arabella Kyprianides, Mark Harrison, David Rowlands, *Police Powers and Public Assemblies: Learning from the Clapham Common 'Vigil' during the Covid-19 Pandemic*, "Policing: A Journal of Policy and Practice", Vol. 00, No. 0, pp. 1-22

¹³⁷ Willem de Ling, *Public order policing: A tough act to follow?*, "International Journal of the Sociology of Law", Vol. 33, 2005, p. 183

¹³⁸ Stephen Reicher, Clifford Scott, *Policing the Coronavirus Outbreak: Processes and Prospects for Collective Disorder*, "Policing: A Journal of Policy and Practice", Vol. 14, No. 3, 2020, p. 569; Julia Hornberger, *We need a Complicit Police! Political Policing Then and Now*, "SA Crime Quarterly", Vol. 48, 2014, pp. 17-24

versus “lawful”, according to the degree to which respect for legal and democratic procedures is emphasized¹³⁹. Moreover, the pandemic is a special situation because police calls for citizens to stop their actions are more difficult to ignore due to the assumed moral imperative of collective safety and public health¹⁴⁰.

The article adopts the following structure to provide an answer to the following questions: what issues were raised during the protests, and what was their purpose? What groups protested in March 2020? Were they peaceful protests or riots, and what were their dynamics of change from peaceful to violent events? What action did the police take against the protesters? The next part of the article starts with the introduction and presentation of the theoretical category and methodological foundations used for analysis. Then, the paper shows the outcomes of the analysis and possible explanations.

Theoretical Background and Methodological Remarks

Referring to the research of Stephen Reicher and Clifford Stott, three factors are necessary to produce the potential for civil disorder. They underline that a populace develops a sense of illegitimacy and grievance; the grievance relates to an “ingroup” with whom a populace identifies and to which it psychologically belongs since disorder arises from what is happening to “us”; a populace determines an “outgroup” and views “them” as the source of grievance because disorder involves a “them” to target¹⁴¹. Researchers have long emphasized the importance of interactions between the crowd and the police because one thing is certain: each police intervention increases the influence of those advocating violence in the crowd. They assume that thinking of the crowd as irrational and dangerous is wrong¹⁴². It leads to police missing opportunities to develop more efficient, effective, and less confrontational approaches to managing public order during mass events¹⁴³. Other numerous studies on repression indicate that the escalation of repression of protest can trigger radicalization and impact negatively on civil liberties¹⁴⁴. However, there is disagreement in the literature as to whether certain elements of protest policing¹⁴⁵ or generalized models of protest policing¹⁴⁶ are a factor triggering civil disorder potential. According to Anne Nassauer, it is possible to maintain peace and order during protests thanks to proper identification of de-escalating interactions through focusing on communication and effective police management, respecting territorial boundaries, avoiding escalation signs recognizing the emotional dynamics for violent outbreaks¹⁴⁷. Clark McPhail, David Schweingruber, and John McCarthy pointed to two models of protest policing: negotiated management and escalated force¹⁴⁸.

Joanna Rak operationalized them and she proposed to place them on the continuum as extreme values of protest policing. In this way, it is possible to consider police behavior on various levels. The first relates to the police and the protection of protesters rights; the second level concerns police tolerance for disruptions; the third level focuses on communication between police and protesters; the fourth level covers issues related to

¹³⁹ Donatella della Porta, *Social Movements and the State. Thoughts on the Policing of Protest*, “EUI Working Paper RSC”, No. 95/13, pp. 7-8

¹⁴⁰ David Mead, *Policing Protest in Pandemic*, “King’s Law Journal”, Vol. 32, No. 1, 2021, pp. 96-108

¹⁴¹ Stephen Reicher, Clifford Scott, *Policing the Coronavirus Outbreak: Processes and Prospects for Collective Disorder*, “Policing: A Journal of Policy and Practice”, Vol. 14, No. 3, 2020, p. 569

¹⁴² Stephen Reicher, Clifford Stott, John Drury, Otto Adang, Patrick Cronin, Andrew Livingstone, *Knowledge-Based Public Order Policing Principles and Practice*, “Policing”, Vol. 1, No. 4, 2007, pp. 403-415

¹⁴³ James Hoggett, Clifford Stott, *The role of crowd theory in determining the use of force in public order policing*, “Policing and Society”, Vol. 20, No. 2, 2010, pp. 223-236

¹⁴⁴ Rune Ellefsen, *The Unintended Consequences of Escalated Repression*, “Mobilization – An International Quarterly”, Vol. 26, No. 1, 2021, pp. 87-108

¹⁴⁵ Ibid.; Travis B. Curtice, Brandon Bahlendorf, *Street-level Repression: Protest, Policing, and Dissent Uganda*, “Journal of Conflict Resolution”, Vol. 65, No. 1, 2021, p. 167

¹⁴⁶ Gary T. Marx, *Civil Disorder and the Agents of Social Control*, “Journal of Social Issues”, Vol. 26, No. 1, 1971; Donatella della Porta, *On Violence and Repression: A Relational Approach*, “Government and Opposition”, Vol. 49, No. 2, p. 182

¹⁴⁷ Anne Nassauer, *Effective crowd policing: empirical insights on avoiding protest violence*, “Policing: An International Journal of Police Strategies & Management”, Vol. 38, No. 1, 2015, pp. 132-152

¹⁴⁸ Clark McPhail, David Schweingruber, John McCarthy, *Policing Protest in the United States: 1960-1995*, in Christian Davenport, Hank Johnston, Carol Mueller (eds.), “Repression, and Mobilization”, University of Minnesota Press, Minneapolis, pp. 3-32

arrests treated as a tool for managing protesters; and level five involving the use of force or in combination with arrests. She also pointed out changes in the style of protest policing. It means moving from the model known as negotiated management towards escalated force. This ultimately leads to an increase in the use of violence by protesters¹⁴⁹.

The article focuses on the social activities in the form of protests in Spain during the first month of the pandemic, from 11 March 2020 when it was officially announced by the WHO. The study covers only the first month due to the assumption that this was the most dynamic and surprising stage of the pandemic. In the months and years that followed, citizens and governments were better prepared for possible scenarios of further action, and the shock was replaced by familiarity with the crisis. In addition, many people have already been vaccinated against the virus, in this way limiting its spread.

In Spain, the right to peaceful assembly is guaranteed by the Constitution of 1978¹⁵⁰, and the 1983 Law on the Right of Assembly¹⁵¹ like the primary legislation in Spain governing assemblies. Spanish law does not explicitly allow spontaneous demonstrations, but the 2015 Basic Law for the Protection of Public Security¹⁵² prohibits spontaneous demonstrations. Moreover, Article 21 of the Constitution¹⁵³ states that the authorities should be notified in advance of assemblies taking place in public areas and Organic Act No. 9/1983¹⁵⁴ requires notification 10 days in advance, with a 24-hour notification only in exceptional circumstances. The adopted assumptions and analysis are intended to answer the following questions: what issues were raised during the protests, and what was their purpose? What groups protested in March 2020? Were they peaceful protests or riots, and what were their dynamics of change from peaceful to violent events? What action did the police take against the protesters?

Based on the existing theory and the application of the qualitative method of source analysis, it has become possible to answer these questions. The data that was analyzed comes from the Covid-19 Disorder Tracker (The Armed Conflict Location & Event Data Project). This database allows to provision of data concerning the dynamics of contention. The protests included in the database are dated from 1 March 2020, for the analysis, the initial caesura was determined from 11 March 2020, i.e., the announcement of the pandemic, to 31 March 2020. The analysis aims to better understand the sources of civil disorder in the pandemic-ridden EU and the consequences of policing. The study may serve as an introduction to extended and in-depth research on protest policing and civil disorder in EU Member States. In addition, it makes it possible to compare the dynamics and nature of the protests between the first month of the pandemic and subsequent months.

Protests in Pandemic-Affected Spain in March 2020

On 14 March 2020, the Government of Spain, in an extraordinary meeting of the Council of Ministers of March 14, 2020, approved Royal Decree 463/2020¹⁵⁵ declaring a state of alarm over all national territory for 15 days for the management of the health crisis due to the coronavirus outbreak. The decree establishes the Governments' centralization of power and security measures such as the restriction of public gatherings and movement to the citizenry to control the spread of infection. On 27 March 2020, the state of alarm was extended for 15 additional days.

Based on the analysis, it can be indicated that between 11 March 2020 and 31 March 2021, 51 protests took place. Of these, 47 were peaceful events during which the security forces did not turn to violence. The

¹⁴⁹ Joanna Rak, *Policing Anti-Government Protests During the Coronavirus Crisis in Poland: Between Escalated Force and Negotiated Management*, "Teorija in Praksa", Vol. 58(SI), 2021, pp. 598-615

¹⁵⁰ *Constitución Española*, <https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229> (03.11.2023)

¹⁵¹ *Ley Orgánica 9/1983, de 15 de julio, reguladora del derecho de reunion*, <https://www.boe.es/buscar/act.php?id=BOE-A-1983-19946> (03.11.2023)

¹⁵² *Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana*, <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442> (04.11.2023)

¹⁵³ *Constitución Española*, <https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229> (03.11.2023)

¹⁵⁴ *Ley Orgánica 9/1983, de 15 de julio, reguladora del derecho de reunion*, <https://www.boe.es/buscar/act.php?id=BOE-A-1983-19946> (03.11.2023)

¹⁵⁵ *Spanish Royal Decree 463/2020, of March 14th, 2020, declaring the state of alarm*, <https://www.ramonycajalabogados.com/en/spanish-royal-decree-4632020-march-14th-2020-declaring-state-alarm> (04.11.2023)

escalated force policing protest took place 4 times, translating into riots. Protesters protested 34 times in connection with the coronavirus pandemic, and 17 times it was about other issues that were not directly related to the pandemic. In the case of protests related to the wider coronavirus pandemic, groups can be distinguished as Prisoners, Labour Groups, Committees for the Defence of the Republic, Police Forces of Spain, Refugees, and Vigilante Groups. That is, in addition to the protests of the public, these specific social groups protested in their interest. Based on the analysis, it was possible to see that the Labour Group was particularly active. This is not surprising if we analyze the restrictions introduced, which largely affected entrepreneurs and employees who could not perform their work and make profits. Not every company or institution was able to quickly adapt to the new conditions or suspend its operations for an indefinite period without consequences. The problem also arose with refugees who could not move freely or had an irregular legal status.

Protests related to the spread of the coronavirus de facto began on 14 March, while the previous ones concerned other issues. Some of the first to protest were Moroccans, who opposed the closure of the borders with Spain by the Moroccan authorities, which thus restricted their freedom of movement. In the following days, migrants protested. Due to the lack of information about the coronavirus crisis, prisoners also protested. Other protests included the suspension of i.e., factories, the lack of security measures against coronavirus infections, calls for more doctors, and at the same time expressing opposition to the presence of the military forces in the streets during the state of alarm. The first decisions to restrict the freedom of movement were made by the state relatively dynamically and sometimes chaotically, which is why the protests of the inhabitants were not surprising. Especially for many people, trips abroad result from their work. The first month is also a challenge to ensure that there are enough hygiene products and medical staff to ensure health and safety. Public discontent related to the appearance of security services on the streets has led to questions about the legitimacy and politicization of the security services.

An unusual form of protest on the part of citizens was also banging pots on balcony railings in many cities (in connection with the so-called lockdown) i.e., against the King's speech¹⁵⁶. The same form was also used against the second vice-president of the Government to denounce his failure to comply with the 14-day quarantine, to oppose the management of the coronavirus crisis by the Government, and to criticize the statements made by the Regional Minister of Health of the Valencian Community. These are symbolic protests that were largely based on the public organizing themselves through social media. Their scale was significant, as it covered several cities. In the case of riots, their flashpoint was enforcing the coronavirus confinement rules and transporting elderly persons infected with coronavirus from a residence for the elderly to care to keep them safely in isolation. However, this is only the first month of the pandemic, which is not representative of the entire period when it took place. This is an important stage due to the new situation and the crisis on such a large scale.

During the analyzed period, it can be pointed out that the police took such actions as detaining people who did not respect the restrictions and detaining rioters. According to the data, police actions were taken in response to the behavior of the detainees. It should be noted that the number of protests was relatively small, and those of a violent nature were isolated events. For this reason, it is difficult to talk about escalated force on a larger scale. In the future, it is important to focus attention on the dynamics of protests in the following months and what actions the police took at that time.

Conclusions

The emergence of the coronavirus pandemic was not only a huge surprise for the world but also another crisis that affected EU Member States in a relatively short time. The first was the financial crisis, followed by the so-called refugee crisis. Each of them was significant for backsliding democracy¹⁵⁷. The pandemic has also revealed a problem with the legitimacy of the security services resulting from their special role in ensuring the safety of individuals and new competencies. The restriction of citizens' rights and freedoms in connection with measures to prevent the spread of the virus has led to growing social tension. Despite the many restrictions, numerous protests took place in a traditional or more symbolic form. The article uncovered the case of Spain in terms of the protests that took place at a specific time and the policing protest. It has been considered the

¹⁵⁶ Reuters, *Spaniards in lockdown bang pots in protest during king's speech*, <https://www.reuters.com/article/us-health-coronavirus-spain-king-idUSKBN21526N> (07.10.2023)

¹⁵⁷ Kamila Rezmer-Płotka, *The Effects of Crises in the European Union as a Manifestation of the Militant Democracy Rule Implementation*, "Przegląd Prawa Konstytucyjnego", Vol. 58, No. 6, 2020, pp. 615-621

special period when the WHO announced the pandemic and its first month. The issues that appeared during the protests included the closure of borders and difficult freedom of movement; the lack of information about the coronavirus pandemic and an appropriate number of security measures; indicating the need to increase medical staff and showing dissatisfaction with the presence of the military forces at the streets during the state of alarm.

In March, it was noted that the groups that protested in connection with the coronavirus pandemic were Prisoners, the Labour Group, Committees for the Defence of the Republic, the Police Forces of Spain, Refugees, and the Vigilante Group. There were also general protests, e.g., demonstrations of residents of various cities that relied on banging pots on balcony railings. Only four protests can be classified as riots, while the others were peaceful. Based on the data obtained from the ACLED database, it was indicated that the only actions taken by the police against people who did not comply with the restrictions were detentions during riots. However, it should be noted that the period considered is only the first month since the pandemic was declared, and the number of protests has increased over time. This may indicate a potential upward trend in the following months and provide a good starting point for further research on civil disorder and protest policing. An important element of further research would also be to draw attention to the established framework of the following waves of the pandemic, which could lead to cognitively interesting conclusions about the intensity of the protests, their nature, and the actions taken by the police. Especially since the consequences of some of the restrictions became visible at a later period. For example, the closure of the border between Morocco and Spain, in addition to restricting freedom of movement, resulted in the loss of employment for thousands of people who crossed the Moroccan border daily to two adjacent Spanish autonomous cities to work. Another issue in this situation is the observation of global feminization of survival because a significant part of the people who crossed this border were women¹⁵⁸. What is more, the actions in the first period of the pandemic can be described as symbolic, the protests took the form of local action, such as banging pots on their balconies in connection with the lockdown.

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¹⁵⁸ Lucia Granda, Rosa Maria Soriano Miras, *"If I lose this, I have nothing": 'carrier' women during the Spanish-Moroccan border closure*, "Estudios fronterizos", Vol. 24, 2023, <https://doi.org/10.21670/ref.2304115>

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**THE CURRENT CRISIS OF EUROPEAN GOVERNANCE AND CHALLENGES TO
DEMOCRACY**

Abstract:	<i>The events of recent years have generated discussions and controversies at national and European levels on the path on which society is going, from optimistic to pessimistic perspectives, democracy seems to be under siege, and defining models of good practices becomes impossible, although necessary for the permanent effort/dynamics of democratization. In this context of uncertainty, the relationship between the quality of democracy and governance becomes a vital link, the alteration, or crises of one generating effects on the other. Thus, several legitimate questions arise about the causality in generating these governance and democracy crises and how they influence each other positively or negatively.</i>
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Introduction

Officially, the European construction presents itself as a cultural, and political space, of lessons learned and crises transformed into resources and new development opportunities. Looking closely at Europe's post-war history and the institutional developments of European construction, we can say without fear of error that indeed the new Europe was born against the background of the crisis generated by the consequences of the Second World War¹⁵⁹. Thus, the reconstruction effort of post-war Europe was structurally conceived in an indissoluble link with democracy, which is why the democratic character expressed through the assumed landmark values represents the compass of the European Union of yesterday and today.

The overlapping crises we are going through should not worry us, because history has proven in the last half century the resilience capacity of a united Europe, however, the dynamics of the contemporary world and the magnitude of the unprecedented challenges posed by globalization, new technologies and the re-emergence of classic war hotbeds on European soil, compel us despite optimism, to a critical analysis of the crises of mechanisms within the European construction. On the other hand, Europe is part of a world that is constantly changing, Europe is not an island and is not isolated, so global transformations have a direct impact on it and permanently force it to assume a role, not only about the internal environment, but also about the external environment. To find its place in the new international architecture, the European Union must understand the world in which it lives and learn the ever-changing mechanisms of the international system. Immanuel Wallerstein, director of the Fernand Braudel Center He suggestively captures through his work the effort to understand the world and analyze world systems¹⁶⁰. The last decade gives the impression of researchers in the social sciences and humanities, with more pessimistic, or more optimistic notes, of a

¹⁵⁹European Parliament, *Fact Sheets on the European Union*, 2018, p. 14

¹⁶⁰ Immanuel Wallerstein, *To understand the world, an introduction to world-systems analysis*, Idea Desing&Print, Cluj Napoca, 2013, p. 13

historical change, not within the current system, and a change of the system itself, or at least a radical change of the world we live in and our current way of life. The drivers of this change are multiple and varied, from migration to terrorism, to fear of pandemics, climate change, energy crises, and the threat of war.

A simple glance at the bookstore shelf is enough to identify multiple interesting and worrying perspectives even, for tomorrow, but especially for the future of European construction. Thus, the refugee crisis from 2014 onwards generated concerns and studies that raised fundamental issues, such as Douglas Murray's work "The strange suicide of Europe - immigration, identity, Islam"¹⁶¹ a work that, although harshly criticized initially by declaring death of European multiculturalism, multiculturalism perceived as an expression of European values, subsequent developments in the European space tend to confirm the fears of the controversial author.

Demographic pressure and identity change generated by demographic change over time become serious themes of reflection if we consider the future and what it will look like. "We will never find in history anything but what we brought first"¹⁶², said philosopher Johann Gottlieb Fichte, quoted by Thierry Wolton in the work that sounds like a warning. called "The New Roads of Our Serfdom"¹⁶³. Thus, uninspired political decisions or their unintended effects on the national policy of EU Member States overlapped with the great transformations at the global level, begin to generate concern through primarily political effects that manifest themselves more and more visibly. Illiberalism, populism, ultra-nationalism, isolationism, and demagoguery of some political leaders are beginning to manifest, not only isolated in the European landscape, but to become a background image.

All these increasingly visible aspects raise real concerns about how European nations and Europe relate to its fundamental values of freedom and democracy. In this worrying context, as early as 2017, James Kirchick presented a picture of apocalyptic and worrying Europe in his work "The End of Europe, Demagogue Dictators and the New Dark Ages"¹⁶⁴ and Francesco Guida in his historical work "The Other Half of Europe – from the First World War to the Present Day"¹⁶⁵ asks somewhat rhetorically, "Another Europe again?"¹⁶⁶.

Fundamental Questions

Yes, indeed, Europe is changing, democracy as we projected and perceived it until now is changing, the recent elections in the Netherlands and the statements of the new Prime Minister show this fully. Deutsche Welle wondered after the Dutch elections, "How will he get over the shock of Wilders' success?"¹⁶⁷.

However, this question can be extended to the whole of Europe because populist manifestations and their electoral victories tend to become a rule and a constant in the European political landscape, not an exception. *The fooling of democracy*¹⁶⁸ seems to be a fulfillment of Tocqueville's fears because, analyzing the dynamics of American society at the beginning of the nineteenth century, he observed two forces, two opposing tendencies, namely one of all praise that had an upward meaning and one that had a downward meaning, if the former urged people to imitate the best and surpass the best, The other was the desire to lower the best to a lower level and equalize him down, his conclusion then, still valid today, was that democracy must be educated. This challenge of educating democracy on the one hand and analyzing its stupidity is masterfully presented in a press article by Alin Fumurescu in "Dilema Veche"¹⁶⁹.

Economic analyses are no more optimistic, and renowned economists such as Hans Werner Sinn¹⁷⁰ warn of a major danger for Europe on the verge of bankruptcy. Massively affected economically by the

¹⁶¹ Douglas Murray, *The Strange Suicide of Europe – Immigration, Identity, Islam*, Corint, București, 2019, pp. 5-6

¹⁶² Thierry Wolton, *The New Roads of Our Servitude*, Humanitas, București, 2023, p. 111

¹⁶³ *Idem*

¹⁶⁴ James Kirchick, *The End of Europe, Demagogue Dictators and the New Dark Ages*, Polirom, Iași 2018, pp. 13-24

¹⁶⁵ Francesco Guida, *The Other Half of Europe – From World War I to the Present Day*, Humanitas, București, 2023, p. 10

¹⁶⁶ *Ibidem*, p. 365

¹⁶⁷ <https://www.dw.com/ro/olanda-%C3%AEl-va-tempera-victoria-electoral%C4%83-pe-geert-wilders/a-67543012> (30.11.2023)

¹⁶⁸ Alin Fumurescu, *The stupidity of democracy, the democratization of stupidity*, "Dilema Veche", Year XX, No. 1023, November 16-22, 2023, p. 4

¹⁶⁹ *Idem*

¹⁷⁰ Hans Werner Sinn, *Europe on the verge of bankruptcy*, "Dilema Veche", Year XX, No. 992, April 13-19, 2023, p. 5

COVID-19 pandemic, the European economy has found itself in a spiral of inflation that is particularly dangerous for the economy and, implicitly, for democracy. The issuance of long-term EU bonds is harshly criticized by economists as dangerous to European stability and the euro¹⁷¹. All these elements seem to be the ingredients of a perfect storm that has descended on Europe. Together with analysts and political commentators from the European space, or¹⁷² national level, we observe new worrying situations or the aggravation of older situations, but beyond the findings, we will have to ask ourselves at least two things, namely: How did it get here? What went wrong? And what can we do so that the transformation, the adaptation of contemporary society follows the growth force described by Tocqueville and not the negative one?

Given the worrying data on people's trust in their governments, but also in the institutions of the European Union which, according to the 2023 Eurobarometer, 47% of Europeans tend to trust EU and 32% tend to trust national governments. 45% of Europeans have a positive image of the EU, 36% a neutral image, and 18% a negative image. Finally, 62% say they are optimistic about the future of the EU (-3 pp compared to summer 2022 but like the level recorded in February 2022)¹⁷³.

We are facing a systemic crisis, which requires structural reforms and new approaches to the functioning of both the European Union and the¹⁷⁴ democracies in the Member States. And in this situation, it becomes very interesting and useful to understand the relationship between democracy and governance, more precisely to establish the relationship between the two from the point of view of the interdependencies that exist, or that are generated. It becomes relevant to observe which is the cause of the other's crisis, in other words, to what extent do governance crises generate crises of democracy, or, conversely, do crises of democracy generate crises of governance?

To be able to answer these highly complex questions, even partially, some conceptual clarifications are needed, and then to identify and analyze some of the relevant or at least determining factors of these crises.

Conceptual Clarifications

Clarifying concepts is always a necessary and useful action, even if definitions are never or in a few cases unanimously accepted and interpretations agreed. Even less so when it comes to defining the concept of governance, democracy, or political culture. The difficulty of defining these concepts is natural given that they are dynamic concepts that aim to capture in real time a world in constant motion. Therefore, the lines below will rather present the perspective in which these concepts were approached in the present study, without claiming exhaustive definitions.

Democracy has received over time a multitude of definitions ranging from the most idealistic to critical definitions, as former British Prime Minister Winston Churchill would have said "Democracy is a bad political system – the best that mankind has invented so far". Simplistically, democracy is etymologically defined as the power of the people, but the problem of definition arises when we ask ourselves how this power manifests and applies concretely and practically in society.

In a brochure addressed to children for the formation of education for democratic citizenship, edited with the support of the Council of Europe, we find a simple but comprehensive definition, namely "Democracy is one of the possible ways to organize a group of people. It is a form of government of a country or even of a small village or class of students."¹⁷⁵ If we look at the global level, we notice that although democracy is a desideratum generally affirmed and accepted by people, the implementation of the essential elements of democracy that presuppose the legitimacy of political power, freedom of actions and opinions, transparency of decisions and accountability before the law, leaves quite a lot to be desired. Major media outlets conduct annual analyses of the standards of democracies globally, and the 2022 report published by the well-known

¹⁷¹ *Idem*

¹⁷² *Civil Society State of the Union 2023*, <https://civilsocietyeurope.eu/wp-content/uploads/2023/09/CSE-State-of-the-Union-DIGITAL-accessible-in-progress.pdf> (30.11.2023)

¹⁷³ <https://europa.eu/eurobarometer/surveys/detail/2872> (30.11.2023)

¹⁷⁴ *Civil Society State of the Union 2023*, <https://civilsocietyeurope.eu/wp-content/uploads/2023/09/CSE-State-of-the-Union-DIGITAL-accessible-in-progress.pdf>, p. 6, (30.11.2023)

¹⁷⁵ *Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education*, <https://rm.coe.int/democratia-si-drepturi-omului-brosura-ro/16809508f1> (01.12.2023)

magazine The Economist looked at five indicators of democracy deemed relevant: electoral process and pluralism, functioning of government, political participation, democratic political culture, and civil liberties¹⁷⁶.

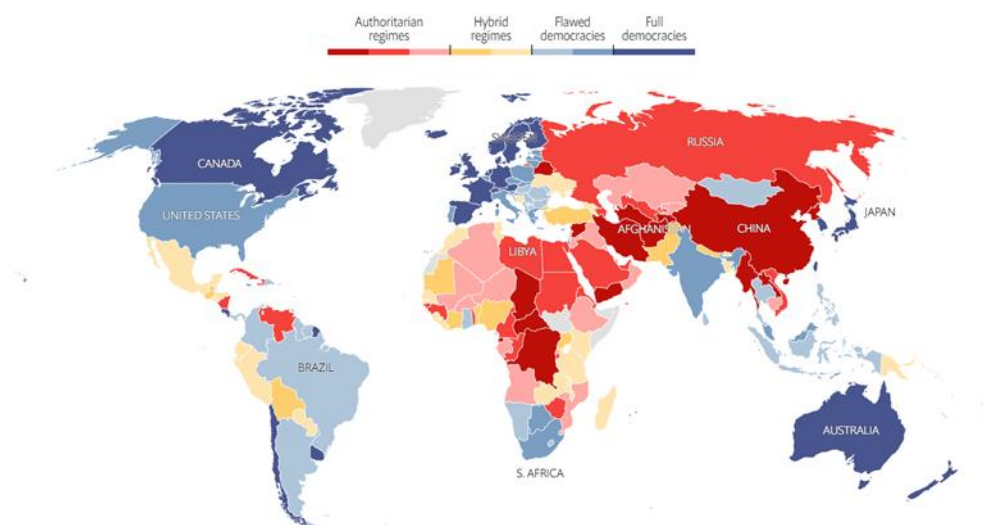


Figure 1. The World's Most, and Least Democratic Countries in 2022¹⁷⁷

The data presented in the report quite clearly delineates consolidated democracies from fragile democracies, unfortunately, Eastern Europe is still positioned in fragile democracies. If we consider the fact that the report analyzes the systemic political realities of 2022, and the subsequent developments that were not captured in this report, especially in the European space, we can expect without being surprised a trend of increasing fragility of European democracies.

The essential element that we find like a red thread in all definitions of democracy is represented by participation, by the idea of involvement. The bigger, more active the quality of the democratic system is, the greater the quality, the only condition for the situation to be really like this is the degree of freedom. Freedom and democracy condition each other and together generate socio-political mechanisms adaptable to the concrete situations in which they find themselves. Thus, free political participation in a small community is relatively easy to implement, but contemporary society is characterized primarily by complexity, which requires the search for innovative political and social mechanisms capable of maintaining dynamic democracy. The disappearance of dynamism in a democracy is like the loss of peripheral circulation of an organism, which translates into a serious decline in health.

It was in this context that the concept of governance emerged in the mid-80^s in the modern sense of the term¹⁷⁸. A revolutionary concept meant to change the way we relate to authority and political power, primarily by changing the Weberian model of government and public administration. The classical hierarchical model in the context of almost exponential population growth became increasingly incapable and inefficient, so the concept of governance was no longer satisfactory, the vertical relationship proving too cumbersome to be effective, especially in the face of growing risks and threats. Specifically, the revolution proposed by the governance was a lifeline valve for the democratic organization model in the face of a crisis or, better said, an inability to govern efficiently and translated into the expansion of relevant actors in the decision-making process and horizontally.

In other words, governance has generated a kind of dilution of government power by the fact that decisions are no longer just the result of political actors delegated by voting but have generated horizontal networks with various interested actors from civil society. The three most relevant definitions of governance

¹⁷⁶<https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022?fsrc=core-app-economist&fbclid=IwAR1tgwLa2MfKrr6LLYCeM4mBd-gVZf23JHbsnm1504ZJxuO8UGx3seLktj4> (01.12.2023)

¹⁷⁷ *Idem*

¹⁷⁸ Anne Mette Kjaer, *Governanța*, CA Publishing, Cluj Napoca, 2010, p. 3

can be found in Rhodes, Rosenau and Hayden¹⁷⁹. The 3 authors define the concept of governance by focusing on the role of political networks, but each of them points out different dimensions.

Thus, Rob Rhodes defines governance as a self-organizing and inter-organizational network characterized by interdependence, exchange of resources, rules of the game and significant autonomy from the state, an approach aimed specifically at public sector reform. While Rosenau approaches governance from a global perspective, which includes leadership systems at all levels of human activity and thus targets global problems and global solutions. In his turn, Goran Hyden proposes a definition of governance from a perspective of the political rules of the game, formal and informal, referring to measures that involve establishing rules, both in the exercise of power and especially in resolving conflicts with the help of those rules, in this case focusing on the emergence between governance – development and democracy¹⁸⁰.

The latter definition is, so to speak, the one that best suits developments from the perspective of governance of the European context. The European Union has at least tried to guide itself in its policies within the margins of this definition. The rules for the functioning of European mechanisms were primarily based on the formation of networks and the establishment through legitimate mechanisms of common rules assumed by all members, so that possible disputes arising in the dynamic evolution of society can be solved as quickly and democratically as possible. This *modo vivendi* of European mechanisms seems today to be paralyzed or at least slowed down by a series of visible problems.

On the other hand, European policy in the face of global transformations has also entered an existential dilemma regarding the role it must assume globally. Thus, EU policies have gradually placed increasing emphasis on the projection of the union at the global level, as a relevant actor, and have neglected somewhat the internal aspects, which have become increasingly bureaucratized through super regulation¹⁸¹. This super regulation seems, at first glance, a serious reason to block the proper functioning of governance networks and, implicitly, the accumulation of tension and dissatisfaction. However, to be able to ascertain in a reasoned manner what are the real causes of the crisis of European governance, we must look carefully at a series of structural indicators that act as multiple and determining factors in the dynamics of the current crises.

Indicators and Challenges

The initial temptation in a discussion on European governance indicators and the challenges of managing them is to focus on visible indicators such as:

1. Migration with its effect of changing the societal political pattern.
2. Terrorism is a phenomenon, unfortunately increasingly common on the European continent and which generates concern in public opinion through the loss of public safety.
3. The COVID-19 crisis, which, through the measures taken by governments and the way the EU manages, some of the measures and decisions being controversial, has increased the level of anxiety and mistrust among the population.
4. Political populism, an increasingly common phenomenon that is good and increased in the public space precisely against the background of errors in the governance system but also in the governance system.
5. The energy crisis arising from multiple sources in a complicated context, both internal and external of the European space, brought to the meeting between the ambitious plans of the European Green Deal and the emergence of the war in Ukraine, A not so happy meeting for consumers and living standards to which Europeans were accustomed.
6. The war in Ukraine, in turn, has tested the cohesion of states in applying sanctions and responding to different types of sectoral crises caused by this war be the grain crisis or humanitarian and military aid to Ukraine; The list of states with separate opinions seems to be growing after Hungary and Poland, following internal elections, joined the Czech Republic and the Netherlands.

These are all real challenges to European policy, but they are rather the effects of much deeper causes that structurally erode democracy and the proper functioning of governance networks. Thus, looking at

¹⁷⁹ *Idem*

¹⁸⁰ Anne Mette Kjaer, *Op. cit.*, p. 4

¹⁸¹ Alexandru Lazescu, *The risks of centralization of power in Brussels*, "Revista 22", <https://revista22.ro/opinii/alexandru-lazescu/riscurile-centralizarii-puterii-la-bruxelles> (01.12.2023)

governance networks and the issues blocking their proper functioning, we see other key indicators, which rather resemble deep roots of European and Western problems in general.

The first indicator is demographics¹⁸². European and Western demographics in general are in a paradoxical situation with consequences that are still difficult to assess, because on the one hand, the demographic structure of the West is changing, or at least feels threatened by the immigration flow, but on the other hand, European society, as well as the American one, is facing an unprecedented¹⁸³ aging process. This problem does not refer only to a generalized aging of the workforce and additional pressure on social systems but is reflected in an aging of elites, which over time can generate, in metaphorical language, a kind of petrification of political power and implicitly a loss of flexibility. The emergence of gerontocrats turns out to be a risk in at least two respects¹⁸⁴. The first would be the emergence of the sense of exceptionality of leaders who enjoy power for a very long time, then the risk of older leaders no longer understanding the world they lead and the temptation to compare the past in which they were young with the present and the desire to preserve that past, which deprives them of visions for the future.

This situation is a dangerous one that accumulates frustrations among civil society, especially among the younger generations, generations that no longer feel represented by the political class and political life in general, adopt a passivism regarding political participation, a situation generating silent and dangerous majorities, especially in contexts of hybrid and informational confrontations such as the current times.

The second fundamental indicator is education¹⁸⁵. The crisis of contemporary education is not only a reality of the Romanian space, although in our country it is in its most visible form, this crisis can be found throughout the Western world. The impact of new technologies, the increase in the percentage of functionally illiterate, as well as the high figures of school and university dropouts arguably worry anyone concerned about the future¹⁸⁶.

But the most dangerous and least visible effect of this unpleasant situation in which education finds itself is the impact that these vulnerabilities of the education system will have and already have on the idea of democracy, on the way tomorrow's generations will understand the democratic mechanisms, will respect, and maintain them. The threat is very real, because the younger generation, according to various polls, is increasingly attracted to radical political views and willing to accept the increasing involvement of the state in their lives, at the level of 2016 "a Harvard/Harris poll reveals that the majority of millennials in America, in a ratio of 51% to 42%, are against capitalism and for increasing state involvement in their lives"¹⁸⁷.

The crisis of the American spirit. As universities betrayed democracy and impoverished the souls of students written by Allan Bloom¹⁸⁸ in the 60s unfortunately applies perfectly in our time, the argument for such a statement lies in the generalized reaction of major European and American universities to the war in Gaza that began in October this year.

The loss of the prestige of education and its quality through the loss of freedom or its deformation in the ideological sense has a societal effect, beyond the individual effect on each citizen, the loss of a geopolitical advantage of the West which, through its academic and scientific preponderance, has so far grounded its position in contemporary history. "One result of the degradation of the American academic environment is the steep decline in public confidence in higher education. In 2015, it was 57%, dropped to 48% in 2018 and just 36% in 2023, according to a Gallup poll"¹⁸⁹. A direct effect of the above is the

¹⁸² Constantin Rudnitchi, *Europe faces the most difficult topic: demography*, <https://www.rfi.ro/economie-155410-europa-dificila-tema-demografia> (01.12.2023)

¹⁸³https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/impact-demographic-change-europe_ro and https://ec.europa.eu/commission/presscorner/detail/ro/ip_21_191 (01.12.2023)

¹⁸⁴ Andrei Cornea, *Gerontocrats*, "Dilema Veche", Year XX, no.1023,16-22 November 2023, p. 3

¹⁸⁵ <https://op.europa.eu/ro/publication-detail/-/publication/8599033b-57d9-11ec-91ac-01aa75ed71a1> (02.12.2023)

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¹⁸⁷<https://revista22.ro/opinii/alexandru-lazescu/cum-a-ajuns-libertatea-academica-sa-devina-problematica-in-occident> (12.12.2023)

¹⁸⁸ Allan Bloom, *The Crisis of the American Spirit. How universities betrayed democracy and impoverished students' souls*, Humanitas, București, 2017

¹⁸⁹<https://revista22.ro/opinii/alexandru-lazescu/cum-a-ajuns-libertatea-academica-sa-devina-problematica-in-occident> (12.12.2023)

impairment of another relevant indicator, namely security culture. A discussion about security culture in a context of social and political apathy, with an educational system in crisis, almost does not make sense, because this discussion becomes strictly theoretical and hypothetical, lacking concrete consistency in everyday reality. However, like political culture, security culture exists in all societies, but its level differs significantly from the level of survival given by man's instinct to the level of a network security culture capable of managing and balancing the centers of power in a community or international system, in other words, the highest form of a society's security culture is represented by security governance. Both security and network governance are *sines qua non* elements and conditions in the current geopolitical context for the proper functioning of democracy generating good governance.

Conclusions

The old bureaucratic model of managing state affairs proposed by Max Weber with a clear and bureaucratic hierarchy was replaced by a new model of public management in the 80s, with the assumed purpose of coping with the structural changes generated by globalization, contemporary transformations, however, force us again to rethink a suitable system that can cope on the one hand with increasingly complex threats. and, on the other hand, to meet the demands of participatory democracy. The analysis of European governance problems linked to political crises, even of democratic nature in the Member States, makes it almost impossible to announce relevant conclusions after briefly presenting only a few of the factors identified as determinants. However, considering the above, we can see that we live in an era like a test of democracy, that is, we would test the capacity to open freedom, without ideological interpretations, to listen and identify the real problems at the level of society and the majority of the population, so as not to remain stuck in an ideological agenda of their own, hardened. The crisis of the current system can be attributed to an increase in population, both in number and lifespan, which, however, was not properly reflected in power networks or the initial approach to participatory governance, this fact is currently generating tensions and leaves the feeling of a systemic crisis aggravated by new media technologies that have given voice to everyone and practically fragmented society to atomization.

A single day of monitoring the news flow in the public space, at local, national, and European levels, is enough to become aware of the rather high and credible danger of the breakdown of the existing social order and the slide towards a kind of anarchy¹⁹⁰. The only force that can set things up and transform them in a positive sense remains education through security culture and implicitly by assuming democratic values.

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**THE RISKS TO SOCIETY GENERATED BY "SOVEREIGN CITIZENS" BASED ON THE
ATTITUDE INFLUENCED BY RELIGIOUS BELIEFS**

Abstract:	<p><i>The Sovereign Citizen Movement is one formed by people who interpret the political, legal, and social reality through the prism of their own religious beliefs. The man was created freely by God, meaning "sovereign".</i></p> <p><i>Consequently, individuals are free from the legal norms imposed by other people. This is a movement without an organizational structure, which is replaced by its system of beliefs and values held by leaders and clearly defined organizations. Gordon Kahl's manifesto undoubtedly highlights the religious side of the sovereign citizen movement.</i></p> <p><i>The individual said in 1983 that the Kingdom of Christ was under siege by the forces of Satan who control the governments of the states, which is why people should no longer submit to them. Followers of the Sovereign Citizen Movement believe that their actions and attitudes are approved by God.</i></p> <p><i>They issued their own IDs, passports, and vehicle registration numbers, some with the phrase "Kingdom of God" emblazoned on them. Some of the "sovereign citizens" took their beliefs to extremes and became violent, killing those who opposed them. For this reason, the Federal Bureau of Investigation labeled the most extreme among them as terrorists.</i></p>
Keywords:	God; religion; sovereign citizens; attitude; behavior; terrorism;
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Introduction

About 50 years ago there arose a movement known as the Sovereign Citizens Movement, which is leaderless and consists of people who reject government authority that they consider to be occult and illegitimate. Keiran Hardy, a researcher at the Griffith Criminology Institute in Australia who has published numerous articles on violent extremism and radicalization, states that sovereign citizens that they have as a predominant characteristic the fact that "rejects the legitimate authority of the government they live under, including the police and other authorities of state", being frequently involved in violent armed attacks¹⁹¹. They "are labeled a domestic terror threat by the FBI" in the United States of America, an example of this being the fact that "one of the conspirators behind the 1995 Oklahoma City bombings was a sovereign citizen"¹⁹².

According to The Southern Poverty Law Center, a non-governmental organization in the United States of America that monitors extremism and warns the public about its evolution, in 2022 the number of sovereign citizens increased, and "the QAnon conspiracy theory that initially brought new people into the movement has remained a gateway into sovereign citizenship"¹⁹³. These individuals finding various ways to dissociate from

¹⁹¹ Keiran Hardy, *Sovereign Citizens: Eccentrics or Extremists?*, 5 April 2023, <https://enlighten.griffith.edu.au/sovereign-citizens-eccentrics-or-extremists/> (06.09.2023)

¹⁹² *Idem*

¹⁹³ The Southern Poverty Law Center, *Sovereign citizens movement*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement> (05.09.2023)

societal structures, according to Stephen Dametto¹⁹⁴, establishing their states, refusing to pay taxes or obtain driving licenses from the authorities¹⁹⁵. Brian S. Slater says that the Sovereign Citizen Movement is part of the growing category of far-right anti-government movements and "whose followers have turned to violence and activity aimed at terrorizing a population, have earned the domestic terrorist moniker"¹⁹⁶.

Life Force Network, a new far-right movement, has an ideology that "is a fusion of Q-centric conspiracy theories, science fiction, and fake alternative governments and courts called sovereign citizen assemblies"¹⁹⁷. The members of the movement, like any follower of far-right ideologies, have the conviction that there is an occult organization that acts on a global level. Sovereign Citizens believe that "the organization's main villain is The Order, which they describe as an international group that has dominion over the governments and is made up of regular antigovernment bogeymen such as the Rockefellers, the Rothschilds and seemingly fictional characters such as the Annunake, and Dragon Families"¹⁹⁸. So, the Sovereign Citizens Movement is a far-right movement classified as terrorist by the FBI due to the violent actions of some of its followers.

Ideology of the Sovereign Citizens Movement

Every movement has an ideology, and the Sovereign Citizens Movement is no exception, as it is the hard core of individual beliefs that move the hearts and minds of any follower or participant in a political or religious action or movement. The Sovereign Citizen Movement has six characteristics, according to Spencer Dew and Jamie Wright, "all related to the religiosity which permeates and defines much of the sovereign citizen movement"¹⁹⁹.

The first feature is that "for most sovereigns, beliefs about the law are explicitly religious beliefs" and the belief system is a syncretic one since "they link their beliefs to points across a broad constellation of existing religious traditions"²⁰⁰. The religious beliefs of sovereign citizens sweep "from the exclusivist Christian Identity and fundamentalist strains of Mormonism to the more generic and inclusive bible-based Christian Patriotism"²⁰¹.

The second feature of sovereign citizens is that they "reject certain laws" because they believe in an "idealization of law". "For them, the law is divinely ordained and underwritten; it has a transcendent and transformative power"²⁰².

The third feature of sovereign citizens is that they have adopted laws that cancel the laws of the states, exemplary in this sense being the case of creating new registration plates for motor vehicles because "they believe laws regarding vehicle registration and licensing to be corrupt interpretations of the true law, seen not only as directly related to the deity"²⁰³.

The fourth characteristic of sovereign citizens is that they believe they have a fundamental duty to recruit others into their movement by propagating the idea that the law given by the current political system is corrupt but "is available to all as a tool for liberation"²⁰⁴. There have been cases where sovereign citizens have

¹⁹⁴ Acting Assistant Commissioner, *Counter Terrorism & Special Investigations - Australian Federal Police*, <https://au.linkedin.com/in/stephen-dametto-b4028537> (20.11.2023)

¹⁹⁵ Stephen Dametto, *The Sovereign Citizen Movement in Australia*, Australian Federal Police, p. 9, <https://www.afp.gov.au/sites/default/files/PDF/Disclosure-Log/123-2023.pdf>, (15.09.2023).

¹⁹⁶ Brian S. Slater, *Sovereign Citizen Movement: An Empirical Study On The Rise In Activity, Explanations of Growth, and Policy Prescriptions*, "Homeland Security Digital Library", September 2016, p. 3, <https://www.hsdl.org/?view&did=796640> (15.09.2023)

¹⁹⁷ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement> (05.09.2023)

¹⁹⁸ *Idem*

¹⁹⁹ Dew Spencer, Jamie Wright, *God's Law: Universal Truth According to Religious Sovereign Citizens*, in "The University of Chicago – Divinity School", October 15, 2015, <https://divinity.uchicago.edu/sightings/articles/gods-law-universal-truth-according-religious-sovereign-citizens> (10.09.2023)

²⁰⁰ *Idem*

²⁰¹ *Idem*

²⁰² *Idem*

²⁰³ *Idem*

²⁰⁴ *Idem*

been stopped by the police for checks and asked to present a driver's license, a request they refused because they are "passengers" and not "drivers", which is why they do not need such documents²⁰⁵. Exemplary in this sense is the case of Dustin Bryce Rosondich and Xylie Eshleman who, at such a request from the police in the state of Tennessee - USA, stated that they are "law-lovers on a religious pilgrimage to learn more about the law and improve their abilities as lawyers"²⁰⁶. The fifth trait of sovereign citizens is that they project a society governed by uncorrupted laws as looked at in the pre-Lapsarian period. They "train themselves to become experts in law, legal discourse, and legal history by using sovereign citizen instructional manuals, often doubling as religious scriptures"²⁰⁷.

The sixth feature of sovereign citizens is the truncated interpretation of history, exemplified in this sense being the case of the same Bryce Rosondich and Xylie Eshleman who in their defense invoked the fact that they no longer hold US citizenship. They relied on the Expatriation Act of 1868 which they interpreted in the opposite sense, that is, they reasoned that they had renounced American citizenship even though that law allowed immigrants to renounce the citizenship of their home state to receive the of the USA²⁰⁸.

Although the movement is made up of people from different socio-professional categories or different social strata, they share certain ideas or beliefs²⁰⁹. Daryl Johnson²¹⁰ says that the movement's founder Gordon Kahl described herself as "a Christian Patriot"²¹¹. In a 16-page letter, which he wrote after the violent incidents in which he was involved on February 13, 1983, against the police, Kahl described his religious beliefs and refusal of state authority: "We are engaged in a struggle to the death between the people of the Kingdom of God, and the Kingdom of Satan. It started long ago and is now best described as a struggle between Jacob & Esau"²¹².

In the Old Testament, the Book of Genesis describes the struggle between two twin brothers, Esau, and Jacob for the birthright, which consisted of the blessing of their father, the Old Testament patriarch Isaac, and which he sees as a "calling and confirms it by his adhesion in-a choice"²¹³. Esau sold his birthright for a bowl of food, representing human ephemerality and weakness: "Now Jacob cooked a stew, and Esau came in from the field, and he was weary". And Esau said to Jacob, "Please feed me with that same red stew, for I am weary". Therefore, his name was called Edom. But Jacob said, "Sell me your birthright as of this day." And Esau said, "Look, I am about to die; so, what is this birthright to me?" Then Jacob said, "Swear to me as of this day. So, he swore to him and sold his birthright to Jacob. And Jacob gave Esau bread and stew of lentils; then he ate and drank, arose, and went his way. Thus, Esau despised his birthright"²¹⁴.

After mentioning the biblical episode, Gordon Kahl moves on to the atheist communist political ideology and the necessity of fighting against it as it is a satanic one: "If you've been paying tithes to the Synagogue of Satan, under the 2nd plank of the Communist Manifesto to finance your destruction, stop right now, and tell Satan's tithing collectors, as I did many years ago, 'Never again will I give aid and comfort to the enemies of Christ.' Mystery Babylon with all its greatness will be destroyed"²¹⁵.

The Sovereign Citizens Movement has racist and anti-Semitic beliefs at the core of its ideology. The seeds of such an ideology have their roots in 1971 when William Potter Gale founded the "Posse Comitatus"

²⁰⁵ *Idem*

²⁰⁶ Dew Spencer, Jamie Wright, *Op. cit.*, <https://divinity.uchicago.edu/sightings/articles/gods-law-universal-truth-according-religious-sovereign-citizens> (10.09.2023)

²⁰⁷ *Idem*

²⁰⁸ *Idem*

²⁰⁹ UNC School of Government, *A quick guide to sovereign citizens, revised November 2013*, p. 1, <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Sov%20citizens%20quick%20guide%20Nov%2013.pdf> (11.09.2023)

²¹⁰ *Consultant on domestic terrorism*, <https://www.linkedin.com/in/daryljohnson1> (20.11.2023)

²¹¹ Daryl Johnson, *The religious concepts of the Sovereign Citizens Movement*, 18 September, 2017, <https://www.linkedin.com/pulse/religious-concepts-sovereign-citizens-movement-daryl-johnson>, (11.09.2023)

²¹² *Idem*

²¹³ Benedict Bistrițeanul, *Patriarhul Iacov, "combatantul lui Dumnezeu"*, December, 4, 2021, <https://www.mitropolia-clujului.ro/patriarhul-iacov-combatantul-lui-dumnezeu/>, (12.09.2023)

²¹⁴ *** *Bible*, New King James Version (NKJV), *Genesis, chapter 25, verses 29 – 34*, URL: <https://www.biblegateway.com/passage/?search=Genesis%2025&version=NKJV>, (12.09.2023)

²¹⁵ Daryl Johnson, *The religious concepts of the Sovereign Citizens Movement*, Hate In God's Name | Southern Poverty Law Center (splcenter.org) (21.11.2023)

organization. The initial group of followers "believed that non-white people were not human and that Jews possessed a satanic plot to take over the world"²¹⁶. They considered the highest authority to be the sheriff of the county, according to the Sheriffs Act of 1887 which provided for the concept of "Posse Comitatus". "Potter's posse believed they served under common law (laws based on their interpretation of the Bible), rather than civil law (legitimate laws formed by the American legal system)"²¹⁷. D. Loren Washburn²¹⁸ believes that "it becomes almost as much a religious or philosophical stand as anything having to do with money"²¹⁹.

Sovereign citizens have a "religious sovereign worldview", amalgamating religious concepts with legal ones and giving value as universal truth to their interpretations of laws, just as they interpret biblical precepts and religious dogmas, from their perspective²²⁰. The movement of sovereign citizens does not have a leadership in the established sense, but there is "a rotating group of nationwide figures and local leaders with individualized views on sovereign citizen ideology and techniques". Among the forms of manifesting, one's beliefs are: "tax evasion, adverse possession (squatting on a property that does not belong to them) or ignoring laws regarding driver's licenses, vehicle registration or license plate possession"²²¹. "As part of their belief system, sovereigns assert they are traveling, not driving, since they are not transporting commercial goods or paying passengers", Sovereign citizens consider themselves to be people free from the constraints of such laws that provide for such documents²²². Sovereign citizens "believe all people are born free with rights - but that these natural rights are being constrained by corporations (and they see governments as artificial corporations)", in the present people being "in an oppressive contract with the government"²²³. By declaring them to be „living people” or „natural people”, „they can break this oppressive contract and avoid restrictions such as certain rates, taxes, and fines - or particular government rules on mandatory mask-wearing”²²⁴.

“A sovereign citizen might be a violent right-wing extremist, but it can also be „an anti-vaxxer and an incel” or it can be "pro-vax, pro-equality and concerned mainly with getting out of a speeding fine"²²⁵. "Sovereign citizen actions are oftentimes based on religious beliefs", says Daryl Johnson, being an amalgam of concepts taken from the Bible, Magna Carta, common law, and old constitutional laws. At the center of this system of beliefs and values is the fact that the "Supreme Being having embodied every person with certain inalienable rights as stated in the U.S. Declaration of Independence, the Bill of Rights, and the Bible"²²⁶. "Sovereign citizens and their beliefs are too diverse to describe the threat with singular certainty”, says Professor Keiran Hardy because „some individuals will pose a greater threat and require ongoing attention from ASIO²²⁷ and the police"²²⁸. The violence and attitude-fueled by the system of beliefs and values adopted by sovereign citizens make possible "a future terror attack" from them²²⁹.

²¹⁶ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement> (05.09.2023)

²¹⁷ *Idem*

²¹⁸ Assistant United States Attorney, <https://www.linkedin.com/in/lorenwashburn>, (20.11.2023)

²¹⁹ Lorelei Laird, *Sovereign citizens' plaster courts with bogus legal filings – and some turn to violence*, "ABA Journal", May 1, 2014, https://web.archive.org/web/20141102010820/http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/ (07.09.2023)

²²⁰ Dew Spencer, Jamie Wright, *Op. cit.*, <https://divinity.uchicago.edu/sightings/articles/gods-law-universal-truth-according-religious-sovereign-citizens> (10.09.2023)

²²¹ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement> (05.09.2023)

²²² *Idem*

²²³ Kaz Ross, *Why do 'living people' believe they have immunity from the law?*, University of Tasmania, July 28, 2020, <https://www.utas.edu.au/about/news-and-stories/articles/2020/1038-why-do-living-people-believe-they-have-immunity-from-the-law>, (06.09.2023)

²²⁴ *Idem*

²²⁵ Keiran Hardy, *Sovereign Citizens: Eccentrics or Extremists?*, "Enlighten - Ideas for a brighter future for all", 5 April 2023, <https://enlighten.griffith.edu.au/sovereign-citizens-eccentrics-or-extremists/> (06.09.2023)

²²⁶ Daryl Johnson, *The religious concepts of the Sovereign Citizens Movement*, <https://www.linkedin.com/pulse/religious-concepts-sovereign-citizens-movement-daryl-johnson> (11.09.2023)

²²⁷ Australian Security Intelligence Organisation, <https://www.asio.gov.au>, (20.11.2023)

²²⁸ Keiran Hardy, *Op. cit.*, <https://enlighten.griffith.edu.au/sovereign-citizens-eccentrics-or-extremists/> (06.09.2023)

²²⁹ *Idem*

"God created man to be sovereign - "free of man-made laws and government regulation", sovereign citizens believe, according to Daryl Johnson, who still has the conviction that "their doctrine is inspired, sanctioned and sustained by God"²³⁰. This doctrine contains "universal divine truths concealed to humanity by the world's most powerful leaders and business elites"²³¹. There was a group of sovereign citizens from the state of Oregon - USA who produced license plates, driving licenses, and passports in the name of a non-existent country: "Kingdom of Heaven" and those who obtained them became "members of God's Kingdom"²³².

The creeds of sovereign citizens are best highlighted following their interaction with law enforcement or authorities. An example of this is the case of Howard Berton Adams, a sovereign citizen prosecuted for active participation in the assault on the US Capitol on January 6, 2021, being arrested because he refused to appear before the court twice, but writing to the judge a letter in which he recorded the fact that: "The Highest God created I, Howard Berton Adams, Jr., a sovereign man, living as the flesh and blood testify, I am not a dead entity, I am not a ward of the state. I am not a pauper"²³³. In the book "Pied Pipers of Babylon", "considered sovereign citizen propaganda", Verl K. Speer "summarizes his view of our society in religious terms"²³⁴. According to the solution provided to him, "It is time that we realized that we are engaged in a spiritual war against powers and principalities, contracting parties in high places who have entangled us in their web of deceit via a multitude of non-disclosed adhesion contracts"²³⁵.

The FBI considers Sovereign Citizens to be "a domestic terrorist movement" since some followers of the movement have been involved in terrorist acts, such as Terry Nichols, one of the individuals who orchestrated the Oklahoma City terrorist attack in, the US²³⁶. Also, according to the FBI, this is a domestic terrorist movement because "followers" are "anti-government extremists who believe that even though they physically reside in this country, they are separate or 'sovereign' from the United States"²³⁷. So, the ideology of the sovereign citizen movement combines religious doctrines and beliefs with conspiracy theories about the existence of a world occult that influences world governments and does not act in the interest of the people, which is why the authority of the state must be rejected.

Violence and Acts of Terrorism by Some Sovereign Citizens

Sovereign citizens believe that people have a natural and divine duty to reject some laws and state authority because the government acts contrary to God's laws. "Given the particular beliefs" of sovereign citizens, their interaction with state authorities, especially law enforcement "have the potential to escalate if not handled effectively"²³⁸. Josh Roose, Associate Professor from Deakin University, said that "there have been many cases of violence from sovereign citizens in the US including shootings of police" and "about 15 percent of domestic terrorism load, according to the FBI, in the US over the last five years was sovereign citizens"²³⁹.

²³⁰ Daryl Johnson, *The religious concepts of the Sovereign Citizens Movement*, <https://www.linkedin.com/pulse/religious-concepts-sovereign-citizens-movement-daryl-johnson> (11.09.2023)

²³¹ *Idem*

²³² Daryl Johnson, *The religious concepts of the Sovereign Citizens Movement*, <https://www.linkedin.com/pulse/religious-concepts-sovereign-citizens-movement-daryl-johnson>, (11.09.2023)

²³³ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement> (05.09.2023)

²³⁴ Daryl Johnson, *Hate in God's name*, "Southern Poverty Law Center", September 25, 2017, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²³⁵ Verl K. Speer, *Pied Pipers of Babylon*, 1985, p. 265

²³⁶ The FBI's Counterterrorism Analysis Section, *Sovereign Citizens - A Growing Domestic Threat to Law Enforcement*, September 1, 2011, <https://leb.fbi.gov/articles/featured-articles/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement> (14.09.2023)

²³⁷ Max Matza, *What is the 'sovereign citizen' movement?*, 5 August 2020, "BBC News", <https://www.bbc.com/news/world-us-canada-53654318> (14.09.2023)

²³⁸ Keiran Hardy, *Op. cit.*, <https://enlighten.griffith.edu.au/sovereign-citizens-eccentrics-or-extremists/> (06.09.2023)

²³⁹ Daniel Jeffrey, *What is the 'sovereign citizen' movement?*, "Nine News", Feb 16, 2023, <https://www.9news.com.au/national/what-is-a-sovereign-citizen-movement-beliefs-explainer/968ac369-a7bd-4a6d-9465-7bc2a1d13bdf>, (14.09.2023)

Some sovereign citizens committed "acts of paper terrorism and, in the most extreme cases, acts of deadly violence – usually directed against government officials"²⁴⁰. Exemplary in this sense is the case of a father-son tandem, both sovereign citizens, who in 2010 "were filmed killing two police officers with an assault rifle when they were pulled over on the interstate while traveling through West Memphis, Arkansas"²⁴¹. Brian S. Slater says that some sovereign citizens don't just stop paying taxes or registering their vehicles or getting a driver's license, but "are willing to commit acts of revenge against officials whom the Sovereign believes has infringed on their god given rights"²⁴². The attitude of sovereign citizens is prone to violence because they distort the true relationship they should have with divinity. "My God has commanded me to get out of Babylon", says Verl K. Speer who invokes in this sense a verse from the eighteenth chapter of Revelation²⁴³ entitled "The Fall of Babylon the Great": "Come out of her, my people, lest you share in her sins, and lest you receive of her plagues"²⁴⁴.

Sovereign citizens believe that they must obey only laws that challenge common law norms because they were handed down by divinity. Verl K. Speer says in this regard: "The Common Law originated in the Laws of God and Nature. It is rooted in antiquity, a beautiful history of men becoming free. The words were coined from observations made within the Catholic Church of Old England. These people had among them a canon notion of an unwritten law expressed as conduct. They had rules enforced by a responsibility borne by each person to know what was right or wrong and to apply that knowledge in their dealings with one another - a canon law"²⁴⁵. According to sovereign citizens, they only obey "Common Law" as it is derived from the Bible²⁴⁶.

Some sovereign citizens end up being extremely violent, says J. J. MacNab²⁴⁷ pointing to the case of the group of sovereign citizens in the state of Alaska - USA led by Schaeffer Cox who put together a plan called "241 meaning two for one - plan - saying he would kidnap or kill two government officials for every one of his associates detained or killed by the government"²⁴⁸. Cox was convicted in 2012 along with other members of the group for "conspiracy to murder federal officials, solicitation of murder and multiple weapons charges"²⁴⁹. Gordon Kahl, the initiator of the movement, was killed in a confrontation with law enforcement on June 4, 1983, in Smithville, Arkansas, USA, being "looked upon as a modern-day patriot martyr by many sovereign citizens"²⁵⁰. "Some may find videos of their arrests entertaining, but the beliefs can be far more dangerous than they might seem" because "extremists within the movement have carried out violent crimes"²⁵¹.

Daryl Johnson says that among sovereign citizens there are individuals who "particularly those who are younger, reject organized religion - its institutions, doctrine and scriptures"²⁵². Conform Global Sovereigns

²⁴⁰ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²⁴¹ *Idem*

²⁴² Brian S. Slater, *Op. cit.*, p. 8

²⁴³ Verl K. Speer, *Op. cit.*, p. 269

²⁴⁴ *** Bible, New King James Version (NKJV), *Revelation, chapter 18, verse 4*, <https://www.biblegateway.com/passage/?search=Revelation%2018&version=NKJV> (12.09.2023)

²⁴⁵ Verl K. Speer, *Op. cit.*, pp. 8-9

²⁴⁶ J.M. Berger, *Without Prejudice: What Sovereign Citizens Believe*, "The George Washington University – Program on Extremism", June 2016, p. 8, <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/downloads/JMB%20Sovereign%20Citizens.pdf> (14.09.2023)

²⁴⁷ Researcher at Center for Cyber&Homeland Security, *Program on Extremism*, George Washington University, United States of America, <https://extremism.gwu.edu/jj-macnab>, (20.11.2023)

²⁴⁸ Lorelei Laird, *Op. cit.*, https://web.archive.org/web/20141102010820/http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/ (07.09.2023)

²⁴⁹ *Idem*

²⁵⁰ Daryl Johnson, *The religious concepts of the Sovereign Citizens Movement*, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²⁵¹ Daniel Jeffrey, *Op. cit.*, <https://www.9news.com.au/national/what-is-a-sovereign-citizen-movement-beliefs-explainer/968ac369-a7bd-4a6d-9465-7bc2a1d13bdf> (14.09.2023)

²⁵² Daryl Johnson, *Hate in God's name*, "Southern Poverty Law Center", September 25, 2017, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

Handbook, "religion is the greatest form of mind control through manipulation of fear, guilt, and shame. Spirituality is the opposite of religion"²⁵³. Hence the firm rejection of any form of state authority because they have no standard to refer to or that could influence them. Rejecting organized religion does not mean that they are not religious, just that they reject any type of authority, whether secular or religious.

Verl K. Speer also indicates the attitude that people must adopt by defending their judgment²⁵⁴. "As a Defendant"²⁵⁵, says Verl K. Speer, people must reject authority when it does not correspond to their religious vision: "A defendant who truly believes, and lives accordingly, can offer proof that his spiritual training and belief in his Supreme Being forbid his voluntary participation in Babylon; for he is commanded by his Supreme Being to get out of Babylon and, therefore, has no choice in the matter; that his spiritual training and belief forbids his voluntary participation in Wager Policies which, by definition, are violative of God's law - being hurtful and destructive by Society in general, the defendant, and defendant's neighbors whom he is commanded to "love as thyself" with all his heart and soul"²⁵⁶. Sovereign citizens believe that today's society is the new Babylon, being ruled by Satan, "using their interpretation of the Bible, some sovereign citizens surmise that Babylonian law is controlled by merchants (i.e. corporations)"²⁵⁷. Therefore, sovereign citizens believe that they are subject to no state authority and no law given by an illegal government²⁵⁸.

Thomas Hobbes²⁵⁹ spoke about sovereignty in the work "De Cive or The Citizen", but affirming the fact that people must respect the laws and the authority of the state: "Seeing that from the virtue of the covenant whereby each subject is tied to the other to perform absolute and universal obedience (such as is defined above, chap. vi. art. 13) to the city to the sovereign power, whether that be one man or council, there is an obligation derived to observe each one of the civil laws so that that covenant contains in itself all the laws at once; it is manifest that the subject who shall renounce the general covenant of obedience, doth at once renounce all the laws"²⁶⁰.

The fact that sovereign citizens misinterpret such ideas is evidenced by the fact that Thomas Hobbes states that people who no longer submit to state authority are traitors and commit a sin, contrary to what they do: "Which trespass is so much worse than any other one sin, by how much to sin always, is worse than to sin once. This is that sin which is called treason, and it is a word or deed whereby the citizen or subject declares that he will no longer obey that man or court to whom the supreme power of the city is entrusted. And the subject declares this same will of his by deed when he either doth or endeavors to do violence to the sovereign's person, or to them who execute his commands. Of which sort are traitors, regicides, and such as take up arms against the city, or during a war fly to the enemy's side. And they show the same will in word, who flatly deny that themselves or other subjects are tied to any such kind of obedience, either in the whole, as he who should say that we must not obey him (keeping the obedience which we owe to God entire) simply, absolutely, and universally"²⁶¹.

Although it differs from other right-wing extremist groups, according to Stephen Dametto, the sovereign citizen's movement has "the potential for violence, fixation, and harassment", which is why it is under the attention of the Australian Federal Police, especially in situations "where violence is being advocated"²⁶². So, some of the sovereign citizens end up being violent, committing terrorist attacks and killing

²⁵² Verl K. Speer, *Pied Pipers of Babylon*, 1985, p. 265

²⁵³ Johnny Liberty, *The Global Sovereign's Handbook*, Institute for Communications Resources, Inc., 2004, p. 28, <https://www.calameo.com/read/000396078b61311af2d36> (14.09.2023)

²⁵⁴ Verl K. Speer, *Op. cit.*, p. 269

²⁵⁵ *Ibidem*, p. 270

²⁵⁶ Verl K. Speer, *Op. cit.*, p. 272

²⁵⁷ Daryl Johnson, *Hate in God's name*, "Southern Poverty Law Center", September 25, 2017, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²⁵⁸ Daniel Jeffrey, *Op. cit.*, <https://www.9news.com.au/national/what-is-a-sovereign-citizen-movement-beliefs-explainer/968ac369-a7bd-4a6d-9465-7bc2a1d13bdf> (14.09.2023)

²⁵⁹ Born on 15 April 1588 – dead on 14 December 1679, was a British philosopher, who wrote *Leviathan*, published in 1651, a work in which he describes the concept of the social contract, being considered one of the founders of modern political philosophy.

²⁶⁰ Thomas Hobbes, *De Cive or The Citizen*, Sterling P. Lamprecht, Appleton-Century-Crofts Incorporated, New York, 1949, p. 169

²⁶¹ *Ibidem*, p. 169

²⁶² Stephen Dametto, *Op. cit.*, p. 8

people, especially state representatives, in the name of strong beliefs formed by the amalgamation of conspiracy theories and political ideologies with religious beliefs and common law norms.

The Upward Trend of the Sovereign Citizen Movement Phenomenon

Although currently, the movement of sovereign citizens is heterogeneous, "is plagued with rivalries, infighting, and conspiracies that often lead to the disbanding and recreation of groups, unprecedented growth in this movement is expected to continue"²⁶³. "The pandemic has led increasing numbers of people to seek out conspiracy theories and extremist beliefs online due to "the collective trauma"²⁶⁴. If sovereign citizens believe that governments are illegitimate because they have limited people's God-given freedom, the risks posed to those who do not share their beliefs will continue to manifest. In this regard, Verl K. Speer says: "This was the grand and noble experiment, an entirely new concept in the annals of government. The National Constitution and the National government which it created, were limited in their powers over natural-born persons (individuals) to those expressly granted (i.e., beyond the extent of powers granted the natural-born inhabitant was to be governed by the Laws of God and Nature, the Law of Conscience)"²⁶⁵.

The main tool for propagating the ideology of sovereign citizens is the virtual environment as their creeds have reached all communities, and all people, regardless of social status²⁶⁶. This movement "will continue to increase without significant intervention by law enforcement, government policies that prevent sovereign activities and societal recognition of the threat from the groups and individuals involved"²⁶⁷. Sovereign Citizen "believed that 'common law' (based on interpretations of the Bible), as opposed to federal law, provided the only true legislative code for U.S. citizens"²⁶⁸. Among the elements that indicate the presence of a sovereign person are references to the Bible, The Constitution of the United States, U.S. Supreme Court decisions, or treaties with foreign governments"²⁶⁹. Of course, in the case of sovereign citizens of other countries, their constitutions and laws are invoked, not the US.

Since 2020, some practices of sovereign citizens such as "developing assemblies and common law courts"²⁷⁰. The laws of states do not apply to them, sovereign citizens believe²⁷¹. Federal Bureau of Investigation (FBI) has labeled sovereign citizens as "paper terrorists" because of their actions: "filing false liens, false tax documents or spurious lawsuits" which financially affects the victims²⁷². In any legal matter, sovereign citizens refer to "the Uniform Commercial Code, maritime law, and the Bible"²⁷³. The FBI categorized some of the sovereign citizens as "domestic terrorists" because "they occasionally get into armed confrontations with law enforcement"²⁷⁴.

²⁶³ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²⁶⁴ Keiran Hardy, *Op. cit.*, <https://enlighten.griffith.edu.au/sovereign-citizens-eccentrics-or-extremists/> (06.09.2023)

²⁶⁵ Verl K. Speer, *Op. cit.*, p. xiii

²⁶⁶ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²⁶⁷ *Idem*

²⁶⁸ Institute for Strategic Dialogue, *Sovereign Citizens*, <https://www.isdglobal.org/explainers/sovereign-citizens/> (14.09.2023)

²⁶⁹ The FBI's Counterterrorism Analysis Section, *Sovereign Citizens - A Growing Domestic Threat to Law Enforcement*, September 1, 2011, <https://leb.fbi.gov/articles/featured-articles/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement>, (14.09.2023)

²⁷⁰ The Southern Poverty Law Center, *Op. cit.*, <https://www.splcenter.org/20170925/hate-god%E2%80%99s-name> (12.09.2023)

²⁷¹ Daniel Jeffrey, *Op. cit.*, <https://www.9news.com.au/national/what-is-a-sovereign-citizen-movement-beliefs-explainer/968ac369-a7bd-4a6d-9465-7bc2a1d13bdf> (14.09.2023)

²⁷² Lorelei Laird, *Op. cit.*,

https://web.archive.org/web/20141102010820/http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/ (07.09.2023)

²⁷³ *Idem*

²⁷⁴ *Idem*

Among the traits of the movement's followers is "recruiting & evangelizing", according to Stephen Dametto²⁷⁵, which is why the movement has grown in recent years. The sovereign citizen movement is not organized and does not have "a leader or a unified ideology" according to Mark Potok, researcher of extremist organizations for the Southern Poverty Law Center. In 2011 there were approximately 300,000 sovereign citizens in the US alone, of which "about a third, or 100,000, were hard-core believers", in the opinion of Mark Potok, who believes that in three years, from 2011 to 2014 when he conducted the study, "the percentage of hard-core believers has since increased"²⁷⁶.

Mark Potok based his conclusion on the fact that "a fair amount of anecdotal evidence suggests it is spreading" because "it is the single most widespread idea from the radical right"²⁷⁷. Due to the restrictions imposed by all states in the context of the Covid-19 pandemic, including vaccination, the number of followers of this ideology has increased "significantly"²⁷⁸. Sovereign citizens believe that "they are subject only to God's law or common law" and thus have the right to form their nation and their government as the current US government is illegitimate²⁷⁹. They "believe their legal system is the only legitimate one - and because they frequently resent authorities, they feel are not legitimate - they have trouble cooperating with even the most basic of requirements" and these beliefs go to the extreme, seeing themselves as martyrs rather than submit to government authority²⁸⁰.

Sovereign citizens believe that "they are morally and legally correct" according to Stephen Dametto²⁸¹. "In the 21st century, adherents are diverse and not necessarily racist"²⁸², but ASIO (Australian Security Intelligence Organisation) director Mike Burgess says their beliefs are dangerous²⁸³. The violence of sovereign citizens will intensify in the future, says J. J. MacNab, as they realize that they will achieve their goals. "Most of the retaliation is in the form of lines - sometimes in the form of threats, and very rare cases they act on the threats", MacNab says "I think they're moving in that direction, unfortunately. And if enough people threaten, some people will start acting on it", according to the same MacNab²⁸⁴. So, the trend of developing the Sovereign Citizens Movement by attracting members can offer people alternatives to the current social order with which such adherents do not agree.

Conclusions

The Sovereign Citizen Movement is a movement formed by followers of an ideology formed from subjective concepts and whose meaning is intentionally distorted, these being taken from common law, the Bible, English, or American history, but which compete to support their point of view according to which he must not submit to the authority of the state.

Sovereign citizens, by their creeds, refuse to obey laws, rejecting the legal provisions relating in particular to the payment of fees and taxes owed to the state, to obtaining and holding identity documents with personal numerical codes or with the first and last name written in capital letters, registering vehicles with the legal authorities or obtaining a driver's license from the legally authorized institutions citing the fact that they are traveling, are not drivers and do not need such a document. Sovereign citizens are not followers of a

²⁷⁵ Stephen Dametto, *Op. cit.*, p. 3

²⁷⁶ Lorelei Laird, *Op. cit.*, p. 67

²⁷⁷ *Idem*

²⁷⁸ Daniel Jeffrey, *Op. cit.*, <https://www.9news.com.au/national/what-is-a-sovereign-citizen-movement-beliefs-explainer/968ac369-a7bd-4a6d-9465-7bc2a1d13bdf> (14.09.2023)

²⁷⁹ Lorelei Laird, *Op. cit.*, https://web.archive.org/web/20141102010820/http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/ (07.09.2023)

²⁸⁰ *Idem*

²⁸¹ Stephen Dametto, *Op. cit.*, p. 4

²⁸² Lorelei Laird, *Op. cit.*, p. 68, https://web.archive.org/web/20141102010820/http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/ (07.09.2023)

²⁸³ Daniel Jeffrey, *Op. cit.*, <https://www.9news.com.au/national/what-is-a-sovereign-citizen-movement-beliefs-explainer/968ac369-a7bd-4a6d-9465-7bc2a1d13bdf> (14.09.2023)

²⁸⁴ Lorelei Laird, *Op. cit.*, https://web.archive.org/web/20141102010820/http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/ (07.09.2023)

religious denomination but are syncretizes, amalgamating several religious doctrines that support them in their visions of life and the functioning of society.

They generally retain the religion and religious beliefs they had before becoming sovereign citizens but distort their established meaning to support their claims and goals. According to them, society is run by a world occult organization and the governments of countries are illegitimate because they are influenced by this occult because it has turned countries into organizations that function like giant corporations. Sovereign citizens accuse authorities, especially governments, of no longer respecting people's right to be free. Thus, governments violate people's natural, God-given right to be free. By abrogating this divine right, governments are influenced by Satan, and sovereign citizens are obligated to refuse the Devil's authority.

Some sovereign citizens generate risks for society because they refuse any type of authority, secular or clerical, considering that they have a natural right to be part of another society that is guided by other norms as they interpret them. For sovereign citizens, today's society and governments are corrupt because they have imposed laws that no longer stem from natural and common law, and laws issued by states can only be used to fight the authorities' measures in the courts.

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**REPRESSION-INSPIRED INNOVATIVE FORMS OF PROTEST AS A FACTOR
 SUSTAINING MOBILIZATION: THE CASE STUDY OF ALL-POLISH WOMEN'S
 STRIKE²⁸⁵**

Abstract:	<i>The paper aims to discover the relations between repression and the occurrence of innovative forms of protests (hereinafter: IFP) during the All-women's Strike in Poland (2020-2021). The Authors identified two most essential features of IFP, namely the use of the Internet and avoidance of physical violence. IFP were significant for these manifestations, considering pandemic circumstances and strict restrictions on public assembly. The following questions were asked during the research: 1) What was the content of the IFP? 2) Who is the target of IFP? The study draws on process tracing to determine whether repression by law enforcement caused a public reaction against those measures. Moreover, qualitative content analysis was used to determine the content published in public domain posts on Instagram. The period examined is 20 October 2020 (tightening abortion law by the Constitutional Court) to 8 February 2021 (when the last post was published). The purposeful selection of cases included 450 posts by the most engaged Polish female celebrities. The paper provides knowledge of how specific repression triggered certain types of IFP and who was the target of these protests. The authors also explain the use of IFP during the All-women's Strike in Poland.</i>
Keywords:	Innovative forms of protests; celebrity political endorsement; All Woman's Strike in Poland; unconventional political participation; e-participation
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Introduction

In the face of coronavirus-related restrictions and a justified need to keep social distance, individuals who seek to manifest social demands and contentious political issues were forced to find alternative forms of protests in the pandemic-ridden reality. Most of them used measures that stemmed from the experience of anti-austerity movements which applied new technology as a supplementary form of protest. Regardless of physical barriers, innovative forms of protest (hereinafter: IFP) help to overcome time and space limitations and attract a global audience focused on specific issues. For that reason, in the digital era, protesters more often use IFP as a form of support for traditional contentious politics. The Internet, as a space primarily free from state control, allows manifest statements and behaviors that, in traditional forms of protest, might trigger repression from law enforcement and state officers. Therefore, IFP have become popular and reduced the costs of running protests mitigating the risk of repression and becoming a unique form of contentious politics, especially in the

²⁸⁵ This research paper is a result of the research project *Civil Disorder in the Pandemic-ridden European Union*. It was financially supported by the National Science Centre, Poland (Grant Number 2021/43/B/HS5/00290)

face of constrained traditional forms. This occurred during the coronavirus crisis of 2020-2022, when the freedom of assembly, like other rights and freedoms, was limited or suspended. Moreover, in this period, the partisanship of police officers increased, which led to more frequent use of repressions, especially against anti-government demonstrations²⁸⁶. IFP can be manifested in many ways. Moreover, some of the IFPs may be used as a separate form. For that reason, the authors seek to discover the level of coherence between IFP and traditional forms of protest, especially in the demanding social change trajectory of mass mobilization. The aim is also to indicate how users of alternative demonstrations reacted to repressions during street protests and who was blamed for obstructing requested social changes.

The paper aims to discover the relationship between repressions and IFP during the All-Women's Strike in Poland 2020-2021 (hereinafter: AWS). The authors decided to focus on the AWS after the tightening of abortion law by the Constitutional Tribunal (pol. Trybunał Konstytucyjny, hereinafter: TK). The TK's decision triggered the largest mass mobilization in Poland after 1989, despite corona-related limitations on public gatherings. Moreover, previous experience of movements protecting reproductive rights in Poland justified the use of IFP²⁸⁷. Therefore, the authors selected a case characterized by mass mobilization, which involved repressions and well-developed means of IFP.

The article provides empirical evidence about the coherency of IFP and AWS and how the target of the former changed over time during the protest. The authors explain what determined the response to repression and indicate other factors. The paper offers an extension of the IFP theory and indicates what motivated people to continue protesting. The authors examine benefits that stem from using IFP rather than traditional forms of protest. The study also indicates the importance and role of connective leaders, symbolism, and management of emotions in IFP.

Literature Review

The appearance of a new form of participation in a political process stems from, among other things, technological advancement. In the 1990s, the widespread use of information and communication technology (ICT) in public services²⁸⁸ and the integration of social media platforms by anti-austerity movements²⁸⁹ confirmed that digital tools became equally important as traditional forms of political participation. One of the most widespread forms of participation in digital space is the manifestation of social demands. All such forms of activity are recognized as innovative forms of protest (hereinafter: IFP), e.g., the use of social media. IFP creates a collective identity through photos, likes, or comments that users post online²⁹⁰. These digital forms of protest guarantee unique opportunities and the lack of repressions from law enforcement and state officers. They also gather people around the world, regardless of time and space barriers. As a result, protests in social media became one of the main forms of contentious politics, recognized as equal to other political rights and freedoms. For that reason, IFP may be the target of the same limitations as, for example, the right of peaceful assembly, freedom of speech, and press²⁹¹.

Researchers frequently analyze IFP based on case studies as examples. Richard Bonneau, Melanie Langer, Megan Metzger, Jonathan Nagler, Joanna Sterling, and Joshua Tucker address the issue in terms of exchanging tactical information while directing the protest and using emotions, such as anger, to motivate

²⁸⁶ Joanna Rak, Karolina Owczarek, *Freedom of Assembly at Stake: The Warsaw Police's Partisanship During Polish Protests in Times of Pandemic*, "Studia Securitatis", Vol. 16, No. 2, 2022, p. 172

²⁸⁷ Joanna Rak, Maciej Skrzypek, *PROFILE: why have social mobilizations for women's reproductive rights in Poland failed?*, "Social Movement Studies", 2023, pp. 1-8

²⁸⁸ Ann Macintosh, *E-Democracy and E-Participation Research in Europe*, "Digital Government. Integrated Series In Information Systems", Vol 17, 2008, Springer, Boston, https://doi.org/10.1007/978-0-387-71611-4_5, pp. 85-102

²⁸⁹ Donatella Della Porta, Alice Mattoni, *Social Networking Sites in Pro-democracy, and Anti-austerity Protests: Some Thoughts from a Social Movement Perspective*, "Social media, politics and the state", Routledge, London and New York, 2014, pp. 39-63

²⁹⁰ Paolo Gerbaudo, Emiliano Treré, *In search of the 'we' of social media activism: introduction to the special issue on social media and protest identities Information*. "Communication&Society", Vol. 18, 2015, pp. 865-871, <https://doi.org/10.1080/1369118X.2015.1043319>

²⁹¹ Joanna Rak, Roman Bäcker, *Theorising struggles between neo-militant democracies and their enemies*, "Neo-militant Democracies in Post-communist Member States of the European Union", Routledge, London and New York, 2022, p. 8

people to strike²⁹². They emphasize that social media messages are emotional and motivational to encourage or discourage protesters from taking further actions. The paper shows the importance of generating emotions during protests. IFP prefers emotional messages over rational ones. IFP posts can consciously be constructed in a way to enrage their audience and motivate people to action. This has a positive influence on the motivation of the protest participants, but it may also raise a question about the reasons for which someone joins the IFP. Is it a desire to express one's disagreement and consciously fight for rights, an action triggered by strong emotions, or a desire to follow a specific temporary trend that arose with the mass publication of AWS-related posts by well-known personalities?

Ruben Enikolopov, Alexey Makarin, and Maria Petrova pointed out that IFP actions boosted the activity on the VK platform²⁹³ during a wave of political protests and electoral fraud in parliamentary elections in Russia in December 2011. They proved that increased activity on the VK platform translated into a growing number of protesters. Enikolopov, Makarin, and Petrova confirmed that the benefits of celebrity involvement in the IFP were also related to the increased activity generated by those supporting the protest. The use of hashtags related to the protest helped to gather a new group of observers who supported the protest. This could build their online recognition and generate potential income. Enikolopov, Makarin, and Petrova's observations provided knowledge about the importance of IFP in undemocratic states, where forms of contentious politics characteristic of democratic systems do not work. They also pointed out that IFPs are becoming an especially important channel for the flow of information in the case of protests in countries where the government controls traditional media. The situation also occurred in Poland with IFP playing a crucial role in sharing information. It was particularly important as fully partisan public media hardly mentioned or completely ignored the protests.

Donatella Della Ratta and Augusto Valeriani have analyzed the Internet's role in the Arab uprising. They proved that technology was not the most important in IFP. Instead, it was the culture created by users that permitted discussions between different types of activists. They also presented a new approach to leadership, adapting the concept of connective leadership in management to social movement studies²⁹⁴. According to the definition, connective leaders are more aware of interdependency and diverse opportunities in contrast to traditional leaders. They are characterized by a connective perspective, combining interdependence and diversity with their advantages. Jean Lipanm-Blumen and Harold J. Leavitt distinguished three types of connective leaders: Conductors/hands-on leaders (have expert knowledge), Patrons (a kind of high-level intermediary who serves as a link between the group and director positions), and Keepers-of-the-flame (they recruit further groups when the first one has completed its activities)²⁹⁵. It means that connective leaders can take on different roles considering their skills or connections with others. In social movement studies, in the context of IFP, connective leaders may be partially associated with an individual or an organization. Nevertheless, they bring a fresh approach to protests by using IFP and their outreach to spread information about protests. They provide a bridge between the traditional form of protests and IFP. Leaders motivate and sustain their audience's commitment to the cause. They also act as gatekeepers to verify pieces of information and share those that are most relevant²⁹⁶. Through their contacts with people responsible for organizing strikes, they can act as intermediaries, i.e., representing the characteristics of the Patrons.

The literature points to the importance of using symbols during protests, which bond protesters²⁹⁷. Because IFP communication takes place on the Internet where the audience is diffused, it is important that

²⁹² Richard Bonneau, Melanie Langer, Megan Metzger, Jonathan Nagler, Joanna Sterling, Joshua Tucker, *How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks*, "Advances in Political Psychology", Vol. 39, 2018, pp. 85-118, DOI: 10.1111/pops.12478

²⁹³ Ruben Enikolopov, Alexey Makarin, Maria Petrova, *Social Media and Protest Participation: Evidence From Russia*, "Econometrica", Vol. 88, 2020, pp. 1479-1514

²⁹⁴ Donatella Della Ratta, Augusto Valeriani, *Remixing the spring! Connective leadership and read-write practices in the 2011 Arab uprisings*, "CyberOrient. Online Journal of the Virtual Middle East", Vol. 6, 2012, p. 291

²⁹⁵ Jean Lipanm-Blumen, Harold J. Leavitt, *Hot Groups and Connective Leaders*, "Organizational Dynamics", Vol. 38, 2009, pp. 225-228

²⁹⁶ Donatella Della Ratta, Augusto Valeriani, *Remixing the spring! Connective leadership and read-write practices in the 2011 Arab uprisings*, "CyberOrient. Online Journal of the Virtual Middle East", Vol. 6, 2012, p. 291

²⁹⁷ Maciej Kowalewski, *Street protests in times of COVID-19: adjusting tactics and marching 'as usual'*, "Social Movement Studies", Vol. 20, 2021, pp. 759-760, DOI: 10.1080/14742837.2020.1843014

protests of this type also have their symbolism to unite groups of users. The Internet is a visual medium, so it is even more crucial to have identification in the form of symbols. Experiences of AWS confirm that symbolic actions united protesters, not only those who participated in traditional forms of protests but also Internet users involved in IFP. For instance, they used the symbol of lightning, which meant disagreement with limiting women's reproductive rights. Social media users published posts with photos of the lightning or included the symbol as an emoji in the text. This distinguished them from other users, and those who supported the protest could identify who also did. However, in addition to this, users used hashtags such as #StrajkKobiet and #PiekłoKobiet. At the same time, this increased the possibility of the post reaching a wider audience. It is worth noting that the main organizer of the protest, the National Women's Strike, had experience in creating such actions. In 2016-2017, when the so-called 'Black protest' took place, participants were dressed in black, and their symbol was a black umbrella²⁹⁸. This indicates that the organizers were aware of the importance of organizing symbolic actions and decided to do so for AWS. The Internet, where IFP takes place, is a platform promoting influencers and celebrities. They express their views on topics important to society, such as ecology or vaccination, as experienced during the coronavirus pandemic. It was no different with the restriction of women's reproductive rights and AWS. Polish celebrities publicly supported AWS and joined protests in both traditional and IFP formats. They encouraged people to participate in the protests by publishing posts about the TK ruling. They also used hashtags and symbolism associated with AWS.

Celebrities became connective leaders responsible for spreading information about the traditional protest mobilization - the place and time of the gathering²⁹⁹. Given the diffusion of networks, it is difficult to identify a single leader solely adopting IFP, so the role of idols and well-known people who join protests to gather and lead people reached by their posts was important³⁰⁰. The statements posted by connective leaders strengthened the group and its legitimacy in achieving the demands manifested. Therefore, although the leader of AWS was Marta Lempart, who was also one of the leaders of the National Women's Strike, the support of connective leaders who guided smaller groups of protesters also proved valuable³⁰¹. It is worth noting that connective leaders also influence public opinion. Therefore, this study is essential to discover how Polish female celebrities shaped their audience's opinion and responsibility for the situation in the country. Moreover, because the study subjects are women, they also influenced the actions of other female protest leaders due to their self-identification with the group of protesters³⁰². IFP were especially visible in Poland in 2020-2021 due to the COVID-19 restrictions. During the threat of infection, IFPs were useful for people who could not physically participate in traditional forms of protest. IFP accompanied and, in a way, complemented traditional forms of protest that took place in the streets almost all over the country. Therefore, the relevance of IFP during the AWS should not be underestimated.

To sum up, the lack of knowledge about shaping the thinking of protesters by connective leaders using IFP is identified as the research gap. This study provides knowledge and indicates the trigger relevant to the target. It also indicates the relationship between the use of IFP and repression by state officers. IFP can be an extension or a complement of traditional forms of strike. They also share specific characteristics, which, in the case of IFP, can be strengthened due to the fact of protesting online. Considering the visual importance of online messages, symbolism is more valuable in IFP. On the Internet, it is easier for users to identify protest participants through strike-related symbolism. Symbols are also used and promoted by connective leaders. Provided they are well-known and trusted, they can offer interpretation of facts and promote information flow through hashtags. This is also intended to reach a broader audience and encourage participation in protests in

²⁹⁸ *Idem*

²⁹⁹ Doug McAdam, John D. McCarthy, Mayer N. Zald, Ann Arbor, *Comparative Perspectives on Social Movements. Political Opportunities, Mobilizing Structures, and Cultural Framings*, Cambridge University Press, 1996; Donatella della Porta und Mario Diani, *Social movements. An introduction*, Blackwell Publishers, Oxford, 1999, <https://doi.org/10.1007/s11577-000-0016-8>

³⁰⁰ Melucci Alberto, *Challenging codes. Connective action in the information age*, Cambridge University Press, New York 1996

³⁰¹ Donatella Della Ratta, Augusto Valeriani, *Remixing the spring! Connective leadership and read-write practices in the 2011 Arab uprisings*, "CyberOrient. Online Journal of the Virtual Middle East", Vol. 6, 2012, p. 291

³⁰² Bonneau Richard, Langer Melanie, Metzger Megan, Nagler Jonathan, Sterling Joanna, Tucker Joshua, *How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks*, "Advances in Political Psychology", Vol. 39, 2018, p. 94, DOI: 10.1111/pops.12478

defense of rights. Connective leaders can take on different roles to shape opinions, motivate, or inform people. When consciously creating their posts conveying emotional charge, they can manage emotions among members of their audience.

Materials and Methods

The concentration on protestors' reactions to repressions stems from Gerschewski's theory that the latter is one of the pillars of autocratic political regime stability³⁰³. This has been characteristic of ruling elites in Poland since 2015³⁰⁴. In response to a decision that limited the sovereignty of political nations, the level of unconventional participation increased³⁰⁵, supported by the IFP. Therefore, the authors seek to discover the level of coherency of IFP and traditional protests during the pandemic period. IFP coherency means the reference to the trajectory of traditional forms of protest, the similarity of manifested goals, targeting guilty individuals, and the mobilization to participate in demonstrations in public space and IFP. The high level of coherency means that IFP is a supplement for traditional protests, with similar goals and trajectory. In turn, when the level of coherency is lower, IFP might transform into a separate form of contentious politics. It depends on the genesis of the protest with different goals, trajectories, and measures. Considering the reach of posts on social media, the IFP content became more influential than that of mass media as regards the public debate on the tightening of the abortion law. Therefore, the authors also seek to explore who was blamed for the tightening of the abortion law in Poland. For that reason, the research questions were as follows: 1) What is the relationship between the use of IFP and repressions? 2) Who is the target of IFP? The answer to the first question allows the authors to determine the level of coherency of IFP's content with AWS's trajectory. In turn, the answer to the second question allows the authors to examine how the target of IFP changed during the AWS.

The study draws on the following methods: process tracing to determine whether repression by law enforcement caused a public reaction against those measures and qualitative analysis of sources to determine the content of posts on Instagram. The authors analyzed 450 Instagram posts (photos and videos) published by Polish female celebrities and media content related to AWS's protests between October 19, 2020, and February 8, 2021. Most of the posts published referred to gatherings in Warsaw. Therefore, the authors decided to analyze protests organized in the capital. Female celebrities were selected considering that they are presenting themselves as representatives of victims of the tightening of the abortion law in Poland. The celebrities referred to such values as sisterhood and solidarity with all women whose reproductive rights were limited. Moreover, most of them participated in protests in person.

The authors also modified the engagement Rate index (hereinafter: Erm), a well-known social media analysis³⁰⁶. In that is, any form of interaction with posts is another value, considering that impact on content posts' positioning. According to ERm's provisions, interactions' values (1 for any reactions; 3 for users' comments) are summarized and divided by the number of profile fans and percent as results in percent. Each value above 1,0 means that the post reached an audience more significant than the number of followers. The higher the ERm, the greater the number of ERm applied to indicate how female celebrities' posts engaged their audience and decided the reach of each material. This index was adopted to compare interaction among posts over the weeks and change the target of IFP.
$$ER_m = \frac{[(comments*3)+(reactions*1)]*100\%}{number\ of\ followers}$$

The choice of female celebrity groups is based on their exposure activities to the protection of women's reproductive rights in social media. The authors selected the most engaged individuals according to

³⁰³ Johannes Gerschewski, *The three pillars of stability: Legitimation, repression, and co-optation in autocratic regimes*, "Comparing autocracies in the early Twenty-first Century", London and New York, Routledge, 2015, pp. 58-83

³⁰⁴ Wojciech Sadurski, *Poland's constitutional breakdown*, Oxford University Press, Oxford, 2019; Radoslaw Markowski, *Creating authoritarian clientelism: Poland after 2015*, "Hague Journal on the Rule of Law", Vol. 11, 2019, pp. 111-132
Roman Bäcker, Joanna Rak, *Trajektoria trwania opancerzonych demokracji*, "Studia nad autorytaryzmem i totalitaryzmem", Vol. 41, No. 3, 2019, pp. 63-82

³⁰⁵ Joanna Rak, Roman Bäcker, *The Role of Cognitive and Emotional Factors in Demobilization: The Pro-choice Protest Movement Activity in Poland*, "Sociologia", Vol. 2, 2023; Joanna Rak, and Maciej Skrzypek, *Op. cit.*

³⁰⁶ Maciej Skrzypek, *Polish Deputies Support to the Anti-vaccination Movement in Social Media. The Case of Confederation Leaders*, "Digital Communication and Populism in Times of Covid-19. Studies in Digital Politics and Governance", Springer, Cham, https://doi.org/10.1007/978-3-031-33716-1_8

media coverage of celebrities' activities in this issue. Content from the following outlets was considered: kobieta.onet.pl, vogue.pl, wysokieobcasy.pl and vizez.pl. The selection was also based on the celebrities' previous experience in social issues, like Maja Ostaszewska and Martyna Wojciechowska.

The next criteria were a catalog of the following hashtags #PiekłoKobiet, #StrajkKobiet, #prawakobiet, #jeszczebędzieprzepiękniejeszczebędzienormalnie, which were familiar for official AWS's communication. Hashtags are used to improve the exposure of content on social media. The authors selected Instagram as a platform where female celebrities distribute their abortion-related content, considering the popularity of this social media in Poland.

Posts related to the AWS were identified based on their content, such as videos or photos from the strikes, the content referring to the strikes, or hashtags related to the AWS, e.g., #StrajkKobiet or #PiekłoKobiet. Based on this, the authors analyzed the content of the selected posts and created a database in which they included entities or people to whom the celebrities referred in their posts. The authors noticed 23 targets of the posts, including TK, Law and Justice Party, state authorities, Roman Catholic Church, politicians, police, Jarosław Kaczyński (leader of Law and Justice Party), the government, state, Kaya Godet (Polish anti-abortion activist), ruling elite, Confederation Party, Patriarchy, Prime Minister, council members, deputy prime minister, Kinga Duda (relative of President), nationalists, prosecutor's office, Civil Platform, fascists, Robert Bączkiewicz (leader of the March of Independence Association) and Julia Przyłębska (leader of TK). The analysis has shown that 276 posts out of 450 did not indicate any target. Therefore, the remaining 174 posts were the basis for further analysis.

The Background of the All-Woman's Strike in Poland

At the beginning of the 2000s, pro-choice groups institutionalized their structures as Manifas and developed online initiatives. However, every attempt to deal with binding regulations failed³⁰⁷. As a result, that issue disappeared from public debate until March 2016, when the Polish Church called for the 'full protection of human life', which triggered efforts to tighten the abortion law by the Pro-Right to Life Foundation (Pol. Fundacja Pro -Prawo do Życia) and Ordo Iuris Institute for Legal Culture (Pol. Instytut na rzecz Kultury Prawnej Ordo Iuris). Both institutions established the 'Stop Abortion' Committee which prepared a draft act submitted to the Sejm on October 3, 2016. In response, almost 100,000 people took to the streets in protest. Mass demonstrations called 'Black protests', occurred in 118 Polish and 50 European cities, Canada, Kenya, and China. Finally, the Sejm rejected the draft act, but at the same time, the ruling party declared to begin the preparation of an 'unborn life' protection program. This wave of mobilization ended in January 2018 when Organization Gals for Gals registered its name as a trademark. This led to mass dissatisfaction and mobilization. For the first time, in 2016-2018, supporters of abandoning the abortion law used IFP to support protesters in real-time. The rejected proposition of the 'Stop Abortion' Committee may be recognized as a partial success. However, in October 2020, ruling elites followed the decision of the TK to reject the most often-used premise to terminate pregnancy³⁰⁸. On October 22, 2020, the TK decision triggered the largest number of demonstrations in the modern history of Poland. Despite strict coronavirus-related restrictions, when the right to peaceful assembly was suspended, opponents of the abortion law tightening took to the streets. While considering threats to public health and being afraid of punishment for participation in an illegal manifestation, some protesters decided to use IFP. Therefore, the pandemic period in Poland was an apogee of developing alternative forms of political contentious.

To discover relations between traditional forms of protest and IFP, it is necessary to determine how IFP developed since the TK decision was announced on October 22, 2020, to enter into force on January 27, 2021. Early manifestations were organized on October 19, 2020, when protesters in cars blocked the area near the TK Headquarters³⁰⁹. On the day of the TK decision, protesters gathered in front of Jarosław Kaczyński's (leader of the ruling party) house. During the manifestation, some protesters clashed with police officers who used tear gas to prevent access to Kaczyński's residence. The Police Spokesman avoided speaking about

³⁰⁷ Joanna Rak, Maciej Skrzypek, *Op. cit.*, p. 3

³⁰⁸ Lucy Martirosyan, *The feminist movement in Eastern Europe: Struggles in a changing landscape*, <https://www.opendemocracy.net/en/5050/feminist-movement-europe-urasia-ukraine-armenia-poland-georgia> (6.11.2023)

³⁰⁹ Dawid Krawczyk, *Samochodowy protest w obronie prawa do aborcji. Strajk Kobiet pod Trybunałem Konstytucyjnym*, <https://warszawa.wyborcza.pl/warszawa/7,54420,26412741,ostra-jazda-pod-trybunalem-konstytucyjnym-strajk-kobiet-protestuje.html> (7.11.2023)

protesters throwing eggs and rocks, something that unpartisan media outlets and observatories confirmed. Therefore, the direct coercive force was used to deal with the civil disorder³¹⁰. Moreover, officers arrested 15 people and accused them of participation in illegal gatherings and violation of the bodily integrity of police officers. Some of the violators were fined. On October 25, protesters organized mass demonstrations in front of and inside churches across Poland under the slogan "Word for Sunday". In response, police officers restricted access to churches.

One of the most media-covered incidents occurred in front of the Basilica of the Holy Cross in Warsaw. Inscriptions were displayed on the walls of churches, such as: "Abortion is ok", "Women's hell", "Abortion without borders", "My body ≠ Your Religion", and posters depicting a crucified pregnant woman and the slogan "Your fault, your fault, your very big fault"³¹¹. The entrance to the temple was guarded by members of nationalist organizations, including the Independence March Guard. The police reported a total of 22 protests and 79 cases of inscriptions painted on the facades of churches (including historic ones), and nearly 80 people were arrested. Some individuals interrupted the masses and put counterfeit bills in the donation tray. On October 27, through official party profiles on social media, Jarosław Kaczyński called for protecting churches against protesters whom he described as vandals. His openly polarized statement triggered further demonstrations under the slogan "This is a War". On October 29, 2020, more demonstrations were organized simultaneously near the Headquarters of Public Television and the President's Palace³¹². To sum up, it was the first phase of mobilization when protesters resorted to violence and transformed collective actions into civil disorder.

The turning point was October 30, when almost 100 thousand protesters in Warsaw took to the streets. In response to growing mass mobilization, counter-protesters, such as hooligans and nationalists, used violence against supporters of less restrictive abortion laws. Police detained 37 individuals of whom 35 were armed. There is evidence that the police changed the target of repression³¹³. They also modified the strategy of protest policing. Some undercover officers were hidden in the crowd. In the face of growing social unrest, police used coercive measures to control counter-protesters, who were recognized as a threat to public order³¹⁴. On the next day, other manifestations were peaceful³¹⁵. The second mobilization phase ended with mass demonstrations on November 18, after Kaczyński's public speech in the Sejm. He openly compared protesters and supporters to Nazis, blamed them for the death of the unborn, and undermined the legitimacy of opposition deputies to represent the people³¹⁶. At the same time, demonstrators gathered in the center of Warsaw. Police officers used tear gas against parliamentary deputies who supported protesters. As the spokesman explained, coercive measures were necessary to maintain public order³¹⁷. In real-time, OKO.press journalists informed that

³¹⁰ Onet, *Protest po decyzji TK w sprawie aborcji. Tłum na Żoliborzu, policja użyła gazu i zablokowała dostęp do domu Kaczyńskiego*, <https://wiadomosci.onet.pl/warszawa/aborcja-tlum-na-zoliborzu-policja-pilnuje-dostepu-do-domu-kaczynskiego/195qg2k> (7.11.2023)

³¹¹ Onet, *Kolejny dzień protestów przeciw zakazowi aborcji. Kobiety manifestują w kościołach*, <https://wiadomosci.onet.pl/warszawa/aborcja-wyrok-tk-protesty-w-kosciolach/v2rwnj> (7.11.2023)

³¹² PAP, *Protest przeciwko wyrokowi TK ws. aborcji zakończył się pod Pałacem Prezydenckim*, <https://www.pap.pl/aktualnosci/news%2C746911%2Cprotest-przeciwko-wyrokowi-tk-ws-aborcji-zakonczyl-sie-pod-palacem> (7.11.2023)

³¹³ Polsat News, *100 tys. protestujących w Warszawie. Pseudokibice zaatakowali manifestujących*, <https://www.polsatnews.pl/wiadomosc/2020-10-30/strajk-kobiet-w-polsce-zandarmeria-wojskowa-na-ulicach-i-mobilizacja-srodowisk-narodowych/> (7.11.2023)

³¹⁴ TOK.FM, *"Dziś w całej Warszawie z bram wybiegają narodowcy". Ataki na rondzie de Gaulle'a i Dmowskiego*, <https://www.tokfm.pl/Tokfm/7,103085,26463192,dzis-w-calej-warszawie-z-bram-wybiegaja-narodowcy-ataki-na.html> (7.11.2023)

³¹⁵ Kacper Sulowski, *Dziady na Mickiewicza. Kolejny protest pod domem Kaczyńskiego, byli Zalewski, Przybysz, Szpak.*, <https://warszawa.wyborcza.pl/warszawa/7,54420,26465861,dziady-na-mickiewicza-kolejny-protest-pod-domem-jaroslaw-kaczynskiego.html?disableRedirects=true> (7.11.2023)

³¹⁶ Natalia Bogucka, *Gesty i słowa zdradziły Kaczyńskiego? Ekspertka od mowy ciała wyjaśnia*, <https://www.o2.pl/informacje/ekspertka-od-mowy-ciala-komentuje-ostre-wystapienie-jaroslaw-kaczynskiego-6577284237400864a> (7.11.2023)

³¹⁷ TVN24, *Funkcjonariusze bez mundurów, gaz łzawiący i zatrzymania. Jak przebiegał protest w stolicy*, <https://tvn24.pl/polska/nagrania-ze-strajku-kobiet-w-warszawie-interwencja-nieumundurowanych-policjantow-gaz-lzawiacy-palki-zatrzymania-4755356> (7.11.2023)

uniformed anti-terrorist officers attacked protesters. The Police spokesman called the use of violence unreasonable and condemned the incident. However, the public noted that the response by the police and anti-terrorist squads was inadequate³¹⁸. On that day in Warsaw, police detained 499 people³¹⁹. In this phase of protests, a new threat to public order came from hooligans and nationalists. In response to the growing threat, law enforcement changed the rules of protest policing from negotiated management to escalated force, including illegal repressions. In response, the number of IFPs increased, which was confirmed by the empirical part of the research.

After November 19, the protest policing by law enforcement services continued despite the demobilization of protesters, the abandonment of violence by gathering members, and the peaceful character of gatherings. Polish deputies engaged themselves in mediation between protesters and police officers³²⁰ and protecting detained individuals³²¹. Police officers still used coercive measures, even though protesters avoided clashes with the police. The coercive force was also used against deputies who supported protesters³²². The police illegally raided the Warsaw University of Technology. The police explained that police officers were not familiar with the city³²³. Then, the number of demonstrations decreased, which was a sign of demobilization. In that period, police officers did not change their repressive strategy. The last phase started after TK's decision entered into force on January 27, 2021. Mass manifestations were organized less often than before³²⁴. The march on January 27, 2021, was peaceful and police officers did not block its participants. Therefore, the last phase was the time of demobilization and futile attempts to re-mobilize protesters. The police changed their strategy after the TK published its ruling.

To sum up, almost 30 years of debate about the extent and scope of abortion law in Poland ended with the TK ruling that the most common premise of abortion was unconstitutional. In response, opponents took to the streets despite corona-related restrictions. They also used alternative forms to support the protest's more stringent abortion law. Although protesters started manifesting their views peacefully in the second and third waves of protests, repressions against them continued. In the further part of the article, the authors examine the frequency of IFP and their targets as a response to repressions.

Innovative Forms of Protests During All-Women Strikes in Poland

The authors have distinguished four phases of the protests: from October 19 to October 29, 2020 (phase I), from October 30 to November 18 (phase II), from November 19, 2020, to January 26, 2021 (phase

³¹⁸ Radosław Gruca, *NEWS OKO.press. Policjant, który bił pałką demonstrantów, miał już problemy z prawem*, <https://oko.press/news-oko-press-policjant-ktory-bil-palka-to-antyterrorysta-mial-juz-problemy-z-prawem> (7.11.2023). Wojciech Czuchnowski, *"Wydział Chaos" w akcji. Kim są policjanci w cywilu, którzy palowali protest kobiet*, <https://wyborcza.pl/7,75398,26527953,wydzial-chaos-w-akcji-kim-sa-policjanci-w-cywilu-ktorzy.html?disableRedirects=true> (7.11.2023)

³¹⁹ Onet, *Policja komentuje wczorajszy protest i sytuację z liderem Lewicy. "Nagranie wyraźnie pokazuje, kto jest winny"*, <https://wiadomosci.onet.pl/kraj/strajk-kobiet-policja-komentuje-sytuacje-z-wlodzimierzem-czarzastym/e081v15> (7.11.2023)

³²⁰ TVN24, *Manifestacja w obronie aktywistki przed sądem. Nerwowa atmosfera, mediowały posłanki*, <https://tvn24.pl/tvnwarszawa/wola/warszawa-pikieta-przed-sadem-okregowym-w-sprawie-zatrzymania-aktywistki-4755145> (7.11.2023). Błażej Makarewicz, *Strajk Kobiet w Warszawie. Starcia z policją, gaz i zatrzymania*, <https://wiadomosci.radiozet.pl/polska/polityka/Strajk-Kobiet-w-Warszawie-28-listopada-2020.-Kolejny-dzien-protestow.-Relacja-na-zywo> (7.11.2023). Radosław Gruca, *Protestujący blokują radiowóz, policja odcina kolejne ulice. Strajk Kobiet na ulicach Warszawy*, <https://oko.press/rondo-dmowskiego-rondem-praw-kobiet-ruszył-protest-przeciwko-wyrokowi-tk-julii-przylebskiej-live> (7.11.2023)

³²¹ Dziennik Gazeta Prawna, *Strajk Kobiet w Warszawie: Zaczęło się pokojowo. Na koniec znowu przepychanki i gaz łzawiący [ZDJĘCIA]*, <https://www.gazetaprawna.pl/wiadomosci/artykuly/1497545,strajk-kobiet-w-warszawie-zaczelo-sie-pokojowo-na-koniec-znowu-przepychanki-i-gaz-lzawiacy-zdjecia.html> (7.11.2023).

³²² Malwina Zaborowska, *Strajk Kobiet: Kolejny dzień protestów. W stolicy policja użyła gazu łzawiącego*, https://www.rmfm24.pl/raporty/raport-strajk-kobiet-news-strajk-kobiet-kolejny-dzien-protestow-w-stolicy-policja-uzyl,nId,4883402#crp_state=1 (7.11.2023)

³²³ Maciek Piasecki, *Policja wtargnęła na teren Politechniki goniąc demonstrantów. Dwie osoby połamały ręce, nogi*, <https://oko.press/policja-wtargnela-na-teren-politechniki> (7.11.2023)

³²⁴ Joanna Rak, *The Impact of Morally Injurious Events on the Dynamics of Mobilization for Women's Rights in Poland*, "Przegląd Politologiczny", Vol. 3, 2022, pp. 35-45

III) and after January 27 to February 8, 2021 (phase IV). The authors have analyzed posts published in each phase and indicate an average ERm for these periods. Figure 1 shows the number of posts in each phase, including AWS-related posts published.

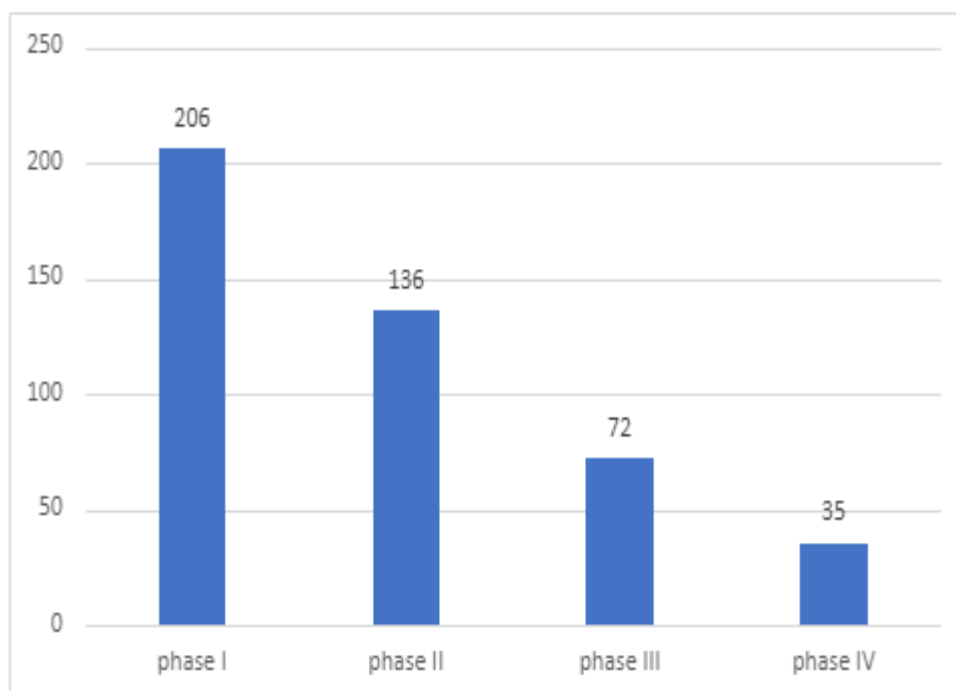


Figure 1. Number of Posts in Certain Periods of Protests in General³²⁵

The largest number of posts was published in phase I (206 posts), especially from October 25 (mass demonstrations in front of churches) to October 28 (after the publishing of Kaczyński's speech) – 121. The frequency was like the mass mobilization during the AWS. The average of ERm posts in phase I was 3,73, which means that these posts reached an audience almost four times bigger than the average of female celebrities' followers. The use of IFP depended on the situation in Polish cities. In phase I, posts that did not specify the guilty dominated. It was also the result of the protester's activity, which focused on car protests, blocking Kaczyński's house, and church protests. In phase II, female celebrities published 136 AWS-related posts, with an average ERm of 2,37. Their decreasing number and lower audience than in phase I did not reflect the growing mobilization after October 30, 2020. However, in this phase, the exposure of the target group was higher than before. Therefore, female celebrities, apart from reporting on protesters' activity, blamed people responsible for the tightening of the abortion law. In phase III (72 materials; average ERm – 1,88) and IV (36 materials; average ERm – 2,92), the number of posts rapidly decreased, which referred to the progressive demobilization of the AWS.

From October 18, 2021, to mid-February 2022, the total number of posts was lower than in phase II, which was the result of IFP user demobilization, despite a temporary increase of ERm. In that period, posts referred to the use of force by the police and opponents of abortion law tightening being arrested. Female celebrities continued their support. Therefore, during phase II, the expected frequency of posts, the trajectory of IFP, and traditional forms of protest showed very high coherency. Both types of contentious politics used the same symbols and slogans, such as lightning.

This created a sense of community and solidarity between protesters and users, especially the audience of female celebrities' social media profiles. Moreover, there were some differences in goals between street protests and female celebrities' posts. Another proof of decreasing IFP users' demobilization is a decline in average ERm over the phases. The lowest values occurred in phase III when posts reached more than two times smaller audiences than in phase I. Even if in the last phase the temporary audience increased, the number

³²⁵ Source: Authors own research

of users was still lower than at the beginning. Therefore, IFP during the AWS was a coherent and supplementing form of contentious politics in Poland. Using IFP allows opponents of the tightening of the abortion law to boost user engagement and gather the largest audience around the issue. At the same time, when mass demobilization occurred, the number of posts decreased. Considering the number of posts and their ERM, public attention around the AWS dropped over the weeks, what is the proof of demobilization IFP?

After indicating the trajectory of IFP and their relations with the mass mobilization of the AWS, the authors examined who was the target of alternative forms of contentious politics. Firstly, it is worth pointing out that the 276 posts did not indicate the target. The posts accounted for most of the material analyzed. These posts focused on IFP, social demands, and values rather than blaming individuals or institutions. Therefore, IFP focused public opinion on values, such as the protection of reproduction rights, freedom of choice to terminate pregnancy, and women in general. The literature on the subject indicated that creating emotional posts was beneficial for motivating protesters³²⁶. Unfortunately, such posts constituted the minority. Female celebrities focused on promoting values, which were expected to drive the protest and people reasonably defending their rights.

Secondly, the target of IFP changed over the weeks. In the posts analyzed, targets of IFP included most often TK (36 posts for the entire period studied), police (27 posts for the entire period analyzed), Law and Justice Party (24 posts for the entire period analyzed), and Jarosław Kaczyński (22 posts for the entire period analyzed). This is shown in Figure 2.

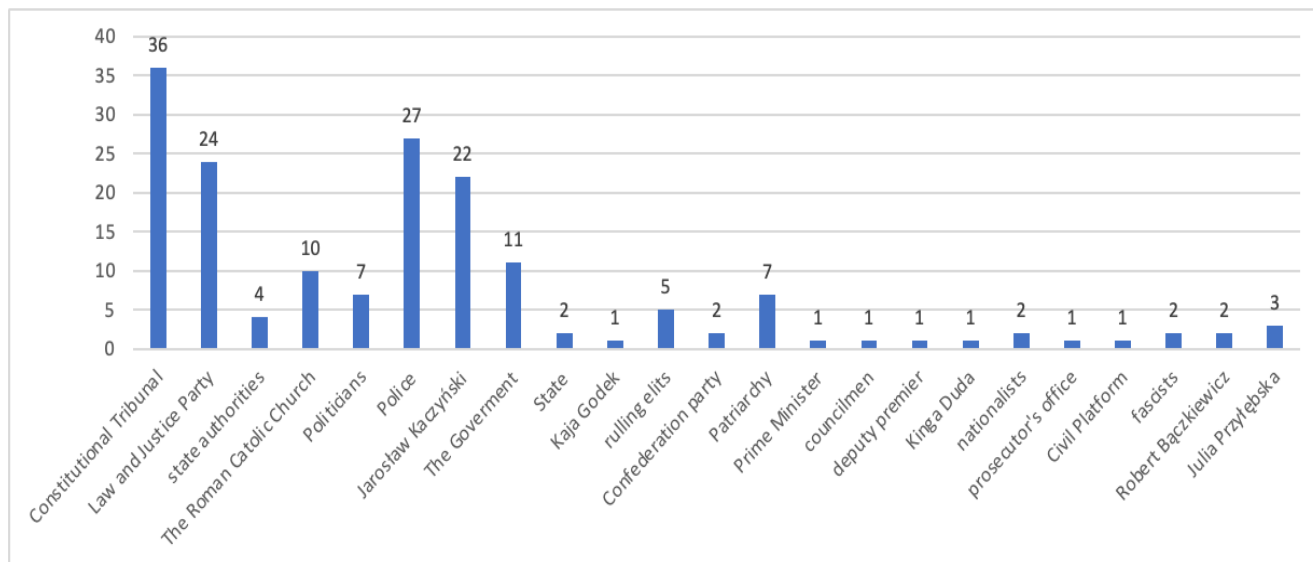


Figure 2. Targets of IFP³²⁷

Figure 2 also indicates the number of posts about other institutions or individuals targeted by Polish female celebrities in their posts. Figure 1 shows that Polish female celebrities associated the situation in the country with the institution adjudicating on the matter, as well as the ruling party and its leader. On the other hand, posts that mentioned the police responded to measures applied by the police during the protests, among other things, the use of tear gas by police officers.

The authors juxtaposed the number of posts about the most common IFP targets (TK, Law and Justice, Jarosław Kaczyński, and police) published in a given period and the phases of protests, as shown in Table 1.

³²⁶ Richard Bonneau, Melanie Langer, Megan Metzger, Nagler Jonathan, Sterling Joanna, Tucker Joshua, *How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks*, “Advances in Political Psychology”, Vol. 39, 2018, p. 94, DOI: 10.1111/pops.12478

³²⁷ Source: Authors own research

Targets of IFP	The highest number of posts in one period in one phase	Number of total posts	ERm	Phase
TK	31	46	3,7	First
Law and Justice/ruling elites	9	63	4,29	Second
Jarosław Kaczyński	10	20	2,81	Second
Police	7	28	2,33	Second
	11			Third/Four

Table 1. Number of Posts in One Phase About Targets of IFP³²⁸

The table shows that the largest number of posts in a single period was published in phase I (19 to October 29), and the number of posts on TK was 31. It is worth noting that on October 23, eighteen posts were published. In total, female celebrities blamed TK 46 times, and the average ERm for posts related to TK is 3,7.

However, the largest number of posts overall analyzed period target Law and Justice/ruling elites. In total, 63 posts about the ruling camp were published, with an average ERm of 4,29, which is the highest value for all analyzed groups. Therefore, most interactions involved ruling camps, meaning these posts were the most engaged. It led to the observation that the audience on Instagram often met posts that blamed the ruling camp more than the other groups. Most of this content was published from October 31 to November 17, while in the entire phase II, nine posts were published. The next target was Jarosław Kaczyński (**20 posts**), the leader of the Law and Justice, who was mentioned in most posts published from October 31 to November 17, while ten posts were published throughout phase II. The average ERm for posts blamed him was 2,81. Kaczyński was blamed rather than his party and posts related to him had a lower audience than posts related to Law and Justice.

The police were the target of 28 posts, mainly from October 31 to November 17 and November 28, 2020, to January 26, 2021. However, considering all phases of the protests examined by the authors, most posts about the police were published in phase III (11 posts). The average ERm for this material is 2,33, which is the lowest value of each group. It means that posts blaming police officers reached the smallest audience, almost two times smaller than content related to the ruling camp.

Referring to all phases identified, almost all posts that mentioned the TK as the body responsible for the problem were published in Phase I. It coincided with the announcement that the TK would rule on the abortion law in Poland. This caused negative emotions expressed in female celebrities in posts. Most of them were addressed to the ruling party and its leader and were published in phase II when the party leader made negative comments about the protesters. In contrast, the largest number of posts blaming the police were published in phase III, which resorted to arrests and the use of tear gas.

IFP target changed during the AWS because of various incidents. In phase I, when female celebrities posted information most often, the target was the TK following its announcement on the revision of the abortion law. This aroused strong emotions among citizens. Being a constitutional body, the TK attracted much attention in phase I. A smaller number of posts mentioned the government which controlled the TK. For this reason, the former became the target of IFP. Phase II was dominated by posts about Jarosław Kaczyński and Law and Justice, the ruling party he was the chair of. This was due to Kaczyński's open criticism of the protesters and calling them vandals. In his speech, he directly attacked the protesters. This shifted negative emotions towards TK to him and his party. In the last phase, the target was the police. Police officers changed protest policing after Phase II and resorted to the use of force as a method of demonstration management, including arrest. This made protesters concerned about their health and lives, which they expressed in their posts. The posts blamed the ruling camp for generating the highest user interactions, while material related to police officers had the lowest. Moreover, it turned out that changing the target of IFP led to declining user interactions and audience of posts, which did not serve to counter demobilization.

³²⁸ Source: Authors own research

Empirical evidence confirmed the high level of coherency of IFP's content with AWS, especially in the symbolic pool. However, it did not guarantee maintained mobilization, which, like protests, took on the street declining since the end of phase II. Demobilization in the case of both forms of protest stemmed from different factors. Regarding IFP, it was the result of the declining number of abortion-related posts and lower public interactions with these materials. Female celebrities also changed the target of IFP over the weeks, which was motivated by AWS's trajectory. In the beginning, users blamed TK as a body, which was decided. Then, when members of the ruling elites justified and supported TK's decision, female celebrities' attention was moved to these politicians, especially the Law and Justice Party leader. In the last phase, when police officers changed the rules of protest policing, more posts were targeted as complaints of restriction of reproductive rights in Poland. In turn, the demobilization of traditional forms of protest stemmed from the following reasons: armed counter-protesters who used physical violence against demonstrators, changing protest policing into escalated force. At the end of January 2021, entered into force TK's decision triggered mass frustrations and moral injuries among protesters. Considering the high coherency of IFP's content with AWS's trajectory related to demobilization protests on the streets, the latter also impacts publishing frequency and public attention on posts.

Conclusions

To sum up, this case study delivered several conclusions about using IFP. The analysis proved that law enforcement and state officers did not respond to protesters using IFP. No forms of repression were implemented against the protesters, e.g., they still had access to the network, or AWS-related hashtags that helped them to reach their audience. Therefore, in comparison with traditional forms of protest, IFP is less vulnerable to repressions from state officers. It stems from the fact that users of this form did not have any contact with law enforcement. They could express their disagreement which was not met with any response from the police. Since IFP is independent of place and time, it was particularly important during the coronavirus pandemic. Among other things, people were concerned about their health, and by using IFP they could comfortably and fearlessly express their support to AWS. This form was also helpful for people with disabilities who could not participate in the traditional form of strike. Therefore, IFPs were useful for protesters because they could express their continuous support that was visible to all Internet users. They used a special template or a set of AWS-related symbols on their profile photo.

As noted in the literature, IFP has an impact on the success of a protest³²⁹. This study confirms the importance of using symbolism in IFP. It is motivated by the emotions that accompany protesters. IFP can be used by celebrities to comment on various incidents during the protests. When the police used tear gas, celebrities referred to the facts in their posts, highlighting the subordination of the police to the ruling party. Thus, the activity and decisions made by IFP targets triggered many emotions among protesters. They were strengthened by connective leaders who motivated and encouraged their audiences to continue protesting.

Another conclusion is that IFP focused on individuals and institutions that celebrities believed were responsible for the tightening of the law on abortion and counteracting reproductive rights. State authorities were responsible for the failure to fulfill social demands, e.g., the TK (most posts in phase I, when public disapproval increased rapidly due to TK's handling of the abortion issue), Law and Justice Party, and Jarosław Kaczyński (mostly in phase II after statements were made by ruling party politicians about protesters). References to police repressive actions were less frequent. However, the police were more often referred to when they used tear gas and arrested protesters.

The change in the IFP's target was triggered by the activity of a particular body or person, which generated many emotions among protesters. The first impulse was the news that TK had started revising the abortion law. The change in target occurred when Jarosław Kaczyński, the leader of the ruling party, expressed his negative opinion about the protesters. Another target was the police who used coercive measures against the protesters. This caused female celebrities to become emotional, as expressed in their posts. The posts

³²⁹ Richard Bonneau, Melanie Langer, Megan Metzger, Jonathan Nagler, Joanna Sterling, Joshua Tucker, *How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks*, "Advances in Political Psychology", Vol. 39, 2018, p. 94, DOI: 10.1111/pops.12478

related to the pronouncement included a special graphic design of a teary eye. The graphic design had a symbolic dimension not only related directly to the incident but also to the entire situation in Poland.

The analysis showed that IFP and the traditional form of protest had similar dynamics. When there were many posts about the AWS, people participated in strikes in large numbers. In contrast, protesters lost engagement when the number of posts decreased, and they stopped taking to the streets. This was done in response to the reduction of engagement on the part of connective leaders, who stopped fulfilling their role of informing and motivating their audiences. Moreover, the spread of moral injuries among protesters played a significant role in the cessation of protests. This also resulted from the failure to fulfill the demands formulated.

The high-level coherency of IFP's content with AWS's trajectory, as well as the symbols and slogans, confirmed that female celebrities had a strong connection with protesters and did not run separate forms of expressing their concerns. As a result, the IFP support to the AWS was efficient; however, it did not stop demobilization in phases III and IV. Demobilization was proven by the declining number of posts comparing the following phases and the drop in average ERm for materials in each phase. Therefore, female celebrities published over the weeks, and their content could have been more engaging. It is worth noting that any relation between the number of posts and their engagement occurred, which confirmed that lower attention from female celebrities was in line with mass demobilization, including Instagram users. In turn, the changing of the IFP target over the weeks stemmed from the activity of individuals and institutions related to the tightening of the abortion law in Poland. In the beginning, female celebrities focused their attention on the TK, as a formal executor of the decision. Then, posts focused on Kaczyński and his political camp because members of the ruling elites called to fight with protesters and justified TK's decisions. Since phase III, when the police changed their model of protest policing towards escalating force, celebrities focused on law enforcement services as supporters of the ruling elite decision. Therefore, external factors, such as decisions of political institutions and law enforcement activity determined the subject of IFP. The most engaged posts related to the ruling camp as a real decision-maker. In turn, materials that blamed police officers as a supporter of ruling elites had a lower audience. Nevertheless, celebrities reacted to state officers' response to protests by changing the targets of their posts. Finally, changing the target of IFP led to a decline in the average post engagement, which led to a drop in the audience of abortion-related content.

This article provides an empirical contribution highlighting the impact of connective leaders on their audiences. Despite the high coherency between the IFP's content and the trajectory of traditional protests, the decline in the frequency of publishing posts and the drop in public attention to these materials showed that the IFP did not stop demobilization. Therefore, besides dispersing on the street, virtual withdrawal among users occurred. This empirical study allows for broad assumptions formulated at the beginning. High coherency of IFP's content with traditional forms of protest, especially considering used slogans and symbols, express solidarity with the latter. Occurring connective leaders as the bridge between manifested social demand and users of IFP is significant, as well as mass demonstrations. However, in the case of IFP, other factors also determined the success of that form of contentious politics. Firstly, timing and frequency of publishing. Materials posted in real time and more often by a larger number of celebrities bring a higher level of public attention, measured among others by posts' engagement. Secondly, choosing a target for IFP is also significant, and changing it may lead to increasing or declining public attention. Therefore, IFP users, to improve mobilization, need to choose the subject in which decisions trigger higher public reactions.

The study discusses how IFP refers to traditional forms of protest and how the target of IFP changed over time. The study has expanded the IFP research with another case study of AWS during the COVID-19 pandemic. It also shows how useful and safe a form of protest the IFP was in the case of the AWS. The paper also offers a theoretical contribution showing that IFP are a motivating factor for protesters as the engagement in the traditional form of protest decreases. This confirms that IFP has an impact on protest success and can be an efficient extension of the traditional form of strike. The paper also confirms the validity of creating emotional posts and using protest-related symbols.

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UNDERSTANDING CIVIL RIGHTS THROUGH THEATRE PEDAGOGY IN SCHOOLS

Abstract:	<i>Nowadays we face a struggle between the perceptions of civil rights. Whether it is generation-related, gender or cultural-motivated, or others, we face the fact that although rights and freedoms are being mediatized and accessible for anyone, people understand these rights differently. Therefore, it is important to find a way to help children understand these rights.</i> <i>The article develops an argument for recognizing the importance of children's rights for citizenship education. It also outlines a perspective on how children's rights can be taught as civil rights using theater pedagogy methods.</i>
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Introduction

Security, peace, and human safety are usually discussed as political problems. However, these issues are not only political, but also educational: this becomes very clear, for example, in the case of homicidal violence in schools in the USA, and now, unfortunately, in Europe as well. In this article, however, we do not want to deal with this problem, but with a more fundamental question: We start from the premise that security, peace, and human safety can only be achieved if people consciously identify with these goals. Even in democratic states, this no longer seems to be a matter of course³³⁰. Not only is only part of the population aware of their civil rights, but others are denied these rights. This process can lead to an erosion of democratic constitutions and processes.

We argue that a stronger focus on civil rights must go hand in hand with a strengthening of educational processes from childhood onwards, that aims not only to accumulate knowledge about civil rights and children's rights but also to the development of the ability to stand up for and defend them as a primary goal of education.

In this article, we would first like to argue for a stronger connection between children's rights and civil rights. Secondly, we would like to present established methods from extracurricular theater pedagogy that can also be used in school education about children's rights. So, in the first step, we will discuss children's rights according to the UN Convention on the Rights of the Child in the context of civil rights. We will also briefly discuss theoretical and historical aspects of the development of children's rights. In the second part of the article, we will then present and discuss exemplary theater pedagogical methods to support children's rights education. In conclusion, the need for further research is outlined.

³³⁰ Dominique Reynié (Ed.), *Freedoms at Risk: The Challenge of the Century. A Global Survey on Democracy in 55 Countries*, "Fondation pour l'Innovation Politique", 2022, [https://community-democracies.org/app/uploads/2022/01/fondapol-IRI-CoD-KAS-Genron-FNG-Rda-survey-freedoms-at-risk-the-challenge-of-the-century-01-2022.pdf_\(21.11.2023\)](https://community-democracies.org/app/uploads/2022/01/fondapol-IRI-CoD-KAS-Genron-FNG-Rda-survey-freedoms-at-risk-the-challenge-of-the-century-01-2022.pdf_(21.11.2023))

Civil Rights and Children's Rights

Children's rights are usually discussed as a specific form of human rights. However, the UN Declaration on the Rights of the Child³³¹ also formulates specific civil rights for children. Civil Rights are defined as “guarantees of equal social opportunities and equal protection under the law, regardless of race, religion, or other personal characteristics”³³². As we will show later, these aspects, among others, are also addressed by the UN Convention on the Rights of the Child.

However, the history of children's rights does not start with the UN Convention. It goes back to the beginning of the 20th century and is associated with names such as the Polish doctor Janusz Korczak³³³ (1878/79-1942) or the British social reformer Eglantyne Jebb³³⁴ (1876-1928).

In his 1919 published book “How to Love a Child” Korczak formulated three rights of a child: “1. The child's right to die. 2. The child's right to today. 3. The child's right to be as it is”³³⁵. This is not the place to discuss these three rights in detail. It is much more important that through this “Magna Charta Libertatis” for children, Korczak became a pioneer of children's rights. And more than that: He put these rights into practice in the Warsaw orphanage he ran, giving children a voice in matters that affected them and creating democratic institutions for the children in the home. This was a prototype for the implementation of civil rights for and with children. Korczak's work came to an end during the Second World War. He was murdered by the Nazis in 1942 at the Treblinka extermination camp, where he accompanied the children from his orphanage who were taken to their deaths by the SS³³⁶. Eglantyne Jebb on the other side successfully campaigned for children's rights on the political stage. She was shocked by the situation of many children in the Balkans after the First World War. Her experience led her to draft the Children's Charter, which aimed to guarantee children certain rights. Her text became the basis for the League of Nations Geneva Declaration of 1924, the first international statement about children's rights. However, the Declaration was not legally binding³³⁷.

In 1989, the United Nations General Assembly adopted the first globally binding rights for children. 196 States have ratified the Convention on the Rights of the Child since 1989. The Convention consists of 54 articles and is also accessible in an easily understandable version for children³³⁸.

To illustrate the proximity of children's rights to civil rights, we quote short extracts from three articles of the official Convention. In general, Articles 12-15 can be read as children's civil rights. Article 12(1): “States Parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight under the age and maturity of the child”³³⁹. Article 13(1): “The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of the child's choice”³⁴⁰. Article 15(1):

³³¹ United Nations, *Convention on the Rights of the Child, adopted and opened for signature, ratification, and accession by General Assembly, Resolution 44/25 of 20 November 1989, entry into force 2 September 1990, under article 49*, <https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child> (21.11.2013)

³³² Rebecca Hamlin, *Civil Rights*, Encyclopedia Britannica, 2023, <https://www.britannica.com/topic/civil-rights> (21.11.2023)

³³³ Irit Wyrobnik, *Korczak-Pädagogik*, Socialnet Lexikon, Bonn, 2022, <https://www.socialnet.de/lexikon/29139> (21.11.2023)

³³⁴ Clare Mulley, *The Woman Who Saved the Children: a Biography of Eglantyne Jebb Founder of Save the Children*, Oneworld, Oxford, 2009, p. 316

³³⁵ Janusz Korczak, *Wie man ein Kind lieben soll*, Vandenhoeck&Ruprecht, Göttingen, 1967, p. 40

³³⁶ United States Holocaust Memorial Museum, *Janusz Korczak*, “Holocaust Encyclopedia”, <https://encyclopedia.ushmm.org/content/en/article/janusz-korczak-1> (21.11.2023)

³³⁷ UNICEF, *Eine kurze Geschichte der Kinderrechte*, <https://www.unicef.de/informieren/ueber-uns/fuer-kinderrechte/kurze-geschichte-der-kinderrechte> (21.11.2023)

³³⁸ UNICEF, *The Convention on the Rights of the Child: The children's version*, <https://www.unicef.org/child-rights-convention/convention-text-childrens-version> (21.11.2023)

³³⁹ United Nations, *Convention on the Rights of the Child, adopted and opened for signature, ratification, and accession by General Assembly, Resolution 44/25 of 20 November 1989, entry into force 2 September 1990, by Article 49*, <https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child> (21.11.2013)

³⁴⁰ *Idem*

“States Parties recognize the rights of the child to freedom of association and freedom of peaceful assembly”³⁴¹.

It is a common misconception that children's rights are only about empowering children; this is *one* of the aims. But it is also true that these rights *imply obligations* to others. This is important to know because the quality of rights arises mostly from this social perspective, which is linked to the individual perspective. In the same way that civil rights are shared rights, so should children's rights create a shared and safe public space for which everyone has a responsibility. You see this, for example, in Article 28(2): “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and conformity with the present Convention”³⁴².

It should be clear now that children's rights should be seen as a part of fundamental civil rights. Unfortunately, they are still not implemented strongly enough in schools. Many teachers (and parents) are critical of them. However, there is now extensive research on the political and psychological importance of respecting children's rights in schools and other educational institutions³⁴³.

But how do we teach children's rights? There is evidence that Civil Rights education and the teaching of Children's Rights cannot be successful if it is done only from a cognitive perspective: Thinking, feeling and (physical) action must also be considered. Teachers need to create an integral learning experience for their students. A lot of teaching concepts have been developed in the last few years as well as professional concepts for an education that is rooted in the spirit of Children's Rights³⁴⁴. A wide range of methods has been developed, particularly in the context of drama education, to provide holistic education for children's rights.

Theater Pedagogy and Children's Rights

Children's Rights and Pedagogy

Civil rights are the legal protections and liberties granted to citizens, while human rights are universal and apply to all individuals just because they are human. But what about Children's rights? Are they a “practical expression of children's citizenship”? Are children “full members and citizens, who are rights holders” or “objects” of legal protection?³⁴⁵ However we will answer these questions, the main question is how teachers need to approach the process of transmitting knowledge, skills, and attitudes regarding these civil rights to provide meaningful education. Gollob and Krapf suggest that the students must “learn to understand the rights of the child [...] to actively implement children's rights’ and after that, to develop personal values and attitudes”³⁴⁶.

Talking through a concept may not be enough, so teachers need to create opportunities for students to engage to relate to the implications of every right. Through interactive learning, children may know their rights and responsibilities, and respect the rights of others.

³⁴¹ *Idem*

³⁴² *Idem*

³⁴³ Michael Freeman, *The Human Rights of Children*, Brill, Nijhoff, Sevi Kent Kükürtcü, Nefise Semra Erkan, *The Effects of Children's Rights and Democracy Education on Children's Democratic Behaviors*, “International Journal of Progressive Education”, Vol. 18, No. 1, 2022, pp. 174-193; Michael Wyness, *The Uneven Distribution of Children's Rights. Schooling, Caring and “Living” Rights*, “The International Journal of Children's Rights”, Vol. 31, No. 1, 2022, pp. 89-113, <https://doi.org/10.1163/15718182-30040009> (21.11.2023)

³⁴⁴ *Reckahner Reflexionen zur Ethik pädagogischer Beziehungen*, Rochow-Edition, Reckahn, 2017, https://paedagogische-beziehungen.eu/wp-content/uploads/2021/04/ReckahnerReflexionenBroschuere_2021.pdf (21.11.2023)

³⁴⁵ Usang Maria Assim, *Civil Rights and Freedoms of the Child*, Ursula Kilkelly, Ton Liefaard (Eds), “International Human Rights of Children. International Human Rights”, Springer, Singapore, 2019, p. 1-19, https://doi.org/10.1007/978-981-10-3182-3_7-1 (21.11.2023)

³⁴⁶ Ralf Gollob, Peter Krapf, *Exploring children's rights. Lesson sequences for primary schools*. Council of Europe Publishing, Strasbourg, 2007, p. 60, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802f727c> (21.11.2023)

Theater Pedagogy

The *United Nations Declaration on Human Rights Education* encourages article 6 arts to be “as a means of training and raising awareness in the field of human rights”³⁴⁷. There are many references describing theater pedagogy methods as usable options in programs regarding raising awareness and understanding democratic matters, rights, and freedoms.

Studies like the one led by Lenakakis regarding theater pedagogy and gender stereotypes³⁴⁸, the one led by Desai using theater of the oppressed techniques within teacher education³⁴⁹, or the one led by Choleva, Lenakakis, and Pigkou-Repousi regarding drama and human rights education, revealed theater techniques as useful regarding their educational purpose³⁵⁰.

Theater pedagogy is situated between pedagogy and theater³⁵¹. Theatre involves multiple learning processes³⁵² brings life to learning and aims to “develop a sense of social responsibility”³⁵³ and it is proving itself increasingly useful in educational approaches³⁵⁴. When we refer to theater pedagogy, it is understood as combining three main aspects “education towards, for, and through theatre”³⁵⁵.

When it comes to children, it is about exploring, but it is also about guiding the experience. This can be related even if it is only about viewing a performance. A theater performance can take the role of a messenger for moral and ethical values. Children as spectators may have, for example, the opportunity to discover civil rights through the presented content. To ensure the understanding of the main subject and the concepts, it would be opportune to provide the children with some key information before going to the theater to see a play. In this way, children will pay more attention to that fact, they will focus on the main message and the terms could be decoded within actions, comprehended by observing, and analyzed afterward.

Theater Pedagogy Methods for Children's Rights Education

The stage can be a platform for democracy, where everyone can relate to its essence and where anyone can be an agent of change. It is that safe territory that gives people the opportunity to discover, to relate or even to deal with real problems concerning the limits, freedoms, and rights in a society.

Through theater, using methods and techniques from theater for educational purposes, participants can exercise, develop, and learn skills, abilities, and values for life, like communication skills, critical thinking, empathy, knowledge, awareness of self, self-confidence, and social behavior³⁵⁶.

³⁴⁷ United Nations, *United Nations Declaration on Human Rights Education and Training*, 2011, <https://www.ohchr.org/en/resources/educators/human-rights-education-training/11-united-nations-declaration-human-rights-education-and-training-2011> (21.11.2023)

³⁴⁸ Antonis Lenakakis, Dimitra Kousi, Ioannes Panges, ‘Do women know how to drive?’ *Research on how theatre pedagogy contributes to dealing with gender stereotypes*, “Preschool&Primary Education”, Vol. 7, No. 1, 2019, pp. 19-36, <http://dx.doi.org/10.12681/ppej.19347> (21.11.2023)

³⁴⁹ Shiv R. Desai, *Utilizing theatre of the oppressed within teacher education to create emancipatory teachers*, “Multicultural Perspectives”, Vol. 19, No. 4, 2017, pp. 229-233, <https://doi.org/10.1080/15210960.2017.1347875> (21.11.2023)

³⁵⁰ Nassia Choleva, Antonis Lenakakis, Myrto Pigkou-Repousi, *Communicating vessels: drama and human rights education in in-service teacher training* “Human Rights Education Review”, October 2021, p. 68, https://www.researchgate.net/publication/355755559_Communicating_vessels_drama_and_human_rights_education_in_in-service_teacher_training (21.11.2023)

³⁵¹ Ömer Adigüzel, Romi Domkowsky, Ute Handwerg, Klaus Hoffmann, Gerd Koch, Sinah Marx, Inci San, *Internationales Übereinkommen über das Verhalten und zur Ethik von Theaterpädagoginnen und Theaterpädagogen*, 2011, p. 2, <https://bag-online.de/files/bag/inhalte/uevet/uevet-deutsch.pdf> (21.11.2023)

³⁵² Doris Eberhardt, *Theaterpädagogik in der Pflege: Pflegekompetenz durch Theaterarbeit entwickeln*, Georg Thieme, Stuttgart, 2005, p. 12

³⁵³ Board of Governors of the Association for Theatre in Higher Education, *The Outcomes Assessment Guidelines for Theatre Programs in Higher Education*, <https://cdn.ymaws.com/www.athethe.org/resource/resmgr/imported/OutcomesAssessment.pdf> (21.11.2023)

³⁵⁴ Anja Seifert, *Theaterpädagogik als Methode der Gewaltprävention in der Schule*, in: Werner Helsper, Christian Hillbrandt, Thomas Schwarz (Ed.), *Schule und Bildung im Wandel: Anthologie historischer und aktueller Perspektiven*, VS Publishing, Wiesbaden, 2009, p. 209

³⁵⁵ Lars Göhmann, *Theatrale Wirklichkeiten*, Verlag Mainz, Mainz, 2004, pp. 57-58

³⁵⁶ Eckart Liebau, Leopold Klepacki, Jörg Zirfas, *Theatrale Bildung: Theaterpädagogische Grundlagen und kulturpädagogische Perspektiven für die Schule*, Juventa, Weinheim und München, 2009, p. 118

Theater pedagogy is about opportunities, answering questions, and finding answers through experience, through theater activities/games/exercises/plays, etc. It is about exploring, understanding, reflecting, expressing we, and developing. Teachers may therefore try to raise awareness about the main issues regarding children's rights within the three steps strategy mentioned before:

- transmitting knowledge,
- actively implementing and
- developing personal values, skills, and attitudes.

The first step may be for example inspired by the volume "Tasks for Democracy. 60 activities to learn and assess transversal attitudes, skills, and knowledge". Here, readers will find a debriefing activity that aims to raise learners' awareness regarding their "feelings about and attitudes towards specific issues"³⁵⁷ and it develops "their knowledge of important concepts related to intercultural competence such as identity, discrimination, otherness, empathy, diversity, co-operation, and interdependence"³⁵⁸.

Therefore, teachers will invite students to make a circle and close their eyes. The teacher will go to everyone in the room and put stickers of four colors on the forehead of each participant. The stickers would be distributed in the group so that for example the blue colored stickers build a first majority, the green stickers a second majority, the yellow stickers a first minority, the red stickers a second minority, and one participant should remain without any sticker. During this activity, the participants are not allowed to talk. After the stickers are put in place, the participants should open their eyes and must group themselves, without talking to each other. When they/are done building groups, they will be asked why they've done it by following the colors on their foreheads and will be led to realize the psychosocial dynamics of inclusion/exclusion, in this case by colors. By talking about the feelings and the experience, participants will gain knowledge about the principles of non-discrimination³⁵⁹.

From this point begging, teachers could try something like an exercise inspired by Boal's Image Theater. Due to this technique "body images constitute the Freirean 'word' and provide procedures of theatrical decodifications; interpretations; non-verbal communications; and collective creations; in a life rehearsal procedure"³⁶⁰ Starting from the image created by the first activity, participants will use their bodies, facial expressions to portray that reality of discrimination. After that, the participants need to imagine and create an ideal portrayal of that situation, reconfiguring that image using their bodies like sculptures. In the end, the participants are challenged to shape the transitional portrayal, a challenge that will give them the possibility to find the causes and the solutions for this transition to be possible³⁶¹.

This second step is an alternative way of raising awareness regarding everyone's right to expression and a good way to visualize and analyze actions and reactions. By seeing what kind of an impact some attitudes or even stickers can have, participants may feel empathy, understand civil rights embrace the opportunities they offer and actively implement the knowledge.

Augusto Boal's participatory theater is about raising awareness, promoting knowledge, and democratic forms of interaction. Through his techniques, participants get the chance to discover and explore perspectives regarding power and oppression. They observe, discuss, experience, and reflect upon situations and develop personal values and attitudes. Boal's Forum Theatre is focused on the *spect-actor*. This technique actively involves audience members by inviting them onstage to take part in the action. At the performance, the spectators become spectators and are invited to be part of the action, commenting, or playing roles to find a feasible solution to the presented situation³⁶².

³⁵⁷ Pascale Mompoint-Gaillard (Ed.), *Tasks for democracy. 60 activities to learn and assess transversal attitudes, skills and knowledge*, Council of Europe Publishing, Strasbourg, 2015, pp. 43-44, <http://www.learntochange.eu/wp-content/uploads/2016/10/tasks-for-democracy.pdf> (21.11.2023)

³⁵⁸ *Idem*

³⁵⁹ *Idem*

³⁶⁰ Choleva Lenakakis, Pigkou-Repousi, *Op. cit.*, p. 68

³⁶¹ Arvind Singhal, *Empowering the oppressed through participatory theater*, "Investigación&Desarrollo", January 2004, p. 148, https://www.researchgate.net/publication/26446901_Empowering_the_oppressed_through_participatory_theater (21.11.2023)

³⁶² Ken Gewertz, *Augusto Boal's 'Theatre of the Oppressed'*, "Harvard Gazette", December 2003, <https://news.harvard.edu/gazette/story/2003/12/augusto-boals-theatre-of-the-oppressed/> (21.11.2023)

“Forum Theatre: perhaps the most democratic form of the Theatre of the Oppressed and certainly the best known and most practiced throughout the world, uses or can use all the resources of all known theatrical forms. Those we call spect-actors are invited to come on stage and reveal using theater – rather than by just using words – the thoughts, desires, and strategies that can suggest, to the group to which they belong, a palette of possible alternatives of their invention. This theater should be a rehearsal for action in real life, rather than an end in itself”³⁶³.

Therefore, in the last step, teachers may focus on the specific problem, like discrimination, and write with the students a script or choose a text to work on. For example, in the same volume mentioned before in this paper, “Tasks for Democracy” is a text called “Friendly School”, which is about preconception, acceptance of equal human rights, about “the willingness to act and encourage others to act against discrimination, prejudices, stereotypes, and injustice [and the] capacity to prevent the marginalization of any individual or group”³⁶⁴. The text can be used as a script for practicing the technique of Forum Theater.

When it is about how to teach civil rights, it is about understanding human beings and behaviors, about empathy. Educating and helping children to explore and understand the essence of concepts like dignity, equality, and freedom through play, visualization, through experience, will lead children to understand rights correctly, and avoid misleading the senses or taking them for granted.

To prevent, to act, and to encourage people to act against discrimination and injustice and to encourage respecting human, civil, and children’s rights, we need to ensure that they understand the essence of these concepts. This can happen through holistic, experiential educational strategies, like theater pedagogy.

Playing and learning through theater experience can make a difference, and that could be worth trying!

Conclusions

In this article, we have argued in favor of understanding children's rights education as part of civil rights education. In addition, we have shown how the goals of children's rights education can be implemented in schools using theater pedagogical methods.

However, the issue of implementing non-formal methods such as drama education or other specific games inspired by theater practice in schools poses challenges for these formal learning spaces. Not only does the time structure of lessons need to be modified, but curricular considerations also need to be considered.

It is also important to remember that schools are characterized by power relations. The methods of Augusto Boal, who was inspired by the liberation pedagogue Paulo Freire, may well come into conflict with this. How do schools, teachers, and students deal with these conflicts? How can schools become more democratic places where theater education can take place beyond the “safe space”?

These and many other questions need to be discussed in further transdisciplinary research projects. They are important questions not only for democratic and therefore more peaceful schools but also for more democratic and hopefully more peaceful and safer societies.

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³⁶³ Augusto Boal, *The Aesthetics of the Oppressed*, Routledge, New York, 2006, p. 6

³⁶⁴ Mompoint-Gaillard, *Op. cit.*, p. 97

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CONCEPT AND CHARACTERISTIC OF CRIMINAL PROSECUTION ERROR

Abstract:	<i>The article refers to forensic errors, which in turn could be both technical and tactical. Technical errors refer to the processes related to the management of material evidence (detection, fixation, lifting, transportation, preservation, expertise) and the performance of criminal prosecution actions to obtain evidence (following the performance of criminal prosecution actions and special investigative ones, the content of tactics of hearings, confrontations, presentations for recognition, reconstitutions, etc.).</i> <i>The article proposes to reveal the characteristics that are attributed to a criminal prosecution error and their classification as well.</i>
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Introduction

Criminalistics science has a transforming impact on the searching practice of infractions by studying its negative part. In our opinion, among the forensics particular tasks, it is necessary to find an activity that would aim the confrontation of circumstances that impede the efficient development of the infractions research practice and the discovering algorithms and elimination of the "criminal prosecution errors", which are committed within the process of probes' accumulation.

The errors admitted in the criminal investigation activity by persons empowered to investigate the crime or the accumulation of crimes committed by a person or a group of persons, become circumstances that generate conflict situations and the restoration of the rights of those who suffered from illegal acts may cause a negative image to the state's justice system. Such situations are not rare and the admission of errors in the investigation of crimes often depends on the investigators' professionalism, but also on the mastery of the perpetrator regarding the preparation, execution, and concealment of the illegal act consequences.

The article aims to reveal the features which are attributed to a prosecution error, and their classification.

The applied methods and materials used. In the process of the scientific article elaboration, we have guided ourselves by the system of scientific methods for research, namely the systemic method, the deductive and inductive methods, the analyses method, the comparative method, and others. The theoretical-juridical foundation of the scientific article includes the regulations referring to the procedural-criminal doctrine and forensics of the domain that refers to the framework for the accumulation of probes.

The obtained results and discussions. "The prosecution errors" reduce the quality of the infraction's research. These can be obvious and latent. In case the committed errors have not been identified, their impact is more severe on the process of the infractions' research.

1. The prosecution errors can determine the following consequences:
2. Decreasing the number of episodes and number of persons who can be prosecuted;

3. Prosecuting of innocent people;
4. Non-identification of the cases which removes the criminal nature of the act;
5. Suspension of the criminal prosecution when the person who can be charged is not identified;
6. Conducting additional research;
7. Non-justified cease of the criminal prosecution;
8. Adoption of an acquittal, etc.

The data relating to the "prosecution errors" are materialized in the large informational mass, beginning with the primary sources that represent criminal cases, up to "processed information" at different research levels, and secondary materials referring to the shortcomings of the infraction research activity. Referring to this subject, it should be mentioned that the occurrence of tactical errors within the process of infractions' research, their repetitiveness which is conditioned by the actions of similar factors, it makes possible to identify the totality of the legalities that govern the existence of the "prosecution errors".

The appreciation criteria of the prosecution quality are not of sufficient significance and are not founded scientifically. Often, the work of the penal investigation officer is appreciated at the end of the research depending on the obtained results. In this way, the negative statistical data relating to the worsening of the activity indicators of the infractions' research, tactical omissions, and logical and procedural are considered negative.

Nowadays, in the national and international doctrine, the concept of "prosecution error", is not defined neither in the theory science of forensics nor in practical forensics. The first try in this direction was made by the Russian author Ojegov S. who defined the term "error" as the inaccuracy of actions and thoughts³⁶⁵. Thus, we can speak about the existence of an error, in the case when the conditioned by certain rules and legalities action deviating from their limits. The concept of "prosecution error" also is not regulated by national legislation. This thing can be explained by the fact that the laws should contain exact terms, especially in the case when it is about juridical responsibility. Moreover, it is difficult to appreciate the mistaken actions of the penal investigation officer. All these determine the multitude of semantic interpretations.

Initially, Berdicevski, Kociarov, and Stepicev, within the process of criminal investigation cases related to murder, assigned to the „prosecution error" the findings of the court which conditioned the return of the criminal cases for additional research. In recent works, considerable stress has been laid on the procedural aspects of the "prosecution errors". Thus, Korenevski Iu. examines the concept of "prosecution error" through two meanings. In a broader meaning - it is shortcomings and in a restrained meaning – as incomplete research³⁶⁶.

Regarding the problem of „prosecution error", there should be mentioned the works of the Scientific Research Institute of the Attorney Office of the Russian Federation, where the author team identifies the law errors as wrong facts, unreasonable or illegal of the penal investigation officer associated with a violation of the Penal Procedure Code or of the Penal Code with their subsequent ascertainment in the procedural act by the prosecutor or by the judge³⁶⁷.

The above-mentioned works do not take into consideration the role of the penal investigation officer as the person who practices creative activities in that tactic risks conditions in the system of "person-person" and does not consider their reservations to errors' elimination. This means that the forensic aspect of the "prosecution errors" within the penal prosecution deserves special attention. A prosecution error – is a mistake made by the penal investigation officer or the prosecutor, realized through the incorrect appreciation of the relevant information and making an unjustified decision in a criminal case.

In our opinion, the suggested definition is a laconic one, it has a generalizing level and, at the same time, precision. This reflects the gnoseological essence of the phenomenon, juridical significance, and the main signs of a "prosecution error". The prosecution error can be seen as a specific activity and at the same time, as a result. The peculiarities of these error types are represented by the fact that they are committed by the penal

³⁶⁵ Сергей Ожегов, *Словарь русского языка [Russian dictionary]*, Москва, 1991

³⁶⁶ Юрий Корневский, *Судебная практика и совершенствование предварительного расследования [Judicial practice and improvement of preliminary investigation]*, Москва, 1974, p. 23

³⁶⁷ Александр Соловьев; Семен Шейфер, *Характер, причины и способы устранения ошибок в стадии предварительного следствия [Nature, causes and ways of eliminating errors at the stage of preliminary investigation]*, Москва, 1988, pp. 7-10

investigation officer or by the prosecutor in the conditions of a variety of procedural activities accomplished within a criminal process and criminal prosecution³⁶⁸.

As it is known, the activity accomplished by the criminal prosecution body in a criminal case is strictly regulated by the procedural norms that provide the possibility to make decisions dependent on certain rights and obligations. One of the fundamental obligations is the providence of this quality of the infraction's investigation, where every person who has committed an infraction is to be punished according to his/her guilt and the innocent person should not be held criminally liable and convicted. Among the attributions of the criminal prosecution body, we can find the initiation of criminal:

1) prosecution if the contents of the reporting document or the documents of ascertainment result in the reasonable suspicion that a crime has been committed, propose to the prosecutor the cessation of the criminal prosecution, the dismissal of the criminal case, or the refusal to start the criminal prosecution;

2) Is responsible for the legal accomplishment and in time of the criminal prosecution;

3) Suggests to the prosecutor the submission to the court of proceedings to obtain the authorization to carry out criminal procedural actions, special investigative measures, or the authorization to apply coercive procedural measures, which are carried out only with the authorization of the investigating judge;

4) Summons and hears the people who have the quality of suspects, injured parties, or witnesses;

5) Investigates and fixes, in the established manner, the place of the commission of the crime, carries out searches, collects objects and documents, and carries out, according to the law, other procedural actions;

6) From the moment of registration of the socially dangerous act, directs the special investigative measures for the crime discovery, the search of the traceless disappeared persons, as well as for the goods that were lost because of the crime, etc.

Within the criminal prosecution process, the prosecutor has some tasks as well:

1) starts the criminal prosecution or refuses its starting, or disposes the cessation of the criminal prosecution;

2) cancel the illegal orders, modify or complete the ungrounded order of the criminal prosecution body;

3) applies to the court to obtain the arrest authorization and its extension, authorization for the temporary release of the retained or arrested person, detention, investigation, surrender, search or collection of postal items, interception of communications, temporary suspension of the accused from office, physical and electronic surveillance of the person, the exhumation of the corpse, the video and audio control of the room, the installation of the audio and video recording technical means in the room, the control of informative communications addressed to the suspect, the hospitalization of the person in a medical institution for the performance of the judicial expertise and other actions for which it is requested the authorization of the investigating judge;

4) may carry out any criminal prosecution action;

5) submit notifications to the respective body regarding the immunity lifting of certain persons and their criminal liability;

6) cessation of the criminal investigation, closure of the criminal case, order the removal of the person from criminal prosecution, or apply coercive measures of an educational nature in the cases provided for by law;

7) accuses and hears the accused.

From the epistemological point of view, the activity realized by the criminal prosecution body is a special type of knowledge about past events. Knowing is accomplished through collecting, verification, and appreciation of the evidence which represents a special category of information. These include any data stated in the procedural acts, obtained during the criminal prosecution actions, and regulated by the criminal procedure law (order, report, indictment).

The errors are committed due to an unjustified decrease in the volume, surface area, and the number of examined objects. As a result, several sources of information remain undiscovered and unexplored, for example, the incorrect determination of the boundaries of the crime scene to be examined. The further development of this situation will determine the existence of incomplete investigations, in other words, the

³⁶⁸ Art.274 alin. (1) Codul de procedură penală al Republicii Moldova [*Code of Criminal Procedure of the Republic of Moldova*], No. 122-XV, 14 martie 2003, Monitorul Oficial al Republicii Moldova, 2013, No. 248-251

information collected is insufficient for the elaboration of versions that reflect the researched fact and the making of a motivated procedural decision.

In the process of information search, some sources are missed due to carelessness and the use of inefficient techniques and means. For example, when applying the investigation procedure by sectors, within the investigation of the crime scene, there is a risk of not discovering some traces, which, in some cases, will not allow the establishment of all the circumstances that must be proven. Similar errors can be made in the process of evaluating the discovered traces and other data when they are given an incorrect interpretation.

Errors are also committed at the time of fixing the observed data. This may be due to the use of prohibited methods and means or the violation of rules established by law. It should be noted that those shortcomings, gaps, and omissions are not prosecutorial errors. For example, the process of developing versions requires the formulation of several versions, only one of which will objectively explain the circumstances and nature of what happened. The others are assumed to be erroneous and after verification simply omitted.

Sometimes, the wrong choice of procedures and methods, as well as the sequence of criminal investigation actions cause delays in the investigation of crimes which, of course, refers to shortcomings, but may not affect the objectivity of decision-making.

Errors, as well, differ from actions taken to prevent a complete, objective, and multilateral investigation, including the making of a correct decision. At the same time, we can find that the error can represent the result of actions to prevent the finding of the truth carried out by a party to the process against the activity carried out by the criminal investigation body. In that situation, the action of the opposing party is not correctly diagnosed, and, under its influence, the version imposed by it is accepted. The criminal investigation body is misled if the actions to prevent the discovery of the truth and the information transmitted are presented as objective data and as actions of conscientious fulfillment of procedural obligations.

Forensic Aspects of Criminal Prosecution Errors

The content of the prosecution errors committed by the criminal prosecution body is determined by the forensic, criminal, and procedural-criminal aspects.

The forensic aspects of the errors are associated with violation of the forensic recommendations in the investigative process of the infraction.

Depending on the structural criterion, in our opinion, criminal prosecution errors are classified into the following categories:

1. technical-technological errors;
2. tactical errors:
 - elaboration and versions' verification errors;
 - organization and planning of the infractions' investigation errors;
 - tactical errors in carrying out criminal prosecution actions.

In our opinion, the indicated groups of errors can occur at any stage of an investigation.

Technical-technological errors occur because of the wrong use of procedures, methods, and technical-forensic means as well. Frequently, they are committed during the investigation of spaces, objects, expertise, and other criminal prosecution actions where it is necessary the use technical-forensic means. Technical-technological errors manifest themselves through insufficient use of the technical-forensic instruments in the process of working with the infraction's traces. In this case, the occurrence of a criminal prosecution error often is because the criminal prosecution action is carried out without the participation of a criminal officer/specialist (medical examiner or another doctor, a specialist in the field of informatics, biology, zoology et cetera).

The study of several reports about the investigation at the crime scene drawn up by criminal investigation officers, from different districts of the country and sectors of the municipality of Chisinau, proves that forensic technical means are rarely used when investigating the crime scene, for example, ultraviolet light, infrared, vacuum cleaner for micro-traces, etc., which would ensure the discovery and detection of micro-objects, micro-traces, et cetera.

The technological error represents incomplete implication of the subjects in the process of infractions' trace seeking, violation of technological recommendations concerning trace selection, and of the samples for comparative examination as well. This type of error is a latent one. For example, if the forensic

recommendation concerning soil accumulation is not respected, it becomes difficult to determine the explosion method and mechanism. Technical-technological errors occur at the accumulating stages, investigation, and keeping of relevant information from the forensic point of view.

Errors in Versions' Elaboration and Verification

The initial information about the infraction that is obtained by the criminal prosecution body is often incomplete, fragmentary, and uncertain. When some information is missing, when any explanation seems to be probable, it is possible to elaborate a version only in the case where a small but enough initial data is accumulated.

In this way, the criminal prosecution body can elaborate simultaneously on more versions on the ground of the same data which are incomplete. The elaboration of a version and the concentration only on one direction, searching for samples, can turn out to be a late statement of the fact that the version is wrong. Nevertheless, the criminal prosecution body should elaborate on more plausible versions relying on theoretical-practical recommendations and their own experience.

The error in the development of typical versions is expressed by the fact that arguments that have not been proven justify an implausible version.

Errors driven by passion for the typical version. When the data is incomplete, the typical versions are usually used. They become a priority in the investigation of the criminal case, but in some cases, their elaboration is not justified.

For example, in the case of a murder investigation and the existence of the typical criminal investigation situation: there is a victim, but it is not known who the perpetrator is and where he is, more concrete versions are not developed, which would probably refer to the perpetrator's characteristics: personality characteristic of the perpetrator, the reason for the crime, skills, inclinations, habits, place of residence and stay, level of education, the presence of any pathologies, etc., data that would significantly enhance the process of searching for and apprehending the perpetrator.

The concluded consequences – are conclusions concerning the investigated phenomena that occur because of preparing, perpetration, and hiding an infraction, as well as events that do not have a criminal nature. If we develop the version according to which the was found out the crime place, then the logical consequence is the conclusion the subject has left traces that should be discovered and examined. If there are not any traces, then the reliability of the version will decrease, it will be weakened but not rejected.

The existence of this error does not allow the complete verification of the reliability of the suggested version. This error determines the information loss and erroneous implementation of the law – restraining the probation limits³⁶⁹.

Because the version has a supposing character and often it is an inference through analogy, the conclusion of which is hypothetical and uncertain, the exists the risk of committing the following errors, for example, logical conclusions that result from the developed versions take the place of the „evidence” that is missing, being accepted as primary data. At the same time, the transition from a logical criminal prosecution action (logical investigation of an infraction) to a logical foundation is ignored. This means that the investigative actions that need to be carried out to investigate the crime are replaced by those that are possible, and what requires further verification is accepted as truth. The amplification of a version, likewise, can replace its credibility. In the deductive process of the development of versions, there are used ambiguous and unequivocal inferences³⁷⁰. In the process of establishing consequences, the existent errors manifest themselves as unclear inferences derived from the versions that are accepted as unequivocal. For example, a version that is not confirmed is substituted with its rejection (the unreal version). So, to verify the alibi, it is not sufficient only to establish the negation of the version –it is necessary to gather evidence that rejects it.

The error of ”combining the objective liaison with an accidental coincidence of facts”³⁷¹, is the most dangerous for the process of elaboration and verification of the versions. For example, the presence of a person at the crime place; the creation of traces by this person; public threats that are addressed to the victim; the

³⁶⁹ Алексей Эйсмэн, *Логика доказывания [Logic of proof]*, Москва, 1971, p. 110

³⁷⁰ *Idem*

³⁷¹ Лиди, Карнеева, *Привлечение к уголовной ответственности. Законность и обоснованность [Bringing to criminal responsibility. Legality and validity]*, Москва, 1971, p. 90

discovery of the gun that was used in the infraction's perpetration at the crime place, and it belongs to a certain person etc. These coincidences need to be verified.

It is necessary to have doubts about the amount of the accumulated evidence and, as much as possible, especially if the infraction has been committed in unclear conditions, to enhance the amount of evidence, because the belief that the person is guilty "breaks" the vigilance. Zelenkovski calls this error the use of ambiguous primary data for the version's elaboration³⁷².

The errors committed within the process of version verification occur because not all the elaborated versions are verified, or their verification is not completed. The verification and the rejection of the false versions represent a condition for the completeness and exhaustiveness of the preliminary research; otherwise, the investigation conclusions become unconvincing (weak). For example, if there is not a complete verification of the alibi, it often serves as the basement for additional research.

The non-verified or incomplete verification of versions may influence the sentence. The error of mixing versions consists of a particular version being confused with another general one. Meanwhile, the confirmation of the version does not mean the confirmation of the general version. For the verification of a general version, it is necessary to develop and check all the versions. As it is known, the general versions explain the content and the essence of the infraction. But the versions – refer to the origins and the individual content of facts (for example, the scope of the perpetrated act).

The increase of the main version's reliability is realized in the case when the other versions, more probable, are rejected. The investigation of the empirical materials probes the fact that, as a rule, among the materials of the case, there is missing data that infirm other versions. They were probably verified, but there are no documents that can confirm this thing in the materials of the criminal case. The errors referring to versions are more frequently committed to searching and evaluating the relevant criminal information. The version precedes the investigation plan and determines its content and structure. It means that version errors cause planning errors.

The study of criminal cases demonstrates that the most frequent mistakes are committed at the initial stage of the infraction investigation when the investigation task force components and the specialists are selected. In our opinion, an irremediable error is an investigation at the crime place without the participation of a medical examiner or a simple doctor, a forensic investigator, or the policeman who knows and who is responsible for the area where the infraction has been committed. The organizing errors manifest themselves, as well, in the non-qualitative selection of the investigation task force team members, and of the other participants in the criminal investigation actions and the incorrect distribution of the responsibilities between them. The erroneous behavior of the investigation task force members, during the carrying out the criminal investigation actions, can be observed, but there is no reaction on behalf of the criminal investigation officer.

In the process of the infraction investigation, frequently there are committed management errors. The management actions refer to the establishment of limits, infraction investigation terms, and the consecutiveness of the carried-out actions (for example forwarding the charge, issuance of orders – order regarding the application of a preventive measure and ordering to close the criminal prosecution).

In this case, errors represent the adoption of certain decisions and carrying out unexpected actions which imply bureaucracy, loss of the possibility to accumulate sufficient probes, violation of human rights, etc. One of the most frequent errors, in our opinion, that refer to the management of the infraction's investigation is the adoption of certain decisions and/or carrying out some premature or late actions. In particular, the effectiveness of the investigation task force group depends on the opportunity of its creation. The time wasted can reduce the quality of the initial investigation phase. It must be realized that among the phenomena that determine the non-discovery of infractions, especially the serious ones, particularly serious ones, is the incompetence of investigative operative groups.

Analyzing the criminal cases, we ascertain a "rigid" connection between the moment of the expertise disposal and the deadlines of the criminal prosecution. The factors that can influence the deadlines of the criminal prosecution can be both objective if the expertise is not disposed of at the right time, imply waiting

³⁷² Сергей Зеленковский, *Установление и использование данных о личности потерпевшего при расследовании убийств: Дис. ... канд. юрид. наук [Establishment and use of data on the identity of the victim in the investigation of homicide: dissertation of candidate of legal sciences]*, Одесса, 1982

periods (forensic psychiatric expertise in inpatient conditions), if there were discovered new circumstances, and subjective if there were committed planning errors that refer to the expertise disposal.

Meanwhile, some discovered traces lose their qualitative characteristics, reducing in this way, artificially and unjustified the possibility of probing the guilt or innocence of the person. The hurry differs from the delay and it is due to impatience and resistance. This is a kind of „laziness” of thinking that leads to the cessation of information appreciation and the adoption of a premature decision. The management errors expressed themselves through a decreased control of the activity of the criminal prosecution officers’ group who carry out the prosecution actions, the inconsistency of plans that involve the performance of criminal prosecution actions, and special investigative measures. These errors can be called communication errors. They manifest themselves through the lack of coordination between the actions of the prosecuting officer and the investigating officer. The presence of these errors determines the poor use of the possibilities of subdivisions specialized in investigative activity by the criminal investigation officer. The lack of planning, violation of principles, and failure to follow the sequence of planned actions represent "latent" shortcomings of criminal prosecution. The necessity of planning should not even be discussed. We would like to draw attention to the planning preparation for the crime scene examination in the case of seeking the crime traces. The traces can determine the crime investigation and the establishment of the perpetrator.

Thus, the error manifests itself through an examination plan of the sectors where the infraction traces are.

The lack of plans based on functional versions. It is also a frequent shortcoming that leads to an incomplete investigation of the crime or its non-discovery. The above-mentioned errors involve the occurrence of technical-technological and tactical errors, which appear in the stages of collecting, assessing, and administering relevant information from the forensic point of view.

The tactical errors of criminal prosecution actions are the most frequent. They occur when there are not respected the provisions and recommendations of the forensics tactics. As Tvetkov has mentioned, tactical errors have "more sides" and can manifest themselves through the substitution of the criminal prosecution actions and insufficiency of detailing the declarations³⁷³. The errors that Tvetkov has indicated are only a small part of those that were met in forensic practice.

Tactical errors include, first, the fact that criminal investigation actions are not carried out during the investigation of crimes, the necessity of which is imposed by the typical criminal investigation situation. They are manifested by the absence of hearing the persons whose statements are important for the criminal prosecution, as well as the lack of other criminal prosecution actions. Likewise, witnesses, victims, or experts are not heard. The declarations of the persons directly determine the necessity of carrying out other criminal prosecution actions such as reconstruction of the fact, verification of statements at the crime scene, presentation for recognition, etc. Generalizing the criminal prosecution practice, we find that in several situations they are not carried out, even though they are necessary for the accumulation and verification of evidence. Separately, it is necessary to mention the non-compliance with the recommendations regarding the use of special knowledge, especially regarding expertise. Even though during the research samples are taken and some objects can be identified, no expertise is available.

The next type of tactical error is conducting prosecution actions without considering the circumstances of the crime. They are best highlighted during the conduct of the experiment in the criminal investigation procedure when the reproduction of the situation or other circumstances in which the act occurred was not ensured. They are based on the deficient study of the infraction commitment mechanism and the non-compliance with tactical-criminological recommendations. For example, it has experimented on the case of person X, who entered through the window and committed the crime of murder there. Not having the anatomical features of the offender, the criminal investigation officer took a man of medium build and, during a series of experiments, found out that entering through the window there should have created a mess on the table where it would not be impossible to step. When the perpetrator was apprehended, his statements contradicted the test's results. The repeated experiment confirmed the offender's statements and refuted the

³⁷³ Сергей Цветков, *Тактические ошибки следователя, их выявление и использование защитником на предварительном следствии и в суде // Тактика, методика и стратегия профессиональной защиты [Tactical errors of the investigator, their identification and use by the defense counsel at the preliminary investigation and in court // Tactics, methodology and strategy of professional defense]*, Екатеринбург, 2002, pp.117-121

research results. In the given case, the perpetrator's physical training and skills were not taken into consideration and could not be considered as well.

The following error manifests itself by making tactical decisions not based on the data collected during the investigation of a criminal case. Moreover, according to the criminal investigation officer, a real possibility of obtaining the necessary information exists. The boundary of these errors is quite large. For example, to decide on searching, in the case it cannot be delayed or when there is no basis.

Thus, there was completed a short description of different types of errors, which form the structural classification, and this list is open. The tactical errors are based on the wrong definition of the methods and the wrong choice of techniques and means of the implementation method by the persons involved in the criminal investigation. The technical-technological errors and those referring to versions, oftener than other errors, lead to failures in identifying the subject of the offense. Organisational errors and criminal prosecution planning affect the quality of the evidence and can determine additional research. At the same time, tactical and version errors are committed mostly in criminal cases.

The Discovery of Errors and Their Elimination by the Criminal Investigation Officer at the Initial Investigation Stage

The errors committed should be identified and eliminated if it is possible. For this purpose, the criminal investigation officer, the manager, and the prosecutor should possess special techniques and methods. Through correction methods of errors, it should understand the action system designated for selecting and implementing the means and methods of the errors' elimination. The set of actions for prosecution error correction includes two stages: error diagnostics and their elimination.

The diagnosis represents the prosecution case investigation for identification of the committed errors. It is expressed through a system of actions that includes error searching and their evaluation at the preliminary investigation stage and determines the program for error elimination. Thus, the diagnosis of the error integrates rationality and practicality, being a product of the professional thinking of the criminal investigation officer.

The diagnosis represents the prosecution case investigation for identification of the committed errors. It is expressed through a system of actions which includes error searching and their evaluation at the preliminary investigation stage and determines the program for error elimination. Thus, the diagnosis of the error integrates rationality and practicality, being a product of the professional thinking of the criminal investigation officer. Error seeking is the first stage of the diagnosis that refers to the discovery and the study of the initial evidence, concluding and „main”, and around them, the auxiliary ones are grouped. It is an evaluation of the own investigation according to the quality criteria, which include:

- a) the analysis of the content of the existent criminal investigation situation (taking into account if there is or there is not any suspect);
- b) verification (both mental and activity) of the reliability of the received information, special attention should be paid to the criminal investigation actions where the criminal investigation officer was not present;
- c) the establishment of the opportunity, completeness, and quality of the criminal investigation actions and the special investigation measures, taking into account the entropy of the relevant information from the criminal point of view and the perpetrator's capacity to steal from the criminal investigation or to impede the finding out the truth;
- d) a study of the reliability, the validity of the conclusions, compliance with the logical rules in their construction, as well and procedural norms.

At the seeking stage, it is recommended to use the reflection method³⁷⁴, which makes it possible to highlight the latent index that distorts the truth. The observation method at the error-seeking stage is also efficient. It allows for analyzing the participants' behavior and studying, as well, the existent information in the relevant documents of the case. The following method used for error discovery is an abstraction. Its essence is a mental abstraction from the qualities, connexions, and unessential objects and simultaneous selection, fixing of one or more aspects of these objects that are interesting for the criminal investigation officer³⁷⁵. In this case,

³⁷⁴ Александр Каминский, *Рефлексивный анализ и моделирование как средства преодоления тупиковых ситуаций расследования [Reflexive analysis and modeling as means of overcoming investigative deadlocks]*, Ижевск, 1998, pp. 3-6

³⁷⁵ Лидия Карнеева, *Привлечение к уголовной ответственности. Законность и обоснованность [Bringing to criminal responsibility. Legality and validity]*, Москва, 1971, pp. 23-28

it is preferable to use an isolating abstraction, which consists of the fact that some circumstances or their properties are mentally emphasized from the object of study, which is studied as something independent³⁷⁶. At the same time, it is recommended to concentrate the attention on those positions that refer to the category of the prosecution errors, making abstraction from the other shortcomings enclosed in the materials of the criminal case.

The comparison is also one of the methods that are used at the seeking stage. The compared objects play a different role during their comparison. One of the traits of the object that is known and leads to doubts serves as a comparison model. Such an object is called in the literature „the model”, and the second object which is compared to the model is called the „prototype”. The model represents the probation object. In the presence of the circumstances provided by the law, which need to be established and, taking into consideration the specifics of the criminal case, it is possible to create a mental model of the fact. A prototype, in this case, will serve the version that was probated by the criminal investigation officer. At the same time, it is recommended to concentrate the attention on those positions that refer to the category of the prosecution errors, making abstraction from the other shortcomings enclosed in the materials of the criminal case.

A method for seeking the prosecution errors at the initial investigation stage represents the development of all possible versions that characterize the committed fact comprehensively. The belief of the criminal investigation officer regarding the correctness of the conclusions comes when other versions, except the proven one, turn out to be incorrect. The errors' identification in the versions is carried out through the analyses of the collected evidence during the investigation. The examination of all versions and obtaining the conclusion that the event that happened is explained by another unexplored version should determine the conclusion that the event was not completely investigated. The seeking methods of the errors should be used in combination, avoiding the use of only one version.

The search for an error ends with its discovery, and then comes the second stage of diagnosis evaluation of the situation of the prosecution error. If a prosecution error is found, it is necessary to determine the moment of its appearance and to identify its consequences. It should be considered that the error could appear in parallel or could provoke another error. It is necessary to identify what investigation actions and what special investigation measures that error influenced. In case the criminal case is represented by many episodes and accused persons, it is necessary to make a scheme that could allow an adequate appreciation of the situation.

The second stage of the actions set for correcting prosecution errors is their elimination. This stage includes:

1. The localization of the criminal prosecution error

It is related to the immediate suppression of the error's influence on the research.

2. The deletion or the neutralization of consequences of the prosecution error

This stage is associated with the identification of appropriate elimination methods. The implementation of error elimination methods committed during the initial investigation should be the following:

- a. the fact of the existence of the error;
- b. methods of error elimination are directed to the restoration of the violated rights of citizens;
- c. the basis (if necessary, procedural) for the subject's use of one or another method of liquidation. It is necessary to distinguish between procedural and forensic error correction methods.

Procedural methods include:

- supplementing and modifying the charge/blame;
- changing and supplementing the accusation;
- change, revocation, or cessation, where applicable, of the preventive measure;
- modification in procedural documents, correction of material errors, removal of obvious omissions, etc.

Forensic methods include:

- performing the hearing and repeated expertise;
- cancellation of criminal prosecution situations correlated with prosecution errors;
- carrying out additional criminal investigation actions (for example, exhuming the corpse) et cetera.

In other words, forensic error correction methods consist of identifying the circumstances that make it possible to eliminate the erroneous situation.

³⁷⁶ Петр Пузиков, *Анализ и синтез – от мысли к вещи вещи [Analysis and synthesis - from thought to thing]*, Минск, 1969, pp. 16–18

3. The elimination of the error consequences (if any). The subsequent stages of the algorithm can be performed in a time gap from the previous ones.

4. The analysis and elimination of the causes of error occurrence.

5. Prevention actions for erroneous criminal situations. In this aspect, it is necessary to highlight the general preventive measures and the individual preventive measures. Thus, the error correction should be carried out based on clear definitions of concepts, and a unified classification system, considering the principles that characterize the risky professional actions performed by the persons involved in the investigation of the crime.

In this regard, we support the opinion of the author Riabokoni V. who mentioned that errors are a natural tendency of the knowledge process during the investigation of the crime. They cannot be eliminated, but by properly organizing the work, they can be significantly reduced³⁷⁷. A critical understanding of the mistakes made is a condition for acquiring professional experience, without which it is impossible to improve the quality of the investigation.

Conclusions

Summarizing what has been stated we formulate some conclusions of a consultative nature.

- The prosecution error – an unintentional mistake made by the criminal investigation officer or prosecutor expressed by incorrect assessment of relevant information and, making an unjustified procedural decision in a criminal case.

Depending on the structural criterion, the prosecution errors are classified into:

1) technical-technological errors;

2) tactical errors:

- errors in the development and verification of the versions;
- errors in the organization and planning of crime investigations;
- tactical errors in carrying out criminal prosecution actions.

- The prosecution error can occur at any stage of the criminal case investigation.

- The prosecution error correction algorithm forms a unique system designed to ensure the legality of the initial investigation.

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HUMAN SECURITY – A CROSS-CUTTING TOPIC IN MILITARY OPERATIONS. A STUDY CASE FOR HUMINT IN NATO

Abstract:	<i>Cross-cutting topics encompass a range of subjects that can impact a military mission yet lie beyond the core responsibilities of military formation. Various capabilities, educational disciplines, headquarters' branches and the chain of command, or operational processes and functions, must consider these cross-cutting topics during the planning, preparation, execution, and evaluation of a mission. Some of these topics carry significant importance due to their specific sensitivity, potentially influencing the mission's outcome. It is a relevant theme for an effects-based approach to operations, where commanders must harmonize kinetic and non-kinetic actions to achieve a pursued objective in conditions of legality. From the perspective of NATO Civil-Military Cooperation (CIMIC) policy, several topics – the extensive civilian protection; the condition of children in crises and military conflicts; gender considerations - women, peace, and security; the protection of the cultural property; and building integrity (practically, the components of the human security concept recently promoted in NATO) – are approached as cross-cutting aspects in operations, analysis factors in the military decision-making process. The paper considers the integration of a human security model in military planning and advocates education and training on the larger concept of human security for specific military branches, particularly those interacting with civilians, with emphasis on Human Intelligence (HUMINT).</i>
Keywords:	Human security; HUMINT; CIMIC; cross-cutting discipline; multi-domain operations
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Introduction

Cross-cutting concepts are elements that “bridge disciplinary core boundaries, having explanatory value”³⁷⁸ materialized in patterns; cause and effect; scale, proportion, and quantity; systems and system models; energy and matter; structure and function; stability and change³⁷⁹. Having a foundation on the descriptive information of the concepts, topics provide detailed facts on a subject, with value related to its operationalization.

The common denominator of cross-cutting topics (CCTs) lies in their overlapping nature, meaning that multiple CCTs can intersect and interact with each other. This interplay can result in complex dynamics that affect various dimensions of any system. Therefore, a comprehensive understanding of CCTs is essential for effective decision-making and successful business, including military operations.

Political, ethical, legal, and technical imperatives in NATO recognize that CCTs encompass interconnected issues that transcend traditional boundaries and have extensive implications across various sectors in the military domain. It is important to note that CCTs are influenced by cultural factors. When

³⁷⁸ Kelsey Bednar, *What is a Crosscutting Concept?*,
<https://blog.definedlearning.com/blog/what-is-a-crosscuttingconcept> (01.11.2023)

³⁷⁹ *Idem*

dealing with CCTs in the military domain, it is crucial to incorporate them throughout the entire operation, considering their impact on diverse aspects of the operating environment (which equally encompasses the “human terrain”).

From the perspective of NATO Civil-Military Cooperation (CIMIC) policy, several topics – the extensive civilian protection; the condition of children in crises and military conflicts; gender considerations – women, peace, and security; the protection of the cultural property; and building integrity (practically, the components of the human security concept recently endorsed in NATO) – are approached as cross-cutting aspects in operations. Thus, it qualifies them as analysis factors in the military decision-making process.

Our interest goes further to identifying how human security, as a cross-cutting topic, can influence the Human Intelligence (HUMINT) area as part of the Intelligence discipline.

Consolidation of the Human Security Concept in NATO

Peace, stability, and sustainable development are often threatened by various crises (security, economic, food, political, environmental, energy, etc.), involving various manifestations of human insecurity. At the UN level, the established analytical and planning framework of the human security approach and extended partnerships aid in crafting holistic and proactive strategies spanning various sectors. The promoted solutions (especially under the aegis of the UN Trust Fund for Human Security³⁸⁰) are tailored to specific contexts to achieve a world devoid of fear, wants, and indignity.

Inspired by the UN experience and recognizing the emergence and relevance of the human security approach in a complex security environment (hybrid warfare), NATO endorsed the human security concept in its latest Strategic Concept. If the previous relation with the civilian factor was to diminish the interference of military operations with local inhabitants, the commitment devoted to the *Human Security Approach and Guiding Principles*³⁸¹ (Madrid Summit, June 2022) marks a shift toward a more ambitious agenda, with a series of clear lines of development³⁸².

Anyway, some critics consider the terminology of human security employed by NATO as confusing, with the possibility of entering conflict with the distinct interpretation of the term by civilian scholars and professionals engaged in development work and posing the preventive work more as a defensive posture³⁸³. Based on priorities, responsibilities, and access to the resources involved, R. Reeve states that military actors (including NATO) “should not be leading responses to threats and challenges that are not military in nature”³⁸⁴. However, we consider the responsibility a military organization has over the theatre of operation where it legitimizes (even requires) a comprehensive presence in all the aspects defining local human security. The limited assets a military force has practically dictate the extent of the involvement and the need for cooperation and coordination with the civilian actors.

In Table 1 we provide an orientation for the connection between the human security fields developed at the NATO level and the seven areas of human security encompassed by the UN vision on freedom of fear, wants, and indignity. We can easily observe the natural focus of NATO towards the protection of communities and individuals, especially those vulnerable, in an area of conflict/ crisis where the military organization’s security function is paramount. This approach is consistent with the Allied Command Transformation (ACT)’s view on human security as “mitigation and response towards risks and threats posed to populations”³⁸⁵.

³⁸⁰ United Nations Trust Fund for Human Security, *What is Human Security*, <https://www.un.org/humansecurity/what-is-human-security/> (04.11.2023)

³⁸¹ NATO HQ, *Human Security Approach and Guiding Principles*, October 2023, [https://www.nato.int/cps/en/natohq/official_texts_208515.htm?selectedLocale=en_\(28.10.2023\)](https://www.nato.int/cps/en/natohq/official_texts_208515.htm?selectedLocale=en_(28.10.2023))

³⁸² Alexandru Kis, *Human Security (re)consideration by NATO*, “Studia Securitatis”, Vol. XVI, No. 2/2022, pp. 56-65, <https://magazines.ulbsibiu.ro/studiasecuritatis/studia-securitatis/> (28.10.2023)

³⁸³ Richard Reeve, *NATO and Human Security: Obfuscation and Opportunity*, 2021, <https://rethinkingsecurity.org.uk/2021/02/16/nato-and-human-security/> - :~:text=In%202019%20NATO%20set%20up%20a%20Human%20Security,the%20two%20concepts%20are%20conjoined%20in%20NATO%20thinking. (28.10.2023)

³⁸⁴ *Idem*

³⁸⁵ Allied Command Transformation, *Human Security in NATO*, April 2023, <https://www.act.nato.int/article/human-security-in-nato/> (28.10.2023)

However, outside the human security's conceptual acceptance in NATO, the Alliance is also concerned and manages aspects related to the economic, food, health, and environmental issues in its areas of operations, or support of crises. The question is why these elements are not integrated in the conceptual arena of NATO's human security understanding, to ensure a complete harmonization and convergence with the global definition of human security.



	economic	food	health	environmental	personal	community	political
	crisis, inflation, austerity, energy security	sourcing and supply chains	pandemics, access to health services	climate breakdown effects	survivability, vulnerability by gender and age	inter-ethnic and confessional conflicts, cultural property	civil rights
					protection of civilians; combating trafficking in human beings; children and armed conflict; conflict-related sexual violence	protection of the cultural property	

Table 1. Comparison Between the UN and NATO's Approaches to Human Security³⁸⁶

A possible response is the lack of preparedness to digest the extent of a full spectrum of human security topics – but we don't exclude the development of relevant areas that will be further acquired, especially as a result of the professional work at the level of specialized NATO Centres of Excellence (COEs), or partner organizations, in the fields of CIMIC, crisis management and disaster response, energy security, medicine, security force assistance, stability policing, gender considerations, etc.

In its approach to human security as a cross-cutting task, NATO HQ seeks coordination with relevant actors, enhanced situational awareness, regular messaging, including STRATCOM (to ensure internal and external understanding of the Allied efforts in this respect), and integration of the human security principles and functions in the operational know-how.

SHAPE, as a requirement authority for educational disciplines in NATO, already promotes the subject of human security in operations and educates staff in a series of Focal Point training events³⁸⁷. Further, in NATO's educational management system (Global Programming – GP) the human security topic is advertised as a trans-disciplinary subject (rather than a distinct discipline), then analyzed, adapted, and integrated at the level of each recognized discipline.

For instance, the CIMIC COE (department head for CIMIC&CMI/ Civil-Military Interaction) focuses on its Annual Discipline Conferences (ADC) on human security aspects and their addressability in education and training (E&T). In the 2023 ADC for the CIMIC&CMI organized by the CIMIC COE and Finnish Defence Forces International Centre (FINCENT), Human Security and its military contribution to it, in its broadest sense, was the main topic, augmenting the human security integration in the analysis and assessment of the civil factor as a CIMIC function.³⁸⁸ NATO's CIMIC units are equally concerned with developing understanding and enhancing their advisory role to the commanders related to the human security aspects; the

³⁸⁶ NATO HQ, *Human Security Approach and Guiding Principles*, October 2023, and the UN Trust Fund for Human Security, *Human Security Handbook*, January 2016, <https://www.un.org/humansecurity/wp-content/uploads/2017/10/h2.pdf> (28.10.2023)

³⁸⁷ NATO SHAPE News Archive, *Video: Human Security in NATO Operations*, Mons, 21 October 2022, <https://shape.nato.int/news-archive/2022/video-human-security-in-nato-operations> (28.10.2023)

³⁸⁸ CCOE, *Integrating the Civil Factors of the Operating Environment - Civil Factor Integration (CFI)*, https://www.cimic-coe.org/publications/ccoe-publications/CIMIC_Messenger/cimic-messenger-2023-1/-4 (01.11.2023)

2023 CIMIC Units Commanders' Conference dedicated to "*Human Security in Operations and its implications in Collective Defence from a CIMIC perspective*" provided a comprehensive view of the subject in the conduct of maneuver in a classic warfare context³⁸⁹.

Considerations on Human Security as A Cross-Cutting Topic

Cross-cutting topics encompass a range of subjects that can impact a military mission yet lie beyond the core responsibilities of military formation. Various capabilities, educational disciplines, headquarters' branches and the chain of command, or operational processes and functions, must consider these cross-cutting topics during the planning, preparation, execution, and evaluation of a mission. It is a relevant theme for an effects-based approach to operations, where commanders must harmonize kinetic and non-kinetic actions to achieve a pursued objective in conditions of legality.

To effectively consider and address CCTs, a systematic approach is required. It involves identifying and analyzing the characteristics and dynamics of each CCT within the operating environment and a specific discipline. This analysis outlines interconnections and potential consequences of disregarding CCTs, enabling more informed decision-making (awareness and understanding) and targeted actions.

Moreover, the nature of CCTs requires a collaborative approach involving military and non-military actors. The involvement of diverse stakeholders, including governmental bodies, international organizations, non-governmental organizations, local communities, and experts from various fields, is necessary to address the multifaceted nature of CCTs. The cooperation between these stakeholders allows for a more holistic and integrated response to the challenges posed by CCTs.

The NATO CIMIC doctrine dedicates an annex to cross-cutting topics (protection of civilians; children and armed conflict; women, peace, and security; cultural property protection; and building integrity)³⁹⁰ circumvoluntary to the NATO approach to human security³⁹¹. Four cross-cutting topics (protection of civilians, combating trafficking in human beings, children and armed conflicts, and cultural property protection) are currently embedded within *Military Contribution to Peace Support* (MC2PS) discipline (managed by SHAPE Assistant Chief of Staff J9 as Requirement Authority/ RA and the Finnish Defence Forces International Center/ FINCENT as Department Head/ DH), while preventing and responding to conflict-related sexual violence resides under the *Gender in Military Operations* discipline (with SHAPE Gender Adviser as RA and the Nordic Centre for Gender in Military Operations/ NCGMO as DH). The involved stakeholders oversee ensuring the alignment and coherence of training (which is currently focused at operational and strategic levels, in a debatable balance between requirements and solutions). Anyway, we can select the proposed solutions as an educational cluster for NATO training on the relevant aspects of human security, where it is worth listing a series of relevant NATO Approved courses recorded in the NATO Education and Training Opportunities Catalogue (ETOC)³⁹²:

- *NATO and UN Approaches to the Protection of Civilians* (delivered by FINCENT);
- *Gender perspective in Military Operations Course*, and *Identifying, preventing, and responding to Sexual Exploitation and Abuse* (provided by NCGMO (Sweden).

But how the human security concept can be reflected as a cross-cutting topic in other education and training disciplines? We will seek in the next chapter an answer for the case of HUMINT, an Intelligence collection function based on human engagement.

Human Security and HUMINT

HUMINT has a discreet, but relevant contribution to the operational planning process, and employs a complex tradecraft in Intelligence operations. It supports early situational awareness, contributes to the Intelligence estimates and the Joint Intelligence Preparation of the Operational Environment (JIPOE), and

³⁸⁹ Multinational CIMIC Group, *16th CIMIC Units Commanders' Conference (CUCC) preparations start*, 21 June 2023, <https://www.cimicgroup.it/int/en/article/736/16th-cimic-units-commanders-conference-cucc-preparations-start> (01.11.2023)

³⁹⁰ NATO Standard AJP-3.19, *Allied Joint Doctrine for Civil-Military Cooperation*, Edition A, Version 1, November 2018, Annex B, p. B-1, <https://www.cimic-coe.org/resources/external-publications/ajp-3.19-eda-v1-e.pdf> (01.11.2023)

³⁹¹ NATO HQ, *Human Security*, https://www.nato.int/cps/en/natohq/topics_181779.htm (01.11.2023)

³⁹² Allied Command Transformation/ Joint Force Development, *NATO Education and Training Opportunities Catalogue*, <https://e-itep.act.nato.int/Guest/ETOCindex.aspx> (01.11.2023)

answers priority intelligence requirements (PIRs) that facilitate the understanding of the evolving situation around intelligence interest. HUMINT gained prevalence in the counterinsurgency (COIN) campaigns, has developed its capacity for regular warfighting, and demonstrates an exploratory approach to hybrid warfare.

Despite inherent limitations and several “pathologies”³⁹³ that may affect its effectiveness, HUMINT is approached by various professional schools as a resilient collection asset, ranging from “atmospherics” collection (in the absence of dedicated assets, like Human Engagement Teams or Liaison Monitoring Teams³⁹⁴) to sophisticated source operations, in multi-domain operations.

As cross-cutting topics, the human security parameters are naturally included in the list of information requirements, as they influence the decision-making process. In this respect, aspects related to the protection of civilians and protection of the cultural property are sequenced into essential elements of information - simple questions to be answered by friendly entities (international organizations, NGOs, host nation’s agencies, etc.) and/ or intelligence collection assets. The collection management process further allocates the collection tasks, based on the access to target/ information and suitability/ opportunity.

CIMIC alone would virtually face a “bona fide” posture concerning a large spectrum of actors involved in human security activities. Anyway, having in mind the complex network of priorities and motivations of the external entities, the information retrieved through civil-military interaction must be completed with Intelligence, to generate proper understanding and awareness. HUMINT is one of the collection disciplines ideally positioned to support this endeavor. Furthermore, HUMINT has a substantive contribution to Identity Intelligence (I2)³⁹⁵ and supports targeting processes by identifying high-value human targets (violators of human security standards), tracking their movements, and uncovering patterns of behavior, contributing to more effective planning and execution of operations and achievement of the desired effects.

As HUMINT has a two-fold operational footprint requiring distinctive knowledge and skills - collection and analysis³⁹⁶, the qualifications expected in dealing with human security-related topics may vary. Both the collector and the analyst should be aware of the theoretical aspects of human security in NATO and understand the human environment around intelligence interests. Further, the collector is directed towards engaging human sources with access to information about the human security aspects relevant to NATO³⁹⁷:

- **protection of civilians** (PMESII factors related to the communities’ survivability; organization and key persons; the relation between various human groups; local habits; population mobility; threats to communities and individuals, etc.);
- **trafficking in human beings** (indicators on the illicit trade and exploitation of individuals for various purposes such as forced labor, sexual exploitation, organ harvesting, and other forms of abuse; criminal organizations; organized crime TTPs; financing of criminal activities, etc.);
- **children and armed conflict** (indicators of threats to, or attacks on schools and hospitals, or access denial to humanitarian services education, healthcare, psychosocial support, and safe living conditions; recruitment as child soldiers or use as human shields, abduction, killing, and mutilation, sexual exploitation, or any other harm³⁹⁸);

³⁹³ Michael Gallagher, *Human Intelligence in Counterinsurgency: Persistent Pathologies in the Collector-Consumer Relationship*, in *Small Wars Journal*, June 2011, <https://smallwarsjournal.com/blog/journal/docs-temp/784-gallagher.pdf> (28.10.2023)

³⁹⁴ Warren W. Wright Jr., *Liaison Monitoring Teams: Specialized teams provide Kosovo populace link to KFOR mission*, 138th Public Affairs Detachment, June 7, 2022, https://www.army.mil/article/257327/liaison_monitoring_teams_specialized_teams_provide_kosovo_populace_link_to_k_for_mission (01.11.2023)

³⁹⁵ (I2) encompasses collecting, analyzing, and managing information about individuals’ and entities’ identities, affiliations, and activities. I2 methodology facilitates the identification of perpetrators and members of groups/ organizations involved in violations of the human security “freedoms”.

³⁹⁶ Alexandru Kis, *Procesul de selecție, etapă fundamentală în efortul de îmbunătățire a capitalului uman în HUMINT*, “Infosfera”, Vol. XIV, No. 2/2022, pp. 89-98

³⁹⁷ Alexandru Kis, *Human Security (re)consideration by NATO*, “Studia Securitatis”, Vol. XVI, No. 2/2022, pp. 56-65, <https://magazines.ulbsibiu.ro/studiasecuritatis/studia-securitatis/> (02.11.2023)

³⁹⁸ UNICEF, *Staggering scale of grave violations against children in conflict revealed in new UNICEF analysis*, 27 June 2022, <https://www.unicef.org/press-releases/staggering-scale-grave-violations-against-children-conflict-revealed-new-unicef> (01.11.2023)

- **conflict-related sexual violence (CRSV)** (local gender issues, indicators on the use of sexual violence as a weapon of war and a tactic in armed conflicts³⁹⁹, identification of perpetrators, etc.);
- **protection of the cultural heritage/ property** (identification, location, and local arrangements for the protection of significant cultural, historical, and artistic assets, such as artifacts, monuments, sites, and traditions; indicators of threats to, or attacks on the cultural property, etc.).

Additionally, to specific interpersonal skills and tradecraft application, HUMINT operators must develop niche knowledge on several aspects related to human security, especially on the applicable legal framework and specific terminology. Spotting on the appropriate human resources is another challenge, which may pose ethical or security risks (about potential criminal elements).

Moreover, in selecting the appropriate handling team, Field HUMINT Team leaders must demonstrate gender awareness. Based on the proven practice in Afghanistan to develop trust-based and enduring relationships with the local women by establishing Female Engagement Teams⁴⁰⁰, female operators must be employed as suitable to deal with female sources in culturally constrained communities.

Another specific point is the debriefing of victims or witnesses of abuses, where the support of a psychological adviser is paramount to understanding the specific condition and psychology of the subjects. Still, the debriefing of children as human sources is sensitive and obstructed by doctrine; the recall of trauma in questioning is a stressful experience for both parties involved⁴⁰¹ and requires specific training and qualification⁴⁰². These cases will be usually directed to forensic interviewers/ criminal investigators/ prosecutors, as available.

Having human security as a cross-cutting topic, cooperation, and coordination with other force elements and external entities will remain essential. CIMIC's primacy in dealing with these aspects in theatres of operations remains evident; on the other hand, early warning and detailed information on critical events harming the individual and communities' security cannot be obtained without access to some specific indicators and information on the identity, relationships, motivations, and intentions of various actors involved in human security scenarios – and this is an area where HUMINT retains a particular insight. Military intelligence liaison is just another level of formal cooperation with the services and the agencies of interest.

Equally, proper informational coverage of responsibility cannot be obtained without the involvement of all military assets engaged in the interaction with the human environment (“*every soldier is a sensor*”). Force collection activity must be based on proper human security awareness, direction, development of cultural sensitiveness, and oversight by the HUMINT management level (in coordination/ cooperation with other force elements involved in sensing the human environment in a theatre of operations).

These are just a few issues in considering HUMINT collection on topics related to human security; some of them require orientation and integration, while others necessitate specific education and training for the development of specific knowledge and skills.

Conclusions

By recognizing the legal and political imperatives surrounding cross-cutting topics, acknowledging their overlapping nature, embracing collaboration, and conducting a thorough analysis, NATO can develop comprehensive strategies to address their integration.

Equally, a bottom-up contribution of the various NATO functions/ disciplines (through the requirements authorities and department heads, or other responsible entities involved in capability transformation) can decisively support the assimilation of the new conceptual framework – in our case, human security – through intellectual debates, study of the lessons learned, harmonization of doctrine and procedures and, ultimately, incorporation in education and training.

³⁹⁹ This term encompasses various forms of sexual abuse, exploitation, and violence perpetrated against individuals in conflict-affected areas. These acts include rape, sexual slavery, forced prostitution, forced marriage, and other forms of gender-based violence.

⁴⁰⁰ Christopher McCullough, *Female engagement teams: who they are and why they do it*, 22 February 2013, https://www.army.mil/article/88366/female_engagement_teams_who_they_are_and_why_they_do_it (01.11.2023)

⁴⁰¹ Danielle Rousseau, *Vicarious Trauma and Burnout for Prosecutors and Investigators*, 27 April 2021, <https://sites.bu.edu/daniellerousseau/2021/04/27/vicarious-trauma-and-burnout-for-prosecutors-and-investigators/> (02.11.2023)

⁴⁰² Council of Europe, *Child-friendly justice*, <https://www.coe.int/en/web/children/child-friendly-justice> (02.11.2023)

Further, identifying cross-cutting topics as a specific category in NATO ETOC (“*CCT clusters*”) would help educational managers and students to query and determine the number of relevant courses falling under the human security topic (or other CCTs), if the incumbent subjects are shared among several disciplines and various educational providers.

Human security awareness as a cross-cutting topic cannot be properly generated without analyzing the implications at the level of each interested domain. This is a reason why experts from the NATO HUMINT Centre of Excellence from Oradea (Romania) track the subject's development in NATO and assess human security's implications in the HUMINT professional tradecraft.

Following a practical integration model, the addition of various instructional vignettes related to the extended protection of civilians and cultural property in the HUMINT courses and exercises would contribute to the promotion of human security among HUMINT experts and facilitate debate, which is afterward taken over at, or paralleling the academic level. The next step is integrating human security requirements into the HUMINT standards, which entails harmonizing with other doctrines and delegating specific responsibilities at various HUMINT levels (collection, analysis, management). The contribution of the legal advisers is of major importance, as human security – a cross-cutting topic – has broad coverage at the level of various functions and disciplines, and thorough deconfliction and top-down guidance are needed.

A better-qualified contribution to an operational picture that incorporates human security aspects is critical. The war in Ukraine demonstrates once again that unlawful practice and human alienation are inherent parts of any conflict, at a grievous scale.

All the steps described in this paper converge to the integration of human security as the cross-cutting topic and increasing its presence in the operational dialogues. As the subject will grow in understanding and relevance at the leadership level, then reflected in practice, the lessons learned process will contribute to consolidating its integration and effectiveness for the ultimate benefit of humanity, in any context.

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**HUMAN RIGHTS AND INSTITUTION BUILDING IN POST-SOCIALIST ALBANIA.
THE GENDER PERSPECTIVE⁴⁰³**

Abstract:	<p><i>Central and Eastern European nations have undergone significant socioeconomic policy reforms since the collapse of their socialist centralized systems. Since 1992, the Republic of Albania has faced numerous significant obstacles, and at first, eliminating gender inequality was not given much priority. In addition to being a fundamental right and a shared ideal of EU institutions, gender equality is a crucial component that must be included in the legal systems of all candidate nations hoping to join the EU. Social exclusion in developing countries can take two forms: active or passive. Women's needs and interests are typically overlooked because they are shut out of numerous aspects of life, including work, education, access to the legal system, the realization of their property rights, and so on.</i></p> <p><i>The Republic of Albania has created several laws, policies, and action plans about gender equality in the wake of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in addition to policies against human trafficking, domestic abuse, closing the representational gap in politics and the economy, and other issues. In this essay, I examine Albania's approach to assessing European standards and, if applicable, modify them to fit regional political customs and cultural norms.</i></p> <p><i>The best way to enforce laws, rather than just creating rules, models, and regulations, is to ensure that the body of law is in harmony with the culture in which it operates. In pursuing full EU integration, this is an overall effort to assess and contrast some of the approaches and measures Albanian representatives and society have taken to address the gender factor in the democratization process and institution-building.</i></p>
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Introduction

One of the fundamental principles of a democratic society is gender equality. A community that invests in attaining gender equality benefits girls' and women's lives and the positive transformation of boys' and men's lifestyles. Consequently, by advancing equality for some marginalized groups—like women—we can strengthen and enrich society and the community in the short term, which benefits everyone in the long run. The Republic of Albania has been on a path of drastic changes since the early 1990s to establish the framework and meet the requirements of a liberal democratic society. During this transition, Albania has created institutions and a legal framework to support gender equality. To safeguard human rights, build institutions, and advance along the route of European integration, it has also adopted strategies and policies to address the

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gender factor. A general framework for evaluating these strategies and laws in the last years has been focusing on:

Inclusive Legislation

The presence and effectiveness of gender-related laws have been evaluated. Does society as a whole and the workplace have any laws that promote gender equality? Are these laws correctly applied?

Political Representation

It's important to evaluate and compare tendencies in the proportion of women in politics who hold influential and commanding positions. Have any initiatives been in place to increase the percentage of women in leadership roles within political parties and the government?

The Convention on the Elimination of All Forms of Discrimination Against Women⁴⁰⁴ (CEDAW), enacted in 1979 by the UN General Assembly, and the Constitution of the Republic of Albania, which was ratified by the Albanian Parliament in 1998, serves as the primary pillars of this legislation. Albania is required to act and establish all necessary frameworks for the implementation of this 1993 Convention. Albania has drafted several laws, policies, and action plans about gender equality in addition to the CEDAW and the Constitution. It has also developed a National Strategy Against Trafficking in Human Beings (including Women and Girls), against Domestic Violence, and the execution of the corresponding measures⁴⁰⁵.

2020 saw Albania become a candidate for EU membership and begin the process of opening accession talks. Since the early 1990^s, the European Union has been encouraging and supporting reforms and transformations to bring about the desired advancements in Albania's respect for freedoms and human rights as well as the strengthening of democratic institutions through its enlargement policies and the application of political conditionality. A fundamental right and a shared ideal among EU nations is gender equality. One of the core responsibilities of the EU, according to the Treaty of Amsterdam, is to promote gender equality⁴⁰⁶. The European Union's Charter of Fundamental Rights declares that gender equality must be upheld in all spheres, including employment, work, and compensation⁴⁰⁷.

The prohibition against discrimination for various reasons, including sex, is likewise reiterated in the Charter. The social dimension is a fundamental component of the Community, and gender equality and equal opportunity are intrinsic aspects of the social dimension, as stated explicitly in Section 5, "Gender Equality and EU Enlargement" of the 1998 Report of the European Commission. This document states there can be "no membership without equal opportunities for women and men"⁴⁰⁸. When determining whether there is a gender imbalance in important spheres of the political, social, and economic spheres in EU member states and prospective member nations, this text is used as a starting point. Articles 2 and 3 of the Treaty of Amsterdam state that gender integration is required by law in all domains and that gender equality is one of the Community's most important initiatives⁴⁰⁹. Through the joint memorandum strategy for social engagement, the European Commission has gathered suggestions and pertinent topics into a helpful handbook on gender integration for the candidate countries⁴¹⁰. After ratifying the international treaties on human rights, the

⁴⁰⁴UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, Vol. 1249, p. 13, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (03.08.2023)

⁴⁰⁵ Council of Ministers of Albania, *National Strategy Against Trafficking in Human Beings against Domestic Violence 2021-2023*, Tirana 2021, <https://www.tdh-albania.org/sites/default/files/2023-02/NATIONAL%20ACTION%20PLAN%20%28eng%29%20web.pdf> (03.08.2023)

⁴⁰⁶European Communities, *Treaty of Amsterdam amending the Treaty of European Union, the Treaties establishing the European Communities and Certain Related Acts*, Luxembourg 1997, <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> (28.08.2023)

⁴⁰⁷Article 23, *Charter of the Fundamental Rights of the European Union*, 2000/C 364/01, http://www.europarl.europa.eu/charter/pdf/text_en.pdf (03.08.2023)

⁴⁰⁸Commission of the European Communities, *Progress report from the Commission on the follow-up of the Communication: "Incorporating equal opportunities for women and men into all Community policies and activities,"* Brussels, 04.03.1998 COM (1998) 122 final, p. 19

⁴⁰⁹ European Communities, *Treaty of Amsterdam amending the Treaty of European Union, the Treaties establishing the European Communities and Certain Related Acts*, Luxembourg 1997, p. 125, <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> (28.08.2023)

⁴¹⁰ Council of Europe, *Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices. Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)*, 1998, p. 13

governments of these nations are required to provide periodic reports on their legal frameworks and practices in the relevant areas. Restructuring the labor market is still the primary issue facing the Central and Eastern European countries, according to Anita Seinbert, a representative of NGOs in the area. This is because women's participation in the economy typically declines during the shift from a centralized, planned economy to a free market⁴¹¹. Social exclusion in emerging or developing nations can take two forms: active or passive. Women's demands and interests are typically overlooked since they are shut out of numerous aspects of society, including work, education, access to the legal system, the realization of their property rights, and so on⁴¹².

Core Legal Framework 1998 – 2008

“All citizens are equal in front of the law, and nobody can be discriminated against based on gender, race, religious affiliation, political, religious, or philosophical beliefs, and economic, social, formative status” according to Article 18 of the Republic of Albania's 1998 Constitution⁴¹³. The Penal Code of 1995 ensures that men and women are treated equally in all aspects of life, including healthcare, property, and dignity⁴¹⁴. Women are granted equal rights in all legal proceedings, including the ability to file charges against or stand trial, according to the 2001 Civil Code⁴¹⁵. The Labor Code recognizes the right of men and women to equal employment. They also have equal rights to paid time off, equal compensation, and protection at work. Employers are materially encouraged to hire women and girls⁴¹⁶. The Labor Code's provisions are predicated on global norms. In addition to equal rights and obligations toward family and children's education, the Family Code of 2003 recognizes the freedom of husband and wife to choose whether to enter a marriage and to file for divorce⁴¹⁷. Women's reproductive rights are upheld and guaranteed by the Law on Reproductive Health⁴¹⁸. The Law completes the legal framework of equal opportunities for men and women for Gender Equality in Society. Equal opportunities for men and women are established by law in the areas of education, work, and decision-making. It also forbids discrimination and sexual harassment⁴¹⁹.

One of the most effective efforts to bring Albanian legislation around domestic violence legislation closer to international standards is the Law on Measures Against Domestic Violence⁴²⁰. This law, which was drafted in the process of implementing legally binding international acts like CEDAW or other acts adopted by the European Union, is a crucial component of the anti-discrimination framework of Albanian legislation. On the initiative of twenty thousand Albanians, the law was brought before the Albanian Parliament. This law aims to prevent and reduce domestic violence in all its forms by providing appropriate legal defense; it also ensures legal measures for family members who become victims of domestic abuse, with a focus on children, older people, and those with disabilities. The Law on Gender Equality in Contemporary Society aims to prevent gender-based discrimination by defining measures to ensure equal opportunities for men and women, as well as outlining the duties of state authorities, including central and local government, in putting policies

⁴¹¹ Aleanca gjimore për zhvillim, *Barazia gjimore kusht për integrimin europian*, Tiranë 2008, p. 34

⁴¹² Amartya Sen in Rogers, Jalal, Boyd, *An Introduction to Sustainable Development*, Glen Education Foundation, New York, 2008

⁴¹³ Qendra e Botimeve Zyrtare, *Kushtetuta e Republikës së Shqipërisë*, Tiranë 2008, p. 9, <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd> (23.07.2023)

⁴¹⁴ Qendra e Botimeve Zyrtare, *Kodi Penal i Republikës së Shqipërisë*, Tiranë 1995, p. 2, https://www.idp.al/wp-content/uploads/2020/11/Ligj_nr_7895_Kodi_penal_i_ndryshuar_2020.pdf (03.08.2023)

⁴¹⁵ Qendra e Botimeve Zyrtare, *Kodi Civil i Republikës së Shqipërisë*, Tiranë 2001, <https://qbz.gov.al/preview/f010097e-d6c8-402f-8f10-d9b60af94744> (03.08.2023)

⁴¹⁶ Qendra e Botimeve Zyrtare, *Kodi i Punës i Republikës së Shqipërisë*, Tiranë 2003, p.52, <https://qbz.gov.al/preview/c1c18a6c-5f3e-457d-b931-de505b3c7ed0> (03.08.2023)

⁴¹⁷ Qendra e Botimeve Zyrtare, *Kodi i Familjes së Republikës së Shqipërisë*, Tiranë 2003, p.8, https://www.drejtesia.gov.al/wp-content/uploads/2019/02/Kodi-i-familjes-Ligj_9062_08.05.2003-1.pdf (03.08.2023)

⁴¹⁸ Qendra e Botimeve Zyrtare, *Ligji për Shëndetin Riprodhues*, Tiranë 2002, <https://qbz.gov.al/eli/ligj/2002/04/04/8876> (03.08.2023)

⁴¹⁹ Qendra e Botimeve Zyrtare, *Ligji për Barazinë Gjimore në Shoqëri*, Tiranë 2008, <https://qbz.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)

⁴²⁰ Qendra e Botimeve Zyrtare, *Ligji për masa ndaj dhunës në marrëdhëniet familjare*, Tiranë 2006, <https://qbz.gov.al/eli/ligj/2006/12/18/9669/3257bc3f-964e-4d84-aca0-57122d81f986> (23.07.2023)

that advance gender equality into practice. This law envisions the creation of the National Council for Gender Equality, an advisory body that addresses gender equality issues and is chaired by the Minister, in addition to giving special attention to the role of the institutions tasked with implementing it⁴²¹.

Ten members of the government and three members of the civil society make up the council. This body's primary responsibility is to advise the government on gender equality policy. It also evaluates the current state of gender equality in the nation, guarantees gender integration in all spheres, etc. This law also covers the media, education, labor relations, protection and equal treatment, and participation in the decision-making process⁴²². According to the Law on Prevention of Violence in the Family, efforts for its proper recognition and execution must be coordinated by the Ministry of Labor, Social Affairs, and Equal Opportunities. Positive changes have occurred, most notably with the development of the 2007–2010 Strategy for Gender Equality and Against Domestic Violence⁴²³. This law required social services, legal offices, health care facilities, and police commissariats to gather and publish data on violence, even though information on the scope of the problem is still scarce. One of the few nations in Europe to formally register, disseminate, and regularly display data regarding the scope and distribution of this phenomenon is Albania.

Law “On Gender Equality in Society” and Its Effects on Political Representation

Prakash Anggun has investigated how the legal framework surrounding elections is sensitive to women's rights to influence their empowerment, establishing that a variety of factors, including sociocultural, religious, and economic ones, have an impact on how many women are represented in politics and elections⁴²⁴. Hanna Beate Schöpp-Schilling is another author who has highlighted how crucial it is to place the use of quota systems within the context of human rights to achieve and preserve gender parity in public and political life⁴²⁵. According to several authors, minority groups need to be represented at least 30% to advance in status and significantly impact the dominant culture. This value is commonly referred to as reaching “critical mass”⁴²⁶. The critical mass theory has received backing from the global women's movement. It is mentioned, for instance, in the Beijing Platform for Action of 1995, which states that women ought to hold 30% of all positions of decision-making⁴²⁷. At the same time, the number of nations implementing election quotas has been rising over time^{428,429}.

“Electoral systems are not neutral to gender”, as the UN has stated. The electoral system could significantly impact the proportion of women chosen to run. “Some electoral system elements, such as candidate lists, district sizes, and threshold levels, also considerably impact women's chances of winning office”⁴³⁰. As a result, there are significant differences in how quotas are created, implemented, and enforced across nations.

⁴²¹ *Ibidem*, p.3

⁴²² Qendra e Botimeve Zyrtare, *Ligji për Barazinë Gjinore në Shoqëri*, Tiranë 2008, pp. 5-12, <https://qbz.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)

⁴²³ Ministria e Punës, Ceshtjeve Sociale dhe Shanseve të Barabarta, *Strategjia Kombëtare për Barazinë Gjinore dhe Eliminimin e Dhunës në Familje*, Pegi Tiranë, 2008

⁴²⁴ Prakash Anggun, *Gender Specificity in Democratic Elections: International Implementability as an Exemplary for Indonesian Political Landscape* in *Academic Journal for Interdisciplinary Studies*, Vol. 9 No. 3, 2020, pp. 194-198

⁴²⁵ Hanna Beate Schöpp-Schilling, *Aufgaben und Arbeitsmethoden der UN-Menschenrechtsausschüsse am Beispiel des CEDAW-Ausschusses: Relevanz für CEDAW-Vertragsstaaten und Zivilgesellschaft in Europa*, “Gleiches Recht – gleiche Realität? Welches Instrument bieten Völkerrecht, Europarecht und nationales Recht für die Gleichstellung von Frauen? Loccum Protokolle 71/03”, Rehburg-Loccum 2004, pp. 37-64

⁴²⁶ Sarah Childs, Mona Lena Krook, *Critical Mass Theory and Women's Political Representation*, “Political Studies”, Vol. 56, 2008, pp. 725–736

⁴²⁷ Beijing Action Plan, *Beijing: Sixth International Conference UN Women 1995*, <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm> (03.08.2023)

⁴²⁸ Pamela Paxton, Sheri Kunovich, Melanie M. Hughes, *Gender in Politics*, “Annual Review of Sociology”, Vol. 33, No. 1, 2007, p. 271

⁴²⁹ Adriana P. Crocker, *Review: Jumping on the Bandwagon: Origins and Effects of Gender Quotas Worldwide*, “International Studies Review”, Vol. 12, No. 4, 2010, p. 688

⁴³⁰ Zyra e OKB Këshilltari i Posacëm i Cështjeve Gjinore, *Gratë dhe Zgjedhjet: Një guidë për të Promouuar*

In Albania, the proportion of women in politics hasn't changed much between the 1990s and 2009, as there have only been ten percent of female lawmakers in the legislature in this timeframe. The proportion of women in politics has significantly increased since the 2009 parliamentary elections. This was mainly brought about by the 2008 changes made to the Election Code⁴³¹. Taking into consideration this situation assessment, Law No.9970/2008 "On Gender Equality in Society" led to these modifications. To achieve "Equal treatment of women and men and equal opportunities in exercising their rights in all fields of social life," this law regulates the fundamental issues surrounding gender equality. The law addresses the following: "(...) equal treatment in the media, impartial treatment in education and qualification, non-discriminatory treatment in labor relations, and equal participation in governance and decision-making processes"⁴³². The Albanian Parliament passed this law with 74 votes in favor and six abstentions⁴³³. The discussion and consultation phases are especially interesting as they shed light on the political environment and social behaviors that Albanian MPs use to engage with the legal system, especially about gender equality and progressive changes.

Albania's progress in gender equality and human rights has been monitored by EU structures, which also provide the country with annual progress reports. EU representatives have also exercised political conditionality interventions and played a significant role in advancing the approval of the 2008 law⁴³⁴. The Ombudsman formally submitted his opinions on the draft "On Gender Equality in Society" to the Parliament on March 13, 2008. Many of his comments were technical and concerned the appropriate designation of the bodies in charge of overseeing or reporting on the progress of the process of gender integration in Albanian institutions and society⁴³⁵. Non-governmental organizations have been leading the charge to adopt this draft law, and it is noteworthy that until 2008, there were more than 100 registered subjects in Albania solely dedicated to promoting gender equality⁴³⁶.

To support the approval of the draft law On Gender Equality in Society, a coalition of NGOs planned to organize in April 2008 a public request addressing government and parliament representatives. Additionally, the coalition would finalize a two-week awareness campaign throughout Albania. Following this initiative, the laws committee of the Albanian Parliament held a public hearing wherein key topics related to gender equality were discussed, and best practices for achieving it were adopted⁴³⁷. There were major improvements brought about by the new Electoral Code, which was based on the Law on Gender Equality. A regional proportional representation system took the place of the prior one, which combined a majoritarian and proportional representation system. Additionally, it reduced the possibility of manipulations by developing an electronic national population register that served as a resource for voter lists. The new legislative framework offered a thorough technical foundation for holding democratic elections⁴³⁸. The Electoral Code established a threshold

Pjesëmarrjen e Grave në Zgjedhje, Kapitulli V – Votuesi dhe Edukimi Qytetar, p. 12, <https://www.un.org/womenwatch/osagi/wps/publication/Chapter5.htm> (03.08.2023)

⁴³¹Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë 2008*, <https://qzb.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (03.08.2023)

⁴³²Qendra e Botimeve Zyrtare, *Ligji për Barazinë Gjinore në Shoqëri*, Tiranë 2008, p. 6 <https://qzb.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)

⁴³³ The World Bank, *Indeksi i Barazisë Gjinore për Republikën e Shqipërisë 2020*, https://eige.europa.eu/sites/default/files/gender_equality_index_for_the_republic_of_albania_2020_alb.pdf (03.08.2023)

⁴³⁴ETF, *Mapping Policies and Practices for the Preparation of the Teachers for Inclusive Education in Contexts of Social and*

Cultural Diversity – Albania Country report 2010, p. 31

https://www.etf.europa.eu/sites/default/files/m/C12578310056925BC125772E0029DDCE_NOTE85SAXQ.pdf (03.08.2023)

⁴³⁵INSTAT, *Barazia gjinore Metadata Referenciale (ESMS)*, Tirane 2008, https://www.instat.gov.al/media/10366/38barazia_gjinore_esms_final_al.pdf (27.07.2023)

⁴³⁶Qendra për Nisma Ligjore Qytetare, *Manual: Pjesëmarrja e Organizatave Jofitimpruese në Procesin e Monitorimit të Zbatimit të Konventës CEDAW dhe Konventës së Stambollit dhe Raportimi para Komitetit të CEDAW, UPR dhe Grevio*, 2018, p. 42

⁴³⁷OSCE *Presence encourages approval of Albanian draft law on gender equality*, Tirana 7 March 2008, <https://www.osce.org/albania/49539> (03.08.2023)

⁴³⁸Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë 2008*, <https://qzb.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (03.08.2023)

of at least 30 percent for the minority gender in the lists of candidates that political parties must submit for both local and national elections to implement the gender-neutral quota. In addition to the 30 percent quota for national elections, this law from 2008 provided special quotas for municipal councils with a higher percentage of 50 percent, by the implementation of a chain system⁴³⁹. The law was based on changes made to the Electoral Code. "The Convention on the Elimination of Discrimination Against Women's" Articles 4 and 7 provided for the positive obligation that states take special, temporary measures to ensure equality between the sexes in political life, which served as the foundation for the implementation of these new reforms. Due to the electoral system's favoritism of large parties and the requirement that smaller parties form coalitions to win mandates and seats, minor political parties and those who did not cut to enter parliament opposed the new Electoral Code⁴⁴⁰. There was a twofold increase in the mandates of female candidates in the 2009 parliamentary elections, with 23 female MPs (i.e., 16 percent of the total) as opposed to 7 percent in the 2005 parliamentary elections. Considering the average representation of women in Albanian politics, which is 15 percent according to the European Communities Act, this was hailed as a positive development⁴⁴¹. This was in line with the 2008 adoption of the new "Gender Equality Law" and the 2008 adoption of the new "Electoral Code", which implemented changes to the electoral process and gender quotas, respectively⁴⁴².

However, the increase in the number of female candidates was not what was anticipated, even with the reforms made regarding the establishment of mandatory gender quotas. The reports pointed out that flaws in their drafting had compromised the goals of the laws. In compliance with the Electoral Code, the parties included women on their lists while adhering to the 30 percent quota. The women candidates were positioned at the bottom of the list, making it nearly impossible for them to win⁴⁴³.

The public discussion was represented in media outlets, concerning the four most-read newspapers, with extensive coverage during the March–July 2008 period. However, there are some logical anomalies in the way the discussion unfolded. Considering that this was a draft law that had the backing of cross-party parliamentary political forces, the motivation for comprehensible press coverage ought to have been twofold: educating the public about the implications of the law and building broad public support for its implementation. The mediating process has not succeeded in achieving either of these goals. The focus of the draft was to improve the state of gender equality in the labor market. It was based on specific recommendations and studies carried out by interested parties. First, this has been one of the most significant shortcomings of Albanian reality. Secondly, it is thought that the best way to achieve gender parity in a society is to ensure that all members of the population enjoy a balanced economic status.

The article addressing equal representation (as a tendency) in decision-making political bodies was the focus of all public debate despite the draft law's emphasis on gender equality in the labor market. Instead, a temporary policy establishing quotas at 30% as the minimum percentage of each gender on party lists in general elections was chosen. Regarding the legal definition of quotas for the presence of women in the legislative, executive, and judicial branches, as well as other public institutions, there has been far too much misinformation in the great majority of cases⁴⁴⁴. Additionally, there needs to be better communication between legal affirmative action and meeting requirements for EU integration. Although they were absent from most Union member states, quotas were regarded as a European standard⁴⁴⁵. The Albanian population consistently scores highly in favor of EU integration in every survey taken over the past few decades. Generally dissatisfied

⁴³⁹ Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë* 2008, p. 4, <https://qzb.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (03.08.2023)

⁴⁴⁰ Mirela Bogdani, *Reflections while choosing an electoral system. The case of Albania*, "AGORA International Journal of Juridical Sciences" No. 2, 2013, pp. 22-28

⁴⁴¹ OSCE/ODIHR, *Zgjedhjet Parlamentare: Misioni i OSBE/ODIHR-it për Vëzhgimin e Zgjedhjeve 28 qershor 2009-Raporti Përfundimtar*. p. 13, https://www.osce.org/files/f/documents/e/f/38598.pdf_23.07.2023

⁴⁴² Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë* 2008, p. 1, <https://qzb.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f68363> (23.08.2023)

⁴⁴³ OSCE/ODIHR, *Zgjedhjet Parlamentare: Misioni i OSBE/ODIHR për Vëzhgimin e Zgjedhjeve 28 qershor 2009-Raporti Përfundimtar*. p. 27, <https://www.osce.org/files/f/documents/e/f/38598.pdf> (23.07.2023)

⁴⁴⁴ Aleanca Gjimore për Zhvillim, *Barazia gjimore në procesin e integritit evropian: Shifra dhe fakte*, 2008, p. 62, https://www.gadc.org.al/media/files/upload/Barazia_gjimore_ne_procesin_e_integritit_europian.pdf (04.08.2013)

⁴⁴⁵ Elife Luzha, *Kuotat dhe fuqizimi i grave në politikë*, <https://www.epokaere.com/kuotat-dhe-fuqizimi-grave-ne-politike/> (03.08.2023)

with the social and economic accomplishments of their elected representatives, they view the external pressure from EU institutions as a good thing that might force Albanian institutions and politicians to take greater accountability and focus on outcomes.

Effective, transparent, and uncontested results have always been a challenge for the Albanian parties' political candidate selection processes. This has been particularly evident when it comes to the procedures for equal gender representation. Voters in Albania select closed-party lists, which are the exclusive purview of political elites. It wasn't until the Electoral Code went into effect that it was evident how the Law on Gender Equality could be read to invalidate any actual quota representation, going against the original intent of that legislative measure. With very few exceptions, the quota rule has been broken. Parties have planned to add more female candidates to the bottom of their lists despite the Central Electoral Commission's legal rejection of lists that do not comply with the requirements. In Albania, a party can theoretically follow the quotas even if there are no women in the winning positions on the list of candidates, according to ACER (Albanian Center for Economic Research) and ASET (Albanian Socio-Economic Think Tank)⁴⁴⁶. Political parties have only specified a percentage of women's representation in local government bodies and party governing assemblies in their statutes or regulations. Thus, women's participation in decision-making positions and bodies has only been fulfilled to the extent required by the UN's Millennium Goals, the EU's standards, the OSCE (the Organization for Security and Co-operation in Europe), and the ODIHR (Office for Democratic Institutions and Human Rights)⁴⁴⁷.

The way the Albanian public has been informed and has thought about the legislative process, particularly when faced with the approval and implementation of this law, is another pattern of interest. The study report "Monitoring Albania's steps toward gender equality" from 2011 divides the key elements influencing the implementation of gender quotas into two categories: political and cultural. The traditional social attitudes regarding women's participation in politics, such as the belief that politics is a domain exclusively for men and the lack of confidence in women's ability to be trustworthy and influential politicians, are categorized as cultural factors⁴⁴⁸. The affirmation of human rights and the integration of gender are integral components of the processes involved in the shift to liberal democracy. The Central Election Commission imposed penalties on the main political parties that ignored gender quotas in the general elections of 2009 and 2013⁴⁴⁹. The removal of female candidates from party lists to make room for men to assume vacant seats and become MPs has also been noted. Human rights still include women's rights, and both sexes' political representatives publicly state that they do not see a connection between democracy and equal representation in the political process. The features of Albania's electoral laws, the procedures and guidelines followed by political parties when making decisions, and the lack of influence and cooperation among women in positions of authority can be listed as political factors.

Conclusions

Promoting gender equality is not just a matter of recognizing it as a human right; it is also essential for achieving sustainable development, fostering social progress, and creating a more just and equitable world. Gender equality involves ensuring that individuals of all genders have equal access to opportunities, resources, and rights, free from discrimination and bias. Efforts to promote gender equality encompass various aspects, such as education, employment, healthcare, and political participation. The goal is to create a society where individuals, regardless of their gender, can fully participate and contribute to the social, economic, and political life of their communities. Gender equality has been explicitly addressed in several subsequent international agreements and conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Adopted in 1979, CEDAW is sometimes referred to as an international bill of rights for women. Its goal is to end discrimination against women in the social, political, legal, and economic domains, among others.

⁴⁴⁶ ACER, ASET, *Studim mbi Situatën në Shqipëri të Grave Lider në Nivel Vendor: Një Analizë Bazë*, Tirane 2009, p. 87

⁴⁴⁷ UNDP Albania, *Fuqizimi i grave për parti politike më të forta. Udhëzues për promovimin e grave në politikë*, Tiranë 2012, p. 59

⁴⁴⁸ Dragoti, Tahsini, Dhembo, Ajdini, *Monitoring Albania's steps toward gender equality*, Department of Social Sciences Tirana 2011, p. 4

⁴⁴⁹ Ora News, *KQZ: PD, PS dhe LSI gjobiten për mos respektimin e kuotave gjinore*, May 12th 2013, <https://www.oranews.tv/kqz-ps-nuk-respektoi-kriterin-gjinor> (27.07.2023)

Since the shrinking of their role in the 1990^s, Albanian women have begun to regain ground, politically and economically. The 2005 general election brought an increase in the number of women candidates, but at that time, Albania continued to remain in last place in Southeast Europe in terms of the political representation of women. The quota system and the 2009 general elections are considered a turning point for the political participation of women in Albania.

The debate over the actual effectiveness of gender quotas continues because the placement of female candidates in positions of power within party lists is always subject to the judgment of the party's leaders, who are currently exclusively men. Further thought should be given to the necessity of reforming decision-making processes at all levels, possibly with an emphasis on changing party internal practices and raising public awareness of gender equality and equal representation as human rights.

We suggest two methods by which gender and politics scholars might reconsider the connections between women's descriptive and substantive representation and thus conduct empirical research in place of "critical mass theory". First, we make the case that "how the substantive representation of women occurs" should become the primary research question instead of "when women make a difference". Secondly, we propose shifting the analytical focus from the macro to the micro level, researching "what specific actors do" instead of attempting to determine "what women do." When combined, these reformulations create several new avenues for investigating legislative behavior, not the least of which is the easing of unduly restrictive analytical frameworks about the participants, structure, and substance of progressive changes. This will make it possible to examine "critical actors" in women's substantive representation with greater care. Regardless of the number of female representatives in each institution, these legislators, whether they are male or female, can be recognized as those who take the initiative to propose policies on their own and frequently, though not always, inspire others to follow suit. Focusing on these players presents fresh chances to investigate the legislative actions of women and men who organize on behalf of women collectively and, consequently, to pinpoint different avenues that could lead to better substantive representation of women's issues.

Albanian institutions and the society at large are urged to enact and put into effect laws and procedures that advance gender equality and do away with gender-based discrimination. This entails dispelling myths, altering societal mores, and fostering an atmosphere in which all people—gender included—can fully exercise their human rights and make contributions to society on an equal basis.

The qualified Albanian majority's continued desire to support the EU integration process, which is still the highest among candidate countries, is a positive attribute, being that the European Union can act as a stimulating agent of reforms and transformations to achieve the desired progress regarding the respect of freedoms and human rights and the strengthening of democratic institutions in Albania. However, this wish is not mirrored in the willingness to fully acknowledge and comprehend the integration process and all its implications. Comparably, there needs to be more critical thinking in politics and society to assess and, when appropriate, modify European standards to suit regional political customs and cultural norms. The best approach to enforcing laws rather than just drafting rules, conventions, and regulations is to ensure that the body of law is in harmony with the culture in which it operates. Progressive policies like gender quotas have demonstrated that they are effective, necessary, and can spur broader social progress even though they are insufficient for a society devoid of democratic traditions.

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**INTERNATIONAL MIGRATION AND WORK-RELATED SECURITY.
A CASE STUDY FROM THE ALBANIAN CONTEXT**

Abstract:	<p><i>The concept of work-related security is associated with seven forms of security, as described in ILO's Socio-Economic Security Program⁴⁵⁰. This paper aims to analyze how the lack of seven forms of work-related security influences the decision to migrate, focusing on the case of Albanian citizens who have migrated to different Western European countries. The migration of people in work active age from the Republic of Albania to Western countries, associated with a frenetic population decline, is the biggest concern nowadays in Albanian society.</i></p> <p><i>The present paper shows the results of a qualitative study. The study highlighted that the lack of one or more forms of work-related security plays a very important role in motivating people to emigrate.</i></p> <p><i>The present study results can orient other quantitative studies that lead to measuring the impact of work-related security forms in the decision to emigrate. This study also sheds light on the way policies should consider work-related security to normalize the phenomenon of migration from Albania to Western countries.</i></p>
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Introduction

The present study has a sociological focus and aims to explore how work-related (in)security with all its forms, serves as a motive that encourages migration to countries that offer higher levels of security concerning work. It brings the case of the Albanian context after the fall of the communist regime. Regardless of the studies that explore the causes of migration in general and the motives of international migration from the Republic of Albania to Western countries, there are no studies that consider the relationship between work-related security and motives of migration. Thus, this study could serve as a contribution to fill a gap in the range of studies in this field.

As Ravenstain mentioned in his work "Low of migration", the major causes of migration are economic⁴⁵¹, and the economy is strongly related to the work. Before starting the analysis of the relationship between work-related security and migration, it is worth explaining the dimensions of work-related security. Focusing on the features of the Fordism era, 7 dimensions of work-related security have been identified⁴⁵².

1. *labor market security*, which is related to a high level of employment guaranteed by macroeconomic policy, sufficient employment, and labor possibilities;

⁴⁵⁰ International Labor Office, *Economic Security for a Better World*, Geneva 2004, www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceld=8670, p. 14. (12.07.2023)

⁴⁵¹ Ernst Georg Ravenstein, *The laws of migration*, "Journal of the Statistical Society of London", Vol. 48, No. 2, June, 1885, pp.167-235

⁴⁵² International Labor Office, *Economic Security for a Better World*. Geneva, 2004, www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceld=8670, p. 14 (14.07.2023)

2. *employment security*, which has to do with the protection against arbitrary dismissal, and employment stability compatible with economic dynamism;
3. *job security*, which represents a dimension of security linked to an occupation or ‘career’, plus tolerance of demarcation practices, barriers to skill dilution, craft boundaries, job qualifications, etc.;
4. *work security*, which deals with the protection against accidents and illness at work, through safety and health regulations, limits on working time, unsociable hours, and night work for women, etc.;
5. *skill reproduction security*, which is related to the widespread opportunities to gain and retain skills, through apprenticeships, vocational training, etc.;
6. *income security*, which has to do with income protection by progressive taxes, comprehensive social security, pay indexation, minimum wage machinery, etc.;
7. *representation security*, which is a dimension of work-related security that deals with the defense of collective bargaining rights in the workplace through independent trade unions, employers, groups, and other organizations that may raise the voice of employees and working communities.

In this paper, these 7 forms of work-related security have been explored as motives that drive people's desires and needs to migrate outside the borders of their country of origin. So, the research questions that drove the study are: 1. Does work-related security serve as a motive that generates migration? 2. How do people who have migrated from Albania to Western countries perceive this influence? 3. How these perceptions are shaped according to their professional qualifications and skills?

A Framework Theory

Before exploring the how seven forms of work-related security serve as motives for international migration, it is important to review the concept of *push factors* given from the perspective of push and pull factors theory. Everett Lee⁴⁵³ has conceptualized the factors associated with the decision to migrate and the process of migration into the following four categories:

- (1) Factors associated with the area of origin;
- (2) Factors associated with the area of destination;
- (3) Intervening obstacles and
- (4) Personal factors (individual's perception).

According to this theory *push factors* are conditions that can force people to leave their homes and are related to the country from which a person migrates. Push factors include non-availability of enough livelihood opportunities, poverty, rapid population growth that surpasses available resources, "primitive" or "poor" living conditions, desertification, famines/droughts, fear of political persecution, poor healthcare, loss of wealth, and natural disasters. On the other side, *pull factors* are exactly the opposite of push factors; they attract people to a certain location. Typical examples of pull factors of a place are more job opportunities and better living conditions; easy availability of land for settling and agriculture, political and/or religious freedom, superior education and welfare systems, better transportation and communication facilities, better healthcare system and stress-free environment attractive, and security. If there are intervening obstacles between two places, the flow of migrants may not develop completely. The number of opportunities at a location is directly correlated with the number of migrants, and the number of barriers that stand in the way is inversely correlated. The literature review below gives a panorama of how different scholars have seen the relations between work relations security and migration in an international context.

Literature Review on Work-Related Security and Migration

Usually, studies that connect migration with security are divided into two groups: the ones who see (in)security as the cause of migration and the others who see the (in)security because of migration.

In his book "Security and Migration in the 21st Century", Elspeth Guild raises the question: what do we mean in today's world when we talk about security and migration? What is the intersection of these two crucial fields? What are the implications for both states and individuals of this clash between public interest and policy concern? Guild tackles these urgent questions, illustrating her points with a plethora of current examples ranging from the effect of asylum seekers on state border security to identity security in citizenship

⁴⁵³ Everett Lee, *A theory of migration*, "Demography", Vol. 3, No. 1/1966, p. 50, DOI 10.2307/2060063 (01.08.2023)

laws⁴⁵⁴. Some studies relate migration with security issues focusing on how the experience of irregular migrants exposes themselves to insecurity and vulnerability⁴⁵⁵, or the experiences of migrants in the host country and the uncertainty they encounter not only in the labor market but in all spheres of life. Many researchers have connected migration and security issues with the experiences of specific groups, such as minorities, women, etc.⁴⁵⁶. For example, Shih Joo Tan examines how migrant women in Singapore and Hong Kong negotiate everyday security and safe work against the backdrop of effective employment relations and institutional structures of labor and migration law⁴⁵⁷. Other studies connect migration with security and development⁴⁵⁸. Others address the implication of state structures and institutional capabilities for the migration-security balance sheet⁴⁵⁹. Recently the migration issue is strongly related to terrorism⁴⁶⁰.

Other authors explore the future of work, international migration, and the intersection of the two at a time of rapid change, uncertainty, and disruption for migrants, laborers, and their families and communities⁴⁶¹. Some scholars raise the idea that security questions related to migration should be examined concerning a range of political and socio-economic questions⁴⁶². There is a wide literature regarding the exploration of the motives of emigration, but those that have focused on the relationship between security related to work, as a reason for migration, are very limited. Here it is worth mentioning the contribution of scholars Duszczuk and Matuszczuk, entitled "Labor Market Security and Migration-related Decisions: Theoretical Background". In their paper, the authors explain the essence of labor market security and its potential impact on migration-related decisions, putting forward the thesis that employment-related security is a vital factor affecting both individual decisions to migrate and the choice of destination of migration⁴⁶³. Focusing on this last idea the following analysis will be focused on the Albanian context of migration after the fall of the communist regime.

The Albanian Context of Migration after the Fall of the Communist Regime

It looks like one of the migration laws of Ravenstein is true for the Albanian context, which after the collapse of the communist regime generated migration mainly for economic reasons. Based on different scholars' works, the Albanian migration after the fall of the communist regime was massive and complex. It started in 1990 when 5000 Albanian citizens entered the territory of embassies of different Western countries in Tirana⁴⁶⁴. After that, a big wave of migration followed with the exodus by ship in Italy in March and August 1991. In the March phase, around 25,000 Albanian citizens arrived on the Italian coasts, and in the August phase of the exodus another 20,000 Albanian citizens, who arrived on the Bari coasts with big ships, were

⁴⁵⁴ Elspeth Guild, *Security and Migration in the 21st century*, Wiley, 2009, p. 53

⁴⁵⁵ Khalid Koser, *Irregular migration, state security and human security*, "Global Commission on International Migration", September 2005, p. 2, https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP5.pdf (01.08.2023)

⁴⁵⁶ AKM Ahsan Ullah, Noor Hasharina Hasan, Siti Mazidah Mohamad, Diotima Chattoraj, *Migration and Security: Implications for Minority Migrant Groups*, India Quarterly, Vol. 76, No. 1/2020, pp. 136-153, <https://doi.org/10.1177/0974928419901199> (01.09.2023)**COPY**

⁴⁵⁷ Shih Joo Tan, *Gendered Labour, Everyday Security and Migration an Examination of Domestic Work and Domestic Workers' Experiences in Singapore and Hong Kong*, Routledge, 2022, pp. 45-53

⁴⁵⁸ Khalid Koser, Jerome Elie, *Migration, Security and Development: Understanding the linkage, 2014* <https://blogs.worldbank.org/peoplemove/migration-security-and-development-understanding-linkages> (21.08.2023)

⁴⁵⁹ Nazli Choucri, *Migration and Security: Some Key Linkages*. "Journal of International Affairs", Vol. 56, No. 1, 2002, pp. 97-122, *JSTOR*, <http://www.jstor.org/stable/24357885> (21.08.2023)

⁴⁶⁰ Marc Helbling, Daniel Meierrieks, *Terrorism and Migration: An Overview*, "British Journal of Political Science 52", No. 2/2022, p. 977-996, DOI:10.1017/S0007123420000587 (21.08.2023)

⁴⁶¹ Donald Kerwin, *International Migration and Work: Charting an Ethical Approach to the Future*, "Journal on Migration and Human Security", Vol. 8, No. 2/2020, pp. 111-133, <https://doi.org/10.1177/2331502420913228>(22.08.2023)

⁴⁶² Jef Huysmans, Vicki Squire, *Migration and Security*, in Dunn Cavelty, Myriam, Mauer, Victor (Eds.), "Handbook of Security Studies", Routledge, London, 2009, p. 1

⁴⁶³ Maciej Duszczuk, Kamel Matuszczuk, *Labour Market Security and Migration – related decisions: Theoretical Background*, in Maciej Duszczuk (Ed.), "Why do people migrate?", Emerald Publishing Limited, Bingley, pp. 25-66

⁴⁶⁴ Vladimir Misja, *Emigracioni Ndërkombëtar në Shqipëri gjatë Periudhës së Tranzicionit*, Marin Barleti, Tiranë, 1998

repatriated to Albania⁴⁶⁵. Another phase of invisible migration continued clandestinely during 1993-1996, mainly directed toward Italy by small ships and toward Greece by crossing the land borders. In 1996 some financial pyramidal companies accumulated from the population an amount of money equal to half of the country's GDP for that year⁴⁶⁶.

After the collapse of the pyramidal scheme in 1997, another mass migration from Albania, mainly toward the geographically close countries. Also in 1999, because of the Kosovo refugee crisis, 500 thousand of Kosovo people were sheltered in the Republic of Albania⁴⁶⁷ and some of them aimed to reach different Western countries. Many Albanian citizens took advantage and joined the group of refugees from Kosovo to go toward the Western developed countries as well. In 2000, it was estimated that 800.000 Albanian citizens lived and worked abroad, mainly in Greece and Italy⁴⁶⁸. During the second decade after the fall of the communist regime the migration flow toward the developed countries was a lower density, partially because of a kind of stabilization of the big economic crisis that occurred immediately after the fall of the communist regime, and partially because of the normalization of the emigration from family and social channels, mainly toward Greece and Italy⁴⁶⁹.

During the years 2000-2010, there was relative stability and consolidation of the Albanian immigrant community in the host countries, however, the potential migration remained high in the Republic of Albania. Thus, from the data obtained from the Gallup World Poll 2010-2015, Albania ranked sixth in the world in terms of the adults who planned to migrate outside the borders of the Republic of Albania⁴⁷⁰. During the period 2014-2018, another way of reaching the western developed countries has been generated through asylum requests. Around 16 100 Albanian citizens presented an asylum request during the year 2014 and another 65,900 presented such a request in 2015⁴⁷¹. From around 2019 until nowadays Albanian migration continues, on one hand through official channels such as agencies that provide employment contracts, especially for health and IT professionals, and, on the other hand through informal channels mainly toward Britain through transit countries such as France etc.

The migration of people in work active age, including highly skilled professionals, from the Republic of Albania to Western countries such as Germany, Sweden, Grand Britain, the USA, Canada, etc., associated with a frenetic population decline, is still the biggest concern nowadays in Albanian society. During 2021, the Albanian net migration was -32 853 citizens⁴⁷². In 2023, compared to 1990, the population in Albania has been reduced by 15.1%, down to 2,761,785 inhabitants, from 3,254,541 before the cycle of emigration and the gradual aging of the population began⁴⁷³. The economic reason seems to remain one of the most important push factors of Albanian migration toward Western countries.

Methodology

The methodology of the present paper is based on the combination of the data obtained from secondary and primary sources. The secondary sources, such as different articles from Albanian and foreign scholars have been useful in creating a general panorama about the historical phenomenon of the migration e from Albania, after the fall of the communist regime, to the western countries. A qualitative study, which was conducted during the period of March-August 2023, helped the understanding of the empirical context about the motives of migration from Albanian society toward the mentioned countries. The exploration of the in-depth interviews helped to gain insight into peoples' experiences and perspectives about work-related security,

⁴⁶⁵ Rando Devole, *Ura mbi det, Emigracioni shqiptar në Itali*, Ora, Tiranë, 2008, p. 10

⁴⁶⁶ James Korovilas, *The Albanian economy in transition: the role of remittances and pyramid investment schemes*, "Post-Comunist Economies", Vol. 11, No. 3/1999, p. 409

⁴⁶⁷ UNHCR, *UNHCR Fundraising – 2000 Global Appeal*, Albania, 2003

⁴⁶⁸ Ilir Gëdeshi; Russel King, *New tendencies of potential migration from Albania*. Friedrich-Ebert-Stiftung, 2018, p. 22

⁴⁶⁹ *Idem*

⁴⁷⁰ Frank Lazcko, Jasper Tjaden, Daniel Auer, *Measuring global migration potential, 2010-2015*, "Global Migration Data Analysis Centre, Data Briefing Series", No. 9/2017, p. 1

⁴⁷¹ Open Data, *Number of refugees to Europe surges to record 1.3 million in 2015*, www.pewglobal.org (01.08.2023)

⁴⁷² INSTAT, *Population of Albania, 1st January 2022*, www.instat.gov.al/media/9829/population_of-albania-on-1-january-2022_final-15-04-2022.pdf (01.08.2023)

⁴⁷³ INSTAT, *Population of Albania, 1st January 2023*, www.instat.gov.al/media/11654/population_of-albania-on-1-january-2023.pdf (01.08.2023)

as the motive of migration. The provided data have been explored through the thematic analysis of 27 semi-structured interviews with people who have migrated from Albania to Western countries such as Germany, Sweden, Grand Britain, Italy, Greece, Spain, and Portugal. The two criteria for selecting the interviewees were “the economic (working) reasons for migration” and “at least one year in the host country”. The purpose sample, typical for qualitative-based research, was used to gather the data. Of 27 interviewees (18-60 years old) 12 were male, 15 females.

Study Limitations

Studying has certain limitations. Firstly, the literature that intersects work related to security dimensions with migration motives, especially in the Albanian context, is very limited. Secondly, the use of a limited number of interviewees does not allow the generalization of the findings but only identifies some tendencies, that can be measured by using the quantitative research method.

Empirical Findings

The study highlighted that the lack of one or more forms of work-related security has played a very important role in pushing people to emigrate from the Republic of Albania. All seven forms of work-related security have been identified during the interviews. Through the interviewing process, some tendencies were identified regarding the forms of work-related security, as push factors for migration and professional qualification. The so-called white-collar professionals such as teachers and medical professionals mentioned the lack of some forms of work-based security such as labor market security, job security, skill reproduction security, income security, and representation security. Because they have “transnationally valid forms of cultural capital”, highly skilled migrants are seen as the archetype of a socially mobile group⁴⁷⁴.

A 36-year-old woman, who worked as an elementary teacher in Albania, before migrating to Spain, during the interview claimed: “I worked as a teacher in an elementary school in my country of origin. My fiancé was also a gym teacher. We were together for 5 years and we couldn't think of getting married, buying a house, or having children. We both were poorly paid and had led a very modest life. This was the main reason why we decided to leave Albania. Here in Spain things are different. We work both in a restaurant. We work long hours, but we get paid for it and we are satisfied. We are even thinking of buying our apartment because the baby will soon be born”. Another skilled professional, a man 42 years old, who has worked as a family doctor in Albania and has migrated to Germany, affirmed as follows: I never found myself in the work I was doing in Albania. The salary was scandalous, and they were not indexed (at least until 3 years ago when I left). The doctor's image was underestimated, and the patients often threatened us. The union did not work, the working conditions left much to be desired, and the possibility of professional qualification must be found I provided for myself, the training, the conferences, and everything. I felt insecure and unmotivated and, since I was still young, I came here to Germany. Here I feel respected, treated with dignity, and motivated. Regarding the category of unskilled workers (the so-called blue collars), they mentioned mostly labor market security, employment security, work security, and income security, as forms of worked-based security which served as push factors of their migration.

A woman 47 years old during her interview mentioned: “I worked in a shoe factory before migrating. I worked 8 hours a day and got paid 300 Euro, which was the minimum wage. I had 10 years of experience within that factory, but there was no additional payment for seniority. The treatment from the owners was disrespectful. I felt tired, stressed, and worthless, so, with the help of my sister who lives in Italy, I decided to go there and take care of an elderly person. I'm sheltered at the house of the old woman, and I have the free of charge the nutrition. I get paid 1000 Euro per month, and I feel many times more valuable and more respected than in my country”. Another man 39 years old, stressed the importance of the employment instability during these crisis times, as a motive for migration. “It was hard during COVID time. The business where I worked, the appliance store, was in crisis during COVID and I found myself without salary for three months. I could not benefit even from the modest aid by the state at that time, because the employer had not declared me as an insured employee. In 2021 I decided to reach a friend of mine in Britain...”. Despite the level of professional qualification, gender, and age, the interviews showed a high level of sensitivity about the form of income

⁴⁷⁴ Anja Weiß, *The transnationalization of social inequality: Conceptualizing social positions on a world scale*, "Current Sociology", Vol. 53, No. 4/2005, pp. 707-728

security, as a reason that pushes them to migrate. A 43-year-old man who migrated from the Republic of Albania to Italy 10 years ago, mentioned: “In Albania, I worked in the construction sector and was paid very poorly, while here I’m paid quite well. With a little effort, I even save something, while there within a week the salary ran out”. In summary, the results of the empirical data gathered from the interviews are shown in the table below:

Dimension of work-related security	Features	Elements identified in interviews, as motives to migrate	Categories of people
Labor market security	-adequate employment - work opportunities -high employment levels guaranteed by macroeconomic policy;	Lack of work opportunities Lack of work by the profession of the individuals	White collars Blue collars Male and Female Young and mature people
Employment security	- defenses against arbitrary termination, - employment stability compatible with economic dynamism;	Arbitrary dismissal Employment instability due to the financial crisis	Blue collars Male and Female Young and experienced employees
Job security	- occupation or ‘career’, - tolerance of demarcation practices, - lack of barriers to skill dilution, - job qualifications,	Lack of career development opportunities Lack of professional qualifications Professional burn out	White collars Male and Female Young and experienced employees
Work security	- the protection against accidents and illness at work, - safety and health regulations, - limits on working time, - limits on unsociable hours, - limits on night work for women, etc.	Lack of protection from accidents at work Lack of safety and health regulation Lack of payment for overtime	White collars Blue collars Male and Female Young and experienced employees
Skill reproduction security	- widespread opportunities to gain and retain skills, through apprenticeships, vocational training, etc.;	Lack of vocational training Lack of opportunities for skills development	White collars Male and Female Young and experienced employees
Income security	- protection of income through minimum wage machinery, wage indexation, comprehensive social security, progressive taxation, etc.	Lack of wage indexation	White collars Blue collars Male and Female Experienced employees
Representation security	- deals with the protection unified voice in the labor market via independent employers and trade unions; - associations and other organizations capable of advocating for the rights of laborers and communities of workers	Lack of protection from trade unions and employers' associations	White collars Male and Female Young and experienced employees

Table 1. Dimensions of Work-Related Security as Push Factors for Migration⁴⁷⁵

⁴⁷⁵ Source: Author` research

Conclusions

As the findings showed, the work-related forms of (in)security may serve as motives that can generate international migration from one country to another, specifically from one country where the forms of work security are missing to a country where the work security forms are guaranteed. The present qualitative study results can orient other quantitative studies that lead to measuring the impact of work-related security forms in the decision to emigrate.

This study sheds light on the way policies taken from governments, employers, unions, and others, should consider work-related security to normalize the phenomenon of immigration from Albania and similar countries to the Western countries.

Thus, policies that promote adequate employment work opportunities, protection against arbitrary dismissal, employment stability compatible with economic dynamism, opportunities of 'career', job qualifications, tolerance of demarcation practices, elimination of barriers to skill dilution, opportunities to gain and retain skills through apprenticeships, protection against accidents and illness at work, limits on working time, protection of income through minimum wage machinery, wage indexation, vocational training, protection of collective voice in the labor market through independent trade unions and employers; associations and other bodies able to represent the interests of workers and working communities, etc., can help the improvement of the working conditions for employees and can prevent the social hemorrhage of people from less developed to the more developed countries, normalizing the migration flows.

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**ILLEGAL MIGRATION FROM THE PERSPECTIVE OF ROMANIAN STRATEGIES FOR
PUBLIC ORDER AND SECURITY**

Abstract:	<p><i>In this paper, we have chosen to discuss the topic of illegal migration from the perspective of the authorities responsible for maintaining law and public safety in Romania. Specifically, we will explore their approach to this threat and propose solutions within national strategies for law and public safety.</i></p> <p><i>Following an extensive analysis of the current social context, the evolution of criminality, the effects of antisocial acts, as well as the prevention and combat methods employed by other entities within the country and the European Union, the Ministry of Internal Affairs is seeking solutions to reduce the negative impact of these threats on public order. The objectives of national public order strategies vary from country to country, but they all share the common goal of ensuring a safe and secure environment for citizens. Considering factors such as increased mobility (including policies that promote it), legal and illegal migration, the dynamics of the international security environment, interstate relations, and cross-border criminality, cooperation in ensuring public order becomes imperative.</i></p> <p><i>National public order strategies are essential tools for preventing and managing events that may disrupt the harmony and stability of nations. They contribute to maintaining the safety of citizens, protecting individual rights and freedoms, and promoting social cohesion. A well-developed and implemented national strategy has a significant impact on the quality of life for citizens, creates opportunities, attracts foreign investments, and thus fosters economic development and social progress.</i></p> <p><i>This article provides an overview of the most important aspects considered relevant for the analysis and planning of illegal migration. It aims to review previously developed public order and security strategies, identifying parallels to assess the dynamics of the related criminal phenomenon and the evolution of preventive and counteraction procedures.</i></p>
Keywords:	Illegal immigration; public order; border security; authorities; strategies.
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Introductory Aspects of Illegal Immigration

The topic of illegal immigration is complex and multifaceted, and opinions on it vary widely depending on cultural contexts and national policies. The issue of illegal immigration often involves a delicate balance between national security, economic considerations, humanitarian concerns, and the rule of law. It's a subject that elicits strong emotions and diverse viewpoints. Public debates and discussions on illegal immigration aim to explore and find solutions that address the challenges associated with it while upholding human rights and the values of the host country.

Illegal migration, also commonly referred to as illegal immigration or undocumented immigration, refers to the act of individuals entering or residing in a country without the necessary legal authorization or proper documentation required by that country's immigration laws. This can involve crossing international borders without the appropriate visas or permits, overstaying a visa or temporary permit, or entering a country through unauthorized means such as human smuggling or trafficking. Illegal migration is a complex and

contentious issue that can have social, economic, and political implications for both the migrants and the host country. It often raises questions about border security, labor markets, social services, human rights, and national sovereignty. Policies and attitudes toward illegal migration can vary significantly from one country to another, and they may evolve in response to changing circumstances and political considerations.

Illegal immigration is a complex phenomenon driven by a combination of push and pull factors, which vary from one region to another and from one individual to another. These reasons are often interconnected, and individuals may have multiple motivations for engaging in illegal immigration. Some of the key factors that determine illegal immigration include: economic difficulties (limited economic opportunities, poverty, and unemployment in the home country can push individuals to seek better job prospects and financial stability abroad), violence and conflict (political instability, armed conflict, gang violence, and persecution in the home country can create a sense of insecurity and force people to escape for their safety), lack of basic services (inadequate access to education, healthcare, and social services in the home country can lead individuals to seek better living conditions elsewhere), environmental factors (natural disasters, environmental degradation and climate change can disrupt livelihoods and force people to migrate in search of more stable living conditions), family reunification (separation from family members who have already migrated to another country can motivate individuals to join their relatives), perceived opportunity (the perception of better living standards, educational opportunities, and healthcare facilities in the destination country) as push factors and employment opportunities (the availability of jobs, particularly in sectors with high demand for labor, can attract individuals looking for employment), higher wages (the prospect of earning higher income in the destination country can be a powerful incentive for economic migrants), social services (access to public services, including education, healthcare, and public assistance, may be more attractive in the destination country), family and social networks (established immigrant communities and social networks in the destination country can provide support, guidance, and connections to newcomers), asylum and protection (countries that are perceived as offering safeguarding to refugees and asylum seekers may attract individuals fleeing persecution, violence, or human rights abuses), smuggling and trafficking networks (the existence of organized illegal transportation and human trafficking networks can facilitate immigration by providing logistics and false documentation), geographic proximity (the nearness of the home country to the destination place can make it easier for individuals to attempt illegal border crossings) as pull factors.

It's important to notice that the reasons for illegal immigration can vary significantly from one case to another. Additionally, government policies, border security measures, and changing geopolitical dynamics can influence the patterns and motivations behind illegal immigration. Addressing unauthorized entries often involves a comprehensive approach that considers both the push and pull factors and aims to address the root causes of migration.

National Strategies for Public Order and Security Regarding Illegal Immigration

The position of national strategies for public order and security regarding undocumented migration varies from country to country and can be influenced by a range of factors, including political, economic, social, and cultural considerations. Several common themes and approaches are often found in the strategies of many nations:

- **Border Security**

Many countries prioritize border security as a key component of their strategy to address illegal immigration. This includes efforts to prevent unauthorized entry into the country, such as the deployment of border patrols, surveillance technology, and physical barriers (e.g., walls or fences). Enhanced border security aims to deter and detect illegal border crossings.

- **Immigration Enforcement**

National strategies often include measures to identify and apprehend individuals who are in the country without proper documentation. This may involve immigration raids, workplace inspections, and collaboration between immigration authorities and law enforcement agencies.

- **Immigration Policies and Reforms**

Some countries pursue immigration policy reforms to address illegal immigration. This can include implementing pathways to legal status for certain undocumented immigrants, providing temporary protections (e.g., Deferred Action for Childhood Arrivals), or revising visa and immigration processes to make legal channels more accessible.

- **Cooperation with Source and Transit Countries**

Many nations engage in diplomatic efforts and international cooperation with countries that are significant sources of migrants or serve as transit points. These collaborations aim to address the root causes of migration, improve border management, and combat human trafficking and smuggling networks.

- **Detention and Deportation**

Some nations hold individuals in custody when they are caught for unlawful immigration, while others prioritize deportation or removal proceedings to return undocumented immigrants to their countries of origin.

- **Humanitarian Considerations**

National strategies shall include provisions for the protection of vulnerable populations, such as refugees and asylum seekers. Some nations prioritize humanitarian considerations in their approach to immigration enforcement.

- **Public Awareness and Education**

Governments may also invest in public awareness campaigns and education programs to inform both citizens and immigrants about immigration laws, rights, and responsibilities.

Public opinion, political ideologies, and economic factors can influence a country's stance on illegal immigration. Some countries may adopt more restrictive policies, while others may emphasize a more compassionate or inclusive approach. Additionally, immigration policies and strategies can evolve in response to changing circumstances and political dynamics.

Strategies for Effective Management of Illegal Immigration

Given the complexity of the migration phenomenon, proper management of it requires an integrated approach and the involvement of all relevant stakeholders at the national level. In this regard, at the government level, the Romanian Interministerial Council for Internal Affairs and Justice has been established⁴⁷⁶, under the coordination of which operates the Immigration Management Commission, based on Government Decision No. 572/2008 regarding the establishment of the Immigration Management Commission⁴⁷⁷.

Addressing and mitigating the phenomenon of illegal immigration is a complex and multifaceted challenge that requires a combination of policies, strategies, and international cooperation. While it is not possible to eliminate illegal immigration, authorities can take several measures to control and manage it more effectively. Some key strategies we propose are: strengthening border security through increased patrols, surveillance technology, and physical barriers can help deter unauthorized border crossings; stringent immigration enforcement measures, including identity checks, workplace inspections, and visa tracking, can identify and apprehend individuals who are in the country illegally; improving and streamlining legal immigration channels to make it easier for individuals to enter and stay in the country through legal means - this can reduce the incentive for illegal immigration; developing fair and efficient asylum and refugee policies to provide protection to those fleeing persecution or violence, also ensuring that asylum seekers have access to a fair and timely asylum process; implementing policies that discourage illegal immigration, such as penalties for employers who hire undocumented workers, detention for those who are apprehended, and expedited removal processes; collaborating with other countries, particularly those that are significant sources of migrants or serve as transit points, to tackle the underlying reasons for migration, combat human trafficking and smuggling networks, and improve border management; ensuring that immigration policies and enforcement efforts take into account humanitarian considerations, particularly when dealing with vulnerable populations like children and refugees; conducting public awareness campaigns to inform citizens and immigrants about immigration laws, rights, and responsibilities; considering providing options for undocumented immigrants to obtain legal status, particularly for those who have been living in the country for an extended period and have established ties; developing programs that facilitate the integration of immigrants into the host society, including language classes, job training, and cultural orientation; targeting and

⁴⁷⁶ *Government Decision No. 750/2005 on the establishment of permanent interministerial councils, Art. 1/a), HG 750 14/07/2005 - Portal Legislativ (just.ro) (21.11.2023)*

⁴⁷⁷ *Strategia națională privind imigrația pentru perioada 2021–2024, https://igi.mai.gov.ro/wp-content/uploads/2021/10/strategia_nationala_din_19_august_2021.pdf (20.10.2023)*

dismantling criminal networks engaged in human smuggling, trafficking, and document forgery, which often facilitate illegal immigration; improving information sharing and data exchange between government agencies and international partners to better track and address illegal immigration; providing support and assistance to countries of origin to address the socioeconomic, political, and security factors that drive migration; continuously evaluating and adapting immigration policies and enforcement strategies based on changing circumstances and trends in illegal immigration.

There is no one-size-fits-all solution to illegal immigration, different countries may adopt different approaches based on their unique circumstances and priorities. Additionally, addressing the issue of illegal immigration often requires a delicate balance between security concerns, humanitarian considerations, and respect for the rights of migrants and refugees.

The Position of the Ministry of Internal Affairs in the Fight Against Illegal Immigration

Victim assistance is a responsibility held by both public authorities and civil society. Both entities have specialists and support organizations to ensure the detection of victims and appropriate referrals. The responsibility to uphold anti-trafficking policies is shared by all social service organizations. The Ministry of Education and Research ensures school enrollment for young human trafficking victims through the school districts. The Ministry of Foreign Affairs aids, upon request, to Romanian victims of human trafficking abroad. They also have an important role in the repatriation of victims through diplomatic missions and consular offices. As pointed out by Andreea Dragomir and Ioana Florescu in their work,⁴⁷⁸ funds for victim restitution and psychological services are supervised by the Ministry of Justice through territorial probation offices. The Ministry of Labor and Social Protection, in collaboration with the National Employment Agency and its territorial structures, assists victims in acquiring professional qualifications and reintegrating into the workforce. Access to complimentary medical care for victims is ensured by the Ministry of Health through the Public Health Directorate. Social support for victims is provided by the General Directorates of Social Assistance and Child Protection, which are affiliated with Local Councils⁴⁷⁸.

The migration flow has intensified in recent years, both due to the economic progress in Romania's economy and because of the geopolitical volatility in the Mediterranean basin and beyond, which also generates security implications⁴⁷⁹. The specific actions and measures taken by the M.I.A. and relevant government agencies responsible for immigration and border control in Romania regarding illegal immigration include monitoring and securing the country's borders to prevent illegal entry. This involves border patrols, surveillance technology, and the maintenance of border infrastructure. The General Inspectorate for Immigration, under the Ministry of Internal Affairs, plays a role in immigration enforcement. This includes identifying and apprehending individuals who are in the country without proper documentation. The authorities process asylum applications and, by international standards, protect individuals who qualify as refugees. This involves conducting interviews and assessments to determine eligibility.

For those found to be in the country illegally, detention and removal procedures may be initiated. These procedures are carried out with respect for human rights and due process. Romania collaborates with international organizations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration to address refugee and migration-related issues. Being a member of the European Union, our country collaborates with EU agencies and organizations on matters related to border control, immigration, and asylum.

Romania is engaged in bilateral and regional cooperation with neighboring nations and countries of origin to enhance border management, combat human trafficking, and address migration challenges collectively. Authorities provide humanitarian assistance to vulnerable populations, including refugees and asylum seekers. This assistance includes shelter, food, and medical care. Efforts are made to support the integration of immigrants into Romanian society, including language classes and cultural orientation programs.

⁴⁷⁸ Andreea Dragomir, Ioana Florescu, *Human Trafficking Responses In Europe With Emphasis On Romania*, "Studia Securitatis", No. 2/2022, p. 76, HUMAN TRAFFICKING RESPONSES IN EUROPE WITH EMPHASIS ON ROMANIA – Studia Securitatis Magazine (ulbsibiu.ro)

⁴⁷⁹ *Strategia națională privind imigrația pentru perioada 2021–2024*, https://igi.mai.gov.ro/wp-content/uploads/2021/10/strategia_nationala_din_19_august_2021.pdf (20.10.2023)

Responsibilities of National Forces in Public Order and Safety

National forces with responsibilities in the field of public order and safety consist of forces from the component institutions of the National System for Defense, Public Order, and National Security. They represent the primary national response to threats to public order and safety. The forces responsible for public order and safety under the Ministry of Internal Affairs are composed of main forces, support forces, and complementary forces⁴⁸⁰.

The main forces of the Ministry of Internal Affairs are legally empowered to exercise the state's police authority, representing the core component of structures designed to manage all aspects of public order, whether in times of peace or during a state of emergency. These forces are organized into the police and gendarmerie structures.

The Romanian Police maintain public order and safety at the national level; it protects the life, physical integrity, and freedom of individuals, private and public property, and other legitimate rights and interests of citizens and the community. This institution implements measures to prevent and combat criminal activity and terrorism, and identify and counteractions that threaten the life, freedom, health, and integrity of individuals, private and public property, as well as other legitimate community interests. It conducts activities to prevent and combat corruption, economic and financial crime, cross-border crime, computer-related crime, and organized crime.

The Romanian Gendarmerie ensures and restores public order at the national level. It provides security for objectives of special importance for state and strategic activities, as well as the protection of transport of significant and special values. Also, it ensures security and public order at the courts and engages in maintaining public order in mountain resorts and on the coast through specialized units and acts as a European police force and participates with specialized personnel in peacekeeping operations at the request of international organizations⁴⁸¹.

Support forces are constituted, based on their competencies and duties, from structures of the Romanian Border Police, the General Inspectorate for Immigration, the General Inspectorate for Emergency Situations, and the General Aviation Inspectorate of the Ministry of Internal Affairs.

Complementary forces consist of structures within the Ministry of Internal Affairs that contribute to the efforts of the main and support forces, based on their competencies. These are primarily represented by the community public services for personal identification, passports, driver's licenses, and vehicle registration certificates under the authority of the Ministry of Internal Affairs, as well as other structures with responsibilities that can contribute to the implementation of activities and measures in the field.

In specific situations, the forces belonging to the Ministry of Internal Affairs can be supported by institutions/structures with responsibilities in the field of defense, public order, and national security, as well as other public or private entities, as provided by law.

Aerial support in public order and safety missions, through the aviation resources of the General Aviation Inspectorate of the Ministry of Internal Affairs, represents an important factor in enhancing the operational capacity of specialized structures in specific missions. This support is customized to events and large-scale public gatherings, methods of committing cross-border crime, organized crime, illegal migration, and emergencies, and is aligned with the national effort to ensure a safe environment for citizens⁴⁸².

⁴⁸⁰ *Strategia Națională de Ordine și Siguranță Publică 2023–2027*, https://webapp.mai.gov.ro/frontend/documente_transparenta/547_1679910354_Proiect%20SNSOP%202023-2027%20%20martie%202023.pdf (20.10.2023)

⁴⁸¹ Iulia Bulea, *Poliția locală – Forță complementară a sistemului de ordine și siguranță publică*, Techno Media, Sibiu, 2022, p. 100

⁴⁸² *Strategia Națională de Ordine și Siguranță Publică 2023–2027*, https://webapp.mai.gov.ro/frontend/documente_transparenta/547_1679910354_Proiect%20SNSOP%202023-2027%20%20martie%202023.pdf (20.10.2023)

Provisions of Romania's National Public Order and Safety Strategy Regarding the Issue of Illegal Migration

No EU country can or should be put in a position to face alone the tremendous pressures exerted by migration. For this reason, the EU is intensifying its efforts to save lives, combat human trafficking, and cooperate with the countries of origin and transit for migrants on their journey to another country⁴⁸³.

Recently, the security environment in the European Union has undergone rapid changes, driven by a range of different issues and challenges within member states (such as terrorism, economic concerns, natural disasters, extreme weather events, the pandemic, etc.). These issues have exacerbated illegal migration, serious organized crime including drug trafficking, human trafficking, and the smuggling of medical and sanitary goods, as well as cyberattacks, and more.

In response to the evolving security landscape, the EU has adopted strategic documents to outline necessary measures and action priorities in various domains. In June 2019, the new EU Strategic Agenda for the period 2019-2024 was adopted. A key pillar of this agenda is the protection of citizens and their freedoms. Within the EU, considerations include maintaining the rule of law, efficient border control, law and order maintenance, developing a comprehensive and functional migration and asylum policy, cooperation with countries of origin and transit to combat illegal migration and human trafficking, and ensuring effective returns. This also involves the proper functioning of the Schengen Area, strengthening counterterrorism and cross-border crime efforts, enhancing EU resilience to disasters, and protecting against cyber threats, hybrid threats, and disinformation.

The coherence of strategic lines, as grounded in the National Strategy for Public Order and Safety, is ensured through complementary perspectives applied to the reference strategic document: the reform perspective, considering the conceptual aspect (transparency) and priority action areas (partnerships, modern management, etc.); the institutional construction perspective, evaluating the activity of various structures and their development, including the allocation of additional positions to be filled by specialists; the educational perspective, aimed at preparing personnel in the field as well as community members (respect for human rights in the activity of public order and safety structures, relations with society, communication, etc.); the operational perspective, developed on two levels: government strategies, where national public order and safety structures contribute to their foundation and application in various areas (corruption, organized crime, migration, border security, social reintegration, etc.), and direct actions aimed at reducing the potential for committing crimes, developing social partnerships, and implementing preventive campaigns; the victimological perspective, targeting victim intervention and assistance; the managerial perspective, seeking to improve the quality of all services offered and increase public satisfaction with them. The conduct of individuals in enforcing the law should not jeopardize the conditions of legality and non-arbitrariness. To achieve this goal, police officers must develop attitudes and behavior at a level that enables them to carry out their tasks in a proper manner. Police officers not only need to possess these qualities but also need to learn to work collectively to cultivate and maintain an organization's image that instills faith and trust in the society they serve and protect⁴⁸⁴.

As a result of the evaluation conducted by EUROPOL and the contributions of member states, 10 priorities have been set at the EU level for the period 2022-2025, including combating organized crime such as migrant smuggling, approved by the EU Council on May 26, 2021. The European Union must be prepared to manage and use its instruments created within its foreign policy to influence solutions to the major contemporary issues as a legitimate international actor of global significance⁴⁸⁵.

Romania serves both as a transit and destination zone for illicit activities related to organized crime, including drug trafficking, arms trafficking, illegal migration, human trafficking, counterfeit product trafficking, smuggling of excise goods, money laundering, and other forms of economic and financial crime. Ensuring the respect of national and EU border regimes in an extended European context has been one of the new challenges, with the entry and exit of citizens with legal travel documents impacted by increased border crossing traffic and measures imposed due to the evolving epidemiological situation caused by the spread of COVID, the armed conflict between Russia and Ukraine, and illegal migration. Romania's borders have been

⁴⁸³ Comisia Europeană, *Oficiul pentru Publicații al Uniunii Europene*, Luxemburg, 2017, p. 49

⁴⁸⁴ Costică Voicu, Ștefan Prună, *Managementul organizațional al Poliției. Fundamente teoretice*, Mediaano, 2007, p. 481

⁴⁸⁵ Andreea Dragomir, *Politica externă și de Securitate comună a Uniunii Europene*, Editura Presa Universitară Clujeană, Cluj Napoca, 2021, p. 191

significantly affected by the increased influx of Ukrainian refugees due to the conflict, which has led to altered dynamics at different border sections, particularly with Serbia (entry) and Hungary (exit).

Despite these challenges, the level of detection at Romania's borders has been influenced significantly by the increased influx of Ukrainian refugees into the country. However, the total number of illegal activities at the border compared to 2021 has decreased by 3.3%. Together with other types of border regime violations, this continues to demand the attention of national structures responsible in this domain, as the presence of migrants on national territory can disrupt public order and safety through potential tension in localities near asylum centers or through the deviant behavior of some migrants.

Conclusions

Balancing border security, economic considerations, humanitarian concerns, and the rule of law in immigration policy is a complex and multifaceted challenge. It requires careful planning, comprehensive analysis, and a willingness to adapt policies as circumstances evolve. Some key strategies that authorities can use to find this balance are comprehensive immigration reform, data-driven analysis, risk assessment, differentiated policies, pathways to legal status, labor market needs, humanitarian protections, integration programs, public engagement, transparency, bilateral and international cooperation, regular policy evaluation, rule of law, engage stakeholders, engage stakeholders, long-term vision. It must consider comprehensive immigration reform that addresses various aspects of immigration policy, including border security, pathways to legal status, and enforcement mechanisms. Such reforms can create a more balanced and coherent approach to immigration.

Data can help policymakers make informed choices, base policy decisions on accurate and up-to-date data on immigration trends, economic impacts, and social consequences, conduct risk assessments to identify security threats and vulnerabilities at borders and allocate resources, and prioritize efforts based on credible threat assessments. The authorities must adapt immigration policies to differentiate between various categories of immigrants, such as refugees, asylum seekers, economic migrants, and undocumented individuals. Each category may require distinct approaches.

Establishing clear and accessible pathways for undocumented immigrants to attain legal status can help regularize the status of those already in the country and reduce the incentive for illegal immigration. Also, a way to achieve this equilibrium requires comprehensive immigration reform to align the policies with labor market needs by periodically assessing which industries require immigrant labor and adjusting immigration quotas accordingly, ensuring that policies include robust humanitarian protections for refugees, asylum seekers, and other vulnerable populations, adhering to international standards for asylum and refugee protection, developing programs that facilitate the integration of immigrants into society, including language classes, job training, and cultural orientation, engaging the public in discussions about immigration policy to build support for balanced approaches (public input can help shape policies that reflect a broader consensus), collaborating with source and transit countries to address root causes of migration, combat human trafficking networks, and improve border management regionally and globally and continuously evaluate and adapt immigration policies based on their impact on border security, the economy, and humanitarian concerns.

Developing a long-term vision for immigration policy that aligns with national goals and values while considering demographic trends and economic needs and finding the right balance between these competing interests are two ongoing processes that may require periodic reassessment and adjustment. Immigration policies should be flexible enough to adapt to changing circumstances, and they should be guided by a commitment to upholding human rights, legalism, and a recognition of the contributions immigrants can make to society. Public debate and consensus-building can play a significant role in shaping balanced immigration policies.

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EU RESPONSE TO THE UKRAININ REFUGEE CRISIS: A LIBERALIST TRIUMPH

Abstract:	<i>The military confrontation which started in Ukraine on 24th February 2024, designated a new era in European and world history. The landscape of ensuring security in Europe has significantly transformed and continues to evolve, affecting various aspects of daily life. The need to adapt to these changes has become crucial in ways that were previously unimaginable. A notable development during this period is the influx of Ukrainian refugees who have fled their homeland in search of a more peaceful future. This situation underscores the dynamic and complex challenges faced by European nations in the realm of security and migration. Their movement to the EU in large numbers has raised multiple questions and challenges for the EU Member states, which had to find new ways to address and solve them. Despite the tremendous number of hardships that needed to be overcome in the process the cooperation and collaboration in the EU among Member states has not slowed down but on the contrary has tightened, consolidated, and reached a new level of existence in line with the liberal theory of International Relations.</i>
Keywords:	Refugees; Ukrainian refugee crisis; EU; Republic of Moldova; liberalism
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Introduction

When investigating the liberal theory in International Relations and emphasizing its core tenets, one comes to observe the deep liberal ropes that entangle themselves around all aspects of today's life in all its intricacy and complexity. The EU response to the Ukrainian refugee crisis is an example of it. As such, one can choose from the many characteristics of the liberalist theory amongst them being interdependence, the role of international institutions, the Democratic Peace Theory as well as the role of norms and non-state actors and verify them against the actions that were taken by the EU in its response to the Ukrainian refugee crisis⁴⁸⁶.

All the above-mentioned traits of liberalism do count one fundamental mechanism of international interaction, namely cooperation. Precisely in this manner, the EU member states went about in their strategy of addressing the refugee crisis. In the case of interdependence, it emphasizes economic interdependence, and the cooperative behavior of the EU Member states, which stresses the supposition that states have mutual interests in maintaining stable and prosperous relations. In the case of international institutions, it shows the positive role of international institutions which provide platforms for states to cooperate and address collective action problems as is the case of the EU response to the Ukrainian refugee crisis. Finally, the Democratic Peace Theory, the idea that democratic states are less likely to go to war with each other due to the shared values, the constraints of the institutions, and transparent decision-making processes underscores the expectation that democratic states would engage in more cooperative international behavior as is the case of the EU response to the Ukrainian refugee crisis. In the case of norms and non-state actors it is observed how both contribute to the cooperation and impact state behavior in the international system as they did in the case of the EU member states response to the Ukrainian refugee crisis⁴⁸⁷.

⁴⁸⁶ Jeffrey W. Meiser, *Introducing Liberalism in International Relations Theory*, "International Relations Theory, E-International Relations Publishing", Bristol, 2017, p. 23

⁴⁸⁷ *Ibidem*, p. 24

Ukraine Refugee Crisis

War constitutes a threat to human security. On one hand, it affects society through the destruction it inflicts upon it, whereas on the other hand, it causes psychological distress. Until 2022 Ukraine was a country of destination and transit for international migrants⁴⁸⁸. Once the military conflict started in Ukraine a massive new flow of refugees began. It was directed to the neighboring countries. The events overlapped with the lingering effects of the Covid-19 pandemic. Moreover, Ukraine encountered economic losses of over 280 billion USD in the period 2014-2020⁴⁸⁹, followed by an economic contraction of 3,8% in 2020, as well as an economic growth of 3,4% in 2021⁴⁹⁰. One year after the beginning of the war Ukraine's economy was down by 30%, with bleak future perspectives⁴⁹¹. By the end of 2022, over 7,8 million refugees from Ukraine were registered in European countries and 5,9 million persons were internally displaced⁴⁹².

The decrease in the population of Ukraine, the shift of jobs and production capacity towards the war effort as well and the destruction of infrastructure led to the development of economic and humanitarian crises⁴⁹³.

The depth of the humanitarian crisis can be viewed in the numbers that show that by the end of January 2023, in Poland arrived over 1,5 million Ukrainians refugees, while in Germany over 1 million Ukrainian refugees. Countries that received over one hundred thousand refugees were the Czech Republic, Italy, Spain, Great Britain, Canada, France, the USA, the Republic of Moldova, Romania, and Slovakia⁴⁹⁴.

The demographic trends that came about during these trying times were expressed in the article of Hill Kulu, et.al. In their article, the authors concluded that if past demographic trends continue, in the next two decades the population of Ukraine will decline by one-sixth. In case many of the refugees will be staying abroad then the decline of the population is expected to reach one-third. The decline of the population may not be as drastic if part of the refugees will return to Ukraine. The more refugees will return less drastic the decline will be and conversely, the less refugees will return the more drastic the decline will become. These processes will heavily impact the working-age population as well as the number of children. The above-mentioned circumstances emphasize the importance of identifying ways of attracting refugees to return to Ukraine. Yet the task may not be as simple in that people's decision whether to stay in the country, leave the country, or return to Ukraine would most likely be linked to the country's political and economic development⁴⁹⁵. Moreover, return migration is difficult to predict⁴⁹⁶. Migrants can move to a new country through resettlement schemes⁴⁹⁷ or they may move on their own in search of better living conditions. In a situation where political and economic uncertainty may be present long term in Ukraine, refugees would be less likely to return as well

⁴⁸⁸ International Organization for Migration (IOM), *World Migration Report 2022*, <https://publications.iom.int/books/world-migration-report-2022> (20.09.2023)

⁴⁸⁹ Cristian Băhnăreanu, *Implicații economice ale războiului ruso-ucrainean*, "Colocviu Strategic", Vol. 195, No.1, 2022, https://cssas.unap.ro/ro/pdf_publicatii/cs01-22.pdf (15.09.2023)

⁴⁹⁰ Simon Torkington, *Ukraine's economy will shrink by almost half this year, says World Bank*, "World Economic Forum", April, 2022, <https://www.weforum.org/agenda/2023/09/why-cooperating-sustainable-development-goals-requires-competition/> (10.09.2023)

⁴⁹¹ Cristian Băhnăreanu, *Implicații economice ale războiului din Ucraina*, in "Colocviu Strategic", Vol. 209, No. 1, 2023, https://cssas.unap.ro/ro/pdf_publicatii/cs01-23.pdf (14.09.2023)

⁴⁹² The UN Refugee Agency, UNHCR Regional Bureau for Europe, *Ukraine Situation Flash Update #37*, <https://data.unhcr.org/en/documents/details/97648> (06.09.2023)

⁴⁹³ Alexandra Sarcinschi, *"Permacriză" umanitară? Războiul din Ucraina, insecuritatea percepută și acutizarea crizei umanitare*, "Evaluare strategică", 2023, https://revista.unap.ro/index.php/Evaluare_strategica/issue/view/98 (21.08.2023)

⁴⁹⁴ The UN Refugee Agency, UNHCR Regional Bureau for Europe, *Ukraine Situation Flash Update #37*, <https://data.unhcr.org/en/documents/details/97648> (07.09.2023)

⁴⁹⁵ Hill Kulu, Sarah Christison, Chia Liu, Julia Mikolai, *The war, refugees, and the future of Ukraine's population*, in "Population, Space and Place", Vol. 29, No. 4, 2023, <https://doi.org/10.1002/psp.2656> (24.08.2023)

⁴⁹⁶ Christian Dustmann, Yoram Weiss, *Return migration: Theory and empirical evidence from the UK*, in "British Journal of Industrial Relations", Vol. 45, No.2, May 2007, <https://doi.org/10.1111/j.1467-8543.2007.00613.x> (10.09.2023)

⁴⁹⁷ Adele Garnier, Liliana Lyra Jubilut, Kristin Bergtora Sandvik, *Refugee Resettlement: Power, Politics, and Humanitarian Governance*, "Forced Migration", Vol. 38, 2018, <https://doi.org/10.2307/j.ctvw04brz> (27.08.2023)

and youth and young families in increased numbers could choose to leave the country in search of a better future⁴⁹⁸.

The issue at hand left no option to the EU but to adopt policies, which would contribute to the effective management of the crisis and ensure its security. The new refugee crisis quickly became one of the biggest challenges to the EU. The large number of refugees imposed on the EU the necessity to take on a new approach as regards the management of the situation. The measures taken by the EU for this purpose were to target the fair distribution of the influx of people, to integrate asylum seekers, and to eliminate the sense of insecurity that arose among European citizens⁴⁹⁹. The measures intend to alleviate the concerns of European citizens as regards social welfare dependence, and employment opportunities for the refugees arriving in their respective countries.

In the above-mentioned context, it is appropriate to name the Directive 2001/55/EC that offered temporary protection in case of a large influx of people. At the outbreak of the conflict, within 48 hours, about 350 000 Ukrainian migrants reached the European countries, the EU activated the Temporary Protection Directive on 4th March 2022 granting temporary protection to the Ukrainian migrants. With the help of this Directive Ukrainian citizens had the opportunity to enter the territory of any member state with which Ukraine has a border with. Moreover, the Ukrainian citizens had the right to transit the EU territory towards any other Member State of their choosing⁵⁰⁰. As a result of this measure the influx of Ukrainian refugees into the EU has been divided into several states, decongesting in that way the refugee agglomeration at border points.

One another action taken by the European Union in support of Ukrainian refugees was the economic support for the EU Member States bordering Ukraine, which provided humanitarian aid to the refugees. Specifically, the European Commission directed funds through the “Cohesion Action for Refugees in Europe” (CARE), to Member States that offered emergency support for Ukrainian refugees. Additionally, financial support was offered to the Member States, neighbors of Ukraine. The support consisted of medical supplies, first aid as well and resources directed to manage migration and border security efficiently. Further, the European Agency, and the European Border and Coast Guard (FRONTEX) created humanitarian corridors to facilitate access to aid convoys as well as opened new border crossing points. Moreover, FRONTEX initiated a series of actions to assist the Moldovan authorities in their handling of the refugees at the border with Ukraine⁵⁰¹.

One another fundamental action, by the EU, as regards the assistance of the Ukrainian refugees was adopted in the new Pact on Migration and Asylum with the integration and inclusion of the migrants. The aspect of integration and inclusion is of paramount importance in that it is the basis of social cohesion which is the backbone for a positive and beneficial contribution of the refugees to the societies in which they choose to integrate. Measures taken for this purpose included education and training, aimed at recognition of qualifications and language skills learning for the refugees. Second, based on the refugees’ skill recognition were created and improved employment opportunities. Third, health services have been ensured for people with birth origins outside the European Union⁵⁰².

One another perspective from which the European Union chose to effectively manage migration from European territory was the effort to influence the conduct of the military operations in Ukraine, to allow for a successful repatriation of refugees to Ukraine, while providing a safe environment that would assist and contribute to the repatriation process. Therefore, through the European Peace Facility (EPF) was adopted a support package for Ukraine to support the Ukrainian military defensive capabilities⁵⁰³.

On a political level, the President of the European Commission, Ursula von der Leyen, together with the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell adopted a pro-

⁴⁹⁸ Hill Kulu, Sarah Christison, Chia Liu, Julia Mikolai, *The war, refugees, and the future of Ukraine's population*, “Population, Space and Place”, Vol. 29, No. 4, 2023, <https://doi.org/10.1002/psp.2656> (24.08.2023)

⁴⁹⁹Rareș-Alexandru Văscan, Claudia Anamaria Iov, *The Ukrainian Refugee Crisis – New Migration Challenge for the European Union*, “Migration Dynamics and New Trends in European (IN)Security: Old Challenges in a Changing World”, 2023, p. 35

⁵⁰⁰*Ibidem*, p. 43

⁵⁰¹*Ibidem*, p. 45

⁵⁰²*Idem*

⁵⁰³*Ibidem*, p. 46

European discourse as regards the new refugee crisis. The speech motivates support for the Member States of the European Union in their management of the crisis, including offering humanitarian aid to refugees⁵⁰⁴.

Each Member State found its way in dealing with the refugee crisis. In Poland for example non-governmental organisations and volunteers played a pivotal role in assisting the Ukrainian refugees. The assistance package included the provision of necessities as well as assistance with legal and administrative matters⁵⁰⁵. The above type of described assistance represents an example of civil society and NGO involvement in assisting the government in dealing with a humanitarian crisis.

According to UNHCR, the largest number of Ukrainian refugees arrived in Poland. Nevertheless, many of them did not stay for long but left further West and to the Scandinavian countries, whereas a part of them already returned to Ukraine⁵⁰⁶. The influx of refugees into Poland posed a tremendous challenge to its government, therefore Polish citizens engaged quickly in “ad hoc crisis management efforts” thus easing the pressure experienced by the Polish Government⁵⁰⁷. The amount of people engaged in this action was unprecedented. In the study performed by Baszczak et al., it was identified that around 59% of respondents bought necessary products for the refugees, around 53% donated money, around 20% declared helping refugees with different chores, and around 7% took refugees into their homes⁵⁰⁸. Repeatedly whole towns were helping in supporting the refugees who most often were in transition to foreign destinations. Even though local governments were needed to organize the logistical side of the support for the refugees, their objectives could have not been met without the support of NGOs and volunteering citizens⁵⁰⁹.

In the case of the Republic of Moldova, its authorities at both the national and local levels reacted quickly in giving support to the refugees from Ukraine. The buildings which were being managed by public institutions, pensions, as well as the houses for the cities and villages of Moldova became a place of refuge for those in need of it⁵¹⁰. During the first week of the military action in Ukraine at the eastern border of the Republic of Moldova, a record number of refugees from Ukraine. In the period 24.02-02.03.2022, the territory of the Republic of Moldova entered 112.299 Ukraine citizens, out of whom 108.955 persons entered through the Moldovan-Ukrainian border.

In the same period, it was announced that the Republic of Moldova had received the first cargo of humanitarian aid, aimed at Ukrainian refugees, from the Bureau of the United Nations High Commissioner for Refugees (UNHCR), the Government of Holland through the Mechanism of civil protection of the EU and the Government of Turkey⁵¹¹. The value of the given humanitarian aid was 750,000 euros and consisted of goods necessary for the setup of the centers of temporary residence, family tents, blankets, pillows, beds, goods of first necessity, and food packages. These goods were assigned to the centers of temporary residence and border crossing points⁵¹².

The Republic of Moldova undertook a series of mechanisms in support of the Ukrainian refugees. The country allowed for the entrance and stay on its territory as well as for the transit of its territory by the Ukrainian refugees, facilitating the receipt of state protection, food, accommodation, access to medical services, employment, the set-up of centers of temporary residence, ensuring the free access to education for

⁵⁰⁴*Idem*

⁵⁰⁵ Monika Lipiec-Karwowska, *Dealing with the Ukrainian refugee crisis in Poland – an example of a well-functioning civil society in action*, in “Reality of Politics”, Vol. 24, 2023, p. 106

⁵⁰⁶ *Ibidem*, p. 113

⁵⁰⁷ Jan Domaradzki, Dariusz Walkowiak, Dominika Bazan, Ewa Baum, *Volunteering in the front line of the Ukrainian refugee crisis: A brief report from Poland*, “Frontiers in Public Health”, September, 2022, pp.1-9

⁵⁰⁸ Monika Lipiec-Karwowska, *Dealing with the Ukrainian refugee crisis in Poland – an example of a well-functioning civil society in action*, “Reality of Politics”, Vol. 24, 2023, p. 114

⁵⁰⁹ *Ibidem*, p. 115

⁵¹⁰ Artur Fuior, Protecția situativă pe plan social-economic a refugiaților minori ucraineni din Republica Moldova în raport cu tendințele țării de integrare europeană, “Promotion of Social and Economic Values in the Context of European Integration: 5th International Conference”, Chișinău, December, 2022, p.164

⁵¹¹ Anatol Buzev, Svetlana Cebotari, Reziliența Republicii Moldova la criza refugiaților din Ucraina, “Revista de Filosofie, Sociologie și Științe Politice”, Vol. 188, No. 1, 2022, p. 36

⁵¹² *Republica Moldova a recepționat primele loturi de ajutor umanitar pentru refugiații din Ucraina*, March, 2022, <https://mai.gov.md/ro/news/republica-moldova-recepționat-primele-loturi-de-ajutor-umanitar-pentru-refugiații-din-ucraina> (15.08.2023)

the refugee children⁵¹³. Moreover, the Moldovan Government has set up cooperation with international organizations, private initiatives, and volunteers. The country, in cooperation with the EU Member States coordinated the influx of refugees, ensured the existence of humanitarian corridors and instituted free hotlines for refugee-related issues. Using these hotlines, the citizens of the Republic of Moldova were able to access additional information regarding the possible ways in which they could help the refugees or the authorities⁵¹⁴. Up to now, at the request for the assistance of the Republic of Moldova through the Mechanism of civil protection of the EU was already offered humanitarian assistance by a multitude of EU Member States⁵¹⁵.

Also, in line with the EU acquis, starting March 1st, 2023, the Moldovan authorities launched the Temporary protection program for the incoming Ukrainian refugees⁵¹⁶. The program is intended for a period of one year. The individuals who request temporary protection will obtain an identity document, offered free of charge for the period of one year. The information will be uploaded to the informational network of the competent authorities for further use⁵¹⁷. In this manner, the project will contribute to more efficient management and monitoring of the migrant flow.

Having mentioned above the successes of the coordination and cohesion among EU Member states in their response to the Ukrainian refugee crisis, it is appropriate to mention the challenges that accompany the European response. It can be noted that migration remains today a contentious issue even though there is an incredible level of solidarity and volunteerism in Europe. As put forward by Boguslaw Kosmider, the Deputy Mayor of Krakow: “In the first weeks, we managed to cope with it thanks to the unprecedented dedication of the inhabitants, thousands of volunteers, and the actions that were quickly launched at the level of the commune and its agendas. It is known, however, that the enthusiasm of volunteers will not last forever”⁵¹⁸. The words of Kosmider remind us of the fact that the substantial participation in the relief efforts of the volunteers needs to be maintained to not allow it to wane, even though it might have its natural limitations. As such, one of the main challenges in such a case is the fact that many cities and localities do not have enough financial support capacity, which is expected to be given by central authorities for long-term assistance intended for humanitarian aid. In a situation of this kind humanitarian support was possible due to the involvement of the volunteers. Should volunteer support wane so would the possibility of the city or locality to offer humanitarian support.

Integration of the refugees in the communities that they settle in requires additional adjustment. For example, the number of Ukrainian people, who have studied at a tertiary educational level reaches 83%⁵¹⁹. As such the skills of the Ukrainian refugees are on display. This circumstance has manifested itself in the reality that many arrivals may rapidly integrate into the job market. Meanwhile, the necessity remains for the refugees to also have language qualifications, which in many cases are lacking. Recent experience has shown that short-term measures such as the introduction of courses as well as the increase in the limits on classroom quotas for learning languages do not suffice in addressing the long-term needs since the refugees need education curricula that accommodate the language and academic needs for them⁵²⁰.

Since the beginning of the refugee wave, the refugees from Ukraine have changed in their characteristics. The existing differences between them may pose future challenges for their integration into European cities. The difference arises from the fact that at the beginning the refugees were coming from Northern and Western Ukraine, whereas later in the conflict the refugees were fleeing from the Eastern parts of Ukraine. The matter of fact is that the refugees from the Northern and Western Ukraine had many connections

⁵¹³Angela Colățchi, Ecaterina Donoaga, Cătălin Lîsîi, *Securitatea națională în contextul crizei refugiaților*, “Securitatea națională a Republicii Moldova: provocări și tendințe”, May, 2022, p. 228

⁵¹⁴ *Idem*

⁵¹⁵ *Ibidem*, p. 229

⁵¹⁶ Guvernul Republicii Moldova, 2023, <https://gov.md/ro/content/refugiatii-din-ucraina-vor-beneficia-de-protectie-temporara-republica-moldova> (15.08.2023)

⁵¹⁷ *Idem*

⁵¹⁸ Dziennik Polski, *Kraków: Uchodźcy z Ukrainy chcą pracować i prowadzić firmy*, May, 2022, <https://dziennikpolski24.pl/krakow-uchodzczy-z-ukrainy-chca-pracowac-i-prowadzic-firmy-to-wyzwanie-ale-i-wielka-szansa-na-rozwoj-gospodarczy-stolicy/ar/c10-16333309> (11.08.2023)

⁵¹⁹European Parliament, *Briefing: Research for REGI Committee – Cities and the Ukrainian refugees*, 2022, [https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI\(2022\)699654](https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI(2022)699654) (29.08.2023)

⁵²⁰ *Idem*

to Europe, whereas those from the Eastern Ukraine were close to none. Also, one must take into consideration the fact that cities have been demolished and the people's everyday lives have been disrupted in the Eastern part of the country in a way that has not been seen in the Western part. As a result of the above-mentioned, it becomes clear that refugees from the Northern, Western, and Eastern parts of Ukraine have different challenges to overcome in their integration process. As such, in the situation where the conflict continues in the Eastern part of Ukraine and a much larger number of refugees will continue coming from this region, their integration into the European cities is more challenging compared to the refugees from the Western and Northern parts of the country. The lack of contacts as well as the unique cultural background of the Eastern Ukraine refugees will impose on the refugees a greater pressure to adapt to the new set of circumstances as well as greater pressure in setting up new contacts.

One another issue that requires special attention is the issue of shortage of affordable housing. The shortage came about due to the increase in the price of housing units because of the increase in demand for these units once the number of refugees in these countries increased. As a result, even refugees who have a paid job in the place of their living have no choice but to rely on social housing. All the above-mentioned raised the necessity of addressing these issues. One way of addressing them is suggested in the report by the research administrator Marek Kolodziejcki. The suggestion consists of addressing issues both at the local level and at the EU level.

At the local level, it is suggested to ensure that there is readiness for possible new waves of refugees so that the cities and localities develop and maintain urban resilience. Measures of this kind would include increasing the capacity of already operating refugee centers, constructing new centers, and developing mechanisms that would allow for the quick adaptation of hotels and other receiving centers to be able to accommodate refugees. Moreover, attention needs to be paid to the special characteristics of the Ukrainian refugee namely the fact that primarily these are women and children. In this case, it is necessary to focus the spending of resources on ensuring access to schools, kindergartens, and nurseries as well as on various ways how women refugees can become involved in the local labor market⁵²¹. Additionally, refugees need strong and clear communication that is tailored to their needs as well as briefing materials that can be easily accessible and understood given their language skills.

At the EU level, the aim is to support and consolidate the ability of local authorities and civil society to accommodate refugees from the war-torn parts of the Eastern European country. In addition, it is expected to develop and consolidate a system of coordination and collaboration as regards refugees, that will be resilient and reliable. Furthermore, it is suggested to review the current EU directive on temporary protection to ensure better policies, social protection, and guarantees for the Ukrainian refugees. Effective European health information, infrastructure as well and personal data protection are among other aspects of issues dealing with refugees that can be consolidated at this level⁵²².

The two levels of dealing with issues related to the Ukrainian refugees ensure the necessary level of collaboration within and between EU Member states as well as at the EU level. The cooperation strengthens the resilience of the EU and EU Member states in dealing with the Ukrainian refugees but also enhances the readiness of all participants for future dealings with refugees. The current example of cooperation with the EU is one additional avenue of European integration and resilience in the face of adversity and challenge. For the collaboration to reach its full potential it requires to be a multilayer one between all engaged actors starting with individual citizens up to national governments and finally ending with the EU structures of decision-making.

Conclusions

The level of cohesion reached by the EU in dealing with the Ukrainian refugee crisis once again showcases the fact that cooperation has been the key element that led the joint effort, cooperation being the fundamental mechanism courted by all traits of liberalism. The economic interdependence of the EU Member States led and contributed to the cooperative behavior since the mutual interest in solving the issue of Ukrainian refugees impacted the entire EU. As such, through cooperation, the states managed to maintain stable and prosperous relations, and in doing so confirmed the viability of the interdependence trait of

⁵²¹ *Idem*

⁵²² *Idem*

liberalism. Furthermore, the supranational structure of the EU provided platforms for the Member States to cooperate and address collective action. Moreover, since EU Member States share the democratic ideal as well as the principles of good governance, rule of law, and democracy as well as transparent decision-making process it allowed these states to interact with confidence with each other as well as expect joint outcomes, in line with the Democratic Peace Theory. In all their actions and decisions made at the EU level as well as at national and local levels, the liberal ideology pervaded every step of it. Without a doubt, cooperation is needed by negotiations and compromise. Furthermore, the challenges of solving the Ukrainian refugee crisis have multiple layers of complexity that were possible to be addressed only due to cooperation. Had there been a lack of cooperation even the smallest obstacle could have ended the effort to solve the crisis. Yet due to the fact and realization that the benefits of cooperation are more valuable than the effects of confrontation, the choice made by the Member States led not only to individual but also communal gain.

Most important is that the cooperation took place not only at the administrative level but also at the individual and NGO level so that any European citizen had the chance to contribute their share to the joint effort and many did get involved. And in many cases, the participation of individuals represented the driving engine behind the help that was offered to the refugees, especially when the budgets of the official administrations were overwhelmed and not enough to support all refugees. As such, another liberal concept came to the fore namely that of non-state actors. All the above mentioned, confirmed once again that liberalism is very much at the core of international relations as seen in the example of the EU as well as its neighborhood through the example of the Republic of Moldova. Undoubtedly liberalism has shown itself triumphant and indispensable to the international arena.

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THE INTEGRATION OF REFUGEES IN EU STATES

Abstract:	<i>The integration of refugees into EU states is a comprehensive and ongoing process that aims to enable refugees to actively participate in and contribute to their host societies while preserving their cultural identities. EU member states operate under the Common European Asylum System, implementing reception and asylum procedures, providing access to basic rights and services, facilitating language acquisition and education, promoting employment and economic integration, fostering social and cultural cohesion, and offering long-term support for social mobility and civic participation. Although challenges such as limited resources, bureaucratic procedures, and cultural differences exist, successful integration brings opportunities for demographic revitalization, labor market contributions, cultural enrichment, and increased social diversity. It's important to recognize that approaches to integration can vary across EU member states due to national policies and specific local contexts.</i>
Keywords:	Integration; refugees; legal dimension; social dimension; cultural dimension; economic dimensions
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Introduction

The integration of refugees into EU states is an important and complex process that involves various aspects, including legal, social, cultural, and economic dimensions. The goal of integration is to enable refugees to become active and productive members of their host societies, while also respecting and preserving their own cultural identities. Here are some key points about the integration of refugees in EU states:

1. **Legal Framework:** The legal framework for refugee integration varies among EU member states, as each country has its own immigration and asylum policies. However, the EU provides a common framework through the Common European Asylum System, which establishes minimum standards for the reception and treatment of refugees.

2. **Reception and Asylum Procedures:** Upon arrival, refugees go through reception and asylum procedures, which include registration, identification, and screening to determine their eligibility for international protection. The length and nature of these procedures can vary between EU countries, leading to disparities in the integration process.

3. **Access to Basic Rights and Services:** EU member states are generally committed to providing refugees with access to basic rights and services, including education, healthcare, housing, and social welfare. However, the quality and availability of these services can vary, and some countries may face challenges in meeting the demand for these services.

4. **Language and Education:** Language acquisition is crucial for refugees to fully integrate into their host societies. EU countries often provide language classes and educational programs to help refugees learn the local language and gain skills necessary for employment. Access to quality education for refugee children is also a priority to ensure their successful integration.

5. **Employment and Economic Integration:** One of the key aspects of integration is ensuring refugees have access to employment opportunities. EU member states implement various measures, such as vocational training, job placement programs, and recognition of foreign qualifications, to facilitate the economic integration of refugees. However, language barriers, limited job prospects, and discrimination can pose challenges.

6. **Social and Cultural Integration:** Social and cultural integration involves promoting mutual understanding, respect, and interaction between refugees and the host community. Initiatives such as community engagement programs, cultural exchange activities, and social integration projects aim to foster social cohesion and combat xenophobia and discrimination.

7. **Long-term Integration:** Integration is an ongoing process that requires long-term support and engagement from both refugees and host communities. It is important to provide refugees with opportunities for social mobility, participation in civic life, and access to citizenship or permanent residency, enabling them to fully contribute to and benefit from their host societies.

8. **Challenges and Opportunities:** The integration of refugees in EU states faces several challenges, including limited resources, bureaucratic procedures, societal resistance, and cultural differences. However, successful integration can also bring opportunities, such as demographic revitalization, labor market contributions, cultural enrichment, and increased social diversity.

It's important to note that the approaches to refugee integration can differ across EU member states due to national policies, political contexts, and the specific needs of refugees and host communities.

Legal Framework

Human migration is a complex and ongoing process that has significant impacts on society. To effectively manage migration, it is crucial to adopt an integrated approach involving all relevant stakeholders at the national level. In Romania, the Inter-ministerial Council for Home Affairs and Justice, in conjunction with the Commission for Immigration Management, has been established to oversee migration-related matters. The Commission is responsible for developing the National Strategy on Immigration (SNI) and corresponding action plans, as well as ensuring their approval and monitoring of their implementation. Since the previous National Strategy on Immigration expired in 2018, it is imperative to draft a new strategy to address the evolving migration landscape and meet European policy requirements. The forthcoming plan, spanning from 2021 to 2024, aims to establish principles and guidelines to govern the admission of workers, regulations about residence and immigration, measures to combat unlawful immigration, strategies for managing the departure of foreign individuals, provision of essential protection to vulnerable individuals, and facilitation of their integration into Romanian society. The 2021-2022 Action Plan further outlines specific activities aimed at achieving the objectives outlined in the National Strategy on Immigration⁵²³.

Legal Documents:

- **National Strategy on Immigration (SNI):** The Inter-ministerial Council for Home Affairs and Justice, in conjunction with the Commission for Immigration Management, is responsible for developing the SNI and corresponding action plans. The National Strategy on Immigration (SNI) outlines fundamental principles and guidelines to govern the admission of workers, regulations regarding residence and immigration, efforts to combat unauthorized immigration, strategies for managing the departure of foreign individuals, provision of essential protection to vulnerable individuals, and facilitation of their integration into Romanian society.

- **2021-2022 Action Plan:** The Action Plan outlines specific activities aimed at achieving the objectives of the SNI. It provides detailed implementation measures for the specified period.

- **Dublin III Regulation:** Romania utilizes the Dublin III Regulation to request cooperation from other member states. It addresses challenges related to conducting interviews with individuals who abscond before scheduled interviews in other member states. In 2020, there was a temporary suspension of transfers to Greece by the General Inspectorate of Immigration, based on specific eligibility criteria.

- **Social Integration Policies:** Romania prioritizes social integration to promote the active participation of foreigners in the country. Policies include language courses, cultural orientation programs, and counseling. The law ensures access to social services and rights comparable to those of Romanian citizens. The 2021-2027

⁵²³ *National Strategy On Immigration 2021-2024*, Monitorul Oficial al României, Part I, No 839 Bis/2.IX.2021, p.6, <https://igi.mai.gov.ro/wp-content/uploads/2022/01/National-Strategy-on-Immigration-2021---2024.pdf> (14.06.2023)

Action Plan on Integration and Inclusion sets out priorities in employment, education, housing, medical and social support, and integration programs. Relevant institutions within the Commission for Immigration Management have implemented measures, with numerous individuals participating in the integration program in 2019.

Legal Framework:

a. Government Emergency Ordinance No. 194/2002⁵²⁴: This ordinance establishes legal provisions regarding the status and rights of aliens.

b. Government Ordinance No. 25/2014⁵²⁵: This ordinance addresses the employment and posting of foreign workers.

c. Government Emergency Ordinance No. 102/2005⁵²⁶: This ordinance governs the free movement of citizens from the European Union, the European Economic Area, and the Swiss Confederation within Romania's territory.

d. Law No. 122/2006⁵²⁷ on Asylum in Romania: This law, along with subsequent amendments, establishes regulations and procedures related to seeking asylum and granting international protection.

e. Government Ordinance No. 44/2004⁵²⁸: This regulation centers on promoting the integration of individuals who have received a type of protection in Romania into society. It has undergone modifications through Law No. 185/2004 and subsequent revisions.

These legal documents form the basis for regulating various aspects of migration in Romania, including the legal status of aliens, employment of foreign workers, free movement within the European Union, asylum procedures, and the social integration of individuals granted protection.

Reception and Asylum Procedures

Between 2009 and 2012, significant efforts were made at the European Union (EU) level to harmonize asylum procedures among member states. The goal was to establish a Common European Asylum System (CEAS), with the legislative work expected to be finalized in 2012. The first set of legal instruments aimed to create minimum standards but still allowed for variations in interpretation at the national level. The second generation of legal instruments sought to raise standards and address gaps in the system. Negotiations on this second-generation package were nearing completion at the time of writing. The European Court of Justice (ECJ) and the European Court of Human Rights (ECHR) played an important role in harmonizing practices through their jurisprudence. The *Elgafaji* case (ECJ case C-465/07)⁵²⁹ was particularly significant, as it clarified the threshold for individualized threat in situations of generalized violence under Article 15c of the Qualification Directive. Another significant development was the establishment of the European Asylum Support Office (EASO) in 2011. Located in Malta, EASO aims to promote practical cooperation in the field of asylum. One important tool managed by EASO is the European Asylum Curriculum (EAC), which offers online training modules and face-to-face sessions. Several modules have been developed so far. EASO is also involved in country-of-origin information (COI), with some member states actively participating in setting up EASO's COI function, including the establishment of task forces and working parties to develop methodologies for reports and meetings and to make the Common COI Portal operational⁵³⁰

⁵²⁴ *Government Emergency Ordinance No. 194/2002*, <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=52c52f5e4>, (14.06.2023)

⁵²⁵ *Government Ordinance No. 25/2014*, <https://lege5.ro/en/Gratuit/gqydimjwgu/ordonanta-nr-25-2014-privind-incadrarea-in-munca-si-detasarea-strainilor-pe-teritoriul-romaniei-si-pentru-modificarea-si-completarea-unor-acte-normative-privind-regimul-strainilor-in-romania/4>, (14.06.2023)

⁵²⁶ *Government Emergency Ordinance No. 102/2005*, <https://legislatie.just.ro/Public/DetaliuDocument/63411>(14.06.2023)

⁵²⁷ *Law No. 122/2006 on Asylum in Romania*, <https://www.refworld.org/docid/44ace1424.html> (14.06.2023)

⁵²⁸ *Ordinance No. 44 of 2004 on the Social Integration of Aliens Who Were Granted a Form of Protection in Romania*, <https://www.refworld.org/docid/404c6d834.html> (14.06.2023)

⁵²⁹ Judgment of the Court (Grand Chamber) of 17 February 2009, *Meki Elgafaji and Noor Elgafaji v Staatssecretaris van Justitie*, <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-465/07> (14.06.2023)

⁵³⁰ Secretariat of the Inter-governmental Consultations on Migration, Asylum and Refugees (IGC), *Asylum Procedures Report on policies and practices in IGC participating states*, Inter-governmental Consultations on Migration, Asylum and Refugees (IGC), Geneva, Switzerland, 2012, https://publications.iom.int/system/files/pdf/asylum_procedures_2012_web_may2015_0.pdf (14.06.2023)

Reception and asylum procedures in the European Union (EU) are crucial components of the Common European Asylum System (CEAS). The CEAS aims to harmonize asylum policies and ensure a fair and efficient system across EU member states. Here are some key points about reception and asylum procedures in the EU:

- **Registration and Identification:** Upon arrival in an EU member state, asylum seekers are required to register and undergo an identification process. This involves providing personal information, fingerprints, and documentation to initiate the asylum procedure.
- **Asylum Application:** Asylum seekers can submit their application for international protection, expressing their need for refuge and the reasons they are fleeing their home country. The application is usually lodged with the responsible national asylum authority.
- **Admissibility and Dublin Regulation:** Member states assess the admissibility of asylum applications to determine if they meet certain criteria. Additionally, the Dublin Regulation establishes the criteria and mechanisms for determining which member state is responsible for examining an asylum application.
- **Refugee Status Determination (RSD):** RSD is the process through which asylum authorities assess an individual's eligibility for refugee status or other forms of international protection. It involves interviews, the examination of supporting evidence, and consideration of relevant country of origin information.
- **Legal Assistance:** Asylum seekers have the right to legal assistance and representation during the asylum procedure. This ensures access to fair and effective procedures, as well as the protection of their rights.
- **Reception Conditions:** EU member states are obligated to provide adequate reception conditions for asylum seekers, including access to accommodation, healthcare, food, clothing, and social support. However, the quality and availability of these conditions may vary between countries.
- **Detention and Alternatives:** Member states may detain asylum seekers in certain circumstances, but detention should be a measure of last resort and for the shortest possible period. Alternatives to detention, such as supervised release or residence in open reception centers, should be considered.
- **Appeals and Remedies:** Asylum seekers have the right to appeal a negative decision on their asylum application. Member states should provide effective remedies and access to a fair and independent judicial review.
- **Integration and Resettlement:** Successful asylum applicants are entitled to refugee status and are provided with assistance to facilitate their integration into the host society. Resettlement programs are also in place to offer protection and a durable solution to refugees outside the EU.

It's important to note that while the CEAS aims for a common approach, the implementation of reception and asylum procedures can vary among member states due to national policies, resources, and specific contexts.

The COVID-19 pandemic has accelerated the use of digital tools in the asylum procedure, but their long-term impact and implications remain uncertain. While these technologies offer potential benefits in terms of efficiency and modernization, there is a lack of clear rules and guidance on their use in the EU asylum acquis. This creates legal uncertainties and raises complex questions regarding refugee protection, data protection, and digitalization. The use of digital tools can pose challenges for applicants, as they may struggle to navigate the systems and may not adequately address their individual needs. Additionally, access to asylum can be hindered by IT illiteracy, connectivity issues, and concerns about data protection. National authorities also face significant costs in implementing and maintaining the necessary infrastructure and providing training to staff. As digital tools become more prevalent, it is important to address these issues and ensure that the right to asylum is upheld while safeguarding data protection and privacy rights⁵³¹.

Access to Basic Rights and Services

Access to basic rights and services for refugees in EU member states is a crucial aspect of their integration. EU member states have a general commitment to providing refugees with access to essential services, such as education, healthcare, housing, and social welfare. These services aim to support refugees in rebuilding their lives and integrating into the host society.

⁵³¹ Jean-David Ott and Eleonora Testi, ECRE, *Digitalisation of asylum procedures: risks and benefits*, 2021, <https://asylumineurope.org/wp-content/uploads/2022/01/Digitalisation-of-asylum-procedures.pdf> (14.06.2023)

Education is a key area where efforts are made to ensure that refugee children have access to schooling. EU member states have implemented various initiatives to facilitate the enrollment of refugee children in schools and provide language support and integration programs. However, challenges remain, such as overcrowded classrooms and a lack of specialized resources for addressing the specific needs of refugee students⁵³².

Access to healthcare is another important aspect of refugee integration. EU member states strive to ensure that refugees have access to necessary healthcare services, including medical treatment, mental health support, and preventive care. Some countries have specific programs in place to address the healthcare needs of refugees, while others may face capacity constraints in delivering adequate healthcare services⁵³³.

Housing is another critical area that affects refugee integration. EU member states are responsible for providing suitable accommodation for refugees, either through temporary shelters or permanent housing solutions. However, the availability of affordable housing and the timely provision of suitable accommodation remain significant challenges in many countries⁵³⁴.

Social welfare support is crucial for ensuring the well-being of refugees. EU member states aim to provide refugees with access to social welfare programs, financial assistance, and social integration support. However, the effectiveness and availability of these services may vary across different countries, and some refugees may face difficulties in navigating the complex administrative processes to access social welfare benefits⁵³⁵.

While EU member states are committed to providing access to basic rights and services for refugees, the quality and availability of these services can vary. Some countries may face challenges in meeting the demand for services due to resource constraints or administrative hurdles. Efforts are ongoing to address these challenges and ensure that refugees can fully access their rights and integrate into the host society.

Language and Education

Language acquisition plays a critical role in the successful integration of refugees into their host societies⁵³⁶. Proficiency in the local language enables refugees to communicate effectively, access education and employment opportunities, and engage in social interactions. Language skills are essential for refugees to navigate daily life, participate in community activities, and build meaningful connections with the local population.

Efforts are being made in European Union (EU) member states to provide language training and support to refugees. Language programs and courses are offered to help refugees learn the language of the host country and enhance their language proficiency (Annual Report on Migration and Asylum 2021: Synthesis Report⁵³⁷). These programs often include language classes, language exchange initiatives, and cultural orientation programs that facilitate language acquisition while promoting intercultural understanding⁵³⁸.

⁵³² The Inter-agency Network for Education in Emergencies (INEE), *Refugee Education*, 2023, <https://inee.org/collections/refugee-education> (14.06.2023)

⁵³³ Bafreen Sherif, Ahmed Awaisu, Nadir Kheir. *Refugee healthcare needs and barriers to accessing healthcare services in New Zealand: a qualitative phenomenological approach*. *BMC Health Serv Res* 22, 1310 (2022), <https://doi.org/10.1186/s12913-022-08560-8>

⁵³⁴ Philip Brown, Santokh Gill, Jamie P. Halsall, *The impact of housing on refugees: an evidence synthesis*, *Housing Studies*, DOI: 10.1080/02673037.2022.2045007

⁵³⁵ OECD, *Supporting the social and emotional well-being of refugee students from Ukraine in host countries*, <https://www.oecd.org/ukraine-hub/policy-responses/supporting-the-social-and-emotional-well-being-of-refugee-students-from-ukraine-in-host-countries-af1ff0b0/> (14.06.2023)

⁵³⁶ Marte Monsen, Guri Bordial Steien, *Language, Learning and Migration Multilingual Matters, Social Linguistic Acquisition*, 2022, pp. 1-15

⁵³⁷ *Annual Report on Migration and Asylum 2021: Synthesis Report*, https://emn.ie/wp-content/uploads/2022/06/EMN_Annual-report_Migration_2021.pdf (14.06.2023)

⁵³⁸ Jan Delhey, Monika Verbalyte, Auke Aplowski, Emanuel Deutschmann, *Free to Move: The Evolution of the European Migration Network, 1960–2017, 2019*, https://www.researchgate.net/profile/Emanuel-Deutschmann/publication/328723614_Free_to_Move_The_Evolution_of_the_European_Migration_Network_1960-2017/links/5bddb0d0299bf1124fb95396/Free-to-Move-The-Evolution-of-the-European-Migration-Network-1960-2017.pdf (14.06.2023)

Effective language acquisition programs for refugees require sufficient resources, qualified instructors, and tailored approaches that consider the diverse linguistic backgrounds and educational levels of the refugee population⁵³⁹. Early language support is crucial, as timely language acquisition significantly contributes to refugees' successful integration outcomes, including improved employment prospects and social integration.

Furthermore, continuous support and opportunities for language development should be provided beyond initial language training, as language acquisition is a lifelong process⁵⁴⁰. Ongoing language support helps refugees maintain and enhance their language skills, particularly in more advanced levels and specialized contexts such as professional settings. Integration policies that prioritize language acquisition and provide comprehensive language support contribute to the successful integration of refugees into their host societies. By empowering refugees with language skills, societies can foster greater social cohesion, reduce barriers to integration, and promote the full participation and contribution of refugees in their new communities.

Employment and Economic Integration

Employment and economic integration are crucial for the successful integration of refugees into their host societies⁵⁴¹. Access to employment opportunities enables refugees to achieve self-sufficiency, contribute to the local economy, and improve their overall well-being.

EU member states have implemented various policies and initiatives to support the employment and economic integration of refugees. These include targeted employment programs, vocational training, job-matching services, and entrepreneurship support⁵⁴². Such initiatives aim to enhance the skills and qualifications of refugees, bridge the gap between their skills and labor market demands, and promote their active participation in the workforce.

Research suggests that early and effective labor market integration significantly benefits both refugees and the host societies. Refugees who secure stable employment experience improved socio-economic outcomes, reduced reliance on social welfare systems, and increased social integration⁵⁴³. They also contribute to economic growth, innovation, and cultural diversity in their host countries.

However, several challenges hinder the employment and economic integration of refugees. These include language barriers, lack of recognition of foreign qualifications, limited social networks, discrimination, and inadequate information about jobs⁵⁴⁴. Addressing these challenges requires comprehensive support mechanisms, including language training, skills assessment, and recognition procedures, targeted job placement services, and anti-discrimination measures. Furthermore, studies highlight the importance of continuous support for refugees in the labor market. Ongoing professional development, skills upgrading, and career guidance can help refugees adapt to changing labor market conditions, enhance their employability, and advance in their careers.

Social and Cultural Integration

Social and cultural integration plays a significant role in the successful integration of refugees into their host societies⁵⁴⁵. Social integration refers to the process of refugees becoming active participants in their communities, forming social connections, and engaging in social networks and activities. Cultural integration,

⁵³⁹ Marte Monsen, Guri Bordial Steien, Language, *Learning and Migration Multilingual Matters, Social Linguistic Acquisition*, 2022, pp. 1-15

⁵⁴⁰ *Idem*

⁵⁴¹ Jean-François Maystadt, Philip Verwimp, *Winners and losers among a refugee-hosting population*, "Economic Development and Cultural Change", Vol. 62, No. 4/2014, pp. 769-809, <http://dx.doi.org/10.1086/676458>

⁵⁴² OECD/EU, *Indicators of Immigrant Integration 2019: Settling In. OECD Publishing*, 2020, <https://www.oecd.org/publications/indicators-of-immigrant-integration-2018-9789264307216-en.htm>, (14.06.2023)

⁵⁴³ Jean-François Maystadt, Philip Verwimp, *Winners and losers among a refugee-hosting population*, "Economic Development and Cultural Change", Vol. 62, No. 4/2014, pp. 769-809, <http://dx.doi.org/10.1086/676458>

⁵⁴⁴ *Idem*

⁵⁴⁵ Adrian Favell, *Pull up the roots: response to Dahinden, Goodman, Statham, and Schinkel on The Integration Nation: Immigration and Colonial Power in Liberal Democracies. Polity* 2022, "Ethnic and Racial Studies", Vol. 46, No. 8/2023, pp. 1639-1649, DOI: 10.1080/01419870.2022.2150523.

on the other hand, involves the adoption and adaptation of cultural norms, values, and practices of the host society⁵⁴⁶.

Studies have highlighted the importance of social and cultural integration for the well-being and sense of belonging of refugees. Integration into social networks and community activities promotes social support, reduces isolation, and enhances mental health outcomes. Active participation in the host society facilitates the development of interpersonal relationships, fosters mutual understanding, and helps break down stereotypes and prejudices⁵⁴⁷.

Host societies also benefit from the social and cultural integration of refugees. Increased social cohesion, intercultural dialogue, and the appreciation of diversity contribute to stronger communities and promote peaceful coexistence. Moreover, refugees bring with them diverse skills, talents, and perspectives, enriching the cultural fabric and fostering innovation in their host countries.

To facilitate social and cultural integration, various approaches and initiatives have been implemented. These include language and cultural orientation programs, community-based initiatives, mentorship programs, and intercultural dialogue platforms⁵⁴⁸. Language acquisition is particularly crucial as it enables refugees to communicate, access education and employment opportunities, and fully participate in social and cultural activities⁵⁴⁹. However, challenges exist in achieving social and cultural integration. Language barriers, cultural differences, discrimination, and limited social networks can hinder the integration process. Promoting inclusivity, combating discrimination, and providing support structures are essential for overcoming these challenges and fostering integration.

Efforts to promote social and cultural integration require collaboration between governments, civil society organizations, and the host community⁵⁵⁰. Creating opportunities for intercultural interaction, promoting diversity awareness, and providing support for refugees' participation in social and cultural activities are key components of successful integration. By prioritizing social and cultural integration, host societies can create inclusive environments that foster understanding, respect, and mutual acceptance, leading to a more cohesive and harmonious society. This requires involvement at the national, but also local levels, in long-term integration support and inclusion, through policies that resonate with the new minorities. The goal is to reduce de-humanizations, labeling, also misconception, all approached in a holistic way, including certain aspects such as well-being and access to future livelihoods, equal access to quality education, sustainability to dignified work, etc.⁵⁵¹

Conclusions

In conclusion, social and cultural integration is crucial for the successful integration of refugees into their host societies. These processes involve refugees actively participating in their communities, forming social connections, and adapting to the cultural norms and practices of the host society. Social and cultural integration contributes to the well-being of refugees, promotes social cohesion, and enhances diversity and innovation within host countries. Language acquisition plays a significant role in facilitating social and cultural integration. However, challenges such as language barriers, cultural differences, discrimination, and limited social networks can hinder the integration process. Efforts to promote social and cultural integration require collaboration between governments, civil society organizations, and the host community.

By prioritizing social and cultural integration, societies can create inclusive environments that foster understanding, respect, and mutual acceptance, leading to a more cohesive and harmonious society. European integration policy aims to offer member states, and implicitly to their citizens, harmony, stability, and

⁵⁴⁶ Willem Schinkel, *The imagination of 'society' in measurements of immigrant integration*, "Ethnic and Racial Studies", Vol. 36, No. 7/2023, pp. 1142-1161, DOI: 10.1080/01419870.2013.783709

⁵⁴⁷ *Idem*

⁵⁴⁸ *Idem*

⁵⁴⁹ European Migration Network, *The Integration of Beneficiaries of International Protection at the Local Level*. European Migration Network, 2020, https://home-affairs.ec.europa.eu/system/files/2021-11/00_eu_emn_status_report_2020_en.pdf (16.06.2023)

⁵⁵⁰ *Idem*

⁵⁵¹ Nicoleta Annemarie Munteanu, *Recent Minorities in Sibiu. Similar Problems, Similar Solutions*, "Studia-Securitatis", No. 2/2022, pp. 232

prosperity. These factors, on which they depend on the evolution and social, economic, cultural, and even political balance of each country in part, constituted a permanent temptation for states to join this space⁵⁵².

Overall, promoting social and cultural integration is vital not only for the successful integration of refugees but also for the well-being and development of host societies.

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⁵⁵² Bulea Iulia, *Poliția Locală – Forță complementară a sistemului de Ordine și Siguranță Publică*, Editura TehnoMedia, 2022, p. 6

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THE WAR BEYOND THE BORDER: ROMANIA'S RESPONSE TO THE ARRIVAL OF UKRAINIAN REFUGEES

Abstract:	<p><i>Since the start of the war, in February 2022, almost three million Ukrainians have crossed the border to Romania, out of which 146.507⁵⁵³ are currently registered for temporary protection or similar national protection schemes. Such a massive inflow of people in need of assistance and protection demands an institutional organized response, which has been provided by the Romanian state, in cooperation with civil society, and benefitting from the support of international organizations. The public-private model of cooperation employed in this response has been unprecedented, starting with the mobilization of Romanian citizens in offering housing and food to the refugees, and continuing with the involvement of non-governmental organizations.</i></p> <p><i>This article aims to assess the systemic reaction to the arrival of Ukrainian refugees in Romania and to investigate the role of systemic cooperation in providing this reaction. Based on data available from the main public institutions involved in this response, combined with information provided by non-governmental organizations and international organizations, the study evaluates, from the system theory perspective, the types of cooperation and collaboration that emerged and their effectiveness in this situation.</i></p>
Keywords:	Refugee; Ukraine; temporary protection; Romania; systems theory
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Introduction

In the migration literature, Romania is commonly regarded as an emigration country, and numerous studies document the massive exodus following the transition to democracy and the accession to the European Union⁵⁵⁴. However, during the past years, this situation has started to change, and Romania is becoming a more and more attractive destination, partly due to the labor force gaps, but also because of the regional and global geopolitical environment, which is characterized by insecurity and threats leading to displaced people in search of international protection. As one of the countries sharing a border with Ukraine, after the beginning of the Russian aggression on February 24th, 2022, Romania was targeted by the inflow of refugees trying to escape the war and is currently undergoing the largest immigration period in its recent history. Thus, since the conflict started, over three million Ukrainians⁵⁵⁵ have crossed the border to Romania, and, according to the official data⁵⁵⁶, 146.507 of them are currently registered for temporary protection or similar national protection schemes.

⁵⁵³UNHCR, *Ukraine Refugee Situation. Romania*, 2023 <https://data.unhcr.org/en/situations/ukraine/location/10782> (05.11.2023)

⁵⁵⁴ Livia Dana Pogan, *Mapping integration. Understanding immigration*, "Sociology and Social Work Review", No. 2/2020, pp. 79-86

⁵⁵⁵UNHCR, *Ukraine Refugee Situation. Romania*, 2023 <https://data.unhcr.org/en/situations/ukraine/location/10782> (05.11.2023)

⁵⁵⁶ *Idem*

In this context, it is important to underscore the input of Romanian actors, including both the public institutions and the civil society, in addressing this situation, and how the parties involved in managing this crisis have performed. Such a massive inflow of people in need of assistance and protection demands an institutional organized response, which has been provided by the Romanian state, in cooperation with private entities, and benefitting from the support of international organizations.

Thus, the aim of this article is to present and assess the systemic reaction to the arrival of Ukrainian refugees in Romania, starting from the moment of the beginning of the conflict, and observing the evolution of this reaction throughout time. Furthermore, an investigation of the role of systemic cooperation in providing this reaction is proposed, to evaluate, based on the systems theory perspective, the types of cooperation and collaboration that emerged and their effectiveness in this situation.

The paper is divided into five main parts, starting from explaining the context in which the Ukrainian refugee crisis started to unfold in Romania and its current situation and ending with the conclusions and discussion part, where the impact of the high level of uncertainty in the decision-making process, the Romanian institutional system limitations and the implications of civil society were explored. The theoretical framework, represented by the systems theory is described in the third part of the article, while the fourth consists of an analysis of the legal response, the governmental response, and the non-statal contributions in assisting and managing the largest inflow of refugees Romania has welcomed.

Context

The influx of individuals seeking assistance and protection has prompted a need for a well-organized institutional response, a demand effectively met by the Romanian state. In a collaborative effort with civil society and with the support of international organizations, Romania has demonstrated an exemplary public-private model of cooperation to address this humanitarian crisis. Unprecedented in scale, this cooperative approach began with the remarkable mobilization of Romanian citizens who generously offered housing and food to the arriving refugees. This spirit of solidarity continued with the active involvement of non-governmental organizations, showcasing a comprehensive and inclusive response framework.

What sets this refugee influx apart is the unique demographic composition of the group originating from Ukraine^{557,558}. Distinct from other refugee waves, a notable factor is the implementation of martial law, resulting in a situation where a significant majority of men within the conscription age range (18 to 60 years) are prevented from leaving the country. Consequently, in nearly all host countries, at least 70%⁵⁵⁹ of adult refugees are women, and over a third of the total refugee population consists of children.

In the post-Cold War global context⁵⁶⁰, the regional setting of Romania and Ukraine, sharing a common border, links their international interests and prompts Romania with the moral, if not legal, obligation to assist the displaced Ukrainian population fleeing the war. The seeds of this conflict had long been planted, and the events in 2013-2014⁵⁶¹ might be considered a prologue to the current unfolding of the war.

These circumstances introduce distinct challenges and considerations in aiding and protecting a population characterized by specific demographic constraints. Nonetheless, the collaborative efforts of the Romanian state, civil society, and international organizations reflect a commitment to addressing these challenges head-on, underscoring the adaptability and resilience of the response framework. Furthermore, associated threats underscore the importance of the events in the neighboring country for Romania's national

⁵⁵⁷ Anotolie Cosciug, Alexandra Porumbescu, Andriana Cosciug, Viktoriia Kyrychenko, *Labour market assessment on Ukrainian refugees in Romania*, 2023, https://www.researchgate.net/publication/375497242_Labour_market_assessment_on_Ukrainian_refugees_in_Romania/stats#fullTextFileContent, DOI: 10.13140/RG.2.2.30455.80803 (07.11.2023)

⁵⁵⁸ Oksana Mikheieva, Marta Jaroszewicz, *Editorial Introduction: Migration Dynamics, Trajectories and Policies in the Context of Russian Full-Scale Aggression against Ukraine*, "Central and Eastern European Migration Review", Vol. 12, No. 1, 2023, p. 118; Vol. 12, No. 1, 2023, pp. 115–126 doi: 10.54667/ceemr.2023.16 (30.10.2023)

⁵⁵⁹ OECD, *What are the integration challenges of Ukrainian refugee women?*, 2023 <https://www.oecd.org/ukraine-hub/policy-responses/what-are-the-integration-challenges-of-ukrainian-refugee-women-bb17dc64/> (15.11.2023)

⁵⁶⁰ Joseph Nye Jr., David A. Welch, *Understanding Global Conflict & Cooperation: Intro to Theory & History. Ninth Edition*, Pearson, New Jersey, 2014, p. 220

⁵⁶¹ Alexandra Porumbescu, *Theoretical approaches to international security in the European post-communist space*, "Analele Universității din Craiova. Istorie", Year XXI, No. 2(30)/2016, pp. 119-126

security, including the wave of fake news and disinformation⁵⁶², or the restricted access to some resources⁵⁶³. In navigating the complexities of this situation, the collective response has not only met the immediate needs of the refugees but has also set a precedent for effective collaboration and solidarity in the face of unprecedented circumstances.

A study carried out at the European level⁵⁶⁴ identified the main problems of Ukrainians who left Ukraine because of the ongoing conflict. These challenges encompass a range of issues, including a notable low level of employment opportunities, hurdles in accessing essential care services for children aged 0 to 4 within the host country, and complications in obtaining necessary medical services. A noteworthy trend has emerged, indicating a growing proportion of refugees expressing their intention to remain outside Ukraine⁵⁶⁵. This shift is primarily attributed to heightened security concerns, the availability of temporary protection, and increased accessibility to employment opportunities in select European nations.

Furthermore, it has been emphasized that a significant number of individuals are grappling with the task of independently resolving their accommodation challenges. This self-initiated approach underscores the resilience and resourcefulness of the refugee population in addressing their immediate needs. The evolving dynamics of the situation indicate a shift towards self-sufficiency, as people gradually take charge of their housing situations. As these individuals navigate the complexities of life as refugees, the ability to proactively address accommodation concerns becomes a notable aspect of their adaptation and integration into new environments.

In summary, the multifaceted challenges faced by Ukrainian refugees, spanning employment, childcare services, and healthcare accessibility, are being met with a combination of individual initiative and external support. The increasing inclination of refugees to establish a more permanent presence outside Ukraine is influenced by factors such as security considerations and improved prospects for temporary protection and employment in select European destinations. In addition to this, the continuously changing landscape in Romanian migration, and its steady evolution⁵⁶⁶ from a country of emigration to a country of immigration prompts a deeper understanding of the welcoming and integrating mechanisms available for migrants, be they voluntary or displaced. This comprehensive understanding of the evolving circumstances highlights the resilience, adaptability, and self-sufficiency demonstrated by those affected by the conflict.

Theoretical Framework - Systems Theory

The fundamental principle guiding the comprehension of the constituent elements within a system emphasizes the necessity of understanding them concerning one another and their interactions with other systems, as opposed to isolating them. This principle underlies the framework of systems theory, which is dedicated to elucidating the organizing principles inherent in all types of systems. According to this theory, all systems share six fundamental qualities: wholeness, hierarchy, self-regulation, openness, adaptability, and a balance between stability and flexibility. Wholeness underscores the interconnectedness of system components, emphasizing that understanding the entirety is crucial for comprehensive insight. Hierarchy acknowledges the structured organization within systems, recognizing levels of importance and functionality. Self-regulation highlights a system's ability to autonomously maintain balance and stability. Openness emphasizes the dynamic exchange of information and energy between systems and their environments. Adaptability signifies a system's capacity to adjust to varying conditions. Lastly, the delicate equilibrium between stability and flexibility underscores the crucial balance systems must strike to navigate change while maintaining coherence. In essence, systems theory provides a holistic framework to analyze and comprehend

⁵⁶² Georgiana Stanescu, *Ukraine conflict: the challenge of informational war*, "Social Sciences and Education Research Review", Vol. 9, No.1/2022, p. 146

⁵⁶³ Nataliia Stukalo, Anastasiia Simakhova, *Social and economic effects of the war conflict in Ukraine for Europe*, "Geopolitics under Globalization", Vol. 2, No. 1, 2018, pp. 11-18, DOI: [https://doi.org/10.21511/gg.02\(1\).2018.02](https://doi.org/10.21511/gg.02(1).2018.02) (30.10.2023)

⁵⁶⁴ Oleksandra Kapinus, Oleh Pylypchenko, Yuliia Kobets, Elena Kiselyova, Vitalii Turenko, *Migration Problems on the European Continent Related to the War in Ukraine*, "Review of Economics and Finance", No. 21, 2023, pp. 962-970

⁵⁶⁵ Mikael Elinder, Oscar Erixson, Olle Hammar, *Where Would Ukrainian Refugees Go if They Could Go Anywhere?* "International Migration Review", 57(2)/ 2023, pp. 587-602, <https://doi.org/10.1177/01979183221131559> (01.11.2023)

⁵⁶⁶ Remus Gabriel Anghel, Anatolie Coşciug, *Introduction to the Special Issue: Debating Immigration in a Country of Emigration*, "Social Change Review", 2018, Vol. 16(1-2), pp. 3-8, DOI: 10.2478/scr-2018-0006 (03.11.2023)

diverse systems by emphasizing their interrelated nature and shared organizational principles. Migration and refugee studies propose a slightly different understanding of the concept of “systems”⁵⁶⁷, focusing rather on the structural or agency approach⁵⁶⁸ and their impact on the decision-making process⁵⁶⁹. The type of systems approach this paper is concerned with focuses more on the interaction of different actors at the national level and the roles each of them undertakes in addressing migratory challenges.

System theory, as explained in Encyclopedia Britannica, is “also called social systems theory, in social science, the study of society as a complex arrangement of elements, including individuals and their beliefs, as they relate to a whole (e.g., a country)”⁵⁷⁰. Thus, it is explained that society is to be understood as a whole “that is sustained by the various processes that support its function and survival”, or that “stabilizations in social systems occur not because of any rational plan of overall survival but simply because they happen to work”⁵⁷¹. In addition to this, systems theory also has a part in the assessment of how societies adapt to the context by “adjustments in its structure, with important implications for the understanding of social order”⁵⁷².

Analysis

Legal Response

On February 24, 2022, Russia initiated a military aggression against Ukraine, prompting millions to flee the war, seeking refuge in European Union countries and the Republic of Moldova. Responding to this crisis, the European Union activated the Temporary Protection Directive on March 4, 2022⁵⁷³. This directive, established in 2001 following widespread displacements in the European Union due to armed conflicts in the Western Balkans, particularly in Bosnia and Herzegovina and Kosovo, aims to provide collective protection for displaced persons and alleviate pressure on the national asylum systems of European Union countries. The European Union expressed full solidarity with Ukraine and its people in response to Russia's aggression. In the face of this aggression, the European Union has demonstrated unity and strength, offering coordinated humanitarian, political, financial, and material support to Ukraine. The activation and extension of the Temporary Protection Directive underscore the European Union's commitment to addressing the immediate needs of displaced individuals and managing the complexities arising from the conflict in Ukraine.

On September 27, 2023, ministers reached a political agreement to extend temporary protection until March 4, 2025, with the decision officially adopted on October 19, 2023. The evolving situation necessitated these adjustments to cope with the ongoing challenges posed by the conflict⁵⁷⁴.

Temporary protection, as an emergency mechanism of the European Union, is activated in exceptional circumstances marked by a massive influx. Its objectives include offering collective protection to displaced individuals and easing the strain on the national asylum systems of European Union countries. The scope of beneficiaries encompasses Ukrainian citizens and their family members, individuals from other countries and stateless persons granted international protection in Ukraine (such as refugees and beneficiaries of subsidiary protection) and their families, as well as individuals from other countries holding a permanent residence permit and unable to return safely to their home country⁵⁷⁵.

⁵⁶⁷ Immanuel Wallerstein, *The modern world system II: Mercantilism and the consolidation of the European world-economy, 1600– 1750*, New York, Academic, New York, 1980

⁵⁶⁸ Anna Triandafyllidou, *Routledge Handbook of Immigration and Refugee Studies*, Taylor & Francis, 2015, pp. 5-6

⁵⁶⁹ Oliver Bakewell, *Relaunching migration systems*, “Migration Studies”, Volume 2, No. 3, November 2014, pp. 300–318, <https://doi.org/10.1093/migration/mnt023> (25.10.2023)

⁵⁷⁰ Barry Gibson, *Systems theory*, Encyclopedia Britannica, 10 September 2023, <https://www.britannica.com/topic/systems-theory> (7.11.2023)

⁵⁷¹ *Idem*

⁵⁷² *Idem*

⁵⁷³ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en#:~:text=Following%20the%20call%20of%20the%20home%20affairs%20ministers%2C,war%20in%20Ukraine%20the%20right%20to%20temporary%20protection (8.11.2023)

⁵⁷⁴ Council of the EU, *Ukrainian refugees: EU member states agree to extend temporary protection, 2023*, <https://www.consilium.europa.eu/en/press/press-releases/2023/09/28/ukrainian-refugees-eu-member-states-agree-to-extend-temporary-protection/> (15.11.2023)

⁵⁷⁵ Maja Łysienka, *Following the EU Response to the Russian Invasion of Ukraine? The Implementation of the Temporary Protection Directive in Poland*, “Central and Eastern European Migration Review”, Vol. 12, No. 1, 2023, pp. 183–200 doi: 10.54667/ceemr.2023.14 (29.10.2023)

The system may also apply to other individuals, including Ukrainians who fled shortly before February 24, Ukrainians present in the European Union just before the date for reasons like vacation or professional obligations, and individuals from countries other than Ukraine holding a temporary residence permit and facing unsafe conditions in their home country.

Irrespective of the category, all individuals fleeing Ukraine are received in the European Union before considering a return to their place of origin. Beneficiaries are entitled to rights such as residence and housing, access to the labor market, social protection, and medical assistance. Unaccompanied children and adolescents additionally receive legal guardianship and access to education.

The status of temporary protection does not preclude beneficiaries from applying for refugee status or other available forms of protection in European Union countries. While temporary protection is granted automatically, beneficiaries must apply for a residence permit in the European Union country where they choose to live. Ukrainian citizens, who can travel visa-free, have the flexibility to move within the European Union without restrictions for 90 days and select the member state where they wish to avail themselves of the rights ensured by temporary protection⁵⁷⁶.

Governmental Response

In response to the escalating humanitarian crisis resulting from the influx of Ukrainian refugees, a multifaceted approach was initiated by the Romanian government⁵⁷⁷. A pivotal element of this response was the establishment of a decision-making task force, chaired by the Prime Minister, to coordinate the various aspects of the crisis management strategy. Concurrently, an operational Task Force, named the "Ukraine Commission," was instituted, with the head of the Prime Minister's Office at its helm⁵⁷⁸. This specialized commission was tasked with overseeing the diverse activities of the ministries involved in managing the refugee flow across all areas of intervention.

At the core of strategic coordination within the Prime Minister's Chancellery, the Humanitarian Assistance Strategic Coordination Group emerged. This group, led by a State Counsellor, assumed the responsibility of crafting the overarching strategic framework for humanitarian response. Its mandate extended to facilitating collaboration among governmental agencies and external partners at local, national, European Union, and international levels.

In the initial phase of response, according to the information provided by the Romanian Government⁵⁷⁹, emergency assistance took precedence and was spearheaded by the Department for Emergency Situations (DSU) within the Ministry of Internal Affairs. The DSU's efforts manifested in the strategic deployment of resources and capabilities at primary border crossing points, facilitating humanitarian transport, providing emergency shelter, ensuring access to food, and delivering basic healthcare services. Simultaneously, various ministries within the Romanian Government engaged in legislative and administrative initiatives to address the urgent needs of the refugees, as elaborated further in subsequent sections of this narrative.

In tandem with governmental efforts, local authorities played a pivotal role by aligning their actions with government agencies and formulating independent operational plans tailored to local needs assessments. Similar cooperation schemes were observed in other European countries hosting significant refugee communities, such as Poland, Germany of The Czech Republic⁵⁸⁰. The synergy between central and local initiatives amplified the effectiveness of the overall response.

Crucially, the public response was bolstered by the active engagement of Romanian civil society, international non-governmental organizations (NGOs), UN agencies, and private entities. Their collective contributions served as a force multiplier, supplementing the government's endeavours, and creating a comprehensive network of support for the affected population.

⁵⁷⁶ European Commission, *Fleeing Ukraine: Travel inside the EU*, https://eu-solidarity-ukraine.ec.europa.eu/information-people-fleeing-war-ukraine/fleeing-ukraine-travel-inside-eu_en (15.10.2023)

⁵⁷⁷ Romanian Government, *Romania's response to the Ukrainian refugee crisis*, 2023, p.6, https://www.gov.ro/fisiere/stiri_fisiere/ANNUAL_STATUS_REPORT_ROMANIA_DEC_2022.pdf (10.11.2023)

⁵⁷⁸ Romanian Government, *Romania's response to the Ukrainian refugee crisis*, 2023, p. 6, https://www.gov.ro/fisiere/stiri_fisiere/ANNUAL_STATUS_REPORT_ROMANIA_DEC_2022.pdf (10.11.2023)

⁵⁷⁹ Romanian Government, *Romania's response to the Ukrainian refugee crisis. Government taskforce*, 2023 <https://www.gov.ro/ro/pagina/ukraine-together-we-help-more> (10.11.2023)

⁵⁸⁰ Oksana Mikheieva, Marta Jaroszewicz, *Op. cit.*, p. 118

Transitioning to the second phase of intervention, the focus shifted towards protection measures designed to ensure the medium and long-term well-being and inclusion of Ukrainian refugees opting to remain in Romania. To facilitate this, the government established six working groups tasked with formulating policies related to health, education, job security, housing, as well as the specific needs of vulnerable individuals, children, and young people. These groups functioned as specialized units, tailoring their efforts to address the unique challenges posed by each facet of refugee protection and inclusion⁵⁸¹.

In summary, the Romanian government's response to the Ukrainian refugee crisis unfolded through a meticulously crafted and coordinated approach. The establishment of decision-making and operational task forces, coupled with strategic coordination at various administrative levels, underscored the commitment to a comprehensive and effective crisis management strategy. The dual-pronged response, addressing both immediate emergency needs and long-term protection measures, reflected a nuanced understanding of the multifaceted challenges posed by the crisis. Moreover, the collaboration between governmental bodies, local authorities, and a diverse array of stakeholders showcased the importance of a collective and inclusive approach in mitigating the impact of the humanitarian crisis and fostering the well-being of the displaced population.

Non-Statal Contributions

Over an extended period, the concerted efforts of two prominent organizations, the Romanian National Council for Refugees, and the UN Refugee Agency, have been instrumental in providing sustained support to refugees. This commitment gained further momentum with the mobilization of Romanian civil society, culminating in collaborative partnerships between diverse entities. One noteworthy initiative in this regard is the creation of the platform [dopomoha.ro](https://dopomoha.ro/ro)⁵⁸² by Code for Romania⁵⁸³, in collaboration with the Department for Emergency Situations of the Ministry of Internal Affairs⁵⁸⁴, UNHCR⁵⁸⁵ (The UN Refugee Agency), the International Organization for Migration⁵⁸⁶, and the Romanian National Council for Refugees⁵⁸⁷. This platform serves as a comprehensive resource, furnishing pertinent information about various services available for those seeking protection in Romania, including employment opportunities.

The active involvement of non-governmental organizations (NGOs) has been pivotal in assuming multiple facets of the reception and integration of refugees. Programs like "50/20"⁵⁸⁸ exemplify how civil society can be engaged in addressing the complexities associated with managing the refugee influx. By encouraging the participation of the general population in handling the challenges posed by the refugee flow, such initiatives not only contribute to immediate relief efforts but also foster a broader understanding and empathy within the community.

Despite the observable collaboration between public and private actors at the local level, a cautionary note emerges concerning the potential diffusion of responsibility. While cooperation is evident, the dispersion of accountability among various stakeholders could lead to suboptimal outcomes. It is essential to navigate the delicate balance between shared responsibilities and clearly defined roles to ensure a cohesive and effective response to the multifaceted challenges of refugee integration. Striking this equilibrium becomes particularly crucial as the complexity of the refugee crisis requires a well-coordinated and synergized approach from all involved entities.

⁵⁸¹ Romanian Government, *Romania's response to the Ukrainian refugee crisis. Government taskforce*, 2023 <https://www.gov.ro/ro/pagina/ukraine-together-we-help-more> (10.11.2023)

⁵⁸² <https://dopomoha.ro/ro> (15.11.2023)

⁵⁸³ <https://www.code4.ro/ro> (15.11.2023)

⁵⁸⁴ <https://www.mai.gov.ro/en/situatii-de-urgenta/> (15.11.2023)

⁵⁸⁵ <https://www.unhcr.org/> (15.11.2023)

⁵⁸⁶ <https://www.iom.int/> (15.11.2023)

⁵⁸⁷ <https://cnrr.ro/index.php/en/> (15.11.2023)

⁵⁸⁸ Romanian Government, *Ordonanta de Urgenta nr. 15 din 27 februarie 2022 privind acordarea de sprijin și asistență umanitară de către statul român cetățenilor străini sau apatrizilor aflați în situații deosebite, proveniți din zona conflictului armat din Ucraina (Emergency Ordinance No. 15 of 27 February 2022 on the provision of support and humanitarian assistance by the Romanian state to foreign citizens or stateless persons in special situations, coming from the area of the armed conflict in Ukraine)*, 2022 <https://legislatie.just.ro/Public/DetaliiDocument/251954> (15.11.2023)

The Romanian National Council for Refugees and the UN Refugee Agency stand as stalwart pillars of support, leveraging their expertise and resources to address the multifarious needs of refugees. The collaborative initiatives spurred by the mobilization of Romanian civil society underscore the power of collective action in facilitating the integration of Ukrainian refugees. The creation of the *dopomoha.ro* platform⁵⁸⁹, a collaborative endeavor involving Code for Romania, the Department for Emergency Situations, UNHCR, the International Organization for Migration, and the Romanian National Council for Refugees, exemplifies the synergy that can be achieved when diverse entities pool their resources and knowledge.

Non-governmental organizations play a pivotal role in shaping the reception and integration landscape for refugees. Programs like "50/20" showcase the innovative ways in which civil society can actively contribute to managing the complexities associated with refugee flows. By engaging the broader population in these initiatives there is not only an immediate impact on relief efforts but also a broader societal understanding of the challenges faced by refugees. This heightened awareness fosters empathy and solidarity within the community, creating a more conducive environment for refugee integration.

However, amid these positive developments, it is crucial to acknowledge the potential pitfalls of diffuse responsibility. While local cooperation between public and private actors is commendable, the lack of clearly defined roles and responsibilities may result in less-than-optimal outcomes. Striking a delicate balance between shared responsibilities and well-defined roles is imperative to ensure a seamless and effective response to the multifaceted challenges of refugee integration. The complexity of the refugee crisis demands a synchronized effort from all stakeholders, necessitating a strategic approach that maximizes the strengths of each contributing entity while mitigating the risks associated with the diffusion of responsibility.

In conclusion, the collaborative efforts of the Romanian National Council for Refugees, the UN Refugee Agency, and various civil society organizations represent a commendable response to the pressing challenges posed by the influx of Ukrainian refugees. The creation of platforms and programs, coupled with the active engagement of the broader population, showcases the potential for collective action in addressing the multifaceted dimensions of refugee integration. Nevertheless, as these initiatives unfold, it is paramount to maintain a vigilant eye on the distribution of responsibilities, ensuring that collaborative efforts lead to optimal outcomes and a more resilient and inclusive society for both the displaced and the host communities.

Discussion

Uncertain intentions

Recent studies indicate that “the majority of refugees relied on remittances and social benefits from Ukraine as well as humanitarian assistance as main sources of income”⁵⁹⁰, while in terms of plans, research⁵⁹¹ conducted by UNHCR and partners in the Czech Republic, Hungary, the Republic of Moldova, Poland, Romania, and Slovakia between mid-May and mid-June 2022 with refugees from Ukraine reveals that, for the respondents located in Romania, 31% of the people intend to return to Ukraine, 42% wish to remain in Romania, 16% want to move to another host country, and 11% are uncertain. The uncertain intentions of Ukrainian refugees in Romania pose significant hurdles to their integration process. From education and employment to social cohesion and bureaucratic procedures, the lack of clarity regarding the future plans of refugees introduces complexities that require thoughtful and adaptable solutions⁵⁹². Recognizing and addressing these challenges is crucial for fostering a more inclusive and effective integration process for refugees in Romania, ensuring that support systems align with the diverse needs and aspirations of those seeking refuge in the country.

One of the primary obstacles arising from uncertain intentions is the difficulty in tailoring support services to the specific needs of refugees. Integration programs typically operate on the assumption that refugees have a relatively stable, long-term presence in the host country⁵⁹³. When intentions are unclear, the ability to design targeted initiatives, such as language courses, vocational training, and cultural assimilation

⁵⁹⁰ REACH, UNHCR, *Multi-Sector Needs Assessment Romania*, December 2022, <https://reliefweb.int/report/romania/romania-multi-sector-needs-assessment-december-2022> (02.11.2023)

⁵⁹¹ UNHCR, *Lives on hold: profiles and intentions of refugees from Ukraine*, 2022 <https://data.unhcr.org/en/documents/details/94176> (26.10.2023)

⁵⁹² Elinder, M., Erixson, O., & Hammar, O., *Op. cit.* (01.11.2023)

⁵⁹³ Oksana Mikheieva, Marta Jaroszewicz, *Op. cit.*, p. 117

programs, becomes compromised. The lack of a clear trajectory for their stay in Romania makes it challenging to provide resources that align with the refugees' evolving needs. Education, a key component of successful integration, is particularly impacted by uncertain intentions. Academic institutions and support organizations may find it challenging to develop appropriate curricula or language programs when the duration of a refugee's stay remains uncertain. This uncertainty can deter refugees from actively engaging in educational opportunities, as they may question the relevance of investing time and effort in learning the language or acquiring skills if their stay is temporary.

The labor market is another arena where the uncertain intentions of Ukrainian refugees pose obstacles to integration. Many integration programs aim to facilitate employment opportunities and career advancement. However, when refugees are unsure about the duration of their stay, they might be hesitant to commit fully to the local job market. This ambiguity can create a mutual hesitancy between employers and refugees, limiting the effectiveness of job placement initiatives and hindering economic integration.

Furthermore, the uncertain intentions of Ukrainian refugees can strain social cohesion within host communities. Residents and institutions may be more reluctant to invest time, resources, and emotional energy in supporting refugees when faced with the uncertainty of their long-term presence. This can lead to a sense of disconnect and hinder the formation of meaningful relationships between refugees and their host community members.

Legal and bureaucratic processes are also impacted, as the lack of clarity regarding refugees' intentions can complicate administrative procedures. From residency permits to accessing social services, the uncertainty surrounding their future may result in delays and inefficiencies in addressing the legal requirements for integration. This bureaucratic complexity can, in turn, contribute to the feeling of uncertainty among refugees, creating a cyclical challenge that impedes their ability to fully integrate.

Addressing the issue of uncertain intentions requires a nuanced approach. Governments, NGOs, and international agencies involved in refugee support should prioritize flexible and adaptive strategies that can accommodate the diverse trajectories refugees may follow. Integration programs should be designed with modularity, allowing for adjustments based on the evolving needs and intentions of the refugee population. Additionally, efforts should be made to communicate the importance of clarity in intentions to the refugees themselves, emphasizing the mutual benefits of active participation in integration initiatives.

Institutional system limitations

Numerous bureaucratic obstacles were streamlined to facilitate the assimilation of Ukrainian refugees into Romanian society. While there has been a discernible trend of improvement in the legislative landscape, certain challenges endure. The legal framework governing the integration of refugees in Romania is not only marked by frequent modifications but also plagued by incompleteness and ambiguity. Substantial gaps persist in delineating the rights of refugees and fostering institutional awareness of their corresponding duties.

The efficacy of the laws dictating the integration of refugees in Romania is hampered by several shortcomings. Instances of institutions transferring responsibilities among themselves are not uncommon, contributing to a lack of cohesion in the implementation of integration measures. Furthermore, the accessibility of integration services is frequently constrained, limiting refugees' ability to avail themselves of crucial support mechanisms.

Amid efforts to simplify bureaucratic processes, there remains a palpable need for a more comprehensive and coherent legal framework that addresses the multifaceted aspects of refugee integration. The ongoing evolution of legislative provisions must prioritize not only the streamlining of procedures but also the eradication of ambiguities, ensuring a solid foundation for the integration process. It is imperative to bridge existing gaps in the legal apparatus, fortify institutional awareness, and rectify the shortcomings in the practical application of integration laws⁵⁹⁴. Furthermore, there is need for advancement from the crisis status to long-term integration programs of Ukrainian refugees, which include education, labor market integration⁵⁹⁵ and access to services. Only through a concerted and holistic approach can Romania truly offer a conducive environment for Ukrainian refugees to adapt and thrive within its societal fabric.

⁵⁹⁴ Armağan Teke Lloyd, Ibrahim Sirkeci, *A Long-Term View of Refugee Flows from Ukraine: War, Insecurities, and Migration*, "Migration Letters", Vol. 4, No. 19/2022, pp. 523-535

⁵⁹⁵ Alexandra Porumbescu, *Integration Challenges: Labour Inclusion of Third Country Nationals (TCNs)*, "Studia Securitatis", 2022, volume 16, no.2, pp. 32-42

Civil society implication

NGOs step in when institutional responsibilities are shifted from one entity to another. The allocation of support for refugees is shrouded in uncertainty, exacerbated by the mobilization of civil society amidst the ongoing war through numerous organizations that operate on a more localized, rather than national, scale, particularly at border regions. The abdication of responsibilities by state authorities prompts the engagement of diverse support actors, whether on a temporary or long-term basis, further complicating the overall mapping of the situation.

As state agencies relinquish their duties, the void is filled by a multitude of actors within the support ecosystem, including non-governmental organizations. The situation in Romania mirrors that in other European countries, where the involvement of local communities in addressing the incoming refugees from Ukraine was crucial⁵⁹⁶. These NGOs play a crucial role in bridging the gaps left by the shifting landscape of responsibilities among institutions. The intricate web of support mechanisms becomes increasingly complex due to the dynamic nature of these transitions, making it challenging to comprehensively understand the scope and depth of assistance provided to refugees.

The mobilization of civil society in response to the war introduces a layer of intricacy, with various organizations, often less nationally recognized and more regionally oriented, actively participating in support efforts. This decentralized approach, particularly prevalent in border areas, emphasizes the localized response to the crisis, making it imperative to navigate through a network of diverse organizations to establish an accurate portrayal of the support landscape.

In essence, the interplay between institutional responsibilities, the involvement of NGOs, and the mobilization of civil society introduces a degree of complexity that necessitates a nuanced understanding of the support dynamics in place for refugees. A comprehensive mapping of these multifaceted interactions is crucial for effectively addressing the evolving needs of displaced populations in the wake of the war

Conclusions

Although Romania's legal framework for managing the substantial influx of Ukrainian refugees post-February 24, 2022, aligns with European Union standards, the dynamic nature of the situation has necessitated frequent legislative modifications, and further changes are anticipated. The prevailing circumstances underscore enduring challenges demanding a more systematic and coordinated response. Enhancements to Romanian legislation are imperative to foster a more cohesive strategy in navigating the intricate interplay between the state and civil society when addressing the complexities associated with refugee flows of this magnitude.

The legal apparatus in Romania, in alignment with its European Union counterparts⁵⁹⁷, has undergone adaptations to accommodate the evolving landscape of the refugee crisis triggered by events after February 24, 2022. However, the current scenario on the ground underscores persistent issues that call for a strategic and organized response. The existing legal framework, while a foundation for managing refugee inflows, reveals shortcomings that necessitate refinement and further adjustments. However, the experience of numerous Romanian families in dealing with migration⁵⁹⁸ provides them with insight which enables them to better understand the needs and vulnerabilities of displaced families.

Addressing the intricacies of the relationship between the state and civil society in handling refugee flows requires a more comprehensive and nuanced legislative approach. The evolving nature of the situation underscores the need for continuous evaluation and refinement of legal provisions to ensure that they remain effective and responsive to the multifaceted challenges posed by large-scale refugee movements. By prioritizing improvements in Romanian legislation, the country can better position itself to navigate the complexities of managing and supporting significant refugee populations while upholding the principles of collaboration between the state and civil society.

⁵⁹⁶ Natalia Beldyga, *The Role of Community Resilience Dimensions of Agency and Resources in Community Resilience to Crises and Uncertainty in Polish Border Communities*, "European integration studies", No. 17, 2023, <https://doi.org/10.5755/j01.eis.1.17.33991>

⁵⁹⁷ Maja Łysienka, *Op. cit.*, p. 65

⁵⁹⁸ Alexandra Porumbescu, Livia Pogan, *Social Change, Migration and Work-Life Balance*, "RSP", No. 60/2018, pp. 16 – 26

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**DRIVING FACTORS OF CHINA’S ENERGY DIPLOMACY TOWARDS AFRICA IN THE
 CONTEXT OF INTERNATIONAL ENERGY SECURITY**

Abstract:	<p><i>Energy security has developed into one of the important drivers of Chinese foreign strategy towards Africa. China’s diplomatic maneuverings have commercialized its energy needs to ensure lasting and uninterrupted access to resources such as oil and gas from countries endowed with resources particularly sub-Saharan Africa. Ironically, Africa is rich in oil resources but lacks the technological and monetary know-how to explore these resources for the good of the African people. Therefore, Africa has become the target of Chinese oil and gas companies. China continues to employ tactical soft power strategies to infiltrate Africa’s exploration and engineering sectors to accomplish its energy needs. China with its technological and financial advantage over Africa continues to invest huge resources in the African energy industry.</i></p> <p><i>Chinese energy investment is evident in every part of Africa. China’s energy diplomacy aims to secure much-needed energy for the ever-increasing Chinese domestic and industrial needs at a substantially cheaper price.</i></p> <p><i>This study seeks to unearth the Driving factors of Chinese energy diplomacy towards Africa from the perspective of international energy security while outlining its effects. The methodology for this study is desktop research.</i></p>
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Introduction

China's recent ascent and massive investments, developmental projects, explorations, and security sector involvements such as providing arms and military hardware in Africa are not all about generous romanticism for the African people. Indirectly, it’s all about the obsession with securing the most vital resources, particularly oil and gas which has become the engine of growth for the Chinese economy, as well as a new market for its export products. Antagonized by the increased importation of natural resources at the beginning of the 21st Century, Chinese leadership commenced a strategic direction to diversify its energy policy to attain vital resources from the world-producing nations. This policy direction was triggered by the aftermath of September 11th of 2001, and to relieve the Chinese economy's reliance on oil supply from the Middle East. Before 9/11, China depended on over 60 % of its oil imports from the Gulf region, today that narrative has changed drastically⁵⁹⁹.

⁵⁹⁹ Alan Collins, (3rd ed.), *Contemporary Security Studies*, Oxford University Press, London, 2012, p. 308

In response to events in the international oil markets, China's policymaker introduced a "go out and buy" strategy. This was an all-out investment policy targeting Africa's exploration sectors most notably oil and gas, to acquire the needed resources for Chinese domestic and industrial use. Subsequently, China's universal economic and political influence expanded to places like Africa, this echoes national economic growth, which pushed the Chinese desire to explore new areas for natural resources, specifically in Africa. The study aims to explore the drivers of this huge Chinese investment in the African oil industry, an enterprise once regarded as the restricted rights or monopoly of Western multinational corporations. Also included are the actions of the Chinese authorities in controlling the operations of Chinese enterprises and the provision of financial and diplomatic backbone for their operations in Africa. These two reasons explain why Chinese enterprises can withstand the shocks of their Western enterprise in Africa's oil sector.

Global Energy Security and Challenges

The global energy demand continues to grow at an alarming rate, it is estimated that the current trend will continue. The problem is that there is no guarantee for stable and reliable sources of supply to meet the ever-increasing global demand for energy supply. The result is an increasing 'energy gap' between global energy demand vis a vie global energy supply, which has intensified apprehensions among world policymakers on the future global energy supply system.

In 2011, the International Energy Outlook reported that global energy consumption will continue to increase. For example, in 2008 it was reported that about 505 quadrillion British thermal units (BTU) of oil were consumed globally, and this is predicted to increase to 619 quadrillion B in 2020, and further projected to reach 770 quadrillion Btu by 2035⁶⁰⁰. This clearly shows an astronomical rate of increase in global energy demand, while also predicting the possibility of a global energy crisis in the coming years. Countries that consume a large portion of the world's energy are equally set to increase their consumption by almost 20% by 2030, this is due to economic growth which demands an increase in energy supply.

This study is based on the fact that a major concern for global energy demand is from the new emerging economies most importantly China, Brazil, and India. It has been predicted that energy demand for developing economies will probably increase by 85 percent by 2030. This will unquestionably trigger global energy consumption while putting pressure on energy-supplying countries. The swift growth of these economies is gradually altering the global energy demand. In 1980 developing economies accounted for less than 8% of total energy consumption. However as of 2005, this has increased to 18%, and it is projected to hit 25% by 2030. The United States of America in 2002 accounted for about 20% of the international energy supply. Undeniable Chinese energy consumption is anticipated to surpass that of the United States by 2030. This has made some energy experts label it as the 'Chindia Challenge', which is expected to increase the problem of global energy insecurity⁶⁰¹.

To date, fossil fuel continues to account for 87% of world energy production, either from oil, coal, or natural gas, while the remaining 13% is obtained from nuclear and other renewable sources of energy. Oil and gas continue to be very important in industrial operations and the industrialization drive of all emerging economies. Oil and gas equally serve as the backbone for the greater part of the global transport network, manufacturing, and other commercial activities. It is anticipated that the global energy consumption of 84 million barrels per day (mbd) in 2008, will likely increase by 35% by 2030, this will subsequently require an additional 29 million barrels of oil each day to fill the projected energy gap between the growing demand and supply⁶⁰².

Considering the global qualms about the size and stability of the global energy supply, the anticipated increase in demand for global energy will most definitely be a huge challenge. To this, some energy experts tend to forecast an adequate possible increase in oil, gas, and coal production to meet the growing global

⁶⁰⁰International Energy Administration 2011, https://books.google.com.gh/books?hl=en&lr=&id=zhMx6bhbtm4C&oi=fnd&pg=PR14&dq=International+Energy+Administration+2011&ots=AleCyvxVhN&sig=aR_DXbGm2kjliNVIK9O3edBpfzk&redir_esc=y#v=onepage&q=International%20Energy%20Administration%202011&f=false (23.11.2023)

⁶⁰¹ Micheal Klare, *Rising Powers Shrinking Planet: The New Geopolitics of Energy*, Metropolitan Books, New York, 2008, p. 30

⁶⁰² Alan Collins, *Op. cit.*, p. 308

demand. One may be tempted to say why can't oil-rich producing countries increase their output, while also increasing the size of their reservoir to meet global demand? However, the International Energy Agency has started looking at the current energy demand and supply and expressed that the moment of 'peak oil' might come sooner than anticipated. 'Peak Oil' is described as the moment when the discovery and exploitation of new oil reserves will no longer match or exceed the decline in production level from existing reserves, thereby leading to an overall decline of production⁶⁰³.

International Relations Theories and Energy Security

Two of the dominant schools of International Relations express different views on Energy security on international stability, security, and development. This study will therefore shed some light on these two views. According to the Liberal interpretation of international relations, the uncontrollable propagation of liberal democratic rule in the post-Cold War period, vis-à-vis free-market capitalism, has brought about peace and stability in many regions of the world which has benefitted from a world order initiated by the West since 1945. The process of globalization which is rapidly expanding has immensely increased a set of interlocking between nations on the guarantee that state interests are gradually incorporated into the reasoning of multinational economic cooperation. This has reduced the probability of inter-state rivalry, given the premise among liberals that wars among main actors or players have become an outmoded phenomenon in the 21st century. The concept of transnational economic cooperation, and the growing dependence on oil by major powers in the global south, make it improbable to plunge the main actors into war. The global energy system has the sole responsibility for producing oil levels, and the main transportation routes, and dictates prices, while also mediating among producers and consumers⁶⁰⁴.

The attention of all major players has become extremely entangled because the energy security of each state has become intertwined and inseparable. Energy security has become a major preoccupation of all nations since an increase in energy prices at the international market has a drastic effect on all economies. The major preoccupation of all international actors is to ensure the maximization and stabilization of oil in the international market while minimizing price fluctuation. Additionally, the common interest of all nations is not dependent on where each nation physically receives its oil from, nevertheless, the stabilization of the market price has become a major concern to all nations across the globe. Affirming this concern, the US government acknowledges that, "We should not.... look at energy security in isolation from the rest of the world. In a global energy marketplace, US energy and economic security are directly linked not only to our domestic and international energy supplies but to those of our trading partners as well.... Because the price of our domestic and imported oil is determined by a world market, our energy security interests transcend the source of our physical supplies"⁶⁰⁵.

According to Liberal Reason, the interconnected landscape of the international economy warrants that the energy security of one state *is* reliant upon energy security for all nations to which all major actors command identical interests to maintain and extend the conditions under which the international energy market operates. The Liberal view holds that the existence of economic order makes conflicts among major actors over energy reserves extremely doubtful. The wisdom of realist theorists holds a contrasting view and is skeptical most importantly of the durability of the current liberal order. The realist thinkers equally point out some alarming events that according to their wisdom are most likely to plunge the current world order into a bigger geo-political conflict which they call "Resource wars"⁶⁰⁶.

The perceived "Resources War" according to the realist wisdom is understood to present a vivid prospect for a breakdown in international cooperation and order because of the competition for control of major resources. From the view of Michael Klare, "the energy equivalent of an arms race to secure control over whatever remaining deposits of oil and natural gas are up for sale on the planet, along with reserves of other vital minerals. The resources race is already one of the most conspicuous features of the contemporary

⁶⁰³ George Monbiot, *At Last, a Date*, "The Guardian", 15 December 2008, <https://www.theguardian.com/global/2008/apr/04/resource>, (15.10.2023)

⁶⁰⁴ Alan Collins, *Op. cit.*, p. 310

⁶⁰⁵ US Department of Energy, Executive Office of the President Washington Dc, *National Energy Policy: Report of the National Energy Policy Development Group*, 2001, <https://apps.dtic.mil/sti/citations/tr/ADA392171>, p.17

⁶⁰⁶ Alan Collins, *Op. cit.*, p. 312

landscape and, in our lifetime, may become the most conspicuous one. An insatiable, zero-sum contest that, if allowed to continue along present paths, can only lead to conflicts among the major powers”⁶⁰⁷.

From the above standpoint of realism, energy scarcity will perhaps result in future disruption of the international structure because of the anarchy nature of the international order. Similarly, the development of a ‘new international energy order’ associated with a lesser amount of free liberal market transactions by neomercantilism can also lead to world energy disruptions. Realism views affirm recent development by a non-liberal state particularly China, which seeks to evade the international energy market. From the understanding of Chinese leadership, such a development is motivated by the shared degree of The United States of America’s control and manipulation of oil resources in the Persian Gulf, this has given Washington total control of the flow of oil resources during periods of heightened Sino-US tension⁶⁰⁸. Due to the above assertion and anticipation, Chinese leadership continues to pursue bilateral agreements with oil-rich governments across the global space, particularly in Africa resulting in China’s dealings for oil outside the international market.

Drivers of China’s Foreign Policy towards Africa

In an article published in 2005 entitled, “China’s Global Hunt for Energy” authors by Zweig and Jianhai, “asserted that Chinese energy policy has been crafted to meet the demand of domestic policy requirements of guaranteeing a continuous supply of all vital raw materials imports most needed to satisfy its growing economic development pathway⁶⁰⁹. To accomplish this the government of the Chinese Communist Party directed state-controlled enterprises to hunt for exploration of natural resources from countries particularly in Africa that are rich in natural resources notably oil and gas. To show their appreciation the Chinese government awards the heads of state of those nations with juicy and spiced Chinese-styled diplomatic favors, such as favorable trade agreements, low-interest investment loans, debt relief, infrastructure loans, academic scholarship for government officials and citizens, economic and as well as financial aid. It should be noted that Chinese-styled diplomacy is characteristically different from Western-styled diplomacy.

For the Chinese, Economic development should supersede democracy and good governance, while the West places much emphasis on democratization and good governance before economic development. Another aspect of Chinese foreign policy with Africa centered on Economic growth, that is improving the international competitiveness while refining its growth pattern. China became an official member of the World Trade Organization (WTO) in 2001, from the get-go, the Chinese government established what was called the “Go Out” strategy for Chinese enterprise. This policy aimed at improving the international competitiveness of Chinese enterprises. The policy enlists between 30 to 50 best-performing state enterprises, which are then granted Chinese Central government financial support to develop this enterprise to develop into international standards while exploiting Chinese comparative advantage to gain more access to key inputs and explore new markets overseas while creating international brands for Chinese products⁶¹⁰.

The Chinese central government offered financial and political support to these Chinese companies to grow into multinational companies that can compete efficiently in the global space. In Chinese wisdom, this strategy was to improve domestic consumption while easing restrictions on export-oriented growth. One important factor in this strategy is the “lock-in” reserve that the Chinese government would need to procure on the international market. This is achieved by safeguarding longstanding energy supply agreements with the host nations while supervising the supply chain from the source to the endpoint user in China⁶¹¹. Considerable China’s foreign policy toward Africa echoed the approaches outlined above. For example, in June 2007, the Chinese government instituted a \$5 billion special fund (China-Africa Development Fund (CAD Fund) aimed at investing huge resources in Africa’s mineral and raw material industries⁶¹². The aim of the China-Africa Development Fund (CAD Fund) was to stimulate Chinese investment in Africa by Chinese enterprises in

⁶⁰⁷ Micheal Klare, *Op. cit.*, p. 30

⁶⁰⁸ *China’s quest for energy security, 2000*, “Rand Corporation”, Downs Erica Strecker, p. 35, https://www.rand.org/pubs/monograph_reports/MR1244.html (28.10.2023)

⁶⁰⁹ David Zweig, Bi Jianhai, *China’s global hunt for energy*, “Foreign Affairs”, Vol. 84, No. 5, 2005, p. 26

⁶¹⁰ *Ibidem*, p. 32

⁶¹¹ David Zweig, Bi Jianhai, *Op. cit.*, p. 33.

⁶¹² Hangwei Li, *From Politics to Business: How a state-led fund is investing in Africa? The case of the China-Africa Development Fund*, p. 6, www.bu.edu/gdp, (20.09.2023)

power generation, natural resources, manufacturing, and transportation. Chinese businesses were granted the needed financial resources for investment in Africa.

The results of this policy have witnessed an increase in Chinese Foreign Direct Investment (FDI) in Africa to about 327 percent between 2003 and 2004. Table 1 below displays the number of Chinese businesses operating in Africa.

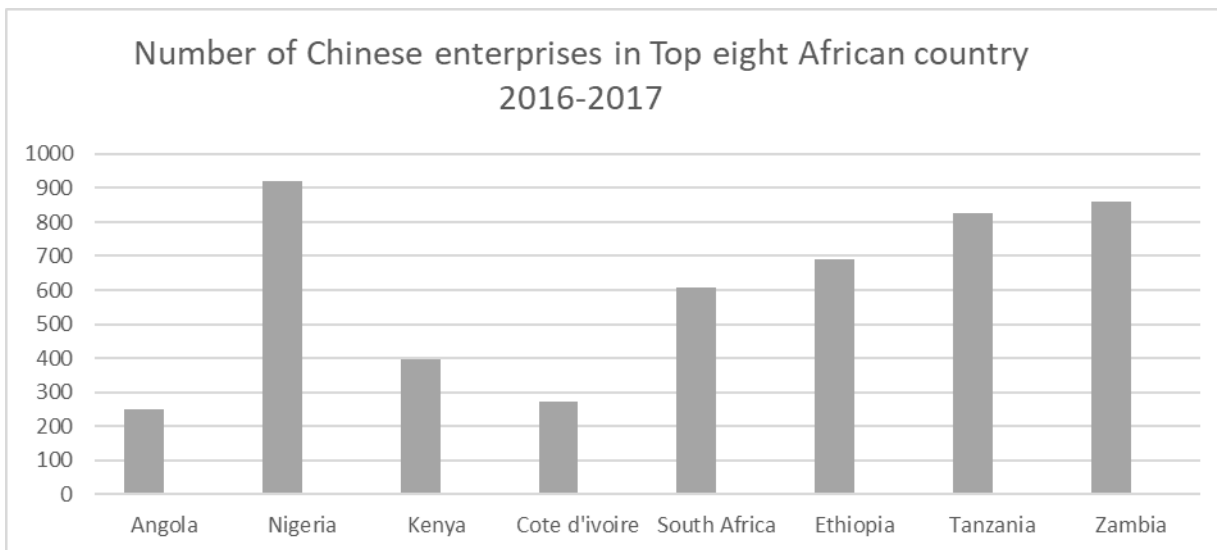


Table 1. Number of Chinese Enterprises Operating in Africa⁶¹³

The data above explain the number of Chinese enterprises operating in the top eight African countries. Based on the data above there are over 4,822 Chinese enterprises operating in the top eight African countries between 2016-2017. Nigeria continues to attract the highest number of Chinese investors with 920 Chinese enterprises between 2016 and 2017, this is anticipated to more in 2023, followed by Tanzania and Zambia with 826 and 861 Chinese enterprises respectively. The last is Angola with 248 Chinese enterprises. Currently, data will show more Chinese enterprises operating in Africa⁶¹⁴.

Another component of Chinese foreign policy towards Africa is diplomacy. Here too Africa plays a critical role. The two main purposes for Chinese foreign policy are, for African countries to support the One China policy while isolating Taiwan, and secondly for African countries to support China's effort to rebalance the hegemony of the USA in international political circles. For China to counter the imperialist agenda of the West, the Chinese government has established a strong diplomatic tie with most oil-rich producing countries in Africa, this ensures that China obtained the needed oil supply for domestic needs while counting on the support of African states in matters of international deliberation. Another equally important aspect of Chinese diplomatic strategy is the reinforcement of a new model for development for developing nations. This new China-engineered model of development places economic growth before democratic growth. This is completely contrary to the Western model of development that placed democratic growth before economic growth. To affirm China's position Professor Yang Guang explicitly outlined that China supports a "balance of reform, stability, and development... that democratization should not be a precondition to development"⁶¹⁵. However, all countries should be allowed to seek their development model that applies to their unique conditions. This attests to the Chinese policy of non-interference in other countries' affairs which according to Chinese understanding has become the precondition of the West for far too long.

⁶¹³ Authors compilation based on secondary data; <https://www.statista.com/statistics/1259471/chinese-firms-in-africa-by-country> (12.07.2023)

⁶¹⁴ <https://www.statista.com/statistics/1259471/chinese-firms-in-africa-by-country>, (03.09.2023)

⁶¹⁵ Adisu Kinfu, Thomas Sharkey, Sam C. Okoroafo, *The impact of Chinese investment in Africa*, "International Journal of Business and Management", Vol. 5, No. 9/2010, pp. 40-43

This diplomatic effort is further enshrined within the economic and political framework of the Forum on China-Africa Cooperation (FOCAC), which was Instituted in 2000. To date, the Forum on China-Africa Cooperation has become the single most important political and economic cooperation in all relations between China and Africa⁶¹⁶. This Forum has equally become the merging point for all, economic, diplomatic, and political cooperation between China and Africa. African leaders understand the need to support China's quest to ensure resource stability to meet their domestic demand through various commercial cooperation. These wise African leaders continue to offer their support to China's bid to transform the hegemonic dominance of the West while advocating for rationality, and equality in shaping the current world economic and political order which has become detrimental to the developing world, particularly Africa. Also included in the diplomatic and foreign deliberations with China is the acknowledgment by African leaders of Chinese principles of "non-interference" in domestic matters of other countries. These core Chinese values have indeed made African countries impotent in matters that concern China both locally and in the international space. This is so because Chinese investments in Africa are attached to these "non-interference" principles. For example, while the West particularly the USA, was so critical of the Chinese for the outbreak of the COVID-19 pandemic which crippled the world and broke so many economies including developing countries⁶¹⁷, this study can attest to the fact that no African leader was bold enough to speak out against China for the outbreak of the Covid-19 pandemic, let alone accuse China as the cause of the pandemic. In a nutshell, China's principle of "non-interference" has become a bargaining tool in all its diplomatic and bilateral activities with Africa. It is the view of this paper that should be noted that China is not better than the West, while China uses the principle of "non-interference" as a bargaining tool, the West equally employs the "democratization principle" as a tool in all its diplomatic relations with Africa⁶¹⁸.

It is the view of this study that, these two approaches adopted either by the West or China are the different sizes of the same coin, which are all conditions non-negotiable. China's wisdom is critical of the West which held that economic development should proceed with democratic development and that Economic development has far bigger benefits than democratic development as propagated by the West. To the Chinese, countries should be given the choice to practice their system that will apply to their conditions and not follow Western ideology even its not applicable to them. The West has been critical of China's approach of engaging with every rough regime with the promise of economic and infrastructure projects while exploring the natural resources of African countries without any substantial direct investment and regime change.

Lastly, the institution of the China-Africa Development Fund (CAD Fund) has equally become another important part of the Chinese government's foreign policy strategies. The CAD Fund since its inception has witnessed several operations in many parts of the African continent. The idea for the institution of the CAD Fund was to offer financial assistance to Chinese companies willing to operate in Africa, particularly in the extraction and manufacturing sectors. In January 2006 the Chinese government published China's Africa Policy documents. Contained in this document are the economic, social, and political philosophies for conducting all relations between China and Africa. According to the Chinese authorities, their interactions with Africans are mutually exclusive and beneficial to achieve what is called a win for all. The establishment of the CAD Fund has therefore become a vital component of China's foreign policy practice⁶¹⁹.

Table 1 above attests to the number of Chinese enterprises working in Africa between 2016-2017⁶²⁰. While the number of Chinese enterprises in Africa continues to grow year by year, it must be noted that China has been able to within a shortest possible time to eradicate over 800,000 million people from poverty and continues to make remarkable economic and social progress over the last two decades, many African countries continue to grapple with political, economic, and social challenges, particularly poverty, huge unemployment

⁶¹⁶ Francis Kwesi Kyirewiah, Xiaolong Zou, *20-Years of China-Africa Cooperation: Processes, Developments and Achievements*, "Journal of African Foreign Affairs", Vol. 9, No. 2/2022. p. 36

⁶¹⁷ The National Bureau of Asian Research (NBR), *Strategic Asia 2001-02: Power and purpose 2022*, <https://www.nbr.org/publication/strategic-asia-2001-02-power-and-purpose/> (13.08.2023)

⁶¹⁸ *Idem*

⁶¹⁹ Institute of Chinese Studies, *White Paper on China's African Policy, January 2006*, "China Report", Vol. 43, No. 3/2007, pp. 375-391, <https://doi.org/10.1177/000944550704300309> (15.09.2023)

⁶²⁰ Statista, *Number of Chinese firms in Africa Between 2016 and 2017, by country*, <https://www.statista.com/statistics/1259471/chinese-firms-in-africa-by-country> (12.07.2023)

and unprecedented deterioration of physical infrastructure⁶²¹. China's increasing demand for a stable energy supply has therefore become an integral part of its relations with Africa, and this is not the only key factor⁶²² in China-Africa relations. Appreciating Chinese intent on African soil, it is equally imperative to take into consideration China's strategic interests. As Wenping He considers: "to have a broader interpretation of Chinese strategies and drives in Africa, is to take a wider clarification while considering China's total diplomatic pursuits such as China's global positioning agenda, Chinese persistent calls for urgent reforms of the global governing system, China's motivated position for achievable and lasting sustainable developmental in line with United Nations goals for Chinese and the global economy at large, not forgetting the desire for political support on one of China's core issue, thus the total and unquestionable, unnegotiated reunification of Taiwan and the total prevention of all forms of secessionism"⁶²³. Wenping He further considers: "China's growing economy and its foreign policy practices will continue to depend on Africa for the following reasons. First, the continent of Africa with a huge youthful population of over a billion citizens offers Chinese exporters a market for its numerous goods, Secondly, Africa equally offers a massive human resources capability for both national and international development. Chinese policy with Africa is characteristically motivated by a long-standing strategic interest"⁶²⁴. Wenping He further added: "that it is long overdue for Africa to be regarded as an important partner in global affairs, particularly as a leading actor in the global developing states. Africa accounts for half of the non-aligned nations and a third of United Nations member countries"⁶²⁵. This study adds that African leaders must walk and stand for the African people in all global deliberation, noting that Africans can best articulate African stories.

Conceptualization of Chinese Energy Security for Africa

China's understanding of energy security always emphasizes the need for a continuous and uninterrupted supply of energy both for domestic and industrial use and affordable prices. According to the Review of Chinese Public Discourse, energy security in Chinese understanding means, "the acquisition of sufficient energy supplies to protect the Chinese leadership's core interest at prices that are neither too high nor too low to undermine those interests. Reliability for oil and natural gas' includes the safe delivery of imports to China"⁶²⁶.

International relations experts believe that Chinese leadership has adopted a policy that cartels two pathways, both the Liberal and the Realist wisdom as a benchmark for the Chinese energy security plan. From the Realist perspective, Chinese leadership understands the anarchical nature of the international system and that oil which a scarce and strategic resource is has the potency to plunge the world into a major confrontation, a "resource war"⁶²⁷. The scarcity nature means that all major powers are seeking to control major energy supply and flow for their domestic and industrial needs at the expense of other players. From the Chinese policymakers, such development is motivated by the shared degree of America's control of oil supply from the Persian Gulf. Chinese policymakers anticipated that Washington's desire to control the flow of oil was a plot against the Chinese government in periods of delicate Sino-US tension⁶²⁸. In this wise Chinese leadership continues to pursue their national interest in bilateral agreements with some oil-rich governments across the global space, in a bit to safeguard adequate oil resources that will be able to sustain the Chinese economy and its people. From the Liberal standpoint, Chinese Communist Party (CCP) policymakers believe that the existence of the current economic order and the transnational economic cooperation among various nations provide China the opportunity to invest in oil-rich countries to seek the needed oil resources to fulfill its energy security needs. Transnational economic cooperation has the potential to reduce competition and possibly

⁶²¹ International Monetary Fund World Economic Outlook, *List of Countries by Projected GDP (April - 2018)*, 06 May 2018,

<http://m.statisticstimes.com/economy/countries-by-projected-gdp-capita.php>, (17.05.2020)

⁶²² He Wenping, *Balancing Act of China's Africa Policy*, "China Security", Vol. 3, No. 3/2007, p. 25

⁶²³ *Ibidem*, p.32

⁶²⁴ *Ibidem*, p. 33

⁶²⁵ He Wenping, *Op. cit.*, p. 38

¹⁶ The National Bureau of Asian Research (NBR), *Strategic Asia 2001-02: Power and purpose 2022*, <https://www.nbr.org/publication/strategic-asia-2001-02-power-and-purpose/> (13.08.2023)

⁶²⁷ Alan Collins, *Op. cit.*, p. 312

⁶²⁸ Rand Corporation, *China's quest for energy security*, 2000, p. 83

conflict among nations in the global space. Some experts argue China is using diplomatic maneuverings to achieve its energy security.

From the above, the liberal approach seems perfect for China's bid to ensure energy security. As much as the Chinese policymakers wish to avoid any possible resource confrontation, they will use all necessary diplomacy means (liberal) to ensure they have a steady and adequate source of energy supply for both domestic and industrial use through transnational economic cooperation. According to energy specialists, four major factors are currently contributing to the Chinese energy strategy: these are, the location of China, which is far away from major oil-producing countries in the world. Secondly, China as a country does not have adequate energy resources to meet the demand of its domestic and industrial markets. The most worrying factor is the ever-increasing energy demand by the Chinese market due to improved standards of living. Finally, Chinese authorities have adopted a pragmatic approach, claiming China is not a developed but a developing country. These factors put great pressure on the Chinese Communist Party to ensure a stable economic growth rate while ensuring a stable supply of energy for both domestic and industrial use at relatively fair prices⁶²⁹.

Africa in the Context of China's Energy Security: How Does Africa Fit in?

In the year 1980s, the Chinese leadership undertook what was called structural economic reforms. The result of this reform was a massive transformation of the once-called stagnated agrarian economy among the fast-grown economies in the 21st century of our world today, third in size to only Japan and the U.S.A. China, since the 1980^s, has had a consistent economic growth of 8% per annum. One of the indications of China's economic growth was the increase in demand for oil importation to meet domestic needs.

Before 2000, China's energy demand rate was 4 percent per year, however, right after 2001, China's energy demand skyrocketed to about 13 percent annually, which far outpaced economic development⁶³⁰. In 2008 China's total energy consumption was projected at 7.8 million barrels of oil each day, while in the same year, China's total energy production was 4 million barrels, of which 96 percent was from crude oil. Similarly, in 2008, China's total oil import amounted to 3.9 million barrels per day. This makes China the 3rd major importer of oil second to Japan and America respectively. According to EIA estimates Chinese oil consumption grew reaching 8.2 million bpd in 2010. According to the Short-Term Energy Outlook, China's increase in oil consumption represents 31 percent of global oil demand by a non-OECD country for two years⁶³¹. The demands for oil consumption by China attest to why Chinese leadership considers the purchase, availability, and distribution of oil in China as a matter of national security. By all indications, there is a possible looming energy crisis in China in the future. This is attested to by the continuous use of motor vehicles estimated at 27 million users in 2004 and anticipated to reach 300 million vehicle users by 2030. Additionally, China in 2030 would need a supply of oil equal to the size of Saudi Arabia to fulfill its demand obligation. This explains why in just a space of a decade; China has rapidly positioned itself as one of the most important energy investors and importers in Africa. This is in response to the need for the Chinese leadership to secure the needed oil supplies for both domestic and industrial demand in China⁶³².

Before the year 2000, the presence of Chinese enterprises in Africa's oil sector was limited to only Sudan. In Sudan, China's National Petroleum Corporation (CPNC), a state-owned enterprise has become the majority shareholder in the Greater Nile Oil Project Company (GNOPC) along with other enterprises notably since 1997⁶³³. Today, the narrative is different, Chinese oil enterprise and investments can be found in over twenty African states in both upstream and downstream sectors and pose a substantial strategic and economic opportunity for major and minor independent oil exploration, which for many years enjoyed unparalleled in Africa's oil sector.

⁶²⁹ Alan Collins, *Op. cit.*, p. 313

⁶³⁰ The National Bureau of Asian Research (NBR), *Strategic Asia 2001–02: Power and purpose 2022*, <https://www.nbr.org/publication/strategic-asia-2001-02-power-and-purpose/> (13.08.2023)

⁶³¹ Alan Collins, *Op. cit.*, p. 308

⁶³² The National Bureau of Asian Research (NBR), *Strategic Asia 2001–02: Power and purpose 2022*, <https://www.nbr.org/publication/strategic-asia-2001-02-power-and-purpose/> (13.10.2023)

⁶³³ The Diplomat, *Sudan: China's original foothold in Africa*, June 14, <http://thediplomat.com/2017/06/sudan-chinas-original-foothold-in-africa/> (05.07.2023)

China has positioned itself not only as a hungry energy consumer but equally as an able energy diplomatic actor in Africa. To fulfill China's energy diplomatic role, the Chinese authority employed all its competencies, skills, and economic lobbying to ensure its efforts yield the desired result in any oil-rich region, particularly in Africa.

It is difficult to strike the balance between the poverty and underdevelopment levels in Africa against the richness of natural resources. It is estimated that in 2017 Africa produced 8.9% and 10.2% of global gas and oil exports respectively, coupled with a growth rate of 5.7% in energy production, 5% in oil production, and 9 and 3.6% in natural gas and coal respectively⁶³⁴. Table 2 below sheds more light on oil-producing countries in Africa. This is to elucidate why Africa continues to be a strategy partner in China's energy diplomacy and security.

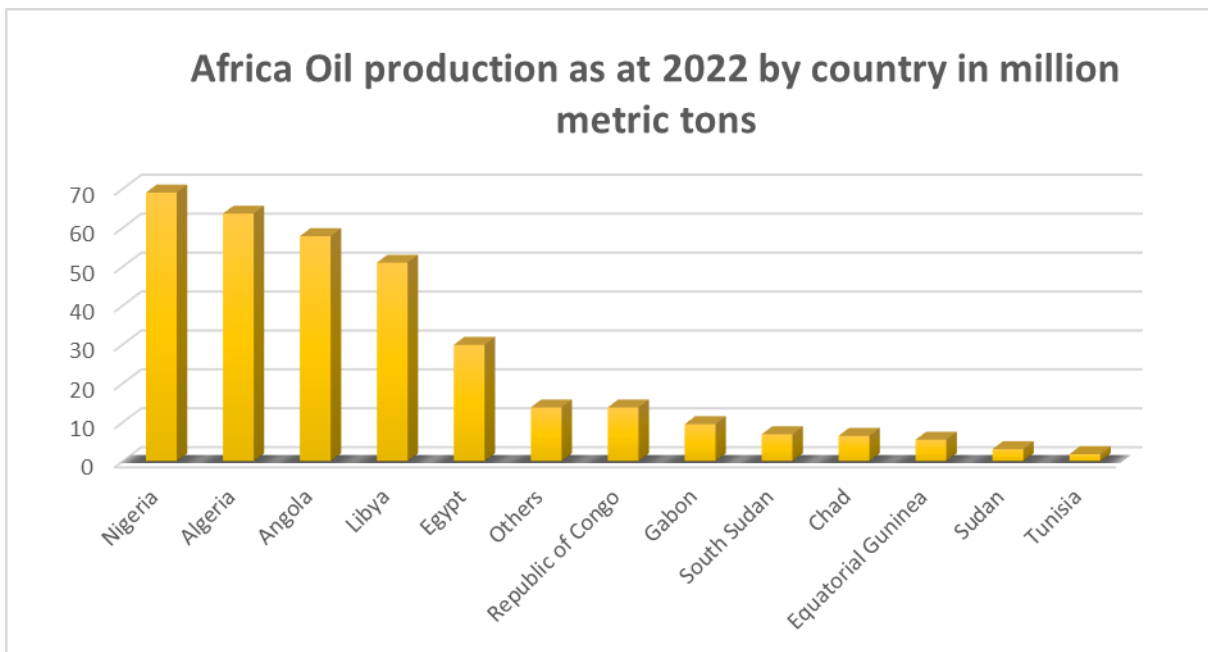


Table 2. Africa's Oil Production as of 2022 by Country⁶³⁵

Table 2 above outlines the leading oil-producing countries in Africa as of 2022. Nigeria which has attracted the highest number of Chinese investments based on data from Table one is also the leading producer in Africa. Equally, Algeria, Angol, and Libya as well as Egypt, these four countries in addition to Nigeria produce a chunk of Africa's oil resources. Additionally, other countries such as the Republic of Congo, Gabon, South Sudan, Chad and Equatorial Guinea, Sudan, and Tunisia together contribute substantial amounts of oil resources in Africa. All together is what has made Africa the key target in China's oil diplomacy. China offers a rational relationship between equals on a win-win strategy, mutual benefit, reciprocity mutual prosperity, and a tangible benefit to Africans. To date China imports about 25 percent of its oil from Africa as shown in the table above, this equally explains why China continues to make Africa an important energy diplomatic partner while offering security to some oil fields in Africa.

China continues to develop new oil concessions and economic influence in countries such as Angola, Gabon, and Equatorial Guinea. China also continues to import oil from such African countries as Sudan, Chad, Algeria, Angola, and Gabon. Ever since China announced its presence in Sudan's oil industry over the past 20

⁶³⁴Statista, *Oil production in Africa from 1999 to 2022*, <https://www.statista.com/statistics/265197/oil-production-in-africa-in-barrels-per-day/#:~:text=In%202022%2C%20Africa's%20oil%20production,daily%20in%20the%20previous%20year> (03.10.2023)

⁶³⁵ Authors compilation based on secondary data from Statista, <https://www.statista.com/statistics/265197/oil-production-in-africa-in-barrels-per-day/#:~:text=In%202022%2C%20Africa's%20oil%20production,daily%20in%20the%20previous%20year>, (03.10.2023)

years, China has invested over \$15 billion in a bid to ensure a steady and constant supply of oil for the Chinese domestic market. Based on the official account from the Sudanese government in 2017, the level of bilateral oil cooperation between China and Sudan is anticipated to grow to benefit both China and Sudan. To date, China controls 75% of the Sudanese oil sector with a total production of 133,000 bpd⁶³⁶. It is indisputable that as the number and volume of Chinese investment in Africa increase so does the level of allegations and criticisms against Chinese companies' operation practices in Africa. Many of these critics notably from U.S. policymakers, international experts and observers, and other international Human rights groups. They described Chinese energy diplomacy as a new form of neo-colonialism, according to these critics, Chinese authority has been investing in corrupt and authoritarian regimes around the world with the hope of securing oil resources. These regimes commit human rights abuse and crimes against humanity such as Sudan, and Angola among other countries in Africa.

In addition to these critics are the horrible working conditions of most Chinese sites in Africa and the working conditions of Africa working in these Chinese enterprises. Secondly, critics also accuse these Chinese leaders of using their investment in Africa to provide jobs abroad for thousands of unemployed Chinese, while neglecting thousands of African youths seeking jobs.

This study finds that there's all probability that China remains defiant despite all these critics and unwilling to change its energy diplomatic principles toward Africa.

Africa's Energy Production in the Framework of International Energy Security

China in recent years has positioned itself as a consumer of oil and gas utilizing its diplomatic strategies in Africa and around the globe to meet its demand. To date, China continues to mobilize its capabilities and influences to fulfill its diplomatic policy across many energy-producing regions in the world, particularly the global south. Africa, a region richly endowed with energy resources has therefore become a significant region in China's energy agenda, and it is the main target of China's energy diplomacy. Africa likewise continues to play a vital role in global energy production though Africa's production level continues to decrease as compared to other regions. Africa still offers substantial oil resources to the global energy supplies. In 2017 for example, 8.9% of global gas exports and 10.2% of global oil exports came from Africa, with a 5.7% growth in energy production, 5% growth in oil production, 9% in gas, and 3.6% for coal⁶³⁷. Further details on African oil production are provided below.

No.	Regions	2010	2012	2014	2016	2019	2020	2021	2022	Total
1.	Africa	12.2	10.9	9.3	8.6	8.8	7.9	8.1	7.5	73.3
2.	Asia-Pacific	10.2	9.6	9.4	8.7	8	8.4	8.2	7.7	70.2
3.	Central And South America	8.9	9.2	9.3	8.1	6.5	6.6	6.6	6.8	62
4.	Europe and CIS	21.8	20.3	19.8	19.2	19	19.3	19.3	18.2	156.9
5.	Middle East	30.3	32.5	31.7	34.5	31.9	31.3	31.3	32.8	256.3
6.	North America	16.6	17.5	20.5	20.9	25.9	26.6	26.6	26.9	181.5

Table 3. Global Oil Distribution by Regions 2010-2022 in Percentage (%)⁶³⁸

The table above outlines six major oil production regions in the world from 2010 to 2022. Undoubtedly, the Middle East continues to be the major oil-producing region in the world with a consistent production in the range of a little over 30% of global oil production. Africa on the other hand continues to make significant oil production to the global economy. Based on the table above Africa's share of global oil production continues to dwindle from 12.2% of global oil production in 2010 to 7.9% in 2020. This increased slightly from 7.9% in 2020 to 8.1% in 2021 but further decreased to 7.5% of global production in 2022. Even

⁶³⁶ The Diplomat, 2017, *Sudan: China's original foothold in Africa*, June 14, <http://thediplomat.com/2017/06/sudan-chinas-original-foothold-in-africa/>, (05.07.2023)

⁶³⁷ World Energy Insight, *Africa 2017, BP report 2018*. <https://www.bp.com/en/global/corporate/energy-economics/statistical-review-of-worldenergy/country-and-regional-insights/africa.html> (08.09.2023)

⁶³⁸ Authors compilation based on secondary data from statista.com.

though Africa as a continent is rich in oil reserves its total share of global oil production is last to other regions of the world in 2022. Between 2010, 2012, and 2019 Africa was the fourth leading oil-producing region contributing 12.2% and 10.9% of the global oil supply respectively. However, from 2014, 2016, 2020, 2021, and 2022 Africa dropped to fifth position in global oil production at 9.3%, 8.6%, 7.9%, 8.1%, and 7.5% respectively.

Even though Africa's oil production level concerning global oil supply has continued to fluctuate over the past decades, Africa's oil production to the global economy is enough to supply the needed oil demand of China. This explains why the Chinese government has invested heavily in Africa's oil industry to ensure a secured oil supply to feed the Chinese domestic market and industry needs⁶³⁹.

Conclusions

For China, Africa is the heart of its energy security and diplomacy now and in the years to come, as far as Chinese energy demand continues to grow. The desire to secure a regular supply of energy is what has driven Chinese energy investments in Africa. Currently, China imports 25% of its oil from Africa⁶⁴⁰. However, while Africa continues to languish in poverty the continent is fabulously rich in natural resources. It is difficult, however, to strike the balance between the poverty and underdevelopment level in Africa against the backdrop of rich natural resources. These resources in Africa are gradually benefiting other countries and their citizens. In return, Africa doesn't gain more than estimated from its resources. Africa's energy contribution to the global energy supply is undisputed and consistent though volumes have continued to decrease year in and year out over the last decades. However, oil resources in Africa are still in abundance. This explains why China considers Africa an important player in its energy demand and diplomacy.

Africa continues to offer China energy security with constant supply and production of oil resources. This is the motive for China acquiring oil and gas-producing countries in Africa, this is evident in places such as Nigeria, Sudan, and Algeria among other countries in Africa. China to date continues to influence and control energy investment in Africa making China becoming a great actor in energy diplomacy in Africa.

The "Chinese model" of securing resources through investment and infrastructure to countries in the global south, particularly African countries commonly referred to as the "Beijing Consensus" has become the yardstick for all of China's negotiations. This has become appealing to many African countries. According to Adisu and Sharkey, Chinese policy contradicts the Western-led neo-liberal model commonly referred to as the "Washington Consensus". Which primarily focuses on democracy, good governance, and poverty alleviation⁶⁴¹, widely accepted in Africa but not working to fulfill the aspirations of many African countries. African countries dare to see infrastructure improvement, which China has promised to provide with Chinese loans without any stringent conditionalities except access to natural resources. Many African states find the Chinese model a more attractive and workable concept.

While China's oil and gas enterprises continue to acquire a substantial stake in oil resources in Africa due to its diplomatic and financial resources as well as the role of the Chinese governments, African leaders must ensure that Africa becomes the foremost beneficiary of any diplomatic negotiations. This study estimated that based on the number of Chinese enterprises operating in Africa less than 5% of its employees are local Africans. The Chinese authorities are using this enterprise as a "work abroad strategy" to provide jobs for its thousands of unemployed graduates. African leaders must ensure African local enterprises equally benefit from the financial resources available to Chinese enterprises willing to invest in Africa such as the CAD fund. China considered its energy security as a unilateral action to fulfill its domestic and industrial needs to boost its economic growth agenda. Chinese enterprises, however, put national security interests before profit⁶⁴², this is because the majority stakeholder in many multinational Chinese enterprises is the state.

China's energy diplomacy towards Africa will continue to grow to more resource-based countries in Africa. China hopes to secure a reliable and stable energy supply from Africa as domestic demand continues to

⁶³⁹ Statista, *Distribution of oil production worldwide from 2010 to 2020, by region*, <https://www.statista.com/statistics/269076/distribution-of-global-oil-production-since-2009> (16.08.2023)

⁶⁴⁰ Ayoub Taha Sidahmed, *The Economic Dimensions of Chinese Investments in Africa (2000-2015)*, "International Journal of Business and Economics Research", Vol 6, No. 6, 2017, p.156

⁶⁴¹ Adisu Kinfu, Thomas Sharkey, Sam C. Okoroafo, *Op.cit.*, pp. 40-43

⁶⁴² Executive Research Associate (pty) Ltd, *China in Africa: A Strategic Overview 2009*, <https://www.aiddata.org/primary-sources/china-in-africa-a-strategic-overview>, pp. 31-40 (25.07.2023)

grow each year. To this Africa must ensure its comparative energy advantage in all its energy dealings with China. As China continues to offer an attractive development and investment model to Africa through the Forum for China-Africa cooperation, African leaders must equally ensure that Africa's security is supreme in all its dealings not only with China. China has gradually become an important global energy consumer, while Africa has become an important energy investment destination region for China's energy diplomacy and security with the existence of oil resources. Finally, there should be a balance between Chinese oil investment in Africa to Africa's development.

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THE NEPTUN DEEP PROJECT AND THE REDESIGN OF THE REGIONAL ENERGY SECURITY

Abstract:	<p><i>In the context of the changes in the architecture of the global security of energy resources supply and the volatile changes in the natural gas market, the offshore sector of the Black Sea experienced a redesign regarding energy security. In the last ten years, the use of natural gas has increased a lot, in this sense the development of the Neptun Deep project has become a necessary variable for the consolidation of the energy security of Romania and the South-Eastern Europe region.</i></p> <p><i>By exploiting the potential of hydrocarbons in the Black Sea, Romania can become a regional provider of energy security. Also, in the context of the military developments between Russia and Ukraine that have led to major effects on global energy security, causing regional redefinitions in the direction of natural gas supply chains, Romania, through the development of the offshore sector in the Black Sea, can contribute to the redesign of regional energy security.</i></p> <p><i>Considering the significant potential of natural gas reserves that could become commercial exploitations, large-scale investments will be carried out within this project in the coming years. For this reason, a closer examination and analysis is required not only of natural gas as a resource but also of the economic consolidation and the potential for industrial rise that these investments would bring to Romania as a whole.</i></p>
Keywords:	Energy security; Neptun Deep; offshore; natural gas; Black Sea
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Introduction

In the context of the changes in the architecture of the global security of energy resources supply and the volatile changes in the natural gas market⁶⁴³, the offshore sector of the Black Sea experienced a redesign regarding energy security. In the last ten years, the use of natural gas has increased a lot, in this sense the development of the Neptun Deep project has become a necessary variable for the consolidation of the energy security of Romania and the Southeast Europe region⁶⁴⁴.

The Evolution of Romania's Offshore Sector

Romania has a historical experience of producing crude oil and gas in the Black Sea. The projects related to offshore oil activities started from 1967-1969. Their goal was to increase national production by accessing the exploitation potential of the Black Sea continental plateau. As a result, in 1976 the first maritime oil platform was installed, which led to the first oil production in the Black Sea in 1987 (Lebăda Est oil field). Following the example and the history of the Lebăda Est field, more than 100 exploratory drilling followed, which led to the discovery of oil and gas fields such as Sinoe (1988), Portița (1990), Doina (1995), Cobălcescu (1997), Pescăruș (1999)⁶⁴⁵. Between 1988 and 2001, 6 production platforms were built for exploitation, located

⁶⁴³ Thijs Van de Graaf, Benjamin Sovacool, *Global Energy Politics*, Polity Press, Chichester, 2020, p. 15

⁶⁴⁴ Benjamin Sovacool, *Energy Security: Vol. 4*, SAGE Publications, London, 2013, p. 344

⁶⁴⁵ Nicolae Anastasiu, *Hidrocarburile din Marea Neagră: între provocări și riscuri*, "Academica", Academia Română, București, No. 9, Septembrie, 2016, pp. 30-31

on the continental shelf of the Black Sea, at a water depth of up to 150 meters. The constructed platforms follow an alignment approximately 80 – 100 km offshore. Currently, OMV Petrom exploits the structures of the Pescăruș, Lebăda Est, Lebăda Vest, Sinoe, and Delta fields, located under shallow waters and from which a production of approximately 31,000 bep⁶⁴⁶/day is obtained⁶⁴⁷.

After the decision at The Hague in February 2009, regarding the delimitation of maritime perimeters in the Black Sea between Romania and Ukraine, resulting in Romania winning the case⁶⁴⁸, the National Agency for Mineral Resources put up for auction the concession of 11 offshore perimeters with a total area of 11,000 km², five of the perimeters put up for auction were from the area won by Romania following the delimitation of the maritime perimeter⁶⁴⁹. Out of the 11 perimeters, because of the auction, only five were awarded. They were taken over by the following companies:

- Rapsodia and Trident perimeter: Lukoil Overseas&Vanco International;
- Muridava and Cobălcescu perimeter: Melrose Resources & Petromar Resources;
- Luceafărul perimeter: Petro Ventures BV.

The summer of 2009 marked another extremely important moment in the development of Romania's offshore sector in the Black Sea. The OMV Petrom company started, in partnership with the local subsidiary of the American group ExxonMobil, the exploration campaign to evaluate the potential of hydrocarbons in deep waters, in the Neptun Deep perimeter of the Black Sea. In the period 2009-2010, the two companies acquired over 3,000 square kilometers of 3D seismic data on the Neptun Deep block, this being the largest seismic acquisition program carried out in Romania until then⁶⁵⁰. Between 2011 and March 2012, ExxonMobil and OMV Petrom drilled, in the Neptun Deep area, the Domino-1 the first exploration in deep waters in Romania, which confirmed the presence of natural gas. Thus, in 2012, through the Domino-1 probe, positioned in the Neptun Deep perimeter, recoverable reserves of approximately 42-84 billion m³ of gas were discovered, becoming one of the largest natural gas discoveries in the Black Sea⁶⁵¹. From November 2012 to June 2013, ExxonMobil and OMV Petrom conducted a second 3D seismic campaign, covering more than 6,000 square kilometers in the deep-sea area of the Neptun Deep perimeter⁶⁵². Data collected during the seismic campaign and exploration drilling program were intended to help assess the size and commercial feasibility of the Domino-1 discovery, announced in 2012, and the potential of other prospects in the Neptun Deep field⁶⁵³.

After the discovery in the Neptun Deep area, in 2015 new gas resources were discovered in the Trident offshore perimeter. The consortium made up of Lukoil Overseas Atash BV, PanAtlantic Petroleum, and Romgaz discovered other reserves of about 30 billion m³ of gas around Trident and Rapsodia. At the same time, the Lukoil Overseas Atash BV Consortium, PanAtlantic Petroleum, and Romgaz gave up on the Rapsodia perimeter concession in 2016, due to unsatisfactory results of exploration operations⁶⁵⁴.

After a chronological evolution of approximately 30 years since the last development of natural gas from the Romanian continental plateau of the Black Sea, in June 2022 the production of natural gas by the MGD project (Midia Natural Gas Development Project) began. The project is carried out by Black Sea Oil & Gas (BSOG), together with its concession partners, Petro Ventures Resources and Gas Plus Dacia. Current

⁶⁴⁶ BEP – a Barrel of Oil Equivalent

⁶⁴⁷ Nicolae Anastasiu, *Hidrocarburile din Marea Neagră: între provocări și riscuri*, “Academica”, Academia Română, București, No. 9, Septembrie, 2016, p. 30

⁶⁴⁸ International Court of Justice, *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, <https://www.icj-cij.org/case/132> (15.11.2023)

⁶⁴⁹ Agenția Națională pentru Resurse Marine, *Concurs Public de Oferte – Resurse Petrol RUNDA a X-a*, <https://www.namr.ro/resurse-de-petrol/concurs-public-de-oferta-arhiva-petrol/arhiva/> (15.11.2023)

⁶⁵⁰ OMV Petrom, *Largest 3D seismic survey in Black Sea completed on Neptun Deep block*, 25.06.2013, <https://www.omvpetrom.com/en/news/largest-3d-seismic-survey-in-black-sea-completed-on-neptun-deep-block> (15.11.2023)

⁶⁵¹ *Contribuția proiectelor de explorare și producție a hidrocarburilor din Marea Neagră la dezvoltarea economiei românești*, Deloitte Report, București, Mai 2018, p. 13

⁶⁵² Gaz de România, *Resurse offshore*, <https://www.gazderomania.ro/resurse-offshore/> (15.11.2023)

⁶⁵³ Forbes România, *Romgaz a cumpărat acțiunile Exxon la Neptun Deep*, 04.05.2022, <https://www.forbes.ro/romgaz-a-cumparat-actiunile-exxon-la-neptun-deep-261808> (15.11.2023)

⁶⁵⁴ *Economica*, *Lukoil și Romgaz au renunțat la perimetrul petrolier Rapsodia din Marea Neagră. Nu au găsit gaz sau petrol*, 17.02.2016, https://www.economica.net/lukoil-si-romgaz-au-renuntat-la-perimetrul-petrolier-rapsodia-din-marea-neagra-nu-au-gasit-gaz-sau-petrol_114846.html (15.11.2023)

daily production is approx. 3.1 million m³ of gas and was achieved in the first month of production. The estimated production at the plateau is approximately 1 billion m³/year for the next three years out of the ten years of life estimated for the Ana and Doina deposits from the MGD project⁶⁵⁵. Now, the offshore area of Romania covers 22,000 km² and reaches depths of over 1,000 m. The entire area is divided into perimeters of different sizes, some of which are concessioned by holders for exploration, development, and exploitation activities such as OMV Petrom, Romgaz, Lukoil, Black Sea Oil & Gas, and others⁶⁵⁶.

Each offshore plan has its characteristics, based on geological aspects and other situational factors. Compared to onshore plans, offshore plans are significantly more expensive and have a long implementation cycle⁶⁵⁷. The mentioned factors are the reason why offshore projects have a high risk in their development, especially in the first part, that of field exploration⁶⁵⁸. At the same time, the long implementation period of the offshore project can also be considered an asset since offshore plans are less exposed to short-term fluctuations and volatile developments in the price of crude oil/natural gas than onshore projects⁶⁵⁹.

Thanks to the ultra-modern technology and investments in the exploration of about 3.5 billion dollars made by the concession companies, huge deposits for Romania were discovered in the offshore area. They were evaluated at a total of about 200 billion m³ of gas. In context, in 2022, Romania had a total natural gas production of 8.7 billion m³ of gas, according to CEIC data. Approximately 1 in 10 m³ of gas produced nationally came from the offshore perimeter, the difference being covered by onshore production⁶⁶⁰. In the long term, this energy equation can be reversed, with offshore production covering Romania's onshore gas production. Also, considering the prospects of the current onshore fields, combined with those of the consumption of crude oil and natural gas, due to intensive exploitation from the beginning of the last century to the present, we can note that the current reserves on land (onshore) are declining. Most of the fields are old and fragmented, and the production at the well is one of the lowest in Europe. Thus, to maintain the current level of energy security (Romania has a low level of dependence on natural gas imports) or to become a regional energy hub, the entire upstream sector must be redefined. In this sense, we can identify three alternatives:

- Development of onshore oil and gas reserves, especially of reserves located at great depth. This exploitation represents only a potential solution for the supply of crude oil and gas in the national economy of Romania;
- The development of hydraulic fracturing extraction, although theoretically there is a significant reserve potential (the equivalent of 300 million barrels of crude oil, or else 1,473 billion m³ of shale gas⁶⁶¹), this activity faces strong regulatory, safety, and environmental opposition;
- Exploitation of proven reserves of crude oil and natural gas in the Black Sea (offshore). The Black Sea Basin, through Romania, can be one of the most important natural gas-producing regions in the European Union⁶⁶².

The Black Sea has the greatest capacity to redesign Romania on the regional energy scale. By exploiting the potential of hydrocarbons in the Black Sea, Romania can become a regional provider of energy security. Also, in the context of the military developments between Russia and Ukraine that have led to major effects on

⁶⁵⁵ Black Sea Oil & Gas, *Proiectul MGD*, <https://www.blackseaog.com/ro/proiectul-mgd/> (15.11.2023)

⁶⁵⁶ Daria Crisan, *A Fiscal Framework for Offshore Oil and Gas Activities in Romania*, "SPP Research Papers", Vol. 9, No. 8, University of Calgary, 2016, pp. 3-4

⁶⁵⁷ *The contribution of Black Sea oil & gas projects to the development of the Romanian economy*, Deloitte Report, Bucharest, Mai 2018, p. 11

⁶⁵⁸ Mikhail Kashubsky, *Offshore Oil and Gas Installations Security: An International Perspective*, Routledge, London, 2016, p. 214

⁶⁵⁹ *Contribuția proiectelor de explorare și producție a hidrocarburilor din Marea Neagră la dezvoltarea economiei românești*, Deloitte Report, București, Mai 2018, p. 12

⁶⁶⁰ CEIC, *Romania Natural Gas Production: OPEC: Marketed Production*, 01.12.2022, <https://www.ceicdata.com/en/indicator/romania/natural-gas-production-opec-marketed-production#:~:text=Production%20in%202022%3F-Romania%20Natural%20Gas%20Production%3A%20OPEC%3A%20Marketed%20Production%20was%20reported%20at,table%20below%20for%20more%20data> (15.11.2023)

⁶⁶¹ U.S. Energy Information Administration, *Report – Technically Recoverable Shale Oil and Shale Gas Resources: Other Eastern Europe*, U.S. Department of Energy, Washington, 2015, p. 11

⁶⁶² *Contribuția proiectelor de explorare și producție a hidrocarburilor din Marea Neagră la dezvoltarea economiei românești*, Deloitte Report, București, Mai 2018, p. 11

global energy security, causing regional redefinitions in the direction of natural gas supply chains, Romania, through the development of the offshore sector in the Black Sea, can contribute to the redesign of regional energy security.

The Final Decision on the Development of the Neptun Deep Project

The debate regarding the evolution of offshore activities in Romania is a subject of major importance for society and a strategic one for the state authorities, largely due to the impact on the economy and energy security of Romania, as well against the background of the complexity of developments on the international energy market. In this volatile context, OMV Petrom and Romgaz announced at the end of June 2023, the final decision to develop the Neptun Deep offshore project⁶⁶³, the largest natural gas project in the Romanian area of the Black Sea. Considering the significant potential of natural gas reserves that could become commercial exploitations, large-scale investments will be carried out within this project in the coming years. For this reason, a closer examination and analysis is required not only of natural gas as a resource but also of the economic consolidation and the potential for industrial rise that these investments would bring to Romania as a whole.

The strategic message, mostly explicit, sent by OMV Petrom and Romgaz⁶⁶⁴, mentions the fact that the Neptun Deep offshore project will increase the security of natural gas providing for Romania and the Southeast European region. Also, Neptun Deep will have a major impact on Romania's energy transition by replacing coal and preparing the way for the increase in the energy mix of renewable sources⁶⁶⁵.

The significance of this strategic message develops a series of hypotheses regarding the potential of Neptun Deep, which can be divided into several levels:

- Romania can become a net exporter of natural gas;
- Southeast and Central Europe will have received another source of natural gas supply, in addition to gas imports from Russia, liquefied natural gas imports and imports from the Southern Gas Corridor (SGC) pipeline system;
- Neptun Deep will support the energy transition, as natural gas is seen as a fundamental element in achieving a safe transition;
- The gas from the Neptun Deep project will contribute to the consolidation and redevelopment of Romania's industry;
- Capitalizing on natural gas domestically for economic growth⁶⁶⁶.

The implications of the Neptun Deep development are very broad, including changing gas prices in Southeast Europe; creation and use of modern energy infrastructure; decarbonization; and replacement of Russian gas supplies⁶⁶⁷. Also, thanks to the Neptun Deep energy project, Romania will become the largest producer of natural gas in the EU and a reliable source of energy for the South-Eastern European region. In the current geopolitical context, the project is slated to start delivering natural gas in the 2nd quarter of 2027.

Technical and Financial Data Regarding the Neptun Deep Project

The planned investment in the development of the project is 4 billion euros. Half of these will be taken over by OMV Petrom, and Romgaz will invest in the other half. A large part of the investments will be allocated in the period 2024-2026. OMV Petrom expects the project to also contribute to increasing the company's EBIT by 50% by 2030⁶⁶⁸.

⁶⁶³ NS Energy, *OMV Petrom and Romgaz take FID on €4bn Neptun Deep gas project*, 22.06.2023, <https://www.nsenergybusiness.com/news/omv-petrom-romgaz-take-fid-e4bn-neptun-deep-gas-project/> (15.11.2023)

⁶⁶⁴ Julian Bowden, Patrick Heather, *Romania's Neptun Deep FID: can it be a regional gamechanger?*, "Energy Insight", No. 133, The Oxford Institute for Energy Studies, Oxford, June 2023, p. 1

⁶⁶⁵ *Ibidem*, pp. 1-2

⁶⁶⁶ Energy Analytical Studies, *Romanian International Gas Conference – 2023: Redesigning Security of Supply*, 10.11.2023, <https://energystudies.ro/rigc-2023-redesignin-security-of-supply/> (15.11.2023)

⁶⁶⁷ Julian Bowden, Patrick Heather, *Romania's Neptun Deep FID: can it be a regional gamechanger?*, "Energy Insight", No. 133, The Oxford Institute for Energy Studies, Oxford, June 2023, p. 1

⁶⁶⁸ Offshore Technology, *Romania's OMV Petrom makes FID on Neptun Deep project*, 21.06.2023, <https://www.offshore-technology.com/news/omv-fid-neptun-deep/?cf-view> (15.11.2023)

Neptun Deep is a deposit block with an area of 7.5 thousand km² located in the deep-water sector of the Black Sea, approximately 160 km from the coast. The depth of the block is 100-1,700 m⁶⁶⁹. Between 2008-2016, 3D seismic data surveys were conducted, and 8 exploration and appraisal wells were drilled, most of which yielded a steady gas flow. OMV Petrom and ExxonMobil in the US were satisfied with the results of the geological exploration work but did not approve the field development plan at the time. Subsequently, ExxonMobil considered a significant part of the mining projects in Europe not in line with the development strategy and began the process of exiting them. On May 4, 2022, ROMGAZ bought the rights to exploit the Neptun Deep natural gas fields from ExxonMobil⁶⁷⁰.

With the approval of the final decision to develop the Neptun Deep project, OMV Petrom and Romgaz catalyze a new stage in Romania's energy industry, which changes energy security in Europe:

- Neptun Deep becomes the first offshore development project at depth in Romania;
- The project will contribute to Romania's economic growth and increase the country's energy security;
- The estimated production of natural gas is approximately 100 billion m³ of gas;
- Production at the plateau will be approximately 8-10 billion m³/year (~140,000 bep/day), for approx. 10 years. The mentioned volumes represent the estimated values of the project. The exact final volumes are to be confirmed by the National Agency for Mineral Resources;
- The unit production cost is estimated at an average of 3 USD/bep (for the lifetime of the field);
- Total development capex of \$4.4 billion.

The two companies approved the development plan for the Domino and Pelican Sud commercial natural gas fields in the Neptun Deep offshore perimeter, which was submitted and confirmed by the National Agency for Mineral Resources (ANRM)⁶⁷¹. The infrastructure required for the development of Domino and Pelican Sud includes:

- 10 probes;
- 3 underwater production systems;
- 1 offshore platform;
- the main gas supply pipeline (MGP) to Tuzla and a gas measuring station (GIS)⁶⁷².

The entire infrastructure of the offshore platform will be operated remotely, using a digital replica (digital twin). This will enable the optimization of processes and contribute to the improvement of environmental performance, by making electricity consumption more efficient and reducing carbon emissions.

For Romania, at current production rates, the Neptun Deep project's 8 billion m³ of gas will double Romania's gas production (8.7 billion cubic meters in 2022⁶⁷³) and firmly anchor Romania as the largest gas producer in the EU. Overall, the project will invest 20 billion euros in the state budget, and the total added value of the project is 40 billion euros. Natural gas prices are expected to be aligned with the most important European trading centers, and for 2027 a range of 25-30 Euro/MWh was assumed⁶⁷⁴.

OMV Petrom and Romgaz will rely on its natural gas transportation capabilities for Romania's internal needs and, in addition, on the Southeast and Central European energy market, interconnecting adjacent countries that lack alternative natural gas supply resources. In context, long-term contracts will not have a

⁶⁶⁹ Romgaz, *Despre Proiectul Neptun Deep*, <https://www.romgaz.ro/despre-proiectul-neptun-deep> (15.11.2023)

⁶⁷⁰ Forbes România, *Romgaz a cumpărat acțiunile Exxon la Neptun Deep*, 04.05.2022, <https://www.forbes.ro/romgaz-a-cumparat-actiunile-exxon-la-neptun-deep-261808> (15.11.2023)

⁶⁷¹ Economica, *Undă verde pentru gazele din Marea Neagră: ANRM a confirmat planul de dezvoltare a perimetrului Neptun Deep*, 03.08.2023, https://www.economica.net/unda-verde-pentru-gazele-din-marea-neagra-anrm-a-confirmat-planul-de-dezvoltare-a-perimetrului-neptun-deep_685648.html (15.11.2023)

⁶⁷² Romgaz, *Începe Faza De Dezvoltare a Zăcămintelor Domino și Pelican Sud*, <https://www.romgaz.ro/incepe-faza-de-dezvoltare-zacamintelor-domino-si-pelican-sud#:~:text=Dezvoltarea%20zacamintelor%20comerciale%20presupune%20o,stație%20de%20măsurare%20a%20gazelor> (15.11.2023)

⁶⁷³ European Commission, *Quarterly report on European gas markets*, Vol. 15, No. 4, Bruxelles, 2023, p. 7

⁶⁷⁴ OMW Petrom Webcast, *OMV Petrom analyst and investor conference*, 22.06.2023, https://webcast.omvpetrom.com/cast/event/dindex_c.asp?string=bHjGy283x (15.11.2023)

perspective in this market environment, placing the Neptun Deep project in the context of recent developments in the regional energy market⁶⁷⁵.

To transport natural gas from the Neptun Deep offshore project, in March 2023, OMV Petrom and Romgaz signed a framework contract with Transgaz⁶⁷⁶. Binding capacity allocation commitments from May 2026 to October 2042 have been made⁶⁷⁷. In June 2023, Transgaz signed the contract (a work start order) with the Turkish company, Kalyon Insaat Sanayiv, for the construction of the 308, 3 km Tuzla - Podișor pipeline, which will fully take over the production from Neptun Deep through the main Transgaz network⁶⁷⁸. Also, the Tuzla – Podișor gas pipeline will connect with the BRUA corridor, thus ensuring the possibility of transporting natural gas through the existing interconnections. According to the data mentioned by the general director of Transgaz, Ioan Sterian, the gas pipeline will become operational in July 2025, with capacity reserves also for the gas transport corridor in the Caspian Sea area (Azerbaijan, Turkmenistan), as well as the LNG terminals in Greece⁶⁷⁹.

The Strategic Importance of the Neptun Deep Project

The launch of the Neptun Deep offshore project and its planned rapid growth up to 8-10 billion m³ of gas/year will consistently change Romania's energy balance. In this sense, the importance of Neptun Deep will strengthen on two levels:

- 1) the level of manifestation;
- 2) the latent level, with long-term effects.

At the manifestation level, we can include the importance of the Neptun Deep project for the consolidation of Romania's energy security and the strategic development of Romania's energy direction. In this sense, through the development of offshore gas, Romania can cover its natural gas needs from domestic production. In this context, Romania can become a regional actor, in the future even a regional node, in the regional energy market, with a major impact on the energy security of the South-Eastern Europe region⁶⁸⁰. Considering that natural gas supply is a physical reality based on reason, it is determined one hundred percent by the existence and capabilities of the infrastructure. Currently, there are bottlenecks in the gas pipeline network in South-Eastern Europe, which has limited capacity. Therefore, unless pipeline capacity can be increased in the South-Eastern Europe region, gas supply and diversification remain an illusion⁶⁸¹. As part of the prospect of becoming an important regional energy node, Romania can develop its gas supply capabilities through the Vertical Corridor that will intensify natural gas transportation from South-Eastern Europe to Central Europe. Transgaz from Romania, together with DESFA from Greece, Bulgartransgaz from Bulgaria, and FGSZ from Hungary (natural gas transmission system operators) can develop the natural gas supply capacities through the Vertical Corridor, which will allow natural gas transportation through bidirectional flows⁶⁸². Thus, the offshore natural gas from the Neptun Deep project can intensify the development of a

⁶⁷⁵ Julian Bowden, Patrick Heather, *Romania's Neptun Deep FID: can it be a regional gamechanger?*, "Energy Insight", The Oxford Institute for Energy Studies, Oxford, No. 133, June, 2023, p. 11

⁶⁷⁶ Romgaz, *Comunicat de presă Romgaz - semnarea contractului cadru de transport pentru preluarea în sistemul național de transport a gazelor naturale ce vor fi exploatate din zăcămintul Neptun Deep*, 16.03.2023, <https://www.romgaz.ro/comunicat-de-presa-romgaz-semnarea-contractului-cadru-de-transport-pentru-preluarea-sistemul> (15.11.2023)

⁶⁷⁷ Julian Bowden, Patrick Heather, *Romania's Neptun Deep FID: can it be a regional gamechanger?*, "Energy Insight", The Oxford Institute for Energy Studies, Oxford, No. 133, June, 2023, p. 12

⁶⁷⁸ Christopher E. Smith, *Transgaz awards pipeline contract as OMV Petrom reaches Neptun Deep FID*, in „Oil & Gas Journal”, 21.06.2023, <https://www.ogj.com/pipelines-transportation/pipelines/article/14295391/transgaz-awards-pipeline-contract-as-omv-petrom-reaches-neptun-deep-fid> (15.11.2023)

⁶⁷⁹ Financial Intelligence, *Sterian (Transgaz): Gazoductul Tuzla-Podișor, care va prelua integral producția Neptun Deep, va fi operațional la 1 iulie 2025*, 07.11.2023, <https://financialintelligence.ro/sterian-transgaz-gazoductul-tuzla-podisor-care-va-prelua-integral-productia-neptun-deep-va-fi-operational-la-1-iulie-2025/> (15.11.2023)

⁶⁸⁰ Aleh Cherp, Jessica Jewell, *The concept of energy security: Beyond the four As*, "Energy Policy", Knoxville, TN, USA, Vol. 75, December 2014, p. 416

⁶⁸¹ Energy Analytical Studies, *Romanian International Gas Conference – 2023: Redesigning Security of Supply*, 10.11.2023, <https://energystudies.ro/rigc-2023-redesignin-security-of-supply/> (15.11.2023)

⁶⁸² Mihai Melintei, *Turkey – future regional gas hub. Opportunities and risks for Romania*, "Energy Analytical Studies", 24.03.2023, <https://energystudies.ro/turkey-future-regional-gas-hub-opportunities-and-risks-for-romania/> (16.11.2023)

related energy infrastructure, interconnecting Romania and the countries of South-Eastern Europe in a network of modern gas pipelines with a solid capacity to satisfy the consumption of natural gas. In this direction, the Neptun Deep project flattens and catalyzes the process of interconnections in the region as well as increases the capacity of gas pipelines by developing a modern infrastructure, corresponding to the new realities on the energy market⁶⁸³.

Within the manifestation level, from a strategic perspective, it can be noted that Romania, along with Turkey, could transform the Black Sea into a natural gas production hub, concentrating natural gas extraction projects in various stages of the development of Romania's Neptun Deep project and Turkey's Sakarya project⁶⁸⁴. The presence of gas demand on the market from the industry, free access to critical infrastructure in the energy market, the availability of various gas routes (their diversity), and the presence of many gas producers, intensify the launches of offshore natural gas extraction. The production of gas in the Black Sea from the Neptun Deep and Sakarya projects reconfigures regional energy security, also contributing to redefining a much more competitive energy market in the region⁶⁸⁵. Becoming an important producer of natural gas, Romania will have the ability to trade gas contracts through derivative financial instruments such as futures contracts, put options, and swaps. The volumes of gas, due to be delivered in 2027 from the Neptun Deep project, could eventually stimulate the energy market in the Southeast European region, providing the creation of a reference price and its use in physical pricing contracts⁶⁸⁶.

The latent level, with long-term effects, includes the importance of the Neptun Deep project for Romania's economic and industrial development, as well as in the direction of Romania's objectives in its policies for the use of renewable resources, i.e. the energy transition. Natural gas from the Black Sea can represent the basis for the development of related industries, which, in turn, will generate considerable economic benefits for the Romanian state. When it comes to 8-10 billion m³ of gas, additional annual production for Romania means a great chance for reindustrialization and economic development. Since the gas from the Neptun Deep project is subject to Romania's offshore legislation, this means that Romania has the first option to purchase this gas at a preferential price⁶⁸⁷. In the long term, offshore gas from the Neptun Deep project can cover all of Romania's internal needs, developing various directions of Romania's industry such as the fertilizer industry; the pharmaceutical industry; chemical; the transition of energy complexes in Romania from coal-fired plants to gas-fired plants. In this sense, Romania's offshore gas can be sustainably exploited, not just exported.

As part of the latent level of importance of the Neptun Deep project and to fulfill Romania's commitments assumed in the Oltenia Energy Complex Restructuring Plan, approved by the European Commission in January 2022⁶⁸⁸, offshore natural gas from the Neptun Deep project can contribute to the realization of new capacities for the transition to less polluting energy sources. In this sense, the viability of the Oltenia Energy Complex, a company with a strategic role in Romania's National Energy System, will also be restored. The Neptun Deep project also supports OMV Petrom's strategic transition towards a gas-weighted portfolio and a 70% gas production mix by 2030⁶⁸⁹.

Regarding the use of renewable resources, Romania cannot abruptly abandon coal, natural gas, and nuclear energy without having energy security problems in the system. Energy must first and foremost be safe and at the fairest possible price. Also, there is no energy transition without infrastructure and pragmatism⁶⁹⁰.

⁶⁸³ Emil Lyutskanov, Leila Alieva, Mila Serafimova, *Energy Security in the Wider Black Sea Area - National and Allied Approaches*, IOS Press BV, Amsterdam, 2013, p. 84

⁶⁸⁴ Mihai Melintei, *Turkey's prospects as a regional gas hub*, "Energynomics Magazine", Vol. 39, No. 2, București, 2023, p. 82

⁶⁸⁵ *Ibidem*, pp. 82-84

⁶⁸⁶ Julian Bowden, Patrick Heather, *Romania's Neptun Deep FID: can it be a regional gamechanger?*, "Energy Insight", The Oxford Institute for Energy Studies, Oxford, No. 133, June 2023, p. 14

⁶⁸⁷ Energy Analytical Studies, *Romanian International Gas Conference – 2023: Redesigning Security of Supply*, 10.11.2023, <https://energystudies.ro/rigc-2023-redesignin-security-of-supply/> (16.11.2023)

⁶⁸⁸ EUR-Lex, *Decizia (UE) 2022/1920 a Comisiei din 26 ianuarie 2022*, 26.01.2022, <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32022D1920> (16.11.2023)

⁶⁸⁹ OMV Petrom, *Neptun Deep: un proiect transformator*, "Studiu", București, 2023, p. 11

⁶⁹⁰ Energy Analytical Studies, *Romanian International Gas Conference – 2023: Redesigning Security of Supply*, 10.11.2023, <https://energystudies.ro/rigc-2023-redesignin-security-of-supply/> (16.11.2023)

Thus, since the role of gas is a fundamental one in the energy transition, the Neptun Deep project can contribute to a fair and intelligent transition.

The consolidation of the Neptun Deep project on the two levels mentioned above demonstrates the importance and value of natural gas. From a pragmatic and national interest perspective, the latent level takes precedence over the manifestation level, because on this level, the offshore gas from the Neptun Deep project contributes to the development of a new stage in Romania's economy, which can be exploited sustainably and in the long term. In this direction of the latent level, Neptun Deep coagulates three more securities around Romania's energy security: 1) economic security; 2) security of supply, and 3) environmental security by achieving the energy transition. At the same time, the synchronization of the 2 levels of manifestation latent, leads to a larger contribution of the Neptun Deep project for Romania, catalyzing supply autonomy and strengthening energy efficiency.

Conclusions

Neptun Deep is an important offshore project for Romania and the two companies (OMV Petrom and Romgaz), which provides an impetus for Romania in the direction of the role of natural gas in the region, both for economic development and for the energy transition.

From the micro perspective, at the domestic level, the offshore gas from the Neptun Deep project is decisive for the implementation of Romania's industrial redevelopment plan and the implementation of the energy transition, in which the basic role belongs to natural gas. Industrial development brings with it economic benefits and efficient modern technologies, with a multiplier effect in other related industries, including renewables. Also, by using the offshore gas from the Neptun Deep project on the domestic market, Romania could gain, before other states, the technical know-how, which would allow the development of a local industrial base to serve the countries of the Southeast European region. At the same time, in addition to improving energy security and industrial development, the Black Sea gas of the Neptun Deep project can contribute positively to the trade balance, strengthening the national currency.

In macro terms, regionally, the Neptun Deep project will also be a new source of gas for the EU. Considering Romania's current production, this will consist of an addition of approximately 8 billion m³ of natural gas/year, which Romania will divide between the domestic market and export. Considering the balance of natural gas production in the Neptun Deep project and, depending on the level of onshore production, starting from 2027 – 2028, Romania will have an additional 3 – 4 billion m³ of gas for export to the states in the region, which register a deficit of gases. Adding to this the LNG import capacities in Southeast Europe, the interconnection capacities of Bulgaria – Serbia, Greece – Bulgaria, and the expansion of the Romania – Hungary connection, we can conclude that a diversity of gas supply is developing. Launching the works on the Neptun Deep offshore project, Romania is also developing the national natural gas transportation network, which represents a critical infrastructure for energy security. In this sense, through the interconnection pipelines, the natural gas infrastructure projects underway or planned for the development of the network internally, but also for the connection to the European energy corridors, Romania can become a European natural gas transport corridor⁶⁹¹ and facilitate the transport of natural gas from the Caspian area to Europe⁶⁹².

In conclusion, we can note the following aspects regarding the Neptun Deep offshore project:

- the project has a solid regional perspective, developing the business environment in the field of natural gas and renewables;
- Neptun Deep supports the strategic transition of OMV Petrom and OMV towards a gas-weighted portfolio. Also, the project will support the energy transition of Romania's industrial sector;
- the project benefits from low unit costs and an extremely low carbon intensity due to its optimized scope;
- Neptun Deep catalyzes a new stage in Romania's energy industry, which changes European energy security;
- the project develops Romania's direction and objectives in its energy transition policies;

⁶⁹¹ Gaz de România, *Securitate energetică. Avantajul geostrategic al României: propriile resurse*, <https://www.gazderomania.ro/securitate-energetica/> (16.11.2023)

⁶⁹² Mihai Melintei, *Proiectul conductei Trans-caspice. Oportunitate pentru consolidarea securității energetice europene*, “Legea și Viața”, Ediție Specială, Academia de Poliție “Ștefan cel Mare”, Chișinău, 2023, pp. 330-331

- mitigates the risks of national gas supply malfunctions, in cases of force majeure, such as the military developments in Ukraine;
- represents the basis for the development of related industries, which, in turn, would generate economic benefits;
- Neptun Deep transforms Romania into an important regional energy node;
- strengthens Romania's energy security, which in turn facilitates economic security, supply security, and environmental security by achieving the energy transition.

The Neptun Deep project is the offshore project of the gas sector in Romania, with a potential of over 100 billion m³ of natural gas, which can ensure and reconfigure regional energy security, offering a series of opportunities to accelerate economic development in the region, diversify sources of supply as well as in ensuring a smart energy transition.

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ROMANIA'S ENERGY SECURITY, REGIONAL AND EUROPEAN ECONOMIC STABILITY FACTOR

Abstract:	<p><i>The liberalization of energy markets in the European Union, as well as Russia's invasion of Ukraine, were events that equally emphasized the challenges the European Union faced in procuring its energy and fuels consistently and at affordable prices. In such a profoundly unfavorable context, the European Union was compelled to adopt crisis measures both in the short term and, more importantly, medium to long-term solutions to free itself from dependency on Russian fuels.</i></p> <p><i>This study highlights Romania's relatively stable energy situation in this complicated context, as well as the positive prospects it can offer in the region. This can be achieved either through the adoption of proposed measures at the European level or through the solutions that Romania can provide to its partners within the European Union.</i></p> <p><i>In this regard, the paper provides a synthesis of the most significant public policies and specific projects that Romania has established for the coming years to truly become a stabilizing factor in the energy field, both at the regional and European levels.</i></p>
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Introduction

The risks and threats that the European Union must face in the field of energy are numerous and extremely complex, referring to issues such as import addiction, lack of diversity of sources, unpredictable prices due to the distortion of demand and supply, geopolitical and technical risks and fight against climate change, the need to decarbonize the economy and its slow pace of achievement, and the slow pace of achieving energy efficiency, the challenges arising from the growing share of renewable energy, given the fluid nature of these energy sources, and last but not least, the need for greater transparency and better integration and interconnection in energy markets.

To find solutions to all these problems, the European Union has conceived an energy policy based on a set of various measures, which will have to generate together an integrated and stable energy market, based on the security of energy supply and the resistance and sustainability of the energy sector.

Evolutions and Approaches at the European Level⁶⁹³

The General Legal Framework

Since its establishment, the European Union has taken into account the creation of the central pillars of its energy policy aims and has done so through the Treaty on the Functioning of the European Union (TFEU), Title XXI, Article 194, which settles that "in the context of the establishment and functioning of the internal

⁶⁹³Parlamentul European, *Politica energetică: principii generale*, <https://www.europarl.europa.eu/factsheets/ro/sheet/68/politica-energetica-principii-generale> (21.11.2023)

market and in the light of the need to preserve and improve the environment, the policy of the Union in the field of energy policy aims at, in the spirit of solidarity between the member states:

- (a) ensuring the functioning of the energy market;
- (b) ensuring the security of energy supply in the Union;
- (c) promoting energy efficiency and energy saving, as well as the development of new energy sources and renewable energies;
- (d) promoting the interconnection of energy networks".

The issue of supply security is settled, in general terms, by Article 122 TFEU, that of energy networks is contained in Articles 170-172 TFEU, and the coal regulations in Protocol 37 (which clarify areas like finance and future European institutions like European Coal and Steel Community, Euratom and also future nuclear policies are also found in the contents of Article 114 TFEU relating to the internal energy market, and the EU's external energy policy is regulated by Articles 216-218 TFEU.

In 2021, the package "Prepared for 55" was developed⁶⁹⁴ that originally aimed at aligning all climate and energy objectives, which included the reviews of all EU climate and energy acts as follows:

- the Renewable Energy Directive⁶⁹⁵;
- the Energy Efficiency Directive⁶⁹⁶;
- the Energy Tax Directive⁶⁹⁷;
- the Energy Performance Directive of buildings⁶⁹⁸;
- the Natural Gas Directive⁶⁹⁹;
- the Regulation⁷⁰⁰.

The revision of the European legislative framework has created innovative carbon-free industries, for example, hydrogen, and recommendations for a new technology configuration of transport of substitute combustible:

- The regulation on the installation of alternative fuels infrastructure⁷⁰¹;
- the ReFuelEU Aviation Initiative⁷⁰²;
- the FuelEU Maritime Initiative⁷⁰³.

EU reacted quickly to the geopolitical reality that followed the Russian invasion of Ukraine. There were promoted and adopted a series of regulations regarding energy supply (March 2022)⁷⁰⁴, transactions of

⁶⁹⁴European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee Of The Regions "Fit for 55": delivering the EU's 2030 Climate Target on the way to climate neutrality*, COM/2021/550 final

⁶⁹⁵ European Commission, *Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and the Council, Regulation (EU) 2018/1999 of the European Parliament and the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652*, COM/2021/557 final

⁶⁹⁶ European Commission, *Proposal for a Directive of the European Parliament and of the Council on energy efficiency*, COM/2021/558 final

⁶⁹⁷ European Commission, *Proposal for a Council Directive restructuring the Union framework for the taxation of energy products and electricity*, COM/2021/563 final

⁶⁹⁸ European Commission, *Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings*, COM/2021/802 final

⁶⁹⁹ European Commission, *Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and hydrogen*, COM/2021/803 final

⁷⁰⁰ European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the internal markets for renewable and natural gases and hydrogen*, COM/2021/804 final

⁷⁰¹ European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council*, COM/2021/559 final

⁷⁰² European Commission, *Proposal for a Regulation of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport*, COM/2021/561 final

⁷⁰³ European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC*, COM/2021/562 final

⁷⁰⁴European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee Of The Regions „Fit for 55”: delivering the EU's 2030 Climate Target on the way to climate neutrality*, COM/2021/550 final

liquefied gas and hydrogen (April 2022), ending EU vulnerability on energy in Russia (May 2022)⁷⁰⁵, new proposal for legislation (July 2022)⁷⁰⁶. The EU also assumes Regulation 2022/1032 regarding gas storage and Regulation 2022/1369 regarding gas consumption. The Commission urged the legislative process to manage the geopolitics volatility of the day. From September to December 2022, the Council established three exceptional temporary market measures:

- a) a voluntary overall target to reduce gross electricity consumption by 10% and a binding target to reduce peak electricity consumption by 5%;
- b) a ceiling on market revenue at EUR 180/MWh for producers of electricity using renewable energy sources, nuclear energy, and lignite;
- c) a mandatory temporary solidarity toll for the fossil fuel sector.

During September-December 2022, the Council adopted regulations on measures to reduce electricity demand, a temporary revenue ceiling for producers of infra-marginal electricity, a contribution of temporary solidarity for the surplus benefits on fuel industries, development of renewables, and stopping the volatility of gas transactions.

Starting in March 2023, an increasing speed of implementation of the renewable sources program took place gradually eliminating gas and reducing the dependence of consumer bills on volatile fossil fuel prices.

Key Objectives of the European Union's Energy Policy

EU Energy Policy Has the Following Five Main Objectives

The diversification of Europe's energy sources, securing safety energy transactions and collusion of members, a free inland energy market, proper configuration of transportation with no blockades, carbon/free policies, reduction of imports, green jobs, and new economy according to Paris Agreement, identifying new technologies ensuring the transformation of sources and conversion from to renewable stimulation of job creation and economic growth; The decarbonization of the economy and the transition to a low-carbon economy in line with the Paris Agreement; The promotion of research in low-carbon and clean energy technologies and the prioritization of research and innovation to drive energy transition and improve competitiveness.

Energy from Renewable Sources

Solar energy, wind energy, hydroelectricity, geothermal, bioenergies, biofuels, tidal power, photovoltaics, and marine are sustainable and viable energy sources. Those cannot be supplied by the European market only, therefore there is a need for state policies, funds, and programs that must supplement the development of these sources. EU objectives for energy should be multiplying sources, local sources mostly to reduce imports. According to Directive 2018/2001 there is a minimum share of 32% consumption from renewable sources by 2030, hydrogen mostly. According to *The Proposal of July 2021 Commission revising the Renewable Energy Directive*⁷⁰⁷, in July 2022 the target increase to 40%. In May 2022 to 45%.

The Strategy concerning Solar Energy from May 2022⁷⁰⁸, proposes to increase the solar photovoltaic sources by 2025. According to The Offshore Wind Strategy from Renewable Sources, of November 2020⁷⁰⁹,

European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European Action for more affordable, secure and sustainable energy*, COM/2022/108 final

⁷⁰⁵European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU Plan*, COM/2022/230 final

⁷⁰⁶European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Save gas for a safe winter"*, COM/2022/360 final

⁷⁰⁷European Commission, *Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council, and Directive 98/70/EC of the European Parliament and of the Council regarding the promotion of energy from renewable sources and repealing Council Directive (EU) 2015/652*, COM/2021/557

⁷⁰⁸European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Solar Energy Strategy*, COM/2022/221 final

⁷⁰⁹European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions an EU Strategy to harness the potential of offshore renewable energy for a climate neutral future*, COM/2020/741 final

”Prepare for 55” settled climate neutrality by 2050 and, also, development of wind sources. *The Strategy concerning hydrogen from July 2020*⁷¹⁰ proposes the development of 6 GW of hydrogen measures by 2024 and a surplus of 40 GW by 2030. They established the goal of 10 million tons of hydrogen measures as an inland production and another 10 million tons for imports by 2030.

*The Biomethane action plan from May 2022*⁷¹¹ settled a target of 35 billion cubic meters of production by 2030. That proposal is of core importance regarding the Parliamentary decarbonization package of February 2023.

Improvement of Energy Supply Security

The safety policy regarding energy is also important, essential being prevention, organization, and combating the disturbance of installations. The Russian invasion of Ukraine has accelerated the need for safety regulations. *The Regulation (EU) 2019/941 concerning risk preparation in the electricity sector*⁷¹² is about electricity safety, policy, and collaboration between member states. This regulation confers the instruments of safety and management of disasters. *The Regulation (EU) 2018/1999 concerning the governance of the energy union*⁷¹³ initiates a general association of electricity at the EU level, defined as 15% greater than the installed capacity of members. *The Regulation (EU) 2017/1938 concerning the measures to safeguard the security of gas supply*⁷¹⁴ is like the rule mentioned above only that it refers to gas. Russian invasion determined the European Parliament to settle a minimum gas storage level of 80% establishing new targets and new bureaucratic processes for license.

The Regulation (EU) 2022/2576 concerning the strengthening of solidarity through better coordination of gas purchases, reliable price benchmarks, and cross-border gas exchanges⁷¹⁵, provides regulation for the EU energy storage deposits during the 2023/2024 winter. According to the Council Directive 2009/119/EC of 14 September 2009 on the obligation for member states to maintain a minimum level of crude oil and/or petroleum products reserves⁷¹⁶. The member States shall maintain emergency minimum oil reserves corresponding to the average daily net imports over 90 days or the average daily domestic consumption over 61 days, depending on which quantity is higher.

The field of application of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 on common rules for the internal market in natural gas and repealing Directive 2003/55/EC⁷¹⁷ extends to future gas pipelines to and from third countries, with derogations for existing pipelines, and the Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on the safety of offshore oil and gas operations and amending Directive 2004/35/EC contains special provisions on the safety of offshore oil and gas operations.

⁷¹⁰European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee Of The Regions a hydrogen strategy for a climate-neutral Europe*, COM/2020/301 final.

⁷¹¹European Commission, *Commission staff working document implementing the REPowerEU action plan: investment needs, hydrogen accelerator and achieving the bio-methane targets accompanying the document communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU Plan*, SWD/2022/230 final

⁷¹²European Parliament and of the Council, *Regulation (EU) 2019/941 of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC*, PE/73/2018/REV/1

⁷¹³European Parliament and of the Council, *Regulation (EU) 2018/1999 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council*, PE/55/2018/REV/1.

⁷¹⁴European Parliament and of the Council, *Regulation (EU) 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010*

⁷¹⁵Council, *Regulation (EU) 2022/2576 of 19 December 2022 enhances solidarity through better coordination of gas purchases, reliable price benchmarks and gas exchanges across borders*

⁷¹⁶Council, *Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products*

⁷¹⁷European Parliament and of the Council, *Directive 2009/73/EC of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC*.

The EU policy on trans-European energy infrastructure is governed by TEN-E regulations. Adopted in June 2022, the Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructures concerning the TEN-E identifies 11 core passages for the hydrogen and electricity in the EU. Also, development of Projects of Mutual Interest for EU members and other states and propose new projects and core criteria for the implementation of projects. The Regulation (EU) 2022/869 on TEN-E is financed by the Connecting Europe Facility 2021-2027, established by the Regulation (EU) 2021/1153 Of the European Parliament and of the Council on 7 July 2021 establishing the Connecting Europe Facility⁷¹⁸. The Fund for a Just Transition is the essential EU program for transition to renewables.

The Situation in Romania

Decarbonization of Electricity Production

To ensure the respect of the Romanian state obligation to adopt by 30 June 2022 the legal framework for decarbonization of the energy sector, as follows, setting the cut-off date for the cessation of lignite and hull-based electricity generation, the timetable for the withdrawal from service of the total lignite and hull installed capacity and the closure calendar of lignite and holly mines, given that the phased removal of lignite and coal-fired power plants is the first reform element of Component C6. Energy, from Pillar I. The green transition of the Romanian national recovery and Resilience Plan. As a result, on June 30, 2022, GEO no. 108/2022 regarding the decarbonization of the energy sector which establishes the general legal framework for the phased elimination of lignite and hull electricity production from the energy mix of Romania, setting precise deadlines for the closure and conservation of coal-fired energy groups.

The total installed capacity of electricity based on lignite and coal to be gradually eliminated until the late is 4,920 MW, of which 3,780 MW by the end of 2025, and the execution of safety works, closure works, and the greening of quarries and mines must be completed by the same date⁷¹⁹. The mentioned normative act sets a timetable for these operations. Thus, the remaining coal and lignite energy capacities available on 31 December 2021 shall be phased out as follows.

- a) by the end of 2022, 660 MW of lignite-based electricity generation capacity;
- b) by the end of 2025, an additional 1,425 MW of lignite-based electricity generation capacity;
- c) by the end of 2032 at the latest, additional lignite and hull-based electricity production capacities of 1,140 MW.

Thus, all coal and lignite-based energy capacities will therefore be taken out of operation by 31 December 2032 at the latest. However, they will be able to be reactivated and used under certain conditions and in compliance with the legal provisions in the field of state aid, as well as meeting the requirements related to environmental legislation. Energy capacities to produce electricity based on lignite that have been removed from conservation, are kept outside the energy market, and can only be dispatched if the transmission system operator is likely to lack balancing resources to restore a balance between demand and offer. This requirement is without prejudice to the activation of conserved resources before actual dispatching to be in respect of the activation constraints and the operating requirements of conserved resources.

To replace the electricity generation capacities on lignite and coal that will be closed and in order not to endanger the safety of the National Energy System, new capacities of green electricity production will be created. In this context, the largest producer of coal-fired electricity in Romania - Complexul Energetic Oltenia - is entering a process of deep restructuring⁷²⁰, a restructuring plan which was also approved by the European Commission by Decision C (2022) 553 final of 26 January 2022 was drawn up at governmental level. To support this technological and financial restructuring plan, the CEO has obtained financing from the Modernization Fund worth 897 million euros and new investments in natural gas capacities and renewable energy sources, as follows:

- a) 2 gas groups "ready for hydrogen" type CCGT, with a total capacity of 1,325 MW:
 - Isalnita: 850 MW - with commissioning in 2026;
 - Turceni 475 MW - with commissioning in 2026;

⁷¹⁸European Parliament and of the Council, *Regulation (EU) 2021/1153 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No. 283/2014.*

⁷¹⁹Government Emergency Ordinance No. 108/2022 regarding the decarbonization of the energy sector, Art. 3.

⁷²⁰ Cristina Oneț, *Greenhouse gas emission certificates-financial instruments for implementing enviromental policies in Romania*, "Pandemic Challenges for European Finance, Business and Regulation", Eufire 2021, pp. 330-348

b) 8 photovoltaic parks with a total capacity of 735 MW - by 2024.

Together with the Oltenia Energy Complex, it is also targeted by the restructuring of the Hunedoara Energy Complex. Thus, the capacity to produce electricity based on coal within it, namely energy group Paroseni 4, with an installed power of 150 MW, will ensure, by the end of 2030, neutralization of the coal resulting from the work on the safekeeping of coal deposits. Finally, lignite quarries and coal mining are closed and greened as follows:

a) the quarries of the Oltenia Energy Complex - according to the Restructuring Plan correlated with the need for lignite for energy capacities whose decommissioning did not occur, ensure the safe and stable operation of the National Power System and will gradually cease their activity by the Closing Plan (PIA) for each quarry;

b) Alunu and Berbesti quarries (CET Govora) - closure and greening by 31 December 2027;

c) mining of Hunedoara Energy Complex:

- Lupeni and Lonea - closing and greening until 31 December 2026;
- Livezeni and Vulcan - closing and greening until 31 December 2032.

Modification of PNR and Repower EU Content Proposed by Romania

On 8 September 2023, Romania submitted a request to the European Commission to amend its recovery and resilience plan, to which it also wants to add a chapter dedicated to the Repower EU plan. The Repower EU chapter proposed by Romania covers two new reforms and six new investments, as well as a strengthened measure already in the plan. Reforms and investments in this chapter are linked to increasing green energy production, improving energy efficiency in buildings, and strengthening workforce skills in the field of green energy production.

The modification of the plan proposed by Romania mentions the removal of four investments from the initial plan and the modification of about 70 measures.

Romania's request to change its plan is based on the need to take account of the high inflation recorded in 2022, supply chain disruptions, and the downward revision of its maximum grant allocation through the Recovery and Resilience Mechanism (MRR), from EUR 14,2 billion to EUR 12,1 billion. This review is part of the June 2022 update of the MRR grant allocation key and reflects the comparatively better economic result achieved by Romania in 2020 and 2021 compared to the forecasts initials.

Romania has requested that its share of the Brexit adjustment reserve of 43.2 million EUR be transferred to its recovery and resilience plan. Together with grants to Romania through MRR and REPowerEU (12.1 billion EUR and 1.4 billion EUR respectively) and MRR loans already committed under the original plan (14.9 billion EUR), these funds bring the value of the modified plan presented to almost EUR 28.5 billion.

The reforms and investments in REPowerEU proposed to strengthen the resilience of the national energy system are as follows:

- creation of the legal framework for the use of non-productive/degraded land owned by the State/UAT for green energy production, including the creation of the national single register of non-productive land (allocation of 15,000,000 euros);
- professional training of human resources in the fields of production, storage, transport, and distribution of green energy (allocation of 4,000,000 euros);
- increasing energy efficiency and green energy production (allocation of 229,000,000 euros);
- decarbonization of the agricultural sector by increasing the energy efficiency of main channel infrastructure and equipment related to hydro-ameliorative systems (allocation of 207,000,000 euros);
- use of residential buildings to accelerate the deployment of renewable energy;
- vouchers to stimulate the installation of photovoltaic panels and related energy storage systems for residential buildings belonging to individuals (allocation 233.691.220 euro);
- autonomous energy villages (allocation of 200,000,000 euros);
- new capacity of electricity production from renewable sources (300,000,000 euros allocation);
- digitization, efficiency, and modernization of the national electricity transmission network (allocation of 148,000,000 euros);
- digitization, efficiency, and modernization of the national gas transmission network (allocation of 103,700,000 euros);

Ongoing Projects and Future Plans

The main objectives of Romania's public policies in the energy sector refer to its transformation and decarbonization. To achieve these objectives, Romania implements the most important programmatic documents developed and adopted at the European level, but it also elaborates its programmatic documents. After the implementation of Directive 944/2019 on common rules for the internal market in electricity and amending Directive 2012/27/EU, has been carried out, the Directive on renewable energy sources (Red III and IV) follows and work is being done on a National Hydrogen Strategy, as well as on the updating of the National Energy and Climate Change Plan. A brief analysis of Romania's current energy situation reveals many positive observations. The structure of energy production in Romania shows that 70% is carbon-free, which puts it ahead of many European countries with a long tradition and stronger financial resources, compared to the ones Romania has.

A law on decarbonization was also adopted. It foresees that by 2032, all production capacities using solid fossil sources will be preserved or decommissioned, and these will be replaced by nuclear units. It is about Units 3 and 4 from Cernavoda in the perspective of 2031. Romania is also running a project to place a power plant with small modular nuclear reactors in Doicești, which was planned to be put into operation in 2029. Renewable energy is growing. At the level of 2030, in addition, there will be another 10,000 MW installed from renewable energy sources. The first step was made with the implementation of Directive 944, in December 2021, by introducing the paragraph on quantitative and financial compensation. Consequently, there is currently over GW installed at prosumers. This development will continue, and at the end of 2023, it is expected to be close to 1.5 GW installed at prosumers.

As for the electricity networks, significant amounts allocated were made available to the carrier (Transelectrica), as well as contracts signed for the development of the transport network. These are 430 million euros from signed contracts and another 150 million euros from contracts under negotiation. About the distribution of electricity, microgrid networks are considered a form of development of future systems, as they must deal with many more territorially dispersed producers and, at the same time, be able to track the traceability of energy produced and consumed in these microgrids.

Regarding the expansion of natural gas production in the Continental Black Sea Platform, it is estimated that the association between Petrom and Romgaz on the exploitation of natural gas in the Neptun Deep perimeter will lead to, at the end of 2026, the beginning of 2027, at an additional volume of approximately 8 billion cubic meters per year, which will cover Romania's consumer needs and put it in the situation of becoming a supplier of stability in this field in the region.

From a financial point of view, the Romanian Government has two instruments, namely PNRR and the Modernization Fund. PNRR contracts are being signed for renewable production capacities of around 590 million euros and the final target is 950 MW. Thus, contracts were signed for the construction of new high-efficiency cogeneration capacities in Constanta, Arad, Craiova, and Ramnicu Valcea. For energy storage in batteries projects and integrated chains are under evaluation, production, battery assembly, or photovoltaic panels in Romania. Also, a call for projects for hydrogen production is under evaluation. All these programs represent investments that are carried out through PNRR and have an estimated value of 1.1 billion euros.

At the same time, Romania has the Fund for Modernization at its disposal, until 2030. More than 5.3 billion euros were allocated through signed contracts, individual projects, and schemes approved by the Investment Committee for this fund. It is about 890 million euros of financing for the Oltenia Energy Complex to produce energy from photovoltaic sources of 730 MW, which is added to the 1,3 GW installed in combined cycle power plants. Applications were sent for three more projects of 150 million euros for Transelectrica, including an interconnection project Suceava – Balti, with the Republic of Moldova. 100-million-euro contracts were signed with distribution operators, which will continue until the competition of 1.3 billion euros, providing investment grants to those operators covering between 80 and 85% of the investment value, to make the network more resilient and able to accommodate new producers from renewable sources, dispersed from a territorial point of view. 93 million euros are still available for the Transgaz network, for the development of interconnections and lines that will make possible the use and transport of gas from the Black Sea to the internal transport network.

Finally, more than 2 billion euros in financing schemes for renewable energy production have been created and approved. All types of renewable sources are considered, not just wind and photovoltaic. These financing schemes are divided as follows: 500 million euros for public authorities, 500 million euro for

prosumers, 500 million euro for independent producers, and 500 million through a scheme to be developed by the Ministry of Agriculture for the rehabilitation of thermal energy networks⁷²¹.

Conclusions

As the war in Ukraine has exacerbated the existing European and international energy problem by generating high energy prices, it has become imperative to find new solutions to secure the energy supply of European states. This crisis context has highlighted the serious dependence of EU economies on fossil fuels (natural gas, oil, and coal) in Russia. The "REPowerEU" plan brought measures to reduce the EU's energy dependence on all types of Russian fuels and ensured that the implementation of the European Green Pact was accelerated through new actions, considering the legislative package "Prepare for 55".

Additional funds were needed to accelerate further the decarbonization of European economies, close infrastructure gaps in the EU and address important cross-border links. Measures have been taken into consideration to mitigate the impact of energy supply disruptions on both companies and the population.

The plan is accompanied by legislative measures, including a proposal for a regulation aimed at introducing chapters in national recovery and resilience plans dedicated to increasing the resilience of the EU's energy system, that is a proposal for a directive modifying Directive 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31 on the energy performance of buildings and Directive 2012/27 on energy efficiency. The new plan and related initiatives consider member states' use of fossil fuels (coal, oil) and nuclear energy as transitional, temporary solutions, which should not incriminate the achievement of the long-term objectives set out in the European Green Deal.

Romania has made efforts and is still working to integrate these new visions into the EU's common energy policy. If on some restructuring levels, it still has a lot to do, from the point of view of energy security, it has an energy potential favorable to growth on all levels, and for this, it needs important investments for:

- restructuring of the energy mix;
- strengthening existing capacities;
- creation of public infrastructure capable of supporting new investments in the energy sector;
- stimulating investment in the private sector, especially in the field of renewable energy sources.

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**EXAMINING TOTAL ENERGY CORPORATION’S CONDUCT IN YEMEN: A
 COMPARATIVE ANALYSIS OF POLITICAL CORRUPTION AND
 SHIFTING DYNAMICS 2005-2023**

Abstract:	<p><i>This study analyzes Total Energy's conduct in Yemen from 2005 to 2023 using an offensive realist framework. During Saleh's corrupt regime (2005-2011), Total exploited Yemen's vulnerabilities, securing an imbalanced gas agreement for short-term gains. Post-Saleh (2012-present), Yemeni governments struggled to hold Total accountable, hindered by governance challenges.</i></p> <p><i>Total's control over Yemen's oil and gas sector, constituting 80% of GDP, highlights the dominance of non-state entities. The total has benefited from the weak governance that prevented legal action for law violations that have been done by the corporation including violating the Yemeni laws regarding the unfair agreement, causing environmental damage, and turning the oil facility into a detention center during the Yemen war.</i></p> <p><i>Offensive realism explains Total's actions, prioritizing strategic interests over legal constraints in an anarchic world system that enables it to do so through being authorized by major powers. The study also explores how Total, a non-state actor, surpasses the power of a state like Yemen, providing valuable theoretical insights.</i></p>
Keywords:	Anarchy; energy; asymmetrical powers; economic colonialism; lack of governance.
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Introduction

Throughout history, Yemen has been targeted by several powers as it holds strategic geopolitical importance due to its location along key global shipping lanes and its access to the Gulf of Aden and the Red Sea. Additionally, it possesses significant natural resources such as oil and gas, serving as the primary pillar supporting the Yemeni economy. It’s worth mentioning that the nonoil sectors of the economy depend on oil and gas; The oil and gas industry contributes to a quarter of economic growth in Yemen, while the remaining two-quarters of growth stem from services such as trade, transport, banking, and telecommunications. However, most successful enterprises in these sectors are not representative of typical Yemeni businesses. Instead, they maintain close ties with the oil sector and tend to have strong connections to political and military entities. The remaining informal sector of the economy has remained stagnant⁷²². Yemen's economy depends heavily on oil production and exports. Oil contributes 80% of the value of the GDP⁷²³ accounts for 75% of the

⁷²² The Republic of Yemen, *Unlocking the Potential for Economic Growth: A Country Economic Memorandum*, “World Bank”, Washington, DC, Report No. 102151-YE, October 2015, Republic of Yemen: Unlocking the Potential for Economic Growth (worldbank.org) (14.12.2023)

⁷²³ CIA World Factbook, *Yemen GDP*, “Wayback Machine Website”, January 29, 2018, Yemen - The World Factbook (cia.gov) (12.10.2023)

total revenues of the state's general budget⁷²⁴, and constitutes 90% of the value of the state's exports⁷²⁵. Consequently, numerous multinational corporations eagerly seek the opportunity to capitalize on the potential presented by this country and one of them is Total Energy⁷²⁶. Based on the theoretical framework of offensive realism, this paper analyzes the acts of the multinational corporation, Total, in Yemen between 2005 and 2023⁷²⁷. Offensive realism conceptualizes the international system as inherently anarchic without a central authority, compelling both states and major non-state actors to prioritize self-help interests of security and material accumulation over legal agreements or humanitarian concerns.

The study applies the theory's assertion that international interactions are framed through relative gains pursued in a competitive and zero-sum manner rather than positive-sum cooperation. The argument sheds light on Yemen's period of domestic weakness and corrupted regime under the former Yemeni president, Ali Saleh ruling, since the signing of the gas export agreement with Total from 2005 till the revolution that removed Saleh from power in 2011. During this period, Total capitalized on its advantageous economic position by leveraging political incentives to secure a gas agreement disproportionately tilted towards its short-term gains at the expense of Yemen's long-term fiscal security. Since 2012, in the post-Saleh governments' attempts to redress contractual harms, Total has continued to violate laws due to the lack of a strong Yemeni government that can defend its land and resources. The study shows how powerful stakeholders pursue self-interest within an anarchic setting lacking the enforcement of moral behaviors. The paper examines how Total's actions reflect the theoretical anticipation of greater powers prioritizing strategic interests over legal authority in a fundamentally anarchic international system.

A Brief Background about Yemen's Location and Natural Resources

Yemen's strategic geographic location at the southern tip of the Arabian Peninsula gives it control over the Bab Al-Mandeb Strait, a vital passage for commercial shipping between Europe and Asia (see Figure 1). This maritime chokepoint grants Yemen significant geopolitical importance. Additionally, Yemen possesses valuable oil reserves, though its oil production has declined due to conflict. However, there are untapped offshore natural gas deposits, and water resources, including rivers, valleys, and highland aquifers, play a crucial role in irrigation for key agricultural regions. Nevertheless, water access is a sensitive political issue that exacerbates domestic tensions. In summary, Yemen's location on a crucial global trade route and its reserves of oil, natural gas, and water provides economic opportunities but also subject it to vulnerability, especially during periods of unrest.



Figure 1. Location of Total's Operations in Oil production Blocks in Yemen⁷²⁸

⁷²⁴ *Idem*

⁷²⁵ Ramzi Hassan, *Quantitative Assessment of Government Expenditure and its Implications on Yemen's Balance of Payments*, "Swami Ramanand Teerth Marathwada University", India, 2023, p.1

⁷²⁷ Fort Joel, *Yemen: A Tragedy Under the Radar*, "San Diego World Affairs Council", San Diego, April 11, 2023, <https://sdwac.org/event-5209778> (17.10.2023)

⁷²⁸ Google Earth, *Oil blocks in Yemen*, <https://earth.google.com/> (5.11.2023)

Yemen's Political, Economic, and Security Status Since 2005

During Ali Abdullah Saleh's three-decade presidency, Yemen faced significant political, economic, and security challenges. Saleh's centralized power resulted in corruption and hindered equitable public services and economic development. Mismanagement of natural resources led to declining GDP, high unemployment, and deteriorating infrastructure. The Houthi militant group, supported by Iran, grew stronger. Frustration with Saleh's repressive rule sparked the 2011 Yemeni uprising, part of the Arab Spring, demanding change. Saleh resisted calls to step down, deploying security forces that killed protesters. The Gulf Initiative facilitated a flawed political transition, with Saleh transferring power to Abdu Rabu Hadi. However, Hadi encountered challenges amidst rising sectarian tensions and persistent corruption. In 2014, Yemen plunged into civil war as the Houthi rebels seized control, triggering a conflict involving regional powers⁷²⁹. State authority collapsed, exacerbating the humanitarian crisis with millions displaced and in need of aid. Yemen's weak governance violated sovereignty, and severe hardships endured by its people persisted. Furthermore, Yemen's economic situation worsened when it signed a gas export agreement with Total in 2005, further straining the economy heavily reliant on oil and gas revenues, which account for 80% of its GDP⁷³⁰.

Total Competes with Companies to Obtain Yemeni Oil and Gas Agreements

Total competes for Yemeni oil and gas agreements. Marib saw oil production started in 1985 by Hunt Oil Company, and Enron showed interest in Block 5's Al Jannah oilfield in 1987. Total partnered with Hunt, Exxon, KUFPEC, and two Russian companies. Total and Enron signed a gas development partnership focusing on Al Jannah, but Total used corruption to secure the gas agreement, excluding Enron. In 1995, Total signed the Gas Development Agreement (GDA) for exporting 125 million tons from Balhaf, accounting for 80% of Yemen's gas reserves. Total operated in the Messila Basin in Sector 10 and holds over 7 trillion cubic feet of gas reserves in Sector 18. Total suspended Yemen operations in April 2015 due to the war. French Ambassador Jean Marie aimed to resume LNG exports from Total's exploration areas in Marib, Shabwah, and Hadhramaut. Discussions focused on an agreement involving the Yemeni government, the UAE, and Total to restore gas exports through the Balhaf facility. Total resumed Yemeni gas exports from Block 18 by late March 2022. In 2005, Total signed 20-year sales agreements with Yemen's national gas company, deliberately delaying Yemeni gas exports until 2009 to solidify control.

The blocks that Total manages (see Figure 1 and Table 1) have historically accounted for around 80% of the government's budgetary foundation, but this proportion decreased in 2010 after the implementation of the gas and oil agreements signed between Total and the Yemeni government⁷³¹.

Block Name	Governorate	Partners under Total management
Balhaf 18	Marib - Jawf	Safer E&P operation
Masila 14	Hadhramout	Petro Masila
East Shabwah 10	Hadhramout	E&P Yemen
Jannah 5	Shabwah	Jannah Hunt

Table 1. The oil Production Blocks⁷³²

Total's Petroleum Operations:

The Production Sharing Agreement for Block 18 in Marib-Jawf (see Figure 2) was signed in 1981 between Yemen and the Yemen Exploration and Production Company (YEPC). Safer Exploration and Production Operations Company (SEPOC) has operated the block since 2005, with Total (operating as Yemen LNG Company) selected by the government to oversee the project. Article 3.4 of the Gas Development Agreement (GDA) granted Total the right to assess gas reserves through the appointment of an international

⁷²⁹ Council on Foreign Relations, *War in Yemen*, October 17, 2023, <https://www.cfr.org/> (9.11.2023)

⁷³⁰ CIA World Factbook, *Yemen GDP*, "Wayback Machine Website", January 29, 2018, p. 2, <https://web.archive.org/> (12.10.2023)

⁷³¹ Ministry of Oil and Minerals, *Documents of Oil blocks in Yemen*, 2006, <https://mom-ye.com/site-en/%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/> (10.11.2023)

⁷³² *Idem*

consultant⁷³³. Hunt, an American company, insisted on participating as a partner and was granted the opportunity. In 1997, modifications were made to the GDA, leading to the involvement of various entities in Yemen's gas sector. Hunt became an operator of the gas field with a 17.22% stake, and a consortium of Korean companies held a combined ownership of 21.43%⁷³⁴. Total, as the project's main operator of the export facilities in Balhaf, held a 39.62% share as a foreign partner⁷³⁵. Local entities, including the Yemeni Gas Company (YGC) with a 16.73% stake, and the General Authority for Insurance and Pensions with a 5% stake. Since then, Total and Hunt have greatly benefitted from Yemen's oil and gas resources. The subsequent contract signed with Total in 2005 revealed significant collusion and corruption during its execution, leading to extensive economic and physical damages to Yemenis⁷³⁶.

The agreements related to Yemen's natural gas industry in 2005 warranted further scrutiny. In particular, (GDA) and Unitization and Field Services Agreement (UFSA) signed in 1997 contained inaccurate reserve estimates and misleading gas price data, according to a 2005 report by US consulting firm Dagher & Macintosh that Total presented to the Yemeni government in 1996. This led the Yemeni Natural Gas Company, Amal Masila, represented by majority stakeholder Total, to secure Ministry approval for gas sales contracts, bypassing the House of Representatives Resolution No. 675 issued on July 12, 2005, and Cabinet Decision No. 257 approving the contracts on August 16, 2005⁷³⁷. Further questionable was the company's reported 2 trillion cubic feet expansion allegedly violating Articles 3.4, 2.1, and 6.3 of the GDA as well as clauses 10.1 through 10.3 of the UFSA, in addition to House Resolution No. 110 dated March 13, 1997. The implementation of these deals from 2009 to 2015 resulted in actual economic damage⁷³⁸.

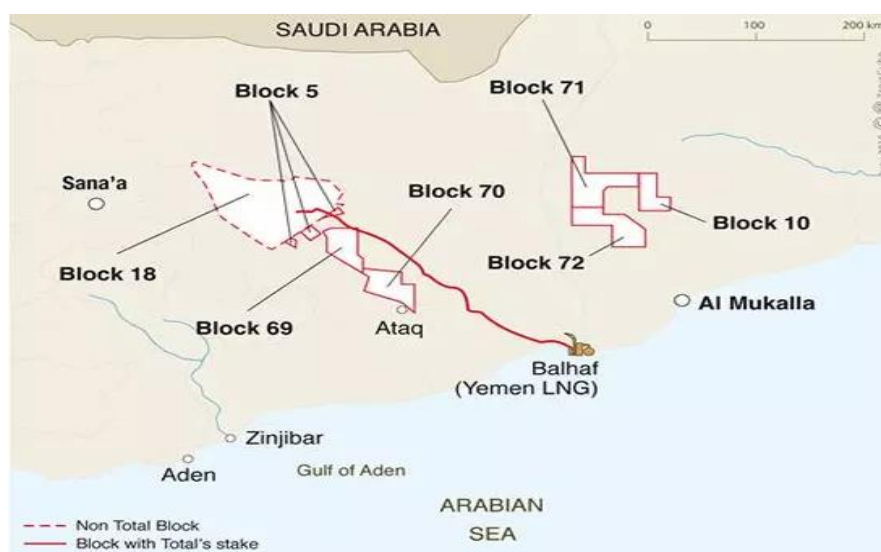


Figure 2. Block 18 in the Central Marib-Jawf Basin⁷³⁹

This section highlights the exploitation and looting of Yemeni gas by Total, based on a report by the consulting company Altara. Firstly, it is important to note that due to the use of the Henry Hub index, which is the lowest index in global gas markets at the time, the Yemeni government incurred a loss of approximately \$11 billion in price differentials during the period from 2009 to 2014. The government did not receive \$161

⁷³³ Abdul Ghani Jughman, *Catastrophes of the LNG agreement in Yemen*, "Ultera Consulting", June, 2022, p. 3

⁷³⁴ Daniel Canty, *Yemen: Fledgling gas exporter rocked by troubles*, "Oil & Gas Middle East", February 13, 2011, [https://www.oilandgasmiddleeast.com/news/article-8454-yemen-fledgling-gas-exporter-rocked-by-troubles_\(06.10.2023\)](https://www.oilandgasmiddleeast.com/news/article-8454-yemen-fledgling-gas-exporter-rocked-by-troubles_(06.10.2023))

⁷³⁵ *Idem*

⁷³⁶ Hassan Al-Zaidi, *Yemen signs 20 years LNG sale agreement*, "Yemen Times Journal", September, 2005

⁷³⁷ Zaid Al-Mahbashi, *Total Energies' dirt in Yemen*, "Saba News Agency", 2023, p. 4

⁷³⁸ *Idem*

⁷³⁹ Total Energies Website, *Yemen: Total acquires interest in and becomes operator of Block 3 exploration permit*, March 5, 2012, [https://totalenergies.com/_\(10.11.2023\)](https://totalenergies.com/_(10.11.2023))

million in facility fees, as the facility ownership and operation were transferred from the Safir company to the Marib American Resource Services Company, which was a partner in the gas project and had ended its legal relationship with Sector 18's operations after the expiration of Hunt's license on November 14, 2005⁷⁴⁰. Total purchases Yemeni gas and holds the government accountable at the lowest selling price in the world (Henry Hub index), while selling 70% of Yemeni gas to companies in Asian markets at a difference of over 300% from the price; The total number of transshipment cargoes sold in Asian markets was 139 out of 159 during 2009-2013⁷⁴¹. The financial damage to the Yemeni government, resulting from tariff differentials, recovered expenses, and direct returns, exceeds \$7 billion during the period 2009-2014, by comparing the actual selling price and the company's financial analyses⁷⁴².

According to documented data from the Central Monitoring and Accounting Agency, the Yemeni government only received 6% of the total amount of liquefied natural gas export revenues, which amounted to approximately \$18.5 billion during the period 2009-2014. The annual income for the government from sales of liquefied natural gas (LNG) was \$180 million⁷⁴³, which falls short of the annual operating budget requirements for the Safir company, the gas producer and supplier in Balhaf (Figure 3). The gas facilities in the source area were hindered from being updated, and the efficiency of extracting liquefied petroleum gas (LPG) was not improved, resulting in the leakage of over 68 million barrels of petroleum gas to Balhaf. The financial value of this leakage amounts to \$4.8 billion. Additionally, more than 58 million barrels of liquefied petroleum gas were targeted for pumping into Balhaf (Figure 2), claiming to increase the calorific value of natural gas to 1,076 British Thermal Units per cubic foot. It is important to note that despite allocating 123.5 million tons (in volume units) for the gas project, the value of the targeted domestic gas exceeds \$4.1 billion. The revenues from selling liquefied petroleum gas (LPG) outside the project exceed the project's revenues by 200% (\$8.9 billion versus \$5.2 billion); In fact, Yemen receives only 90 riyals per cylinder from the liquefied gas project's proceeds through the Balhaf project, whereas the actual selling price for Yemeni citizens in the local market is 6,000 riyals⁷⁴⁴. The shortfall of oil and condensate in Sector 18 due to gas exports is estimated to be around 59 million barrels, valued at over \$4 billion. The total economic and financial damages incurred by Yemen from this project amount to \$78 billion, and if the additional planned gas volume of 2 trillion cubic feet is targeted, Yemen's loss would exceed \$100 billion⁷⁴⁵.



Figure 3. The Red Placemark Shows the Balhaf Terminal in Shabwah Governorate⁷⁴⁶

⁷⁴⁰ Abdulghani Jughman, *Catastrophes of the LNG agreement in Yemen* “Ultera Consulting”, 2022, p. 4

⁷⁴¹ *Idem*

⁷⁴² Nabeel Al Sharabi, *The full story of the crime of selling Yemeni gas*, “Akhbar Alyom Journal”, February 2, 2014, p. 2

⁷⁴³ Karim Shami, *Oil and gas plunder: Yemen's future is being stolen*, “The Cradle Journal”, June 2, 2023, p. 2

⁷⁴⁴ Alarab Journal, *The high price of domestic gas brings Yemenis back to the days of firewood*, July 27, 2021, p. 3

⁷⁴⁵ Abdulghani Jughman, *Op. cit.*, p. 4

⁷⁴⁶ Google Earth, *Balhaf in Shabwah Governorate*, <https://earth.google.com/> (5.11.2023)

According to a report of the Central Agency for Control and Audit, the decline in government revenues from liquefied natural gas sales is due to unfair provisions included in the agreement signed at that time with the operating companies, these unfair provisions can be identified in two main items⁷⁴⁷:

First: calculating the price of a million thermal units based on the selling price of crude oil, while restricting the maximum price of a barrel of crude oil to \$40. This means that if the price of a barrel of oil exceeds \$40, Total still buys a barrel of oil with that fixed price. In fact, this the malicious and unfair equation was established in the agreement, with clear complicity on the part of the Yemeni negotiating team at the time. This item caused huge losses to the government and the Yemeni people as this equation made the price that Total pays to the Yemeni government of one million thermal units' range between 2 and 4 dollars (see Figure 4 and Table 2). While global prices were between 9 and 14 dollars, and the price of a barrel of oil ranged between 70 and 120 dollars during that period. After Total buys the gas from the government, it sells it to its affiliated companies of 70% of the amount of Yemeni gas sold. In fact, the actual selling prices of the Yemeni Gas, determined based on the Henry Hub index for North America (See Figure 4 and Table 3), which represents the lowest prices, are utilized to circumvent the recommendations outlined in House of Representatives Resolution No. (675) dated July 12, 2005.

Prices	per million Btu of gas	per barrel of gas
What Total Pays Yemen	\$2 - \$4	\$9 - \$14
Global prices	\$40	\$70 - \$120

Table 2. Comparison Between the Prices in Yemen and the Global Prices Based on the Gas Agreement⁷⁴⁸

Second: the determination of the government's share of the project's net profits is based on deducting 50% of the total income as capital and operating expenses of the operating company, according to the following equation: If the ratio of cumulative revenues over cumulative expenses is less than or equal to the correct one, then the government's share of the net profits is 25 %, and the operator's share is 75%, and the government's share increases if the result is greater than one. The malice in this equation lies in the fact that during that period, the operating company was able to manipulate the result to be less than one by inflating expenses (the denominator) and reducing revenues (the numerator). This unfair practice allowed the company to continue this game until the end of the contract period for the project.

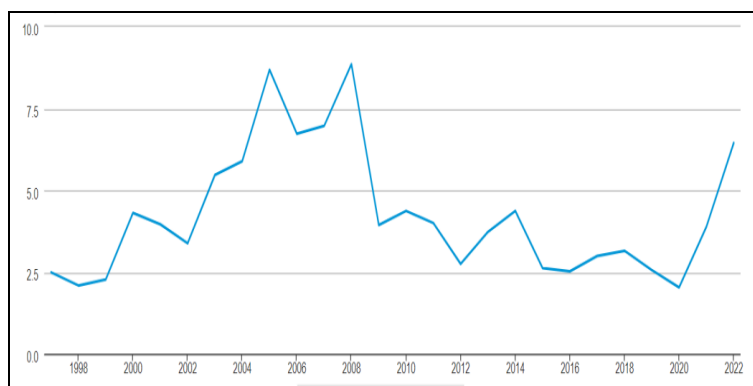


Figure 4. Henry Hub Natural Gas Spot Price⁷⁴⁹

⁷⁴⁷ The Yemeni Central Organization for Control and Audit, *Investigations of Total's petroleum operations*, 2014, p.9, <https://agoye.gov.ye/page.php?lng=arabic&id=378> (05.10.2023)

⁷⁴⁸ *Ibidem*, p. 6

⁷⁴⁹ US Energy Information Administration, *Henry Hub natural gas price*, https://www.eia.gov/opendata/v1/embed.php?type=chart&series_id=NG.RNGWHHD.A&date_mode=all, (27.09.2023)

Year	2009	2010	2011	2012	2013	2014	2015
Henry Hub Gas Price	3.94	4.37	4.00	2.75	3.73	4.37	2.62

Table 3. Henry Hub Gas prices during Total’s operation. The chart is applied to the Figure 4 Diagram⁷⁵⁰

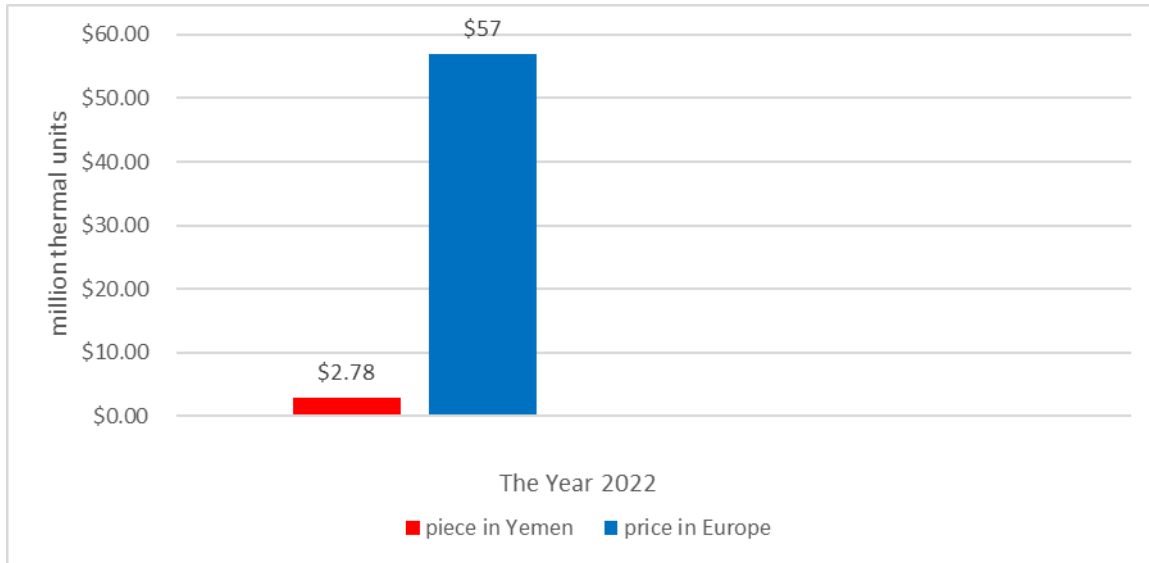


Figure 5. Comparing the Gas Price Of Million Thermal Units Between Europe and Yemen in 2022⁷⁵¹

The Yemeni Company for Liquefied Natural Gas (YLNG) that Total maintains, serves as the custodian of reserves, the seller, the buyer, and the price regulator for government income from LNG sales throughout the contract period. However, the financial analysis submitted to the government in August 2005, along with the expert oil report commissioned by the prosecution, revealed discrepancies. The analysis presented Yemeni gas sales prices at \$4.5 per million British thermal units (BTUs) for low prices and \$7.5 per million BTUs for high prices, derived from the Henry Hub index of North America's spot market (See Figure 4).⁷⁵² This contradicted the recommendations of Parliamentary Resolution 675 issued on July 12, 2005⁷⁵³. Additionally, an oil expert review of the mentioned financial analysis demonstrated that government income was calculated at a minimum price of \$2.7 and a maximum price of \$4.38 per million BTUs (See Table 3), after adjusting for the government's share of royalties. This calculation was completely excluded from the YLNG's analysis submitted to the government in August 2005.

Such actions indicate non-compliance with profit-sharing agreements and the deliberate provision of inaccurate information to bypass parliamentary recommendations and secure contract approvals based on misleading pricing and reserves, as indicated by the ECL report. According to the report issued by the Central Monitoring and Accounting Agency, number 1631, dated June 1, 2014, and the expert oil report commissioned by the prosecution, the total sales based on the contracted prices during the period from 2009 to 2014 amounted to approximately \$7.075 billion, at an average selling price of \$4.45 per million British thermal units

⁷⁵⁰ *Idem*

⁷⁵¹ World Bank, *Monthly prices for natural gas*, November 2, 2023, [https://www.worldbank.org/en/home_\(01.11.2023\)](https://www.worldbank.org/en/home_(01.11.2023))

⁷⁵² US Energy Information Administration, *Henry Hub natural gas price*, https://www.eia.gov/opendata/v1/embed.php?type=chart&series_id=NG.RNGWHHD.A&date_mode=all (27.09.2023)

⁷⁵³ Althawrah Institution, *Canceling the concession granted to Total and its partners in the liquefied gas project in Yemen*, October 6, 2022, p. 7

(BTUs)⁷⁵⁴. However, the total sales based on the actual prices for the same period amounted to \$18.53 billion, at an average selling price of \$11.6 per million BTUs, resulting in a difference of \$11.455 billion that benefited the project partners at the expense of the resources and capabilities of the Yemeni people. In fact, the government only got \$1.1 billion which didn't even reach the minimum income. Yemen continues to experience adverse impacts because of the inequitable gas agreement, thereby exerting a negative influence on its current situation. In 2022, the price of a million thermal units in Europe peaked at \$57, while Yemen sells gas at a significantly lower value of \$2.78 per million thermal units (see Figure 5). This clause made the operating company recover the value of investment spending, acquire the government's share of the revenues, and achieve huge profits in a short period of time, as confirmed by the report of the Central Agency for Control and Audit. In fact, Yemen's losses exceed its gains from the gas agreement during 2009-2014 (see Figure 6). Based on the data shown in Figure 6, the cumulative economic and financial damages inflicted on Yemen from this project amounted to \$48.6 billion. If the Yemen's losses continue in the same rate throughout the remaining lifespan of the agreement, the losses will exceed \$100 billion as mentioned earlier.

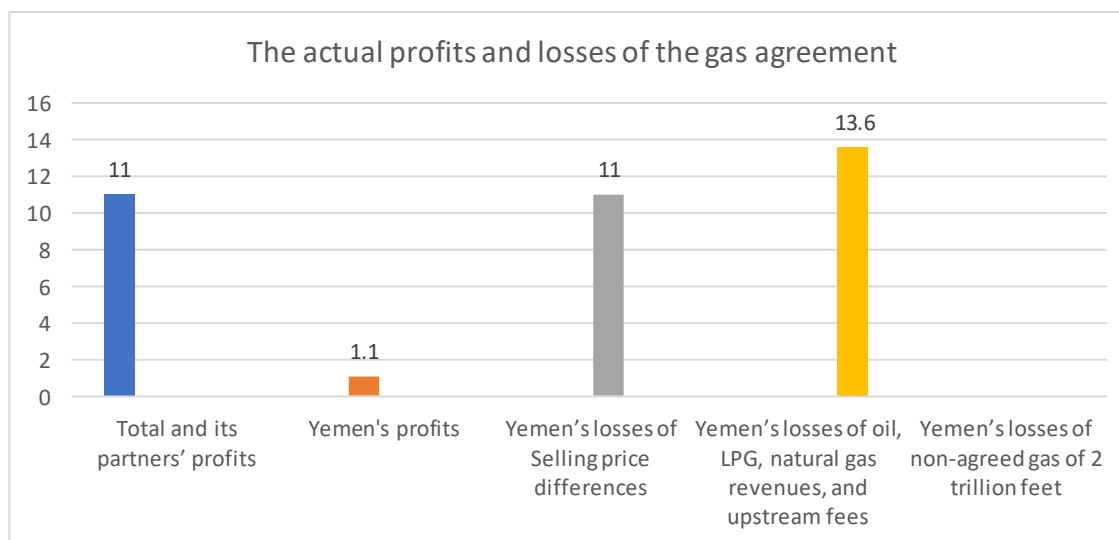


Figure 6. Results of the Gas Agreement 2009-2014⁷⁵⁵

The New Yemeni Government's Aims to Address Past Corruption Regarding Total's

After Ali Saleh was removed by the Yemeni revolution in 2011, the new government investigated cases of corruption of the previous regime, including Total's depletion and exploitation of Yemen's oil and gas in partnership with the Yemeni Liquefied Natural Gas Company, which was under corrupt management of the previous regime. The Yemeni government engaged in a series of legal proceedings to address Total's contravention of gas sale agreements between 2013 and 2022:

1. The Wise Governance Team reviewed the LNG export agreements and contracts in 2013. On-site visits and consultations were conducted with stakeholders at the Ministry of Oil. The objective was to assess the negative impact of the Balhaf gas export project on the national economy. Correspondence from the Safer Company, Total's partner, documented economic losses incurred by the government from 2006 to 2012. These losses resulted from plans and studies formulated by Total and Hunt Company, deviating from the gas sales contracts by targeting an additional reserve of 2 trillion cubic feet of natural gas.

2. The Good Governance Team reported alleged corruption in government agreements and sales contracts. On September 3, 2013, the Public Prosecutor instructed the Deputy Public Funds Prosecutor to initiate an inquiry into corruption allegations related to LNG agreements. The investigation aimed to assess economic damages from 2009 to 2013. The investigation officially began on September 13, 2013.

⁷⁵⁴ Ahmed Mokryani, *The crime of Total Oil Company in the Yemeni gas project against Yemen and the Yemenis*, "Modern Dialogue Foundation", April 18, 2023, p. 5

⁷⁵⁵ Abdulghani Jughman, *Op. cit.*, p. 4

3. The Second Initial Public Funds Prosecution Office, specializing in corruption cases, based its decisions on the investigation's findings. Reports from technical, legal, and financial experts were considered, including oil and gas engineers from Safer Company, legal experts from the prosecution and the Ministry of Oil, and financial experts from the Central Organization for Control and Accounting and the Marketing Department at the Ministry of Oil. The experts were assigned by the prosecution according to Prosecution Document No. (193) dated June 4, 2014⁷⁵⁶. The decisions included:

a. Ministry of Oil mandated to adhere to the agreed annual pumping of tons of oil for 20 years as per the Gas Development Agreement approved by the House of Representatives.

b. Prohibition on allocating an extra 2 trillion cubic feet due to partners' plan violation of development agreement and related documents (LNG's document, June 17, 2005, and D&M certificate, May 26, 2005⁷⁵⁷). Clyde Fatwa issued on February 12, 2014, in this regard, was revoked.

c. Yemeni LNG Company demanded to compensate Yemen for discrepancies in selling prices, crude oil and domestic gas losses, and upstream fees due to intentional misrepresentation by partners.

4. In response to Memorandum No. 193 (June 4, 2005) from the Public Funds Prosecution, the LNG Company replied on August 10, 2014, referring to the oil expert's report (June 1, 2014). The company claimed remaining reserves of 10.219 trillion cubic feet based on the 2005 D&M certificate. They accused the Public Funds Prosecution of deliberate falsification, contradicting the D&M affidavit issued in 2005.

5. After the revelation of falsified gas reserves, the Yemeni LNG Company requested a meeting in Dubai with the Public Prosecution on August 10, 2014. They claimed unavailability of experts in Yemen and offered to cover all related costs. This request aimed to influence the case's outcome and was reiterated in a memorandum on October 2, 2014.

6. Public Funds Prosecution filed case No. 13 in 2013 against former Safer Company director Ahmed Muhammad Kulaib and deputy Saif Mohsen Al-Sharif. Charges included surpassing the agreed gas pumping volume in 2013, resulting in economic losses. Accused of falsifying reserve figures in Safer Company's document (No. GM-395/AMK/2013)⁷⁵⁸ to secure Clyde Fatwa for additional gas quantity. Violation of Walter Tape agreements requiring Council of Ministers' approval

7. On December 16, 2014, the Attorney General of Public Funds requested the arrest of Safer Company's General Manager, Ahmed Muhammad Kulaib, and his deputy, Saif Mohsen Al-Sharif, in relation to ongoing investigations in Case No. 13 of 2013 and Case 24 of 2014. The cases involve allegations of financial embezzlement.

After the Yemeni revolution, the Yemeni government attempted to rectify the damages caused by the previous corrupt regime, including the unfair gas agreement. However, they encountered numerous challenges, and the strength of Total surpassed that of the Yemeni state.

Reports of Total's violating human rights acts in Yemen:

The article by journalist Quentin Müller revealed large-scale pollution caused by Total's oil operations in eastern Yemen over 20 years. Total managed several blocks including the East Shabwah 10 block in Hadhramaut Governorate but improperly treated and buried extracted wastewater, storing it in plastic basins atop canyons (Figure 7). This polluted water leaked into groundwater from abandoned wells, impacting local communities⁷⁵⁹.

⁷⁵⁶ Althawrah Institution, *Canceled the concession granted to Total and its partners in the liquefied gas project in Yemen*, October 6, 2022

⁷⁵⁷ *Ibidem*, p. 9

⁷⁵⁸ *Ibidem*, p. 10

⁷⁵⁹ Quentin Müller, *Total black water, revelations on major pollution in Yemen*, "L'Obs Journal", France, Apr. 2023, <https://www.nouvelobs.com/monde/20230420.OBS72379/les-eaux-noires-de-total-revelations-sur-des-pollutions-majeures-au-yemen.html> (13.11.2023)



Figure 7. The Polluted Blackish Water Caused by Total In Hadhramout, Yemen. Al- Mawqea post⁷⁶⁰

A former Yemeni engineer for Total confirms that during production, wastewater and toxic chemicals were reinjected over 2,500 meters deep into designated drainage wells. However, the company denies having any inactive wells purposed for such disposal. Yet ex-employees who served as health and environmental supervisors corroborate that produced water was indeed buried by filling supposedly depleted wells no longer yielding oil. They maintain Total tankers routinely carried out this procedure, abandoning contaminated water in otherwise obsolete drilling sites and injecting the oil waste into the Harshiyat formation, which is near the Mukalla formation where people in Hadhramout gets the drinking water (see Figure 8). This contamination is attributed to the presence of heavy metals and hazardous chemical substances like cadmium, chromium, lead, mercury, iron, manganese, chromium, copper, and other toxic elements in the water. Moreover, in March 2008, the on-ground oil pipeline rupture discharge crude over extensive ground stretches in Al-Ghubairah Valley in Hadhramout. Despite safety regulations mandating the burial of the pipeline underground, Total failed to comply and instead placed it on the ground for an extended distance. Surprisingly, the Yemeni government did not take any initiative to enforce these requirements. Since that year, cases of cancer have been increased.⁷⁶¹ Moreover, the situation worsens when heavy rainfall occurs, as those wells filled with toxic waste, along with oil leaks, become mixed with rainwater, transforming it into a blackish hue and contaminating groundwater, soil, and air. This, in turn, adversely affects plants, animals, and humans alike (Figure 9).

⁷⁶⁰ Al Mawqea Institution, *New investigation reveals Total's involvement in widespread pollution operations in Yemen*, April 21, 2023, p. 8

⁷⁶¹ Saleh Altamimi Nor, Hassan, Mohd Radieah, *Impact of Oil Wells Drilling Process on Human Health in Hadhramout*, "International Journal of Academic Research in Business and Social Sciences", 2019, Vo. 9, No. 12, pp. 924–939



Figure 8. Total Tankers Unload Toxic Oil Waste Illegally⁷⁶²



Figure 9. Polluted Water with Waste Oil Caused by Total in Hadhramout Governorate⁷⁶³

⁷⁶² Al Mawqea Institution, *New investigation reveals Total's involvement in widespread pollution operations in Yemen*, April 21, 2023, p. 11

⁷⁶³ Belqis Channel, *Polluted water caused by Total in Hadhramout Governorate*, 2023, <https://m.facebook.com/people/Balqis-Channel/100074283857808/> (01.11.2023)

These toxic discharges have polluted inhabited valleys and caused numerous cases of diseases in Marib, Shabwa, and Hadhramout. The Hadhramout governorate is the highest in such diseases (see Table 4). It's characterized by a high concentration of oil activities and its proximity to densely populated areas like Gail Bin Yamin, Sah, Sharuff, and Souanna, experienced a noteworthy rise in morbidity rates among its population of 1,367,000 (see Table 4); The Sah district is highly impacted by oil pollution, with a rise in cancer cases being reported annually⁷⁶⁴.

Diseases	Cases in 2005	Cases in 2014
cancer	323	1,133
Diseases of the respiratory system	279	27,435
Skin diseases	458	9,913
Gastric Ulcer	1,026	4,454
Pregnancy complications	5	768
Muscle paralysis	47	4,813
Liver disease	299	912
Kidney disease	87	312

Table 4: Comparison of Some Cases Caused by Petroleum Pollution From 2005 - 2014 in Hadhramout⁷⁶⁵

The Journalist Quentin Muller described Total's actions as the most significant environmental scandal in Yemen's history. The investigation revealed that the facilities constructed by Total did not meet international standards. Total provided an amount of \$59,722,603 million to the Yemeni oil company for the abandonment of unprofitable oil fields, with the Ministry of Oil exempting Total from future claims, suggesting a self-protective motive after leaving at the beginning of the conflict in 2015⁷⁶⁶. In 2016, the Chief Justice of Sayoun Court issued a memorandum instructing the governor to confiscate these assets following a legal dispute initiated by the Al-Haq Foundation against Total in March 2015. However, the court order was not implemented. The residents of Wadi Al-Ghubairah and Bin Ali Valley, the most affected by pollution, demanded compensation from Total because of the impact on their agricultural lands. However, the compensation for agricultural losses caused by the environmental disaster in Wadi Al-Ghubairah was estimated at a mere \$59,000, which represented only 0.0005% of Total's substantial annual profits of 10.3 billion euros in 2010 due to rising oil prices⁷⁶⁷. Despite the low compensation, its distribution did not allocate it fairly. Besides, several tribal leaders say that they have not received any financial compensation to give to their tribe members affected by pollution.

The investigation further revealed Total's attempts to divert Yemeni officials' attention from monitoring the health and environmental safety of their facilities. According to a former accountant in Total's Yemeni treasury, when Ministry of Oil representatives visited the facilities, they were offered trips to France or scholarships for their children, ostensibly to demonstrate dedication to their work. Additionally, the investigation highlighted an instance where a Chopard watch was reportedly given to the Minister of Oil, Khaled Bahah, in relation to a \$5,000 invoice paid to a Swiss supplier⁷⁶⁸. When confronted with these allegations, Total denied the claims, asserting that their Yemeni branch had implemented a scholarship program for Yemeni students based on objective criteria and that the gifts adhered to specific rules. Total's claims were proven unreliable, and the gifted nature of their offering raises suspicions. In the absence of applicable laws, such gifts, and scholarships to overseers of foreign companies serve as a means of silencing dissent⁷⁶⁹.

⁷⁶⁴ Zaid Al-Mahbashi, *Total Energies' dirt in Yemen*, "Saba News Agency", 2023, p. 5

⁷⁶⁵ Ministry of Public Health and Population, *Number of sick cases*, <https://moh.gov.ye/en> (12.10.2023)

⁷⁶⁶ Quentin Müller, *Total black water, revelations on major pollution in Yemen*, "L'Obs Journal", France, Apr. 2023

⁷⁶⁷ *Idem*

⁷⁶⁸ Yemen Future, *Total Black Water*, April 22, 2023, <https://yemenfuture.net/researches/14195> (12.10.2023)

⁷⁶⁹ *Idem*

Detention Centers

In 2016, Total delivered the Balhaf facility (see Figure 3) and the port to the UAE, which were later converted into a military base and detention center during the Yemeni war⁷⁷⁰. This demonstrates Total's partnership in a grave action, disregarding the vigilance plan and violating the 2005 agreement with the Yemeni government and international laws⁷⁷¹. Reports from NGOs and media outlets have documented forced disappearances, arbitrary detentions, torture, and denial of medical care in the Balhaf detention center for those who opposes Emirate's polices in Yemen⁷⁷². French Deputy Clementine Autain compared this prison to Abu Ghraib and expressed surprise at the French Ministry of Defense's denial of knowledge. In July 2019, the United Nations Human Rights Council's team of experts considered the Balhaf detention center as part of a larger network of facilities where serious human rights violations occurred. In November 2019, French deputies accused Total of involvement with the UAE in these actions. Total denied control over the Yemeni Natural Gas Company and claimed no foreign employees at the Balhaf station since 2015 except for local employees responsible for facility maintenance. However, these employees are under its supervision. Total bears full legal responsibility for disregarding and freezing the vigilance plan to prevent violations. Moreover, this action violates the provisions of the 2005 agreement with the Yemeni government and contradicts relevant international laws⁷⁷³.

The non-governmental Organization, MENA, has filed a lawsuit against Total on February 23, 2023⁷⁷⁴. The organization acted as a legal representative for those who were subjected to secret detention and torture by the UAE armed forces in the Balhaf detention center between 2018 and 2019. In addition to constructing an airstrip and a military barracks, this violates Yemeni and international laws⁷⁷⁵. Total was accused of committing human rights violations and failing to fulfill its obligations under the French law of 2017 regarding the duty of vigilance on companies. The organization demanded that the Balhaf site be included in the vigilance plan to prevent the repetition of such violations. This law requires large companies like Total to exercise due diligence in identifying risks and preventing human rights violations, while also providing for civil liability and compensation mechanisms.

France's Relations with Total

Non-state actors, including multinational corporations, can align with their home countries' interests⁷⁷⁶. Total, a French corporation, has supported France's goals in various regions worldwide. Three organizations The French Human Rights League, ActionAid, and Sherpa highlighted France's influence on Total's operations and its impact on both Yemen's and Africa's corrupt oil and gas contracts⁷⁷⁷. These reports unveiled the political and economic networks utilized by Total to secure access to resources, but emerging anti-imperialist sentiments and resistance from countries rejecting French interference pose potential challenges to Total's production growth strategy. Overall, these organizations shed light on how France leveraged networks and relationships to strengthen Total's global oil and gas presence.

⁷⁷⁰ Farida Ahmad, *The economic file turns into a political whip in south Yemen*, "South24", August 2, 2023, <https://south24.net/news/newse.php?nid=3465> (20.10.2023)

⁷⁷¹ Althawrah Institution, *Canceling the concession granted to Total and its partners in the liquefied gas project in Yemen*, October 6, 2022, p. 8

⁷⁷² Mena Rights, *French company Total faces legal action*, February 23, 2023, <https://menarights.org/ar/support-us> (25.10.2023)

⁷⁷³ Sahafatak, *Investigative report reveals France's role in Yemen war*, "Aden Journal", September 8, 2020, p. 2

⁷⁷⁴ Mena Rights, *French company Total faces legal action*, February 23, 2023, p.13, <https://menarights.org/ar/support-us> (25.10.2023)

⁷⁷⁵ Sahafatak, *Investigative report reveals France's role in Yemen war*, "Aden Journal", September 8, 2020, p. 14

⁷⁷⁶ Thomas Pakenham, *The scramble for Africa: The white man's conquest of the dark continent from 1876 to 1912*, "Random House", 2015, p. 702

⁷⁷⁷ Anne-Sylvaine Chassany, *Total taps Africa's oil reserves in bid to outdo rivals' growth*, "The Wall Street Journal", May 22, 2007, <https://www.wsj.com/articles/SB117979327048710215> (25.10.2023)

The Link between Total Regional and International Powers

France, the US, and the UAE exploit Yemen's instability and weak government to their advantage.⁷⁷⁸ The French Military Intelligence Agency's secret report reveals the locations of French-made weapons in Yemen and on the Saudi border⁷⁷⁹, while Human Rights Watch confirms weapon sales by France and the US⁷⁸⁰ to parties involved in the Yemen war, including the UAE.⁷⁸¹ The UAE, in turn, supports armed militias under the Transitional Council, advocating for Southern Yemen's secession, which allows for easier control over strategically important areas with diverse natural resources. Additionally, the UAE controls Yemen's maritime routes, and the US benefits from weapon sales while attempting to hinder China's involvement in the Belt and Road Initiative. Meanwhile, Total leverages the absence of governance and instability in Yemen to secure its presence, extract and sell Yemeni gas, favoring its profits over Yemen's economy and sovereignty. These actions collectively demonstrate how France, the UAE, and the US benefit from the lack of a strong government that would otherwise maintain the country's security, resources, and ports.

This behavior aligns with the realist perspective, where states pursue their interests through cooperation, power, and supporting one another, even if it involves violations of international laws. Realists see that the nature of the anarchic world system enables states to pursue their interests even by cooperating using power and supporting one another for achieving each one's interests e.g., European States including France, cooperate for supporting Israel in extending settlements in Palestine despite the United Nations resolution prohibiting such acts. However, each state in Europe seeks its interests. According to Machiavelli, a ruler must remember that whatever brings success is due to power⁷⁸².

Illustration of Total's Acts in Yemen Based on an Offensive Realism Lens

Considering the main assumptions of offensive realism regarding anarchy and state behavior in the international system, Total's actions in Yemen can be analyzed through the overall theoretical framework:

Anarchy and Self-help: offensive realism posits that in an anarchic world lacking central authority, actors prioritize their security through self-help. Consistent with this, Total engaged in self-interested behavior focused on maximizing short-term profits from Yemeni resources with little regard for Yemen's long-term stability as a sovereign state.

Relative Gains: the theory emphasizes that under anarchy, actors are concerned not with absolute gains but with how their gains affect others relatively. Total's securing of preferential contractual terms that gave it a disproportionate 39%-21% profit share exceeding 50%, while Yemen received just 5%, represents a classic case of prioritizing relative over absolute gains.

Power and Material Conditions: as the economically dominant actor with influence over Yemen's largest income source (80% of GDP from oil/gas), offensive realism expects Total to leverage its advantages for security, as seen through exploiting political connections to shape policies for its gain, including delaying alternative energy reserves. The pursuit of unchecked wealth accumulation through control of resources regardless of other impacts is also consistent with how self-interest might manifest under anarchy with no enforcement of moral norms.

Total acquired gas for just \$2-4 per million BTUs while Yemen paid \$12.4, yet Total sold 70% abroad at 300% higher prices⁷⁸³, pocketing \$11 billion in annual profits. Total's waste disposal in Hadhramaut increased disease cases fivefold, demonstrating prioritization of material gains over stability or humanitarian concerns. In sum, an offensive realist analysis interprets Total's actions as an example of how self-interest,

⁷⁷⁸ Lindsay Hetherington, *Yemen's Unending Political Transition: Between Revolution and State Collapse*, "Carnegie Endowment for International Peace", 2020, <https://carnegieendowment.org/> (12.11.2023)

⁷⁷⁹ Richard Lough, John Irish, *The use of French-made tanks and cannons in the Yemen war*, "Reuters", April 2019, <https://www.reuters.com/article/us-yemen-security-france-arms-idUSKCN1RR1D3> (10.11.2023)

⁷⁸⁰ Mark Burrows, *Yemen peace prospects, Saudi interests, and the need for US commitment*, "Council on Foreign Relations", 2018, <https://www.cfr.org/> (10.11.2023)

⁷⁸¹ Kenneth Roth, Bénédicte Jeannerod, *France Should Stop Fueling Saudi War Crimes in Yemen*, "Human Rights Watch", May 17, 2019, <https://www.hrw.org/news/2019/05/17/france-should-stop-fueling-saudi-war-crimes-yemen> (12.11.2023)

⁷⁸² John Mearsheimer, *The tragedy of great power politics*, "W.W. Norton & Company", 2001, p. 427

⁷⁸³ Al Sharabi, Nabeel, *The full story of the crime of selling Yemeni gas*, "Akhbar Alyom Journal", February 2, 2014

power dynamics and relative gains pursuits predicted to emerge from anarchy can incentivize major actors to essentially dominate weaker states economically for short-term material gain despite destabilizing consequences.

Conclusions

This report examines France's role in the Yemen war by investigating its conduct from 2005-2023. It looks at how Total Energy Corporation navigated changing political, economic, and security dynamics in Yemen under Ali Abdullah Saleh's rule and the instability following 2011 uprisings. The analysis provides insight into how major companies adapt strategies amid unstable conditions and shifting vulnerabilities in partner states over time. Furthermore, as a major French multinational oil and gas company, Total Energy Corporation is working for its interests as well as serving the interests of France as well as other regional and international powers in pursuing its strategic energy interests in Yemen despite the unstable conditions.

Yemen's crisis is incredibly complex and the damages it caused is huge. According to the UN, it's classified as the worst humanitarian crisis caused by humans. It has left 377,000 civilian casualties as well as job losses and poverty exceeding 45%. The solution lies within the people of Yemen rather than various ruling factions in the north and south that each is allied to foreigner powers. Throughout history, peoples' struggles and unity for liberation from exploitation have proven to be the power that overcame many domineering forces seeking hegemony as what the French, Vietnamese, and South Africans did through notable examples of resistance. Yemenis should remain united behind a trustworthy, nation-devoted leader as Nelson Mandela was in South Africa - and in Yemen, Mohammed Salem Basindwa is a suitable Yemeni politician to lead Yemenis. Significantly, Basindwa hails from southern Yemen where secessionists backed by regional forces seeking to divide Yemen propagate. Since this new leader stems from the south, common people will not heed such divisions and rally around him to avoid splitting Yemen north and south. With unity, Yemenis could reclaim currently foreign-controlled ports and islands, obtain compensation for losses incurred through gas deals with Total by requiring international pricing compliance or departure as with the UAE's Dubai Ports World after it exploited Aden port 2008-2012 without legal adherence. This paves way to challenge past inequitable extraction contracts, environmental damage claims and illicit detention complicity if companies offensively exceeded legitimate operations due to unstable governance - challenges unity and consensus leadership may strengthen through restored central authority exceeding current foreign interests.

This study examines the offensive framework of a none - state actor, Total Energies' actions in Yemen. For further studies in this field, scholars can examine Total's exploitative acts in its former colonies in Western and Central Africa.

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**TÜRKIYE`S ENERGETIC DEVELOPMENT AND THE ENERGY HUB STRATEGY
TOWARDS VULNERABLE STATES**

Abstract:	<i>Over the last three decades, the energetic context of the entire world has changed dramatically. Year by year, the interest in well-managed access to natural resources has been growing, replacing the political background of negotiations and intergovernmental alliances. States are more self-oriented and try to benefit from their geographical position, as well as contouring the new political and economic context according to their interests. Therefore, non-exporting countries can take advantage of exports too. The resource-exporting countries` role in the international arena has grown and reached unbelievable levels since energetic crises emerged, affecting not only the vulnerable states but also the global economic background. Today`s economy is much more interconnected than thirty, or fifty years ago, but states have implemented approximately the same policies regarding economic redress and improvement policies.</i>
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Introduction

The energetic problem carries great relevance both for the stability of the entire international system and the existence of resource-dependent states, as any economic or energetic shortcoming can cause a political crisis. The emergent geopolitical changes from the Middle East (Israel), Ukraine, and Africa, have a big impact on the international context and make energetic security a relevant topic for negotiation⁷⁸⁴. Over the last three years, humanity has passed through major events, causing a big redress of the old economic system, and finding alternatives for well-known natural gas and oil exporters. The term “energy security” holds a strong link with regional and global economic and political stability. As a result, the resource-exporting countries have always contoured global affairs for their benefit and interests, building a concrete strategy searching for vulnerable markets, and gaining allies. However, any poor decision concerning world security can make an exporting state internationally isolated, therefore decreasing its dominant position on a global level.

The Background of the Energetic Crisis

Although many experts claim that the key event for today`s energetic crisis has been the full-scale Russian invasion in Ukraine, since February 22, 2022. The entire Europe, along with the whole world was

⁷⁸⁴ Irina Kashuro, Aleksandr Martushev, Aleksandr Rozanov, *The Role of Energy Resources in the World Today*, “Vestnik Moskovskogo Universiteta“, Part 27, “Globalistika I Geopolitika”, Moscow National University, Vol. 26, No. ½, 2015, p.78, <http://www.vestnik27-msu.ru/> (17.11.2023)

shocked after the Russian Federation decided to invade the sovereign and independent state of Ukraine⁷⁸⁵. Fighting with the Russian occupation in the East since 2014, when Russia annexed the Crimea peninsula and financed the armed separatists in Donbas, Ukraine has been trying to fight with the “special military operation” and the hybrid techniques used by Russia⁷⁸⁶.

The actual crisis did emerge during pandemic times. After 2 years of sanctions, the global economy needed a quick redressing, to face the new policies and come up with updated reforms. The short recovery time after 2021 has caused a partial price rise in some regions, because of the decisions of some states to reduce supplying certain markets with energetic resources. For instance, Russia has decided to reduce supplying the European market since 2021 and reorient its policies to Asia, making it the biggest economic partner⁷⁸⁷. However, some European countries can still benefit from Russian gas. At its final step towards Europe, Russian gas reaches Serbia and Hungary through the Turk Stream⁷⁸⁸. Bringing a specific part of gas to the Turkish market, the interconnection between Türkiye and Bulgaria is extremely relevant for Europe. As mentioned above, a big part of the Russian gas is used by Türkiye to distribute it according to its local demands⁷⁸⁹, however, the export link of Turk Stream is used at its maximum capacity, with flows fluctuating between 20 - 40mmcm/d between June 2022 and June 2023, implying a maximum utilization rate of 74 percent⁷⁹⁰. By using Turk Stream in the newly emerged reality, Russia is demonstrating its strong energetic communication links with Southeast and East European countries. Moreover, the Russian LNG exports have grown by 40% in 2023⁷⁹¹. According to Global Witness, Spain and Belgium are the biggest buyers of Russian LNG. The tax paid for LNG in 2023 reached 5,3 billion euros⁷⁹².

The European market has been drastically affected by this decision, therefore it had to search for alternative candidates to import from, so as not to put under risk the energetic demanding industries and vulnerable population⁷⁹³. Forced to find a new candidate to replace Russia, the EU was forced for a short period and limited gas and oil storage, as well as nuclear energy. As the biggest partner and importer of Russian gas, Europe was forced to reduce it to a minimum. In addition to events that occurred in 2021, the full-scale invasion of the Russian Federation in Ukraine came out with economic sanctions for the Kremlin regarding exports of Gazprom⁷⁹⁴. After the sanction, the West was supposed to search for new candidates that would replace Russia, however, the process of finding alternatives came out to be long, slow, and expensive. In this context, the role of Norway and Azerbaijan, as gas suppliers for Europe, was increased. Even though Norway is Europe`s biggest gas supplier, its deliveries increased since 2022⁷⁹⁵, although these alternative

⁷⁸⁵ Klaus Dodds, Zack Taylor, Azadeh Akbari, Vanesa Castan Broto, Klaus Detterbeck, Carlo Inveradi-Ferri, Kwan Ok Lee, Virginie Mamadough, Maano Ramutsindela, Chih Yuan Woon, *The Russian Invasion of Ukraine: Implications for Politics, Territory and Governance*, “Regional Studies Association”, Vol. 11, No. 8, 2023, p. 1519

⁷⁸⁶ Onur Kemal Tosun, Arman Eshraghi, *Corporate Decisions in Times of War: Evidence from the Russia-Ukraine Conflict*, in “Finance Research Letters”, Vol. 48, 2022, <https://www.sciencedirect.com/journal/finance-research-letters> (20.11.2023)

⁷⁸⁷ International Energy Agency, *Global Energy Crisis*, <https://www.iea.org/topics/global-energy-crisis> (06.11.2023)

⁷⁸⁸ The Oxford Institute for Energy Studies, *Do Future Russian Gas Pipeline Exports to Europe Matter Anymore?*, July, 2023, p.7, <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2023/07/Insight-131-Do-future-Russian-gas-pipeline-exports-to-Europe-matter-anymore.pdf> (20.11.2023)

⁷⁸⁹ *Idem*

⁷⁹⁰ *Idem*

⁷⁹¹ Sabina Sancu, *Țările europene au cumpărat jumătate din gazul natural lichefiat vândut de Rusia în 2023*, “Europa Libera Romania”, August, 2023, <https://romania.europalibera.org/a/import-gaz-natural-lichefiat-ngl-rusia-ue/32572242.html> (20.11.2023)

⁷⁹² *Idem*

⁷⁹³ International Energy Agency, *Global Energy Crisis*, <https://www.iea.org/topics/global-energy-crisis> (06.11.2023).

⁷⁹⁴ Catherine Clifford, *Why Europe is so Dependent on Russia for Natural Gas*, in „CNBC”, February 2022, <https://www.cnbc.com/2022/02/24/why-europe-depends-on-russia-for-natural-gas.html> (06.11.2023)

⁷⁹⁵ Gwladys Fouche, *Norway Will Deliver Gas to Europe for as long as Needed*, for Reuters, September, 2023, <https://www.reuters.com/world/europe/norway-will-deliver-gas-europe-long-needed-climate-minister-says-2023-09-15/> (20.11.2023)

producers claimed a price way higher than the Russian one, contouring the risk of continuous inflation after 2023⁷⁹⁶.

Alternatives to Recover from The Energetic Crisis

After the declarations of Norway and Azerbaijan as important gas suppliers for the European Market, Türkiye has exposed its strategy regarding the new circumstances. As a country with the fastest growing energy demand among the Organization for Economic Cooperation and Development, Türkiye has exposed its main elements of the energetic plan for after-crisis recovery and adaptation to the new energy reality⁷⁹⁷. Supporting the idea of replacing dominant actors on the European market, Ankara claims that the Turkish territory could be eventually transformed into a pipeline hub, transiting natural resources from the Middle East and the Caucasus to Europe and further. Located at the border of Europe and Asia, Türkiye can certainly benefit from its advantageous geographical position and improve not only the domestic economic situation but the regional financial market, too. Being part of the international resource-import system, Ankara claims that energy is a volatile aspect, and the international community should come stronger into the topic⁷⁹⁸. Interested in strengthening its energy security, Türkiye has declared its fundamental purposes towards it. Ensuring the diversification of routes and contributing to regional and global security are the main elements of Turkish energetic policy. By implementing the energy hub strategy, Türkiye looks forward to becoming the main trade center in the region and integrating the small countries into big markets⁷⁹⁹. The main role of the Turkish government in the upcoming situation is to be ready to fulfill its mandate of a transit state between Middle Eastern and Caucasus exporting countries and European importers, as well as to implement its interests, by improving the necessary industry and attracting foreign capital to be invested in concrete fields of economy and social security. One more event that made Türkiye more involved in the energy status of the Caucasus region was the second Karabakh War⁸⁰⁰. As a well-known fact, Ankara has always maintained its control on its periphery regions, therefore the Caucasus` recent developments redefined Türkiye`s role and its decision-making policies. Despite its productive cooperation with Russia, Ankara took the Azeri side in the conflict, improving its bilateral links with Baku⁸⁰¹. Azerbaijan benefited from the Turkish support. Nevertheless, Azerbaijan`s victory over Armenia plays as a guarantee for the Turkish hegemony in the region⁸⁰². The first step for Türkiye to get to the main regional center is to correctly implement the energy hub policies and allow small countries to be a part of the energy industry in the region and further⁸⁰³.

Türkiye is at the middle stage of its industrialization process. The process, conducted by improving the energy demands of dependent industries and consumer incomes, provides a certain consumption growth. The main difficulty of Turkish energy is represented by the limited domestic supplies of fossil fuels and the slow development of alternative sources, so Türkiye is mainly dependent on imports, which fulfill 74% of local demands⁸⁰⁴. The current Development Plan provided by the Turkish Parliament⁸⁰⁵ claims a desiring policy to

⁷⁹⁶ Jeromin Zettelmeyer, Simone Tagliapietra, Georg Zachmann, Conall Heussaff, *Beating the European Energy Crisis*, International Monetary Fund, December 2022, p. 31 <https://www.imf.org/ru/Publications/fandd/issues/2022/12/beating-the-european-energy-crisis-Zettelmeyer> (06.11.2023)

⁷⁹⁷ Ministry of Foreign Affairs Republic of Türkiye, *Türkiye's International Energy Strategy*, <https://www.mfa.gov.tr/turkeys-energy-strategy.en.mfa> (20.11.2023)

⁷⁹⁸ *Idem*

⁷⁹⁹ Ministry of Foreign Affairs Republic of Türkiye, *Türkiye's International Energy Strategy*, <https://www.mfa.gov.tr/turkeys-energy-strategy.en.mfa> (06.11.2023)

⁸⁰⁰ Siri Neset, Mustafa Aydın, Ayça Ergun, Richard Giragosian, Kornely Kakachia, Arne Strand, *Changing Geopolitics of the South Caucasus after the Second Karabakh War. Prospect for Regional Cooperation and/or Rivalry*, in CHR Michelsen Institute Report, No 4, September, 2023, p.45-46, <https://www.cmi.no/publications/file/8911-changing-geopolitics-of-the-south-caucasus-after-the-second-karabakh-war.pdf> (17.11.2023)

⁸⁰¹ *Idem*

⁸⁰² *Ibidem*, pp. 46-47

⁸⁰³ William Hale, *Turkey's Energy Dilemmas: Changes and Challenges*, "Middle Eastern Studies", Vol. 58, No. 3, April, 2022, p. 452

⁸⁰⁴ Ministry of Foreign Affairs Republic of Türkiye, *Türkiye's International Energy Strategy*, <https://www.mfa.gov.tr/turkeys-energy-strategy.en.mfa> (06.11.2023)

⁸⁰⁵ The Turkish Parliament, *On Birinci Kalkınma Planı, The Development Plan for the First Centenary*, 2019, p.119, https://www.sbb.gov.tr/wp-content/uploads/2022/07/On_Birinci_Kalkinma_Plani-2019-2023.pdf

reduce the dependence on imports. However, it does not speak about concrete measures in this direction. Thus, the recent discovery made by Türkiye and the significant improvement of its industry is declared to be the main target of reducing imports. A field called Sakarya, located at the maritime border of Romania, Bulgaria, and Türkiye in the Black Sea, was discovered after Fatih, the deep-water diving probe reached a depth of 4775 meters⁸⁰⁶. According to the recent statements of the Turkish National Oil Company TPAO, the probe has made 2 more discoveries, Amasra and Turkali⁸⁰⁷. Even though the Karasu-1 has been functioning since February 2022 and has given small results, Ankara hasn't doubted the decision to share the news about the Turkish discovery with the international community. According to Recep Tayyip Erdoğan, "the recent discoveries could eventually cover at least 30% of local demands. In the first phase, Sakarya is expected to produce 10 million cubic meters"⁸⁰⁸. The Turkish Petroleum Corporation speaks about transporting gas from the Sakarya field in the exclusive economic zone of Türkiye, off the West side of the Black Sea region⁸⁰⁹. The project managed exclusively by TPAO contains 3 main units, the subsea production facility of the Sakarya Gas field, the onshore processing facility located in the Filyos Industrial Zone in Çaycuma district in Zonguldak, also the 2 offshore pipelines for gas transportation from the field to OPF and Mono-ethylene glycol transportation from OPF to the field, all including shore crossings⁸¹⁰. In the first phase, the gas revealed from the subsea production will be transported onshore through a 16-inch diameter, 165 km carbon steel pipeline. The processed gas will be offloaded to the natural grid via a 36 km 48" onshore pipeline, designed, constructed, and operated by Petroleum Pipeline Corporation (BOTAS)⁸¹¹.

According to Vitaly Yermakov, after the discoveries made in the Sakarya field, Türkiye, led by the great success, is searching for new sources and is planning to double its efforts in drilling the deep-sea shelf both in its economic zone located in the Western Black Sea region and the East side of the Mediterranean Sea, where a Turkish Vessel made its research since 2020 near the West of Cyprus caused a deep-rooted conflict between Greece and Türkiye, which also led to some disputes with France since then⁸¹². The Sakarya gas field can significantly improve Ankara's position in the region.

Unfortunately, the information about the field is still limited. In the press conferences made by TPAO, there are some understandings that there are gas reserves around 320 cubic meters in August 2021 and 405 in October⁸¹³. We must notice that big international oil and gas companies supervise the major projects in the Mediterranean. TPAO has not mentioned yet its desire to link efforts in this direction. However, TPAO should be careful regarding challenging projects, as in the lack of management experience, the deadlines could suffer significant modifications.

As the foreign Turkish Energy Minister Fatih Dönmez has claimed at the beginning stage of exploiting of Sakarya gas field in 2020, the Turkish gas would be vividly cheaper than the recently imported foreign gas, this way the final consumers would benefit from domestically produced resources. Also, the pro-governmental newspaper Yeni Şafak mentioned some facilities for special categories of population, for instance, reduced payments for families or retired people⁸¹⁴. Moreover, Türkiye Petrolleri does not hide its ambitions about exporting a certain part of exploited gas to the international market, including Europe. At the same time, Melih

⁸⁰⁶ Wayne C. Ackerman, *Turkey: a New Emergent Gas Player with Resources and Infrastructure*, in "Middle East Institute", June, 2022, <https://www.mei.edu/publications/turkey-new-emerging-gas-player-resources-and-infrastructure>, (10.11.2023)

⁸⁰⁷ *Idem*

⁸⁰⁸ Offshore Technology, *Turkey's TPAO Begins Gas Production from Sakarya Field in the Black Sea*, <https://www.offshore-technology.com/news/tpao-production-sakarya/?cf-view> (06.11.2023)

⁸⁰⁹ Export Finance Norway, *Sakarya Gas Field Development Project*, <https://www.eksfin.no/en/cases/oecd-projects/sakarya-gas-field-development-project-turkey/> (06.11.2023)

⁸¹⁰ *Idem*

⁸¹¹ *Idem*

⁸¹² Vitaly Yermakov, *Sakarya Gas Discovery Gives Turkey a Winning Combination of Cards*, Anadolu Agency, <https://www.aa.com.tr/en/energy/analysis/sakarya-gas-discovery-gives-turkey-a-winning-combination-of-cards/32962>, (06.11.2023)

⁸¹³ Daily Sabah and Anadolu Agency, *Türkiye Boosts Daily Natural Gas Production in Sakarya Field*, September, 2023, <https://www.dailysabah.com/business/energy/turkiye-boosts-daily-natural-gas-production-in-sakarya-field> (20.11.2023)

⁸¹⁴ Afaceri.News, *Erdogan porneste producția la cel mai mare zăcămint din Marea Neagră și da gaze gratis pentru popor*, <https://www.afaceri.news/erdogan-porneste-productia-la-cel-mai-mare-zacamant-din-mareaneagra-si-da-gaze-gratis-la-popor/> (08.11.2023)

Han Bilgin, the president of the company, has declared that Türkiye would need a large amount of capital to improve the infrastructure and achieve a good quality product for the external trade centers. Also, the company would have to accept that implementing simultaneously the 2 main aims established in early 2021 will have to harmonize with Erdoğan's promises regarding domestic policies about the Sakarya field. Nevertheless, Sakarya would reduce the country's dependence on exports and the costs for the population, but the reserve is not far enough developed to satisfy the export markets yet⁸¹⁵. Thus, thanks to the involvement in the research in the Mediterranean Sea, Türkiye successfully discovered its deposits in the Black Sea. According to recent research, the gas from the Sakarya field could supply 30% of domestic demand, which means 10 million cubic meters per day⁸¹⁶.

The New Energy Hub Strategy and Its Recent Achievements

The new term “energy problem” is highly related to the recent events from 2022. It is a well-known fact that the European Union was on the edge of getting into a possible resource crisis, capable of provoking a blackout for the entire population and putting under danger the energy-demanding industries. The Russian full-scale invasion of Ukraine in 2022 has put Europe under the pressure of searching for new providers. Europe was not ready for the emerging unpredicted situation. However, neither the European Union nor the entire continent was ready to continue the previous Russian strategy to dominate its biggest vulnerable region and support its geopolitical visions⁸¹⁷. The turning point in Russia-Europe relations was provided by the several underwater blasts that ruptured three out of four pipelines comprising Nord Stream 1 and Nord Stream 2, spewing vast amounts of gas into the Baltic Sea near Bornholm, Denmark, according to Al-Jazeera⁸¹⁸. The project Nord Stream 2 including the twin pipelines was never put into functioning after Berlin decided to plug up the project, since Russia invaded Ukraine in 2022. Therefore, searching for new energy exporters was a forced decision rather than a step-by-step strategy, managed through years of analysis. After the explosions in the Baltic Sea, both Europe and Russia came with opposite accusations, blaming each other for targeting the critical infrastructure⁸¹⁹. The incident came as a critical point for the Russian Federation, too. As a result, sanctions were enforced on Moscow which had to find alternative routes and bypass European territorial waters. As Vladimir Putin declared at the regional meeting in Kazakhstan on October 13, 2022, “If Türkiye and our possible buyers in other countries are interested, we could consider building another gas pipeline system, creating a gas hub in Türkiye for sales to third countries, especially, of course, the European ones, if they are interested in this, of course”⁸²⁰.

The idea of transforming Türkiye into a gas hub came after the Turkish president proposed its candidature as a mediator for the Russian-Ukrainian conflict⁸²¹. Ankara gave a positive response to the Russian proposal. As some Russian gas supplements have already reached the Russian territory through the BlueStream and TurkStream pipelines put in function since 2005, Ankara looks to implement its new targets by transforming the country into the biggest regional trade center. According to the Ministry of Energy of Türkiye, “After the Nord Stream becomes dysfunctional, Russia needs to reroute its gas supplies to Europe and to do that, Türkiye may be the easiest option for Moscow”⁸²². In short words, Türkiye is ready to become a gas

⁸¹⁵ *Idem*

⁸¹⁶ Felipe Sánchez Tapia, *Geopolitical Impact of Natural Gas Discoveries in the Black Sea*, “Instituto Espanol De Estudios Estrategicos”, No. 37, 2020, p. 6, https://www.ieee.es/Galerias/fichero/docs_analisis/2020/DIEEEA37_2020FELSAN_gasmarNegro-ENG.pdf (20.11.2023)

⁸¹⁷ Kari Roberts, *Understanding Putin: The Politics of Identity and Geopolitics in Russian Foreign Policy Discourse*, “International Journal”, Vol. 72, No. 1, March, 2017, SAGE, p.33 <https://theic.org/research-publications/ij/> (17.11.2023)

⁸¹⁸ Al-Jazeera, *Nord Stream Sabotage One Year on: What to Know about the Attack*, <https://www.aljazeera.com/news/2023/9/23/what-we-know-about-the-nord-stream-sabotage-one-year-on> (08.11.2023)

⁸¹⁹ Al-Jazeera, *Nord Stream Sabotage One Year on: What to Know about the Attack*, <https://www.aljazeera.com/news/2023/9/23/what-we-know-about-the-nord-stream-sabotage-one-year-on> (08.11.2023)

⁸²⁰ Murat Sofuoglu, *Why Russia Wants Türkiye to be a Gas Hub for Europe*, <https://www.trtworld.com/magazine/why-russia-wants-t%C3%BCrkiye-to-be-a-gas-hub-for-europe-62131> (08.11.2023)

⁸²¹ Ahmet Cemal Ertürk, *Chapter 9, Understanding the “Balancing Act” of Turkey in the Russia-Ukraine War*, “The Russia-Ukraine War and its consequences on the Geopolitics of the World”, edited by Nika Chitadze, Hershey, 2023, p. 139-154,

⁸²² Murat Sofuoglu, Matthew Bryza, <https://www.trtworld.com/magazine/why-russia-wants-t%C3%BCrkiye-to-be-a-gas-hub-for-europe-62131>, (08.11.2023)

hub even though it imports around 74% of its local demands not only from Russia but also from its Caspian and Middle Eastern partners, such as Azerbaijan, Iran, Kuwait, and the United Arab Emirates⁸²³. Moreover, there are some declarations that “the proposal is beneficial to both Türkiye and Russia in both geopolitical and geo-economic terms. But also, the sanctions issue becomes less problematic when Türkiye is the intermediary. Türkiye would gain a new source of income and jobs, and further possible leverage in the relations with the EU”⁸²⁴. In addition, some experts believe that “Türkiye is one of the biggest markets in Europe; it may also have been done to build leverage in other negotiations”. The country could become a gas hub thanks to many factors. Its favorable geographical position and the power it holds in the Mediterranean, the influence of its periphery, including the Caucasus and Central Asia through partnerships and alliances, its control over the straits, its vigorous market and desire for political and economic growth make Türkiye ripe for playing the role of a transit bridge between Middle Eastern and Caspian exporters and European importers⁸²⁵. However, the US has a critical point regarding the alliance between Russia and Türkiye. Matthew Bryza, Former US ambassador to Azerbaijan, declares that “Russia considers this as not a hub, just Putin uses the word hub. He is just simply talking about greater natural gas transit of Russian gas into and through Türkiye”. In addition to that, Türkiye should implement its aims by becoming a real energy hub and showing its national ambitions, not only allowing Russia to create a bridge to NATO through it⁸²⁶. Even though the gas hub initiative came from Russia, Russian gas could not be the key element in the pipeline industry, as Türkiye took the commitment to become the main regional player and allow small countries to step out and integrate into bigger markets. Moreover, implementing a gas hub, based on Russian gas particularly, Ankara would risk worsening its diplomatic relations and partnerships with the European Union. Ankara still stands out that the country’s advantageous location at the intersection of multiple regional roads is the main reason for transforming Türkiye into the provider of hydrocarbons for Europe. As referring to the arguments exposed before, we should not ignore the fact that a gas hub strategy that includes Central Asian and Caucasus countries, as exporters would reduce Russia’s dominant position in Europe.

Within this strategy, Ankara has carried out certain projects in the Trans-Caspian Corridor. The first steps were the two pipelines held together by Russia and Türkiye: the Turk Stream and the Blue Stream. Blue Stream was the first direct gas pipeline between the two countries under the Black Sea that was built to meet Türkiye’s gas needs. The Turk Stream, which started its operations in 2020, carries Russian gas to Southern Europe through the Black Sea and Türkiye, allowing Moscow to bypass Ukraine as a transit route to Europe. It has an annual capacity of 31.5 billion cubic meters and consists of two 930 km offshore lines and two separate onshore lines that are 142, and 70 km. The first line is designated to supply Turkish domestic customers, and the second line, which extends through Türkiye, carries gas to several European countries, including Serbia and Hungary. Turkish President Recep Tayyip Erdoğan mentioned that “Russian and Turkish authorities will work together to contour the best location for the gas distribution center” after the accident from Nord Stream 2. After some recent research, authorities mention that the Turkish Thrace region, bordering Greece and Bulgaria seems to be the best spot. The project will highlight Türkiye’s key role in Europe’s energy needs and allow the country to regulate gas prices. Maintaining close diplomatic relations with both Russia and Ukraine, Türkiye could help Europe benefit from a well-managed energy strategy, because “Türkiye is not suffering from energy providers’ problem” as Recep Tayyip Erdoğan said⁸²⁷.

As it was stated before, Türkiye is taking some clear steps toward the implementation of the energy hub project. Ankara implements the strategy of transforming the country into the main energetic trade in Europe, by implementing the transport of gas and oil through pipelines transiting the biggest Turkish cities.

⁸²³ Yevgenia Gaber, *Turkey Can Become an Energy Hub- but not by going all-in on Russian Gas*, in “Atlantic Council, December 7, 2022” <https://www.atlanticcouncil.org/blogs/turkeysource/turkey-can-become-an-energy-hub-but-not-by-going-all-in-on-russian-gas/>, (08.11.2023)

⁸²⁴ Murat Sofuoglu, Gregory Simons, *Why Russia Wants Türkiye to be a Gas Hub for Europe*, <https://www.trtworld.com/magazine/why-russia-wants-t%C3%BCrkiye-to-be-a-gas-hub-for-europe-62131> (08.11.2023)

⁸²⁵ William Hale, *Turkey’s Energy Dilemmas: Changes and Challenges*, “Middle Eastern Studies”, Vol. 58, No. 3, April, 2022, p. 452

⁸²⁶ Murat Sofuoglu, Matthew Bryza, <https://www.trtworld.com/magazine/why-russia-wants-t%C3%BCrkiye-to-be-a-gas-hub-for-europe-62131>, (08.11.2023)

⁸²⁷ TRT World, *How Türkiye is Turning into a Natural Gas Hub for Europe*, https://www.youtube.com/watch?v=fw_xJiMuhb4 (08.11. 2023)

According to this aim, Türkiye has undertaken and carried out several important natural gas and oil pipeline projects in the region⁸²⁸. The most significant energy projects of Türkiye are represented by:

1. Iran- Türkiye Natural Gas Pipeline (connects the city of Doğubayazıt to Ankara via Erzurum, Konya, Sivas and Kayseri)

2. Baku- Tbilisi-Erzurum Natural Gas Pipeline (BTE) was achieved because of the cooperation of the governments of Türkiye and Azerbaijan since 2001. It is used by Baku to export to Türkiye around 6.6 billion m³ of gas annually (in parallel with the transportation of crude oil through the Baku-Tbilisi-Ceyhan pipeline), representing a project that since 2015 been part of the South Caucasus natural gas pipeline.

3. Türkiye- Greece Natural Gas Interconnector (ITG)

4. Trans- Anatolian Natural Gas Pipeline Project (TANAP)⁸²⁹

However, the most successful and significant project for Türkiye is the Trans-Anatolian Natural Gas Pipeline-TANAP (Trans-Anadolu Doğalgaz Boru Hattı). It stands as an outcome of Turkish-Azeri cooperation. TANAP, starting from the Ardahan region, Türkiye on the Türkiye-Georgian border, was built to transport the natural gas extracted in Azerbaijan`'s Shah Deniz region first to Türkiye, then to Europe, and passes through 20 cities, 67 districts and 600 villages, and ends in the Ipsala district of Edirne of Türkiye on the Türkiye-Greece border. At this point, it joins the TAP Natural Gas Pipeline that transports natural gas to European countries⁸³⁰. Eskişehir and Thrace have two exit points to connect to Türkiye`'s domestic natural gas transmission network. With a total length of 1,830.4 km, TANAP is the longest natural gas pipeline in Türkiye. The TANAP project was built on Phase-0 and Phase-1. The Phase-0 section of the pipeline from the Georgian-Türkiye border to Eskişehir is 56 inches in diameter and 1,339 km long. Phase 1 is 48 inches in diameter and 454 km long. In addition, TANAP`'s two 36-inch double lines with a total length of 37.4 km pass through the Chanagğala through the bottom of the Marmara Sea⁸³¹.

TANAP- First Steps

The foundation of TANAP was laid on the 17th of March 2015 in the Turkish province of Kars with the participation of the President of the Republic of Azerbaijan İlham Aliyev, President of the Republic of Türkiye Recep Tayyip Erdoğan, and the President of the Republic of Georgia Giorgi Margvelashvili⁸³². On the 12th of June 2018, a solemn ceremony was held in Eskişehir, Türkiye, in connection with the commissioning of TANAP. Speaking at the ceremony, President İlham Aliyev called TANAP another manifestation of the Türkiye-Azerbaijani brotherhood. As the Azeri president İlham Aliyev mentioned at the opening procedure, "TANAP is another victory for Türkiye and Azerbaijan. TANAP is a historic project. Today we are writing the energy history of the 21st century together. (...) Our energy projects bring stability to our region. All countries, all companies participating in these projects benefit, nations benefit. The implementation of such a huge project as TANAP was made possible by the strong political will of the leaders of Türkiye and Azerbaijan"⁸³³.

According to the Directorate of Communication of the Office of the President of the Republic of Türkiye, "along with its contributions to energy supply security, TANAP also symbolizes the contributions of energy to regional peace - which has become a serious global issue today, due to increasing populations and growing economies. Today, the world`'s energy map is in transition; new actors and new cooperation models are emerging. In the last two centuries, great wars have been fought for control over energy resources. They have had major impacts, particularly on the geography where Türkiye and Georgia are located. Despite not being rich in hydrocarbon resources, both countries have felt these impacts. From this point of view, TANAP is the best response given in peace and cooperation to the environment of conflict provoked by some actors over energy resources. Türkiye and Georgia have used their geographical location - that is the junction point of energy-producing and consuming countries - to promote an environment of peace and cooperation rather than encourage conflicts. Both countries have set an example for the entire world by making the necessary efforts to

⁸²⁸ Ministry of Foreign Affairs Republic of Türkiye, *Türkiye`'s International Energy Strategy*, <https://www.mfa.gov.tr/turkeys-energy-strategy.en.mfa> (08.11.2023)

⁸²⁹ *Idem*

⁸³⁰ State Oil Company of Azerbaijan Republic, *TANAP*, <https://www.socar.az/en/page/tanap2> (08.11.2023)

⁸³¹ *Idem*

⁸³² Office of the President of the Republic of Azerbaijan, *Groundbreaking of the Trans-Anatolian Natural Gas Pipeline was Held in Kars*, March 2015, <https://president.az/en/articles/view/14566> (20.11.2023)

⁸³³ State Oil Company of Azerbaijan Republic, *TANAP*, <https://www.socar.az/en/page/tanap2> (08.11.2023)

put energy resources at the disposal of humanity at a time when regional tensions and instability are growing every day. TANAP is the 'silk road' of energy." From these arguments, there is a recognizable role of Georgia as a Caucasus country and as a significant part of the Trans-Caspian Corridor. One more aspect that must be mentioned is that TANAP is a significant part of the Southern Gas Corridor. This project aims to increase and diversify the European energy supply by bringing gas resources from the Caspian Sea towards Europe⁸³⁴.

Conclusions

To summarize, Ankara is following its political and economic plan of continuing its energy strategy as a transit state for Eastern exporters and Western importers by maintaining diplomatic affairs both with Russia and the European Union⁸³⁵. Also, the meeting of Vladimir Putin and Recep Tayyip Erdoğan in Sochi on September 4, 2023, demonstrated Ankara's plan for the development of the Turkish gas hub project. According to the parties, the project will ensure the supply of natural gas and will deal with the formation of its price⁸³⁶. Inspired by the financial centers of London or Hamburg, Erdoğan suggests a new model of a financial center "outside Thrace"⁸³⁷. Like the Istanbul Trade Center, the Turkish government looks forward to implementing a natural gas center which will eventually deal with the formation of the gas price.

In addition, Ankara has given a positive perspective regarding the trade center in Ataşehir⁸³⁸. By now, the gas hub strategy is the best option to replace Russia's dominant position in the European market⁸³⁹. According to Turkish⁸⁴⁰ and Azeri Gas Companies websites⁸⁴¹, both Ankara and Baku are endowed with necessary modern equipment to satisfy the local demands of the population and energy-hungry industries and to come out with export plans and updated policies. Nowadays, Türkiye continues to import a large amount of gas from Iran, Azerbaijan, and Russia⁸⁴². In addition, a stable economic environment in the Black and Mediterranean Sea areas influences the energetic security in Europe⁸⁴³. As for the time being, the energy stability depends mostly on the Turkish state.

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⁸³⁵ Cristopher S. Chivvis, Alper Coşkun, Beatrix Geaghan-Breiner, *Türkiye in the Emerging World Order*, in "Carnegie Endowment for International Peace", October 31, 2023, <https://carnegieendowment.org/2023/10/31/t-rkiye-in-emerging-world-order-pub-90868> (16.11.2023)

⁸³⁶ Energy Analytical Studies, *Turkey Gas Hub 2.0*, September 2023, <https://energystudies.ro/turkey-gas-hub-2-0/>, (20.11.2023)

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⁸³⁹ Jeromin Zettelmeyer, Simone Tagliapietra, Georg Zachmann, Conall Heussaff, *Beating the European Energy Crisis*, International Monetary Fund, December 2022, <https://www.imf.org/ru/Publications/fandd/issues/2022/12/beating-the-european-energy-crisis-Zettelmeyer>

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INTERNATIONAL RELATIONS

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CHINA'S STATUS IN ASIA PACIFIC. ITS REGIONAL INFLUENCE AND THE EFFECTS ON THE INTERNATIONAL RELATIONS

Abstract:	<p><i>The text of the article aims to analyze the political–military situation in the Southeast Asia area. It will emphasize the role of the Chinese state in regional politics and its impact on the system of international relations from several perspectives. China's position is grounded in policies implemented internally and the foreign affairs directions adopted by the Chinese Communist Party. The circumstances and consequences of the sharpening Security Dilemma are fueled by the tensions created by the worsening relations between the PRC and other states in the Pacific Ocean, the arms race, and the American intervention in Asian geopolitical affairs.</i></p> <p><i>The Pacific area is a territory where many states are emerging powers, which in the last year of the century, have engaged in an arms race, which does not foresee a happy ending. One of the biggest questions of the century is China's weight in the Security Dilemma. China's regional rise has recently been a concern for the Great Powers. The processes taking place in the Pacific area can compromise international peace.</i></p>
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Introduction

The realist paradigm is one of the most influential in the theoretical and methodological approach to the analysis of international relations, despite the harsh criticism from many analysts and experiencing several periodic crises in the history of political thought.

Coming from the realist perspective, realism explains that states' tendency, as the main actors, is to seek and prove power through conflicts. Realism is rooted in Thucydides' ideas, as well as in N. Machiavelli (*The Prince*)⁸⁴⁴, T. Hobbes (*Leviathan*)⁸⁴⁵, Cardinal Richelieu (*Raison d'Etat*)⁸⁴⁶, and H. J. Morgenthau (*Politics among Nations*)⁸⁴⁷. These personalities have stated the following ideas about political realism:

- The main source of conflicts is the selfish nature of the human nature;
- Power is the only regulating authority of international relations;

⁸⁴⁴ Niccolo Machiavelli, *The Prince*, Penguin Classics, Milton Keynes, 2009, p. 10

⁸⁴⁵ Thomas Hobbes, *Leviathan*, Andrew Croke, at the Green Dragon in St. Paul's Church-yard, London, 1651, p. 12

⁸⁴⁶ Cardinal Richelieu, *The Political Testament of Cardinal Richelieu*, Rowman&Littlefield Publishers, Maryland, 2020, p. 9

⁸⁴⁷ Hans J. Morgenthau, *Politics Among Nations*, McGraw-Hill Education, New-York, 2005, p. 9

- Morality is subordinated to the state's interest, according to the concept of Raison d'Etat. The international system is anarchic because there is no mandatory central power. The states are regulating the international system. Unlike the liberalism adepts, who claim that states are driven by specific universal morals, the realists claim that inter-state relations are by nature, conflictual, due to incompatible interests;
- Morgenthau explains „interest” as an absolute standard of political action⁸⁴⁸.

Realists claim that the international system is anarchic since there is no binding central power. Therefore, the function of regulating international relations rests on the units of the system, meaning the states. The main interest of the state is the maximization of power, leading to the control of resources⁸⁴⁹. The power allows the security and survival of international actors, and the greater the power, the stronger the security. As a result, the international environment is an arena of a constant power struggle, a “zero-sum” game, in which the world is striving for an absolute win⁸⁵⁰. Currently, the system of international relations is facing one of the most difficult periods of its history, a new multipolar architecture is being built. We are witnessing the end of a long timeline of about 500 years, in which historically, economically, and financially, the political dominance belonged to the West. The international relations system was Eurocentric, the fate of the nations was decided by the “The Concert of the Great Powers”, which, was joined by the United States of America in the 20th century. Nonetheless, in the last 10 years, we have witnessed a radical change in the development of international relations. The world is in the process of reconfiguring geopolitical space. A new multipolar system is being formed, which will correspond to the 21st-century realities and needs. The development of the globalization process in different parts of the world has led to the emergence of new centers of power, especially in the Asia-Pacific area. The biggest example is China, which due to its rapid economic growth is among the first economies of the world and one of the influential powers of the system of international relations. In this context, it should be noted that China is in a continuous modernization, and it is important to note that this process is not implemented in a Western form but takes place in a unique shape⁸⁵¹.

Background about China

The last years' events have shown themselves to be an incentive to change the international point of view regarding the People's Republic of China (PRC). Previously, the PRC was not a subject for discussion, but the political and economic development has raised the impact of China on international relations. China is one of the fastest economic growing powers in the world⁸⁵². Still, the growth of China calls for insecurities from other governments. At the base for the insecurities, are China's Government decisions in the external affairs domain, taken to strengthen its military abilities, as well as for the consolidation of its economic position in the region and worldwide.

There should be considered multiple factors which have contributed to the current position of China today. From the regional perspective, China plays one of the main roles in the Asia Pacific area. The state is investing a generous number of resources into the development of the regional infrastructure, such as roads, railways, bridges, ports, and airports in different Asian states, therefore, contributing to their economic and social enhancement⁸⁵³. Moreover, China represents one of the biggest economic partners for multiple states in the region, so, consequently, we can understand that China has an important vote in the decision-making process in the economic field of those states. China's influence on trade policies is manifested also within the commercial agreements, signed by multiple governments, such as Pakistan, Iran, the Russian Federation, and

⁸⁴⁸ Hans J. Morgenthau, *The Decline of Democratic Politics*, Chicago University Press, Chicago, 1962, p. 92

⁸⁴⁹ Hans J. Morgenthau, *Six Principles of Political Realism: International Politics: Enduring Concepts and Contemporary Issues*, Robert Art&Robert Jervis, New York, 2005, p. 11

⁸⁵⁰ John Hulsman, *A Paradigm for the New World Order*, Palgrave, Basingstoke UK, 1997, p. 38

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so on⁸⁵⁴. For example, during the Astana Economic Forum, Vice Minister of Commerce, Fu Ziyang and the Executive Chairman of the Eurasian Economic Union signed the Trade and Economic Cooperation Agreement between China and the Eurasian Economic Union⁸⁵⁵. In May 2015, the President of China, Xi Jinping, and the President of the Russian Federation, Vladimir Putin signed a Joint Statement of Docking Cooperation between the Belt and Road Initiative and the Eurasian Economic Union⁸⁵⁶.

China's military potential plays another factor in maintaining this state's position and influence. In recent years, China has actively strengthened its powers and defense potential. PRC, owning a large army and well-trained navy, can directly or tacitly influence the political situation in the area⁸⁵⁷. The last decades, according to some authors, have known a peaceful development, only regarding the military agreements previously signed by the United States and its allies and China during the postbellum years. As the latest news shows, there are several states, based on their economic growths, indicate that they also pretend to have the title of Great Power in the Pacific: South Korea, Russian Federation, Australia, New Zealand, and Japan⁸⁵⁸.

The sudden growth of the Chinese economic potential has allowed Beijing to gather enough resources for modernizing and improving its military abilities, which transformed this state into a serious geopolitical player in the Pacific region. As an effect, we see other stable powers from the Pacific start adopting policies to equalize China's development status. My experts have concluded that Asia Pacific is still in geopolitical transition, due to the latest events. These events consist of an upsurge in military competition, arms races, and the possibility of a catastrophic military conflict⁸⁵⁹.

During the "Cold War" period, International Relations experts concluded that the Asia Pacific area was "ripe for rivalry" due to the risk of increasing military competition⁸⁶⁰. China's ascension in the economic global field, which has led to an augmentation of expenses for military modernization, has consequently created a vicious circle of arming⁸⁶¹. The speed of these actions amplifies the insecurities and the threat potential of each state. In case of a worse scenario of a conflict on a bigger scale in the Asia Pacific, the effects could be disastrous for the global economy and world order.

As mentioned in the introduction, referring to China, its successes in different fields have made the international society revise its attitude and considerations regarding this state. Mearsheimer, a neorealist adept, has written several articles in which PRC is mentioned. He also expresses his theories regarding the possible outcomes of where China's fast enhancement leads. Furthermore, he mentions that "China won't become a power to confirm the existing status-quo, but it would become an aggressive state which will pretend to consolidate its hegemony and power in the area"⁸⁶². There is a counter-opinion that supports the pacifist intentions of China's policies. It mainly claims that the PRC won't recur for expansionism, unless it is done for cultural purposes, under the plan implemented by Imperial China⁸⁶³.

⁸⁵⁴ China Briefing, *China's Free Trade Agreements Framework*, <https://www.china-briefing.com/doing-business-guide/china/why-china/china-s-international-free-trade-and-tax-agreements> (11.11.2023)

⁸⁵⁵ Ministry of Commerce People's Republic of China, *China and Eurasian Economic Union Officially Sign Trade and Economic Cooperation Agreement*, <http://english.mofcom.gov.cn/article/newsrelease/significantnews/201805/20180502746079.shtml> (11.11.2023)

⁸⁵⁶ Ministry of Commerce People's Republic of China, *China and Eurasian Economic Union Officially Sign Trade and Economic Cooperation Agreement*, <http://english.mofcom.gov.cn/article/newsrelease/significantnews/201805/20180502746079.shtml> (11.11.2023)

⁸⁵⁷ Thomas J. Christensen, *The China Challenge: Shaping the Choices of a Rising Power*, W. W. Norton&Company, New York, 2015, p. 335

⁸⁵⁸ Adam P. Liff, John Ikenberry, *Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma*, "International Security", The MIT Press, Cambridge, Vol. 39, No. 2, 2014, p. 55

⁸⁵⁹ Adam P. Liff, John Ikenberry, *Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma*, "International Security", The MIT Press, Cambridge, Vol. 39, No. 2, 2014, p. 54

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⁸⁶¹ Aaron L. Friedberg, *Ripe for Rivalry: Prospects for Peace in a Multipolar Asia*, "International Security", The MIT Press, Cambridge, Vol. 18, No. 3, 1994, p. 5

⁸⁶² John J. Mearsheimer, *The Tragedy of Great Power Politics*, W.W. Norton&Company, New York, 2001, p. 14

⁸⁶³ Ronan Tse-min Fu, David James Gill, Eric Hundman, Adam P. Liff, G. John Ikenberry, *Correspondence: Looking for Asia's Security Dilemma*, "International Security", Oxford University Press, Oxford, Vol 40, No. 2, 2015, p. 184

If we were to examine the current situation through the circumstances that the rise of China presents to us, scholars predict a conflictual future. As realism expresses throughout its theory, according to human instincts, it's people's nature to seek power and fight to express superiority. So, in conclusion, the human known tendency to desire dominance over other people when gaining more power leads us to expect leaders to adopt expansionist policies. PRC's policies show the true intentions of the Chinese government, at least for now we are talking about the regional outcomes. China is driven by self-made beliefs that affect its orientations, goals, and purposes⁸⁶⁴.

Regarding China's military investments. In the last 25 years, the PRC has known a great development in the military aspect. It has considerably increased its military expenses to improve its warfare quantitatively and qualitatively⁸⁶⁵. Militarization involves declaratory policy statements, media commentary, and operational commitments⁸⁶⁶. Since 2000, The People's Liberation Army (PLA) has experienced improvements in its warfare programs⁸⁶⁷.

Chinese officials are arguing that all these actions are taken only to fulfill its "active defense"⁸⁶⁸. But still, Beijing may construe any affronts to its "sovereignty and territorial integrity" as an "attack"⁸⁶⁹. Specific to China is its transparency when it comes to military programs. In the last few years, the PLA has been endowed with aircraft carrier programs, stealth aircraft, unmanned aerial vehicles, submarines, medium-range ballistic missiles, nuclear weapons, and cyberwarfare capabilities⁸⁷⁰.

As for China's neighbors, PLA represents an imminent threat objective, because China might be in a long-term strategic plan with no awareness of the destabilizing consequences of regional and world order. These unknowing factors contribute to the appearance of a process with irreversible results⁸⁷¹.

The Security Dilemma

The main outcome of the arms race and excessively implemented military enhancement policies is a highly discussed subject, which is driven by insecurity, fear, uncertainty, and mistrust. In other words, it's the upcoming security dilemma, which even though now is affecting mainly the Far-East part of the world, could be involving the entire world in the following years. The security dilemma itself represents situations where each party involved, takes actions for defensive purposes, driven by insecurity and uncertainty regarding the other states' intentions, but prefers to avoid destabilizing competitions and mutual arming⁸⁷². The result is a disastrous situation that could be fixed, only if each of the involved parties is restrained from proper action and would express their defensive intentions⁸⁷³. The Security Dilemma itself is a consequence of an anarchic environment. The changes that are occurring at a political and economic level have made scholars expect an exacerbation of the military competition which could evolve into a catastrophic conflict.

Realists pay special attention to the balance of power in the international arena, which is currently changing in several areas of the world. In the realist view, the ultimate principle of international relations is power, and each state seeks to maximize it. Through the balance of power, international politics becomes a "zero-sum" game, in which somebody's win means a loss for the opponent. This is occurring in Central Asia and Asia-Pacific where China has started to increase its presence. The modernization program of the Chinese

⁸⁶⁴ Adam P. Liff, John Ikenberry, *Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma*, "International Security", The MIT Press, Cambridge, Vol. 39, No. 2, 2014, p. 57

⁸⁶⁵ *Ibidem*, p. 66

⁸⁶⁶ Michael O'Keefe, *The Militarisation of China in the Pacific: Stepping Up to a New Cold War*, "Security Challenges", Institute for Regional Security, Kingston, Vol. 16, No. 1, 2020, p. 95

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⁸⁷⁰ *Ibidem*, p. 67

⁸⁷¹ *Ibidem*, p. 68

⁸⁷² John H. Herz, *Idealist Internationalism, and the Security Dilemma*, "World Politics", Princeton University, Vol. 2, No. 2, 1950, p. 157

⁸⁷³ Ronan Tse-min Fu, David James Gill, Eric Hundman, Adam P. Liff, G. John Ikenberry, *Correspondence: Looking for Asia's Security Dilemma*, "International Security", Oxford University Press, Oxford, Vol 40, No. 2, 2015, p. 184

armed forces, the space, maritime, and ballistic missile components, causes a series of concerns. In this sense, the traditional drivers of US military supremacy in the Asia-Pacific region can be called into question⁸⁷⁴.

From the Chinese realists' perspective, they believe that Beijing must maintain its sovereignty in its domestic politics and requires a strong, modernized army. Moreover, Beijing needs a rigid foreign policy, oriented towards the defense of national interests. Many experts believe that China is slowly turning into a state whose actions are aimed at changing the international *status quo*. This process gained momentum following the global crisis of 2008-2009, which strengthened China's economic position⁸⁷⁵.

Sino-American Rivalry

An explanation for the actions taken by China in this critical situation is for it to diminish the military superiority of the United States. Also, the Chinese Government criticizes all the US efforts done to "constrain the development" of China, because the USA declares itself a Great Power in the Asia Pacific⁸⁷⁶. PRC has engaged itself in the process of realizing its defensive purposes through different tactics. From the realist paradigm perspective, the US-China relations are reaching a dangerous level, where the main objective is the open race for power and the formation of alliances. Under such conditions, any incident could cause a large-scale conflict for example in the South China Sea or Taiwan.

Of course, neither the US nor China wants the uncontrolled escalation of a conflict. However, the intensification of the military capabilities of both sides and the intentions of the leaders has their destructive logic. Inside US intelligence and the military, where the planning horizon is not limited by the election cycle, concerns about China's growing potential are far greater than in political circles. The picture is even more different if we look at the struggle of interest groups in the US Congress. Many Republican congressmen share the ideas of realists in international relations and are supporters of a hard line in relations with China, which is seen as a competitor. For example, Randy Forbes has formed the "Congressional China Caucus" in Congress, which unites members of Congress who are concerned about China's global growth⁸⁷⁷.

An analysis of the official US documents regarding China from the last two decades shows us that the concern for China is growing. In 2008, the Office of the Director of National Security started to operate with the term *multipolarity of international relations* in its reports. In 2011, the Security Strategy of the USA exposed a great concern for the modernization of China's military forces. It is also mentioned that the US will demonstrate the will to resist and allocate resources to ensure regional and global security⁸⁷⁸. In this context, in November 2011, Hillary Clinton published the document "*America's Pacific Century*". The Secretary of State stated that "*The future of international politics will be decided in Asia, not in Afghanistan and Iraq, and the US will be at the center of these events*"⁸⁷⁹. Taiwan, in this policy, becomes the place where the military-strategic and political intensity in American Chinese relations escalates.

Taiwan's Case

The best example would be the analysis of the disputed territory, Taiwan. The Taiwan issue has been an old problem between China and the United States of America and has reemerged as a high-profile problem on the agenda of Sino-US relations⁸⁸⁰. The geostrategic position of Taiwan and its military potential have given

⁸⁷⁴ Adam P. Liff, John Ikenberry, *Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma*, "International Security", The MIT Press, Cambridge, Vol. 39, No. 2, 2014, p. 65

⁸⁷⁵ Nabil Hudda, *Interpreting the Rise of China: Realist and Liberalist Perspectives*, April 3, 2015, <https://www.e-ir.info/2015/04/03/interpreting-the-rise-of-china-realist-and-liberalist-perspectives/> (12.11.2023)

⁸⁷⁶ Adam P. Liff, John Ikenberry, *Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma*, "International Security", Vol. 39, No. 2, The MIT Press, Cambridge, 2014, p. 55

⁸⁷⁷ John T. Bennett, *China's Tough Talk Gives Boost to Washington*, "U.S. News", 30.03.2012, https://www.usnews.com/news/blogs/dotmil/2012/03/30/chinas-tough-talk-gives-boost-to-washington?google_editors_picks=true (12.11.2023)

⁸⁷⁸ Richard L. Kugler, *New Direction in U.S. National Security Strategy, Defense Plans, and Diplomacy*, "Institute for National Strategic Studies", Center for Technology and National Security Policy, Washington DC, 2011, pp. 17-18

⁸⁷⁹ Hillary Clinton, *America's Pacific Century*, „Foreign Policy”, <http://foreignpolicy.com/-2011/10/11/americas-pacific-century/> (12.11.2023)

⁸⁸⁰ Weixing Hu, *Trump's China Policy and its Implications for the 'Cold Peace' across the Taiwan Strait*, "The China Review", The Chinese University of Hong Kong Press, Hong Kong, Vol. 18, No. 3, 2018, pp. 62

these two powers a reason to fight. Following who holds the influence over Taiwan, that state would hold the title of the Greatest Power in the Pacific, because as some experts claim, Taiwan itself represents a defensive barrier against Chinese expansionism, but if China were to annex the island, Taiwan could become a launching pad for Chinese aggression⁸⁸¹. Each of them claims this territory to achieve their own defensive and/or offensive military goals⁸⁸². Still, it would be necessary to address the political importance of Taiwan as well, not only the military benefit.

The position of the island in the Philippines Sea also adds to the motifs of influence. The geopolitical position of this territory could be a worthy pretext for a conflict to start. China claims this area, introducing the argument of the unified Chinese nation, not clearly expressing all the supposed reasons, including the west side of the Philippines Sea. The United States' goal is to freely operate in the Philippine Sea without China's interference, with the help of the US allies, to perform "containment" against China⁸⁸³. The military value of Taiwan is very important to China and motivates reunification beyond the purely nationalist impulses that are most referenced⁸⁸⁴.

The unification of the Chinese nation would offer scenarios for all the parts involved, China, Taiwan, and the United States. Because each of the states has different interests in the area, it would have more than slightly distinct outcomes. To take the first scenario, the one before unification, it is worth pointing out that the United States has already installed submarine detectors against Chinese submarines⁸⁸⁵. Limiting the possibility of Chinese navy and submarine access in the area is giving the US the possibility to surveil the entire region of the Philippines Sea without China's interference.

Considering the next one after the nation unification, gaining control of this territory would allow China to install military bases in several coastal places, including the ports of Taiwan⁸⁸⁶. If China ends up annexing the whole Taiwanese territory, the Chinese submarines will have a green light to enter the sea without meeting any of the American barriers, because they would be banned from patrolling among those islands. There is still speculation that if China indeed annexes Taiwan, it will use it as a launching zone for future attacks, using advanced technologies. The American alternative would suppose the fact that it would limit any Chinese expansion, and to not accept any compromises⁸⁸⁷.

Taiwan, besides being an important region from a strategic point of view for China, has also interdependent economic links and their lack would considerably compromise China. Taiwan is one of the biggest producers of microchips, used in the warfare construction industry, which benefits both the US and China. Still, economic interdependence does not always guarantee peace. Unfortunately, sometimes, like in this case, it only adds fuel to the fire in any scenario. It is lacking and its presence predicts a compromising future. US-China economic, ideological, and security competition further intensifies, rather than coming to an end. This is because cooperation would be seen as self-harming when the two countries are locked in a zero-sum competition for global leadership⁸⁸⁸.

Conclusions

The rise of China is one of the most important events with outcomes for the world order. The rise of China and rapid economic development throughout the Asia Pacific has consequently worsened and destabilized military competition⁸⁸⁹.

⁸⁸¹ Brendan Rittenhouse Green, Caitlin Talmadge, *Then What? Assessing the Military Implications of Chinese Control of Taiwan*, "International Security", The MIT Press, Cambridge, Vol. 47, No. 1, 2022, p. 15

⁸⁸² John J. Mearsheimer, *Taiwan's Dire Straits*, "The National Interest", Center for the National Interest, No. 130, April 2014, p. 33

⁸⁸³ Victor Teixeira, *The United States' China Containment Strategy and the South China Sea Dispute*, "Central European Journal of International and Security Studies", Metropolitan University Prague Press, Prague, Vol. 13, No. 3, 2019, p. 170

⁸⁸⁴ *Ibidem*, p. 16

⁸⁸⁵ Owen R. Cote Jr., *Assessing the Undersea Balance Between the U.S. and China*, "MIT Security Studies Program, Working Paper", February 2011, pp. 10-13

⁸⁸⁶ Peter Howarth, *China's Rising Sea Power: The PLA Navy's Submarine Challenge*, Routledge, London, 2006, p. 38

⁸⁸⁷ *Ibidem*, p. 17

⁸⁸⁸ Henry Kissinger, *The Coronavirus Pandemic Will Forever Alter the World Order*, "Wall Street Journal", 3 April 2020, <https://www.wsj.com/articles/the-coronavirus-pandemic-will-forever-alter-the-world-order-11585953005> (10.11.2023)

⁸⁸⁹ Adam P. Liff, John Ikenberry, *Racing toward Tragedy? China's Rise, Military Competition in the Asia Pacific, and the Security Dilemma*, "International Security", The MIT Press, Cambridge, Vol. 39, No. 2, 2014, p. 60

The regional ascension of China has become a subject of worry for the Great Powers. The processes that are occurring in the Pacific area can compromise world peace. Mearsheimer and other authors support the idea that the Chinese ascension became dangerous because it launched the chained reaction of excessive arming. Still, China's counterargument is the fact that its goals only aim to rebalance the American influence in the Pacific. China's position could be characterized by a defensive realism, rather than by an offensive one. Coming from the study case example, the one exposing the Taiwanese importance, the sole danger that China presents to the United States is the fact that it would compromise some activity fields with the allies and use the geopolitical benefits Taiwan is presenting⁸⁹⁰.

The United States and its allies should instead be competing with China in economic diplomacy⁸⁹¹. Even though the Chinese state has not shown its full power yet, nor its hegemony from the political point of view, China has manifested itself from the economic point of view at its fullest. China holds membership in multiple international organizations, such as the UN, WTO, and SCO⁸⁹². China could become a prospering source for the Far East⁸⁹³.

The goal, however, should not be to prevent or preempt China's activities but to incentivize Beijing to provide more transparency and accountability in its lending⁸⁹⁴. Using economic tools, including building closer trading relations and providing foreign aid, has been China's second main means to wield influence in the Pacific⁸⁹⁵.

China continues to play a generally constructive role in the key international, political, and economic institutions. "China has determined that in most circumstances - and at least for now - its needs are best met by seeking to shape the current global framework from inside the tent". The Chinese Communist Party holds the highest positions in multiple international ports. This fact serves as a worrying reason for the experts because China would be able to use this position in ports not only for peaceful reasons but also to fulfill its military goals⁸⁹⁶.

The most promising solution would be integrating China into the multipolar international system, at its full power and capacity, rather than isolating and limiting it from its expansionist policies, to reach a stable and safe situation in the region, because that would benefit the whole world. Being part of the solution is better than being part of a problem.

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⁸⁹² Peter Frankopan, *The New Silk Roads: China, the U. S., and the Future of Central Asia*, Bloomsbury, London, 2018, p. 210

⁸⁹³ Thomas J. Christensen, *No New Cold War: Why US-China Strategic Competition Will Not Be like the US-Soviet Cold War*, "Asan Institute for Policy Studies", 2020, p. 41

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⁸⁹⁵ Zhang Denghua, *China's Diplomacy in the Pacific: Interests, Means and Implications*, "Security Challenges", Institute for Regional Security, Kingston, Vol. 13, No. 2, 2017, p. 35

⁸⁹⁶ Isaac B. Kardon, Wendy Leutert, *Pier Competitor: China's Power Position in Global Ports*, "International Security", The MIT Press, Cambridge, Vol. 46, No. 4, 2022, p. 41

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ISSUES RELATED TO THE OPERATING INSTRUCTIONS AND REGULATIONS OF THE ROMANIAN MILITARY ATTACHÉS DURING THE PERIOD 1925-1943

Abstract:	<p><i>The military issue has always been a concern in the foreign policy of the states, and the continuous progress made in the various military fields, as well as the increasingly significant tendency of military diplomacy to be involved in the maintenance of international peace and security, led to the need to use military experts within diplomatic missions, from specialists in the field to permanent advisers to the heads of permanent or temporary diplomatic missions.</i></p> <p><i>The history of military attachés dates to the early 19th century when European countries began sending military observers to foreign capitals to monitor military developments and gather intelligence about the accredited state.</i></p> <p><i>Military attachés are members of the army of the accrediting state and head the military offices of the respective diplomatic missions, being, in principle, hierarchically subordinate, regardless of rank, to the head of the diplomatic mission. However, this subordination does not prevent the military from communicating directly with the ministries regarding strict military issues, especially those that refer to military secrets.</i></p> <p><i>The period after the First World War, along with the development of Romanian diplomacy, was recorded as the strengthening of the institution of the military attachment, having a special contribution to the implementation of the country's military policy.</i></p>
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A military attaché is a military officer who is assigned to a diplomatic mission (embassy or consulate) in a foreign country and works closely with the diplomatic staff at the embassy or consulate to ensure a coordinated approach to foreign policy and national security objectives. The main responsibilities of a military attaché include gathering intelligence on the host country's military capabilities, maintaining contacts with local military and government officials, facilitating military training and exchange programs, and promoting friendly relations between the two militaries. Military attachés are usually high-ranking military officers, often with significant experience in the field of military intelligence and diplomacy.

The period after the First World War, along with the development of Romanian diplomacy, was recorded as the strengthening of the institution of the military attachment, having a special contribution to the implementation of the country's military policy.

In 1925 the "Instructions related to the situation and relations of military attachés to the staff of the legations"⁸⁹⁷ were elaborated. The document stated that the military attaché had the status of military adviser of the legation and had the rank of adviser, also emphasizing the professional relations between the military attachés and the other advisers and secretaries of the legation. Thus, "the adviser of the legation had precedence over the military attaché when he was not a general in military rank. The military attaché had

⁸⁹⁷Romanian Military Archives, Pitești, *Instructions related to the situation and relations of military attachés to the staff of the legations*, Fund Studies and searches, Folder No. crt. 20, f. 236

precedence over secretaries of legation of any rank and other members of the legation. When the councilor performed the function of charge of affairs, he had precedence over the military attaché, whatever his rank was"⁸⁹⁸. As an adviser, the military attaché was supposed to collaborate with the head of mission on political and military matters, for mutual communication of opinions, and for sharing the experience of the military attaché in military matters.

Regarding the correspondence of the military attachés, it was sent sealed to the Ministry of War, respectively M.St.M. of the Romanian Army, through the legation and the Ministry of Foreign Affairs, the novelty being the fact that the envelopes with correspondence could not be opened by anyone.

The previous instructions provided that the correspondence containing military aspects, although delivered to the legation closed, could be opened by the Minister of Foreign Affairs, an aspect that contravened the principle of keeping the transmitted aspects secret.

According to the "Directive for Military Attachés"⁸⁹⁹ of 1927, they had the mission of informing the M.St.M. of the Romanian Army on everything that referred to the factors of military power of the countries in which they were accredited, along with the political situation of the country, especially in the fields related to its military capacity. Other missions of the military attachés were: "obtaining information about the political relations of the states, in which they were accredited, with the neighboring states, especially the relations related to military operations; concluding the war plan, forms of concentration, directions of attack, etc.; follow-up of matters concerning the Romanian Army, appeared in the press and foreign publications; combating, with the approval of M.St.M. of the Romanian Army, the enemy's tendencies to discredit Romania in the world"⁹⁰⁰. These duties did not allow the military attaché to obtain information through unauthorized means, which was not "excusable"⁹⁰¹.

Considering these clarifications, the Directive guided the military attachés on how and where they had to obtain information, stating that the military attaché had to inform himself of the military authorities of the state in which he was located⁹⁰² and carry out a series of personal investigations on some military objectives of high importance. Also, the Directives referred to the fact that the information obtained would refer not only to the country where the officer was accredited but also to other countries on which information could be obtained, from the military or political bodies of the country of residence. It was emphasized that, in this sense, M.St.M. of an allied country had every interest in providing Romania with information on the common enemy; also, the military attaché could get some valuable news from a colleague, in exchange for some news about another country that he would request from the M.St.M. of the Romanian Army. What a military attaché from the country in which he was accredited could not find out, another Romanian military attaché from another country could find out. What could not be found out in Poland about the poles, could be found out from the Romanian military attaché in France or another country. In other words, the Romanian military attachés, in the persistent pursuit of a matter, had to be in close contact with each other, communicating the necessary data. Information about Romania could only be provided with the prior approval of M.St.M. of the Romanian Army, apart from the non-secret ones. Using all these means, the military attaché could document himself very well on all the matters he needed, without having to make use of any unauthorized means, which could only compromise him.

In conclusion, the military attaché had to have the ability to obtain information as useful as possible to the decision-makers in our country, an activity that required a continuous and assiduous concern in this direction. He also had to have a special tact to use all the possible means allowed.

The same directives exemplify extremely clearly how information can be obtained from one country to another. For example, "in Poland you could get very good information about Russia, because this country was our common enemy, because Poland had diplomatic relations and a military attaché in Russia, because the poles knew the Russian language and customs, better than the Romanian representatives, having a large

⁸⁹⁸ *Idem*

⁸⁹⁹ *Ibidem*, ff. 237-243

⁹⁰⁰ *Ibidem*, f. 238

⁹⁰¹ The military attaché continued to be the representative of M.S. To the king in addition to the government where he was accredited so that he cannot spy in any form.

⁹⁰² From the officers of the army of that state, with whom he was to be on the best possible terms; attending as many military exercises as possible; from the military attachés of allied and neutral countries with whom he also had to maintain very good relations; from the study of the official monitor, military newspapers, and magazines.

population that was under Russian rule, had more facilities than Romania to create an information service in Russia, something that could also be said about Germany; in Serbia could be obtained information about Hungary and Bulgaria, common enemies, as well as on other states such as Germany, Italy, Turkey, etc.; in Italy it was possible to obtain information about Serbia, Hungary and Austria, with the last two countries Italy had trade links and was thus very well informed; in France and England information could be obtained about Russia; also France could give us information about Germany and Hungary where it exercised a right of control; in Germany, Bulgaria and Hungary, the military attaché could obtain information within the control commissions with which they had to maintain close ties; with the help of the Greek, Bulgarian and Serbian military attachés information could be obtained about Turkey”⁹⁰³.

As for the nature of the information to be sought by the military attachés, it depended on the nature of the relations between our state and the countries in which they were operating. So that, in the countries that were regarded as probable enemies of Romania, the information had to cover as wide as possible and tend to precise conclusions on armaments, means of combat, military laws and regulations, the character and personality of the commanders of large units and chiefs of general staff, as well as any other matters that could influence their military power and more.

In strong countries, with developed military training, but without direct links with Romania, the attachés had to obtain information regarding the scientific progress registered by the respective armies, the provisions of military regulations, training methods, the organization of the command, the general staffs, the services, and the military schools. In the allied countries, studies and information had to clarify, to what extent their military power would allow them to fulfill their obligations and how they understood to collaborate with Romania. By all means, the military attachés had to maintain a close connection with the M.St.Mt of the allied powers and the Little Entente and participate in military applications in the allied states, when it refers to the Romanian front. In the situation where the military attachés were unable to take part in the respective military applications, they had to obtain information related to their deployment from the competent officers of the other major states. Considering the rather tense international context, they had to look for information about the intentions of the respective major states, in the event of a general war.

In conclusion, the military attaché had to always think, about how he could be more useful, from all points of view, for the war preparation of the Romanian army.

In 1938, there was drawn up a new ”Regulation for Romanian military, aeronautical, and naval attachés”⁹⁰⁴, valid until 1946. According to the document, the military attaché was part of Romania's diplomatic mission, with the role of military-technical advisor of the head of mission. Being a member of the diplomatic corps, he enjoyed all the prerogatives generally recognized for members of this corps. The main role of the military attaché was to inform M.St.M. of the Romanian Army (on which he directly depended) about military issues or events and to obtain useful information for him, he was obliged to use only correct and compatible means, both as member of the Diplomatic Corps and as an officer loyal to the country that gave him the concession. The 1938 regulation gave the military attaché important representational powers so that he represented the Romanian authority and the interests of the Romanian Army in all circumstances before the authorities of the country where he was accredited, the diplomatic corps, and Romanian citizens, regardless of their status in the country of accreditation. The military-maintained protocol relations, but also private relations with foreign diplomats, especially with the other military attachés, whom he was going to use to propagate a pleasant image for his country and his army, but also to be able to inform himself about the issues that interested.

Depending on the importance of that country in military relations with Romania, the military attaché was seconded by an aide and by an aeronautical and naval military attaché. The regulation made a distinction between the three categories: the military attaché was de jure and de facto the representative of the Army, while the aeronautical and naval attachés were specialists destined to serve the aeronautics and the navy. The latter were also part of the diplomatic mission, being technical advisors for aviation, respectively marine, of the head of the legation. Between them, there were relations of collaboration and not of subordination. The Regulation also provided that, ”when the military attaché was absent from his post for various reasons (leave,

⁹⁰³ *Ibidem*, f. 240

⁹⁰⁴ Romanian Military Archives, Pitești, *Regulation for Romanian military, aeronautical and naval attachés*, Fund Studies and searches, Folder No. crt. 311, ff. 19-21

duty visits, etc.), the aeronautical or naval attaché, if he resided in the same capital, replaced him, in order of seniority, specifying that this only happened where the military attaché was missing help⁹⁰⁵.

Regarding the duties of aeronautical and naval attachés, they were like those of military attachés; they reported information, and participated in maneuvers, military conferences, celebrations, etc. Military attachés (aeronautical and naval) were recruited only from among staff officers, who distinguished themselves during their careers, preferring officers who worked in the Second Intelligence Section or studied abroad. Those in question were selected through a competition, led by the head of M.St.M. of the Romanian Army and assisted by the head of the 2nd Intelligence Section.

The competition involved written and oral tests regarding the language of the country of accreditation and the French language, as well as a very good knowledge of the country/countries where future military attachés were to be accredited, from a geographical, historical, political, military, and economic point of view, etc. The selected officers completed a 6-month internship in the 2nd Information Section, before going abroad, where through study and personal work they thoroughly documented themselves in all areas regarding the future position. The normal duration of the mandate of aeronautical and naval military attachés was 3 years⁹⁰⁶ with the possibility that M.St.M. of the Romanian Army to extend this term, if necessary.

Referring to the qualities that military attachés were supposed to possess and how they were to perform their duties, the Regulation stated that they had to show honor and dignity in all the circumstances in which they were, to show an attitude of respect for the government of the country in which he was accredited, to respect the religion, laws, decrees, and customs of the respective states. The regulation in question referred to the reports, studies, and other works drawn up by military attachés that had to be concise, and written precisely, without exaggerating or diminishing the content of the data and information, to avoid misinforming the M.St.M. of the Romanian Army and the head of the mission.

After the outbreak of the Second World War, in 1940, the Romanian military authorities developed the "Instructions related to the life and activity of military attachés and military missions sent abroad"⁹⁰⁷. Within them, reference was made to the behavior and limitations to which military attachés had to submit in the context of the "serious circumstances" Romania was going through, with its "shredded borders and precarious economic situation", living permanently under the threat of new territorial amputations⁹⁰⁸. According to the Instructions, the duty of military attachés was to "constitute a permanent example of correctness and sobriety through their entire life and attitude". To make them responsible, the negative example of the representatives of "recently liquidated states" was given, who, having arrived on the territory of our country, "indulged in attitudes whose joy would not have been justified except by the excitement of a victory. Such people characterize peoples who do not have the right to live freely"⁹⁰⁹.

In this context, "the officers, first of all, had to represent the faithful image of their country through modesty, through the measure of their actions, through their correctness, seriousness and dignity"⁹¹⁰. As a mission, by the nature of the position they held, the military, aeronautical, and naval attachés were the first to see that all officers outside the frontiers fully complied with the above principles. The Instructions also called for the moderation of military attachés, in the sense that, although they had reduced monetary rights, they had to "ensure an honorable life, establish the necessary connections in the respective military world and represent our country with dignity"⁹¹¹.

An appeal was made to the sobriety and dignity that the Romanian officers in general and the military attachés, in particular, had to show, the latter being instructed to abandon the system of banquets, luxurious tables, and lavish receptions, which proved not to give results commensurate with the expenses. Instead, they are recommended to send a simple invitation to the table that could facilitate him to form a friendship that will help him in the future. Attention was drawn to the fact that those in such positions were not sent for enrichment and that they had the duty to spend only what was strictly necessary for the most honorable representation of

⁹⁰⁵ *Ibidem*, f. 21

⁹⁰⁶ The previous regulations stipulated that the term of office of military attachés be 4 years.

⁹⁰⁷ Romanian Military Archives, Pitești, *Instructions related to the life and activity of military attachés and military missions sent abroad*, Fund Studies and searches, Folder No. crt. 20, ff. 86-89

⁹⁰⁸ *Ibidem*, f. 86

⁹⁰⁹ *Idem*

⁹¹⁰ *Ibidem*, f. 87

⁹¹¹ *Idem*

our army. General Staff of the Romanian Army, through the II Section, was monitoring whether or not the military attachés were following the new Instructions, emphasizing that "those found guilty will be recalled immediately and noted accordingly"⁹¹².

In conclusion, the military, aeronautical, and naval attachés and their helpers, being the official representatives of the Romanian Army, had the obligation to conform and "merge with the principles of morality, sobriety, correctness and dignity"⁹¹³.

In 1941, on the orders of Ion Antonescu, at that time head of the state, the Instructions regarding the operation of the Legations and the coordination of the action of the country's representatives abroad were drawn up⁹¹⁴. According to these Instructions, no agent, military, commercial, press attaché, cultural advisor, or other possible representatives of the various special services - could carry out any activity or undertake any more important undertaking, without the prior consultation and consent of the head of the diplomatic mission. Those in question were thus placed under the authority of the head of mission, from both the point of view of their activity and the administrative point of view (for example, the working hours and furlough could not be set by the department they depended on, without the consent of the head of mission).

Also, the Instructions forbade various ministries or authorities to communicate directly with their agents, in which framework they were obliged to send them instructions exclusively through the Ministry of Foreign Affairs, which transmitted the respective communications to the head of mission, and the latter had to forward them to those in right. The same rules will be observed in the communications and reports of the agents to the authorities on which they depend. Moreover, "the head of mission being the best able to appreciate the local situation and the nature of Romania's relations with the country in which he was accredited, he could communicate to the authorities from which they sent the respective instructions or communications, the possible points of view he would have to formulate on them"⁹¹⁵.

Exceptionally, the military attachés could communicate, in code, directly with the authorities on which they depended, information of a purely military nature, with the mention that those communications had to be brought to the attention of the head of the legation. The authors of the Instructions drew attention to the fact that they should not be interpreted in the sense of limiting the activity of military attachés, who remain free to formulate any reports they consider useful on matters related to their mission. Those reports were to be communicated to the M.St.M. of the Romanian Army through the head of mission and the Ministry of Foreign Affairs.

The instructions caused a real controversy between the Ministry of Foreign Affairs and the Ministry of War, through M.St.M. of the Romanian Army. Thus, when the opinion of the General Staff of the Romanian Army was sought, it tried to convince the representatives of the Ministry of Foreign Affairs of the negative effect that the provisions of the new Instructions had on the activity of the military attachés⁹¹⁶. The main disadvantages identified by the representatives of M.St.M. of the Romanian Army were the following:

- "It would delay, if not annihilate the informational action of our military attachés, in that they are no longer allowed to report directly to M.St.M. of the Romanian Army, but only through the Heads of Mission, and the M.St.M. of the Romanian Army sends instructions only through the Ministry of Foreign Affairs.

- It would jeopardize the preservation of secrecy, since there are some matters whose "intricacy" requires that they not be known, except by the one who orders and the one who receives the order;

- It would contravene the Regulation of Military Attachés (drafted by Mr. Marshal Antonescu at the time when he was the Head of the M.St.M. of the Romanian Army), which through its provisions categorically removes too much interference of the Head of Mission in the attributions of the military attaché"⁹¹⁷.

In the submitted proposals, M.St.M. of the Romanian Army specified that he did not want to block the cooperation between the military attachés and the heads of missions, stressing that collaboration should only

⁹¹² *Ibidem*, f. 88

⁹¹³ *Idem*

⁹¹⁴ Romanian Military Archives, Pitești, *Instructions regarding the operation of the Legations and the coordination of the action of the country's representatives abroad were drawn up*, Fund Studies and searches, No. crt. 311, ff. 29-31

⁹¹⁵ *Ibidem*, f. 30

⁹¹⁶ Romanian Military Archives, Pitești, *The contestation of the M.St.M. of the Romanian Army to the Instructions regarding the operation of the Legations and the coordination of the action of the country's representatives abroad*, Archive of the Ministry of Foreign Affairs, Bucharest, the problem 82, Vol 10, ff. 51-52

⁹¹⁷ *Idem*

refer to matters of a political, economic, and social nature, following that their technical-military activity would remain entirely independent and exempt from being presented to the heads of mission.

Consequently, M.St.M. of the Romanian Army proposed a series of changes/completions, which mainly referred to the independence of the military attachés from the head of the mission and the possibility for them to communicate directly with the representatives of the M.St.M. of the Romanian Army, both proposals referring strictly to purely military matters. Despite all the arguments offered, the response of the Ministry of Foreign Affairs did not satisfy M.St.M. of the Romanian Army, in the sense that it was decided that, without changing the content of the Instructions, a supplement with the following contents would be sent to the legations: "in completely exceptional cases, if it is a matter of military secrets of the highest rigor, the military attachés can communicate directly with M.St.M. of the Romanian Army, to avoid any delay or risk of knowledge of the communicated secret information"⁹¹⁸. Apart from this exception, it was decided not to make any changes to the text of the Instructions and their application.

The last document we want to refer to is the "Law for the organization of the Ministry of Foreign Affairs of the Kingdom of Romania"⁹¹⁹ from 1944, which has some provisions regarding military attachés. According to the act, within the legation military services were performed by military attachés, appointed following military laws and the rules of international law. Like the previous regulations, the document emphasized that no member of the legation⁹²⁰ was allowed to work directly with the military authorities in the country, except through the head of mission and the Royal Ministry of Foreign Affairs.

The only exception was the military attachés, who, apart from the services entrusted to them by the head of mission (to whom he was responsible for their performance), could directly address the Ministry of the Army, respectively M.St.M. of the Romanian Army, "for strictly military matters and regarding confidential or exceptionally urgent measures"⁹²¹.

Conclusions

In conclusion, we can state that the legal foundations for the functioning of the Institution of Military Attachés in Romania were developed and put into practice by two state institutions - the Ministry of War and the Ministry of Foreign Affairs.

Thus, the activity of the military attachés, from the perspective of the role and place they occupied within the legations, was regulated by the broader provisions, regarding the way of their organization and operation, elaborated by the Ministry of Foreign Affairs.

Regarding the aspects related to the professional activity of the military attachés, respectively their attributions and duties, were regulated by the Instructions, Regulations, and Directives developed by the Ministry of War, through the M.St.M. of the Romanian Army. Also, the professional subordination and coordination of the military attachés is carried out by the M.St.M. of the Romanian Army, Second Section Intelligence, an institution that evaluates their activity.

The Institution of Military Attachés has proven to be a useful tool for promoting the national military policy, contributing both to the fulfillment of the objectives of the national and military policy promoted by our state, as well as to providing the necessary data and information to the leading factors for making political-military decisions. The role of a military attaché is diverse and requires a deep understanding of military affairs, diplomatic skills, and the ability to navigate a complex international relationship.

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⁹¹⁸ *Idem*

⁹¹⁹ Archive of the Ministry of Foreign Affairs, Bucharest, *Law for the organization of the Ministry of Foreign Affairs of the Kingdom of Romania*, The problem 82, Vol 9, ff. 80-87

⁹²⁰ Diplomatic, consular, economic, cultural and press, military, or special agent.

⁹²¹ *Ibidem*, f. 87

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SOCIAL MEDIA AND THE SECURITY OF MILITARY OPERATIONS

Abstract:	<i>In the last decade, social media and Social Network Sites have decisively changed how internal and external communication takes place in the military. One of the most important advantages of social media is the facilitation of new forms of social interaction and communication. The integration of text, images, and sounds in the same interactive communication system, accessible at any chosen moment, within a global network, fundamentally changes the character of military communication. In the context of the new types of military operations, having predominantly the characteristics of the hybrid war, the security of the operations (OPSEC) remains a critical requirement. The increasing number of military social media users from deployed areas of operations could compromise information security and missions. Building a security culture in the field of SNS use through education is an easy and almost cost-free action, for information disclosure prevention.</i>
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Introduction

We are living in the era of the digital revolution that increasingly influences every aspect of our lives. The presence of digital communications and devices, the internet, the World Wide Web, social media, smartphones, robotics, artificial intelligence, big data analysis, and much more are reshaping the world we are living in⁹²². Communication technology is fundamental to society; each technology leaves its mark on media form and content. The use of communication technology influences social transformation and communication revolutions determine social revolutions⁹²³.

The traditional public sphere has witnessed changes. We can refer, without any mistake, to a public space of virtual communities generated by the Social Network Sites (SNS) and the multitude of forms of communication that use the internet as a media support, associated with the traditional public space.

Encyclopedia Britannica defines social media as a form of mass media communications on the Internet (such as on websites for social networking and microblogging) through which users share information, ideas, personal messages, and other content (such as videos)⁹²⁴. One of the most important advantages of social media is the facilitation of new forms of social interaction and communication. The integration of text, images, and sounds in the same interactive communication system, accessible at any chosen moment, within a global network, fundamentally changes the character of communication. We intend to briefly analyze the theoretical approaches regarding social media influence on military activities, using the NATO perspective. Then, the theoretical approach will be complemented by a practical example in the form of a case study.

⁹²² Antony Giddens, Philip W. Sutton, *Sociology*, the 9th Edition, Polity Press, Cambridge, 2021, p. XI

⁹²³ Denis McQuail, *Mass Communication Theory*, the 6th Edition, Sage Publications, London, 2010, p. 92

⁹²⁴<https://www.britannica.com/topic/social-media> (21.11.2023)

Social Media and the Trend Toward Mobility and Accessibility

Social media has decisively changed how internal and external communication takes place in the military. Social Network Sites (SNS) as platforms that enable social media, generate the multiplier effect for the diffusion of content. Social networks have given each user the right to an opinion related to the subjects on the public agenda. Social media and SNS allow access to a greater variety of information, as well as the possibility to follow the dynamics of an event in real-time. It is important to observe the trends in terms of accessing social networks, from which devices SNS are accessed, and the preferences of users according to age. Since members of the armed forces are largely subject to societal trends, the statistics are also valid for the military field.

To achieve a more accurate profile of those who access social networks, depending on location, age, network type, and access mode, we use some up-to-date statistics. According to Statista, in 2022, the current number of smartphone users in the world today is 6.92 billion, meaning 85.82% of the world's population owns a smartphone. 93.4% of internet users access the internet using a mobile phone and 99% or 4.95 billion social media users access networks using a mobile device⁹²⁵. Accessing the Internet from mobile devices has registered a significant increase in recent years, showing user preferences, especially for smartphones. Worldwide, in 2023, approximately 61% of Internet users accessed from such devices, almost double compared to 2016, when 31% accessed the Internet in this way⁹²⁶.

In 2023, the most used worldwide social network platform is Facebook, with approximately 2.9 million users per month. It is followed in the ranking by YouTube, WhatsApp, Instagram, WeChat, and TikTok, as seen in Figure 1⁹²⁷.

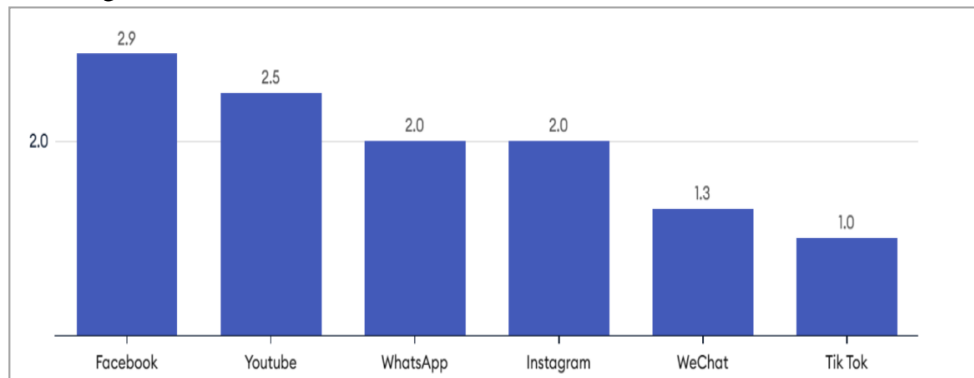


Figure 1. Monthly Active Users by Social Media Platform (in millions)⁹²⁸

Recent statistics, which analyze accessibility for the entire year 2022, related to user demographics show that young people are the most interested in using social networks, more specifically those aged between 18 and 29 who have accessed at least 84% of social media. Access to social networks decreases with the growth of the analyzed age segment, as we can see in Figure 2⁹²⁹.

⁹²⁵ Ani Petrosyan, *Internet usage worldwide-Statistics&Facts*, <https://www.statista.com/topics/1145/internet-usage-worldwide/> (10.09.2023)

⁹²⁶ Josh Howarth, *Internet Traffic from Mobile Device (Nov 2023)*, on <https://explodingtopics.com/blog/mobile-internet-traffic> (10.11.2023)

⁹²⁷ J.D. Belle Wong, Cassie Bottorff, *Top Social Media Statistics And Trends Of 2023*, <https://www.forbes.com/advisor/business/social-media-statistics/> (15.09.2023)

⁹²⁸ *Biggest social media platforms 2023* | Statista (15.09.2023)

⁹²⁹ *Idem*

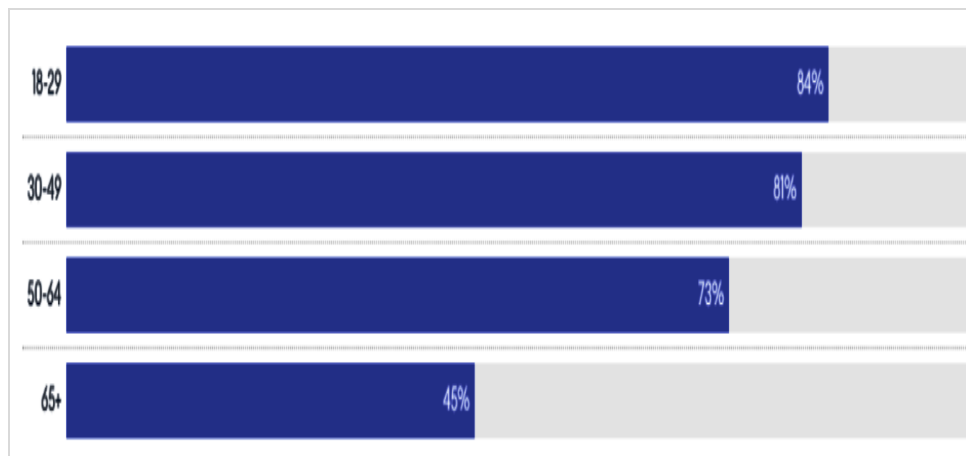


Figure 2. Percentage of Each Age Group that Uses at Least One Social Media Site⁹³⁰

Social Media Usage. Challenges And Opportunities for The Military

First, it is important to identify the professional soldier in the current social context. Almost 50 years ago, Charles Moskos studied how the US military made the transition from the institutional to the occupational model and observed that although the army enjoys certain autonomy, it remains a social organization. Any societal trend of change will have echoes within the military as well. Moreover, the army has gone through a process of transition from the institutional model to that of an organization with an occupational model, a tendency to adapt military structures to civilian structures and trends⁹³¹. Morris Janovits also analyzed this concept, considering the professional soldier a "citizen-soldier", the result of the integration of the military into civilian society, because of the shared democratic values⁹³².

Social media is part of the communication strategy of military organizations, integrated into other public affairs activities. Thanks to the informal way of addressing, it can easily reach the target audience, thus contributing to the fulfillment of the communication objectives. At the same time, social media can also be a tool to combat rumors and misinformation⁹³³. The communication process based on social media platforms, especially WhatsApp and Facebook Groups, has led to a significant increase in the interaction between soldiers, sharing best practices, and learning from each other's experiences⁹³⁴.

Once the public image of the military institution is consolidated, social media can become a very good tool used by military institutions for the selection and recruitment of new members of the armed forces. For the military's audience of potential recruits, social media is very important. The age category of potential candidates for military enlistment is characterized by the widespread use of social networks⁹³⁵.

Social Media is an Information Operations (Info Ops) force multiplier so that it can be used as a tool for transmitting messages to the target audience, to influence and change attitudes, opinions, and perceptions, using specific tactics of disinformation, deception, and propaganda⁹³⁶. In their book "LikeWar: The Weaponization of Social Media", authors Peter Singer and Emerson Brooking explain how social media

⁹³⁰ *Social Media Use in 2021* | Pew Research Center

⁹³¹ Charles Moskos, *Armata, mai mult decât o ocupație?*, Ziu, București, 2005, pp. 15-21

⁹³² Holly Giroux, *Social Media's Impact on Civil-Military Relations: Balancing the Good with the Bad*, "Wild Blue Yonder Online Journal", 2021, <https://www.airuniversity.af.edu/Wild-Blue-Yonder/Article-Display/Article/2871481/social-medias-impact-on-civil-military-relations-balancing-the-good-with-the-bad/> (20.10.2023)

⁹³³ *Idem*

⁹³⁴ *Idem*

⁹³⁵ Jennie W. Wenger, Heather Krull, Elizabeth Bodine-Baron, Eric V. Larson, Joshua Mendelsohn, Tepring Piquado, Christine Anne Vaughan, *Social Media and the Army: Implications for Outreach and Recruiting*. RAND Corporation, 2019, https://www.rand.org/pubs/research_reports/RR2686.html (28.09.2023)

⁹³⁶ Kyle Deem, *Social Media and the Military: How the Field Grade Leader Should Understand, Approach, and Control Social Media Warfare*, 2020, p. 10, <https://apps.dtic.mil/sti/pdfs/AD1124619.pdf> (25.09.2023)

became a powerful weapon of warfare and call this "weaponization" of social media, a sort of new asset in modern warfare⁹³⁷.

Limitations, Constraints, And Risks of Using Social Media in the Military. Social Media and OPSEC

By using social media, military personnel are exposed to the risk of engaging in political activities, contrary to military codes of conduct⁹³⁸. The increasing number of military social media users from deployed areas of operations could compromise information security and missions. SNSs allow the collection and automated processing of information related to military personnel and own units that can later be used by the adversary in the targeting process⁹³⁹.

The widespread use of mobile devices with extensive technical possibilities for information sharing has led to a significant increase in the risk of breaching the security of military activities and missions by military personnel.

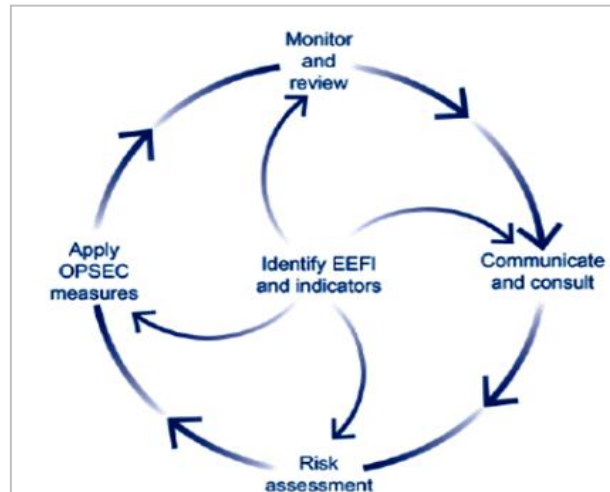


Figure 3. The five-step OPSEC model⁹⁴⁰

Sensitive information on troop location, military force structure, areas of operations, and troop movements can be used by adversaries during open intelligence-gathering activities⁹⁴¹. Allied Joint Publication-3.10.2 presents NATO's perspective on Operations Security or OPSEC: a process that gives a military operation or exercise appropriate security, using passive or active means, to deny the enemy knowledge of the dispositions, capabilities, and intentions of friendly forces. OPSEC aims to deny critical information and indicators to adversaries⁹⁴². According to the same document, OPSEC is a cyclic capability, it consists of five steps that cover all operation phases, even the post-conflict period. The first step refers to sensitive data identification (essential elements of friendly information - EEFI) and understanding what kind of data is stored on its systems and is of interest to the enemy. With sensitive data identified, the military structure

⁹³⁷ Peter Singer, Emerson Brooking, *Likewar: The Weaponization of social media*, 2018, <https://www.perlego.com/book/3184265/likewar-the-weaponization-of-social-media-pdf> (30.09.2023)

⁹³⁸ Holly Giroux, *Social Media's Impact on Civil-Military Relations: Balancing the Good with the Bad*, "Wild Blue Yonder Online Journal", 2021 <https://www.airuniversity.af.edu/Wild-Blue-Yonder/Article-Display/Article/2871481/social-medias-impact-on-civil-military-relations-balancing-the-good-with-the-bad/>, (21.10.2023)

⁹³⁹ Kyle Deem, *Social Media and the Military: How the Field Grade Leader Should Understand, Approach, and Control Social Media Warfare*, 2020, p. 11, <https://apps.dtic.mil/sti/pdfs/AD1124619.pdf>, (27.09.2023)

⁹⁴⁰ North Atlantic Treaty Organization, *Allied Joint Publication-3.10.2. Allied Joint Doctrine for Operations Security and Deception*, p. 12, AJP-3.10.2, publishing.service.gov.uk (10.12.2023)

⁹⁴¹ Eva Moehlecke de Baseggio, Olivia Schneider, Tibor Szvirsev Tresch, *Social Media and the Armed Forces*, Springer, p.194, <https://doi.org/10.1007/978-3-030-47511-6> (15.10.2023)

⁹⁴² AJP-3.10.2, *Allied Joint Doctrine for Operations Security and Deception*, March 2020, p.3 <https://www.gov.uk/government/publications/allied-joint-doctrine-for-operations-security-and-deception-ajp-3102a> (10.10.2023)

needs to determine the potential threats to this data. This step is called risk assessment and consists of risk identification, risk analysis, and risk evaluation. Applying OPSEC measures is the most important step, Monitoring and reviewing the effectiveness of OPSEC measures and communicating and consulting will complete the cycle. The identification of sensitive data begins with the analysis of the informational flows of the military organization, carried out officially through the structures of public affairs and public information. For military leaders and commanders, balancing OPSEC rules and legal obligations with public opinion and mass media on free access to information is a real challenge⁹⁴³.

During the use of social media for the benefit of current military activities, *security at the source* is the practice most suitable for military activities, an extension of practices in the field of protection of classified information. While at the strategic and operational level, the doctrines, directives, and other operational planning tools represent useful working tools for commanders and decision-makers, at the level of military personnel, standard operating procedures (SOPs), the tactics, techniques, and procedures (TTPs) transposed in the form of guides or even documents of the type do's/don'ts lists are effective means of education in the realm of social media use during military activities.

Cyberspace operations are divided into defensive cyberspace operations and offensive cyberspace operations, associated with Info Ops⁹⁴⁴. Defensive cyberspace operations or cyber security are generally aimed at preventing and/or terminating and mitigating ongoing malicious activities in cyberspace and recovering from their effects, thus preserving mission assurance. These operations protect networks and systems, and the information therein, for which NATO has been granted authorized access⁹⁴⁵. Cyber security is the practice of defending computers, servers, mobile devices, electronic systems, networks, and data from the enemy's attacks.

Geo-tagging is one of the biggest threats to the security of military operations, and the use of social media during missions of a high degree of risk, and complexity and carried out in secret could compromise the security of the personnel involved in the respective military actions⁹⁴⁶. Most of the mobile devices used by deployed soldiers have built-in GPS cameras. As a result, each photo taken, or video recorded and potentially disseminated could include an accurate description of the location of the recording by displaying geographic coordinates, altitude, and longitude coordinates.

Building a Security Culture in The Field of SNS Use Through Education

OPSEC is very important during all peacetime and wartime military activities but is a critical requirement during deployments and operations. The training of military personnel and the effective use of technical means specific to cyber security can lead to the achievement of communication objectives through social media. It is much easier and almost cost-free to prevent information disclosure than to mitigate the effect of unintended information dissemination.

The security-first model is the concept that effectively incorporates the security requirements of military operations and the technical security requirements that lead to the safe operation of IT systems and technologies⁹⁴⁷. This security model involves permanent vigilance, surveillance, and the reduction or elimination of security risks and threats, including technical means and IT technologies. This model also requires the military organization to monitor threats in real-time. Also, in the security-first model people have a major and proactive role to counter threats, and engaging employees in security awareness training is a good way to achieve this goal⁹⁴⁸.

To improve cyberculture, military organizations must take concrete steps to communicate the importance of cyber security to employees and provide them with tools, skills, and knowledge for success. Security

⁹⁴³ACO/ACT *Public Affairs Handbook*, May 2020, p. 71, <https://www.act.nato.int/wp-content/uploads/2023/06/nato-pao-handbook-2020.pdf> (15.10.2023)

⁹⁴⁴AJP 3.20, *Allied Joint Doctrine for Cyberspace Operations*, January 2020, p. 16 <https://www.gov.uk/government/publications/allied-joint-doctrine-for-cyberspace-operations-ajp-320> (12.10.2023)

⁹⁴⁵*Idem*

⁹⁴⁶*U.S.Army Social Media Guide*, <https://www.army.mil/socialmedia/> (25.10.2023)

⁹⁴⁷ Art Gilliland, *Building A Security-First Culture: the Key To Cyber Success*, <https://www.forbes.com/sites/forbestechcouncil/2023/01/03/building-a-security-first-culture-the-key-to-cyber-success/?sh=53ad195fa10f> (22.09.2023)

⁹⁴⁸*Idem*

awareness training should be a top priority for all military organizations, and the implementation of the concept starts from the leadership's example⁹⁴⁹. The same concept of changing mindsets applies to engaging soldiers in security awareness training. Military personnel are the first line of defense, but often they're busy with pressing work responsibilities and view these exercises as a chore⁹⁵⁰.

Guidance on Maintaining Security Online

NATO guidance on online security recommends several categories of information that could represent a risk when using social media⁹⁵¹: personal information, account details, details about work/unit, and operational information. The standards of personal conduct in the digital environment contain a detailed list of recommendations designed to ensure personal and mission security, which start from the premise that social media can pose a threat when not used appropriately. The basic principle is to analyze operationally any information posted in the form of text or image⁹⁵². U.S. Army Social Media Guide proposes the "Think, Type, Post" strategy while using social media, an effective way to analyze in detail the possible adverse effects of personal behavior in the online environment⁹⁵³.

In addition, according to the directive presented above, there are several measures to protect military personnel: understanding and applying security settings, avoiding unnecessary share of information during the registration process, safekeeping of accounts and passwords, and thorough verification of posted images, to avoid the transmission of sensitive information⁹⁵⁴.

Starting from the approach that OPSEC is a permanent responsibility of each military, the NATO guide recommends proactive conduct in situations where the dissemination of sensitive information is observed by others, which consists of immediate reporting up the chain of command to the person responsible or the structure that responsible for information security⁹⁵⁵.

Case Study: Example of Russian OPSEC Failure in Ukraine

The online publication "Task & Purpose" recently presented a conclusive case of violation of OPSEC using data provided by social media-enabled geolocation tools⁹⁵⁶. The protagonist of this case is a Russian soldier from the 10th Spetsnaz Brigade who posted on the VKontakte network, a widely used SNS in Russia, pictures and short videos of him and his colleagues while they were stationed in an accommodation area.

Some of the images posted had geolocation tools activated, so it was easy to link them to the highly precise attack launched by the Ukrainians that destroyed the place where the troops were stationed. Moreover, the same soldier also provided the Ukrainians with evidence that they managed to hit the target, publishing pictures of the destroyed buildings shortly after the attack. These last pictures helped the opposing side to make an effective battle damage assessment.

Shortly after the incident described above, the Ukrainian side executed several strikes on a compound in Makiivka, on New Year's Day, based on the triangulation of the GSM signal from the Russian soldiers' phones. It is estimated that several dozen Russian soldiers lost their lives in that incident. Along with the use of social networks, the use of mobile phones as an alternative to encrypted communications appears to be a major weakness of Russian military actions on the Ukraine front.

⁹⁴⁹ *Idem*

⁹⁵⁰ Manoj Srivastava, *How to create a security-first culture*, <https://www.securitymagazine.com/articles/97287-how-to-create-a-security-first-culture> (23.10.2023)

⁹⁵¹ ACO/ACT *Public Affairs Handbook*, May 2020, pp 161-163, <https://www.act.nato.int/wp-content/uploads/2023/06/nato-pao-handbook-2020.pdf>, (15.10.2023)

⁹⁵² ACO *Digital Media Engagement Guide*, 2020, p. 38, <https://www.act.nato.int/wp-content/uploads/2023/06/nato-dmmg.pdf> (01.10.2023)

⁹⁵³ *U.S. Army Social Media Guide*, <https://www.army.mil/socialmedia/> (20.09.2023)

⁹⁵⁴ ACO *Digital Media Engagement Guide*, 2020, p. 39 <https://www.act.nato.int/wp-content/uploads/2023/06/nato-dmmg.pdf> (01.10.2023)

⁹⁵⁵ *Idem*

⁹⁵⁶ Jeff Shogol, *Russian soldier gave away his position with geotagged social media posts*, 2023 <https://taskandpurpose.com/news/russian-military-opsec-failure-ukraine/>, (15.10.2023)

Conclusions

Nowadays, social media and SNSs are part of new types of wars and are actively used to create effects in battlespace. We refer to the “weaponization” of social media. Social media is a double-edged sword. It is very important to constantly evaluate the advantages and disadvantages of using social media in the military environment and balance the need for openness with the requirements of mission security.

It is almost impossible to control the phenomenon of using social networks during military activities. However military decision-makers can create the necessary framework for educating military personnel about the operational risks of using social media while on missions without considering the OPSEC rules.

OPSEC is very important during all peacetime and wartime military activities but is a critical requirement during deployments and operations. Building a security culture in the field of SNS use through education is an easy and almost cost-free action, to prevent information disclosure prevention. It is much easier and almost cost-free to prevent information disclosure than to mitigate the effect of unintended information dissemination.

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**INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT - THE SECOND
ITALO-ETHIOPIAN WAR (1935-1936)**

Abstract:	<i>During the Second Italo-Ethiopian War (1935-1936), the mission led to the criticism of the Red Cross in the global arena because it violated the very same purpose that it promised to guard when establishing this international humanitarian movement as the institution failed to protect not only the Ethiopians but also their people are given the fact that they were the primary target of the Italians, their ambulances and hospitals being under attack. Italians were using asphyxiating gases and, most importantly, mustard gas which was prohibited in 1925. The Red Cross violated basic human rights when it refused to hold Italy accountable for its actions and let the Red Cross representatives be seriously injured without demanding justice on their part, without even criticizing the usage of the illegal gas. By not condemning fascist Italy, the Red Cross would gain personal benefits from it, but it did so at the expense of violating basic human rights.</i>
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Introduction

Officially founded in 1863 in Geneva, the International Movement of Red Cross and Red Crescent was created by a Swiss businessman by the name of Henry Dunant who was a firm believer that human life and health should be prioritized as he saw firsthand in the battle of Solferino how much damage an armed conflict cause and how little people can be prepared for these atrocities. Therefore, at his initiative, the Red Cross and Red Crescent Movement arose, with the main purpose of protecting human life and health above anything else. As stated on the official website, the institution still has the same interests in taking care of those who are searching for assistance. The institution acts before, during, and after disasters and health emergencies to meet the needs and improve the lives of vulnerable people⁹⁵⁷, it provides professional medical assistance and help, including on the battlefield, while ensuring respect for human beings and support to states of the world without any discrimination towards the ones that need assistance.

In the case of the Second Italo-Ethiopian War (1935-1936), the mission of the Red Cross ended with a great amount of criticism in the global arena because the institution violated the very objective it had set itself when establishing this international humanitarian movement. In 1935, Italy decided to go on the offensive in Ethiopia to turn it into a colony. Once the Red Cross gets involved that same year, the situation spirals out of control and the institution fails to protect its members from attacks by the Italian army. Furthermore, the Red Cross refused to criticize Italy when it should have, refusing also to put pressure on the Italian fascists to take

⁹⁵⁷ The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest humanitarian network international membership organization that unites 191 Red Cross and Red Crescent Societies, and supports them through a global secretariat, <https://www.ifrc.org/who-we-are/about-ifrc> (08.11.2023)

accountability for their unlawful crimes and make sure that those innocent lives lost during the battles, got closure and justice. Instead, this did not happen, and both parties are at fault. For the bibliography, books were used in both Italian and English, with electronic sources in both languages, and fully translated using personal linguistic knowledge acquired over the years.

As research methods, the analytical method was used to study in detail exactly what happened during the seven months in Ethiopia, the comparative method in terms of the reaction to Italy's war crimes, and, finally, the historical method that tells us about the actions of the Italian army against the Red Cross and, of course, the Ethiopian people. The work is structured in two chapters, the first being a historical contextualization of the Second Italo-Ethiopian War, its causes and unfolding, and the second chapter focuses on the participation of the Red Cross in this conflict, with all its implications and criticism.

The main purpose of this research is to establish the correctness with which the Red Cross carried out its activity on the territory of the African state, considering that the mission was not only a failure due to the lack of involvement at a macro level of the institution but also a rather controversial case in which an international institution refuses to put the interests of the people it promised to protect above its own. It comes with no surprise that any war was and remains the most aggressive form of reaction which is why there are international laws in place to prevent them and to diminish the potential war crimes, to protect human rights and freedoms during an armed conflict that usually has disastrous effects not only on those who decide to wage war, but more frequently on innocent people. In this case, innocent lives had no voice whatsoever, and no one, not even the humanitarian institution that had at its foundation the aim of protecting human beings at all costs, tried to be on their side and, most importantly, on the good side of history.

The purpose of this paper is not to provide as many historical facts as possible and neither to dive deep into Italy's imperialist ambitions and the hidden motives behind them, but it is simply a paper containing an assemble of reasons for which the legitimacy of both Italy and the IFRC should be put under question, and both deserve to be held accountable. One of them for the decision to break international law with its illegal actions in war, and the second one for not acting as a voice for its people and choosing to promote itself rather than advocate for the lives that were wrongfully lost.

The Outbreak of the Second Italo-Ethiopian War

For a more in-depth analysis of the mission of the Red Cross and Red Crescent Movement in Ethiopia, it is necessary to consider the situation and historical context of that period because otherwise, the subject would miss important factors and pieces of information that played a huge part in the process of the war and, eventually, at the end of it. On October 3rd, 1935, the army of the Kingdom of Italy went on the offensive in Ethiopia because of their expansionist policy and their colonialism views. Earlier, in 1896, the Italian military forces, supported by the British, had tried to occupy the Ethiopian territory for the first time but failed miserably due to a few miscalculations of the Italian military strategy as they underestimated the number of the Ethiopian soldiers. Since then, Adwa has been remembered by the Italians as a defeat which has to be avenged⁹⁵⁸.

The second time, the fascist army, under the orders of Benito Mussolini, would not give up until victory and would not renounce, risking being humiliated yet again. With the coming to power of the National Fascist Party, led by Benito Mussolini, efforts were focused on materializing Italian imperialist ambitions on the African continent, and even from the early 1930s they started to prepare for an attack on the Ethiopian Empire which was under the leadership of Emperor Haile Selassie Ist. At the beginning of the armed conflict, Emilio de Bono, an Italian general, and later Minister of the Colonies of the Kingdom of Italy, gave the order to begin the offensive, with the Adwa and Adigrat areas as the first targets. Although Emilio de Bono had been planning this since 1932 and was a huge believer that to win this time around, Italy needed to have a powerful Air Force and, more relevantly, he advised that the invasion should be made by implementing violent bombing actions of all the major cities of Ethiopia⁹⁵⁹. Furthermore, the Italian military strategy had as a key component the usage of the asphyxiating gases. From before the start of the armed conflict, this strategy was being put in place and they had every intention of using it if the Ethiopians were proving to be more resistant than they

⁹⁵⁸ Subhas Chandra Bose, *The Secret of Abyssinia and its Lesson in Subhas Bose: Letters, Articles, Speeches and Statements*, Calcutta, 1994, p. 372

⁹⁵⁹ Ian Campbell, *The Addis Ababa Massacre: Italy's national shame*, Oxford University Press, Oxford, 2017, p. 35

thought. In fact, by the time the offensive in Ethiopia was launched, a large chemical weapons facility had been established covering over 12.5 hectares where poisonous liquids and gases were being prepared to achieve victory.

These facilities had over 17 warehouses for storage, 35.000 gas masks for the Italian soldiers, and decontamination materials. Ethiopians were not prepared for a battle of this magnitude, and although there were many recruits as Ethiopia did not have a problem concerning the number of the human military force, it lacked severely in terms of both military equipment and training of those who were about to embark into this bloody war⁹⁶⁰. The Italian army was visibly superior because the one hundred thousand men engaged in battle had, in the first phase, 2300 machine guns, 230 cannons, 156 assault tanks, and even 126 aircraft. The soldiers advanced without resistance, and the air force bombed Adwa and Adigrat, causing numerous civilian casualties⁹⁶¹.

An important date in this confrontation is October 10th when the first chemical bombardment of Gesha took place, a period in which the Red Cross was already involved and was aiding Ethiopia. On 28th November, Emilio de Bono was replaced by General Pietro Badoglio, who used for the first time in this war the asphyxiating gases and the mustard gas prohibited by the Geneva Protocol of 1925, he also consented to 76 quintals of explosives to be used to destroy Dessie and the tents of the Red Cross. From then on, the Italian army officially transformed this conflict into an enormous controversy, as they started using chemical weapons and attacking the hospitals and tents set up by the Red Cross. These two major actions completely broke international law and could have damaged Italy in the global arena if enough voices wanted to try and make that happen.

Although the Italian armed forces were more advanced in all aspects, the Ethiopian troops resisted the attacks as firmly as they could over seven months, with great confidence that they would triumph, as they had once before. Much of Ethiopian optimism stemmed from the propaganda methods that were used, as reported by British writer Evelyn Waugh: “The only department of the Ethiopian government that functioned effectively was the propaganda department[...] Disloyalty, cowardice, extreme physical frailty, and cruelty have been attributed to the invading army; for defenders, moderation, courage, wisdom, and constant success; and victims include almost only women, children, and medical personnel”⁹⁶².

On the other hand, Emperor Haile Selassie Ist wrote in his memoirs that it was a general sense of knowledge amongst the Ethiopians that Italy would conquer, and he knew for certain that his country was not in the least prepared for a conflict of this magnitude fighting with another country that did not only possess equipped soldiers but also were far more advanced when it came to military power. As he was proven to be right, between April and May of 1936, the fascist victory and conquest of this African territory became evident, and the Ethiopians could no longer hold them back or protect their home. Ethiopia would be under Italian control for five years, until 1941, when the British troops finally provided aid to the Abyssinian troops and Ethiopia was finally liberated, becoming a symbol of African strength and resistance⁹⁶³.

Involvement of the Red Cross and Red Crescent Movement

From the first days of the conflict, the Red Cross offered its services to both Italy and Ethiopia, but the previous one refused help from the institution, declaring itself self-sufficient. Especially considering that Dr. Aldo Castellani, later named “the man who won the war” offered his services to the Italian army, resulting in a very low number of deaths recorded due to illness or injuries, which sparked amazement and admiration internationally, although Italy was still condemned for aggression on Ethiopia⁹⁶⁴. However, there were serious problems on the other side of the battle and Red Cross assistance was vital to the survival of the Ethiopian soldiers. There were very few doctors in Ethiopia even before this conflict started, and most of them were not

⁹⁶⁰ João Fábio Bertonha, *Paranoie fasciste? Il volontariato in favore dell’Etiopia durante la guerra del 1935-1936* in *Diacronie*, No. 14, 2, 2013, <https://doi.org/10.4000/diacronie.282> (04.11.2023)

⁹⁶¹ Patrizia Manno, *Crimini di Guerra*, <http://www.criminidiguerra.it/campagnaetiopia.shtml> (04.11.2023)

⁹⁶² Evelyn Waugh, *Waugh in Abissinia*, Sellerio Editore, Palermo, 1992, p. 55

⁹⁶³ Irina-Marina Manea, *How Africans Humiliated Europeans*, <https://historia.ro/sectiune/general/cum-i-au-umilit-africanii-pe-europeni-582328.html>, (04.11.2023)

⁹⁶⁴ Luca Borghi, *Man Who Won the War: Myth and Reality of Aldo Castellani's Role in Preserving the Health of Troops During the Italo-Ethiopian War 1935-1936*, Springer Nature Switzerland AG, 2022, pp. 28-32

familiar with the Western methods that were far more practical in these life-and-death situations. They were mainly doctors, called Hakim, who used natural remedies and herbal cures.

Therefore, many of the doctors and medical personnel who came to help were part of European nations and part of Red Cross Societies⁹⁶⁵. 12 hospitals were installed in Ethiopia with the support of 28 national Red Cross Societies, an unprecedented number until that period, but it came with no surprise as it was the right thing to do and a good cause to get involved in and provide aid. However, humanitarian aid was starting to not be enough when the Ethiopians were no longer the only victims in this bloody conflict. Although it was strictly prohibited by the Geneva Convention in 1864⁹⁶⁶, members of the Red Cross were targeted, and injured and a few even died because of the Italian aggression. The rules clearly state that the medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances, and even though the Kingdom of Italy had signed the Geneva Conventions, did not hold back from breaking the law once again.

Between December 30th, 1935, and January 4th, 1936, no fewer than fifty bombs were dropped on the Ethiopian Red Cross post in Dagahbur, Ogaden. On December 30th, 1935, the fascist aircraft bombed Swedish ambulances at Melka Dida, a camp in the Dolo Addo district of Eastern Ethiopia⁹⁶⁷. Another better-known attack was the Italian air raid on the Harar Hospital in March 1936, which was the largest Red Cross-operated facility in Ethiopia⁹⁶⁸. Moreover, Italy's fascist troops used mustard gas, including on the IFRC representatives, under the pretense of accusing the units bearing the Red Cross symbol of covering up Ethiopian military operations. As a result, they attacked many hospitals built mainly by the Swedish and British Red Cross, causing multiple deaths, although their number is uncertain⁹⁶⁹.

Moreover, years later, Rainer Beaudendistal would interview Dr. Edoardo Borra who was the director of the Italian Hospital in Addis Ababa and also part of the Red Cross during the fascist occupation and the conclusions that were being drawn were about the fact that Italy was very aware of the laws that it broke, but could not care less about the Geneva Protocol since they had a war to win and that was the only aspect that mattered. Dr. Marcel Junod was responsible for supervising actions, organizing hospitals, treating the wounded and, when it came time for an official visit to Rome to discuss with the Italian authorities procedures for an investigation into the alleged violations of the 1929 Geneva Convention on the Wounded and Sick on the Ground, per Article 30, Junod sent a telegram about the incident at Korem, when he witnessed mustard gas bombing by Italian warplanes.

In addition, Dr. Stanislaw Belau, who already knew the toxic gas as he served as a Polish officer in World War I and had identified mustard gas, plus two other chemical agents unknown to him, for being used in Ethiopia, had to be cited during the visit by the delegation consisting of President Max Huber, Vice-President Paul Logoz, Carl Jacob Burckhardt and Jacques Chenevière. The Red Cross delegation had substantial proof and eyewitnesses to attest to what happened, but something went wrong. The delegation failed to even present this evidence because of the secret discussions held there that most probably ended up with Italy convincing the Red Cross to arrange that would benefit both parties. As the criticism of Italy's actions was never part of the discussion, the visit consisted of ten short minutes in which the issue of illegal gas was never raised by the representatives of the Red Cross, failing to protect their people and to honor its main promise: to protect people's lives and health. Above all, the essential question is why they took part in this betrayal and refused at all costs to convince Italy to take accountability for its actions and to stop once and for all the aggression towards the medical personnel on the battlefield. There could be two possible reasons for this.

On one hand, experts speculate that it would have been a sign of diplomacy and a symbol of relations between the Red Cross and Fascist Italy, some even calling it "the sacrifice of truth on the altar of European

⁹⁶⁵ Quentin Colin Holbert, *Regional Influences on the Italo-Ethiopian Crisis, 1934-1938*, University of Calgary, 2019, p. 66

⁹⁶⁶ 1864 Geneva Convention, Article 2 (cited in Vol. II, Ch. 7); 1906 Geneva Convention, Articles 9–10, 1929 Geneva Convention, Articles 9–10, IHL Treaties - Geneva Convention, 1864 (icrc.org) (11.12.2023)

⁹⁶⁷ United Nations Archives (UNA), C.207.M.129.1936.VI, "Dispute Between Ethiopia and Italy: Communication from the Swiss Government, League of Nations, May 7, 1936, p. 1, <https://archives.ungeneva.org/dispute-between-ethiopia-and-italy-communication-from-the-polish-government> (11.12.2023)

⁹⁶⁸ Quentin Colin Holbert, *Regional Influences on the Italo-Ethiopian Crisis, 1934-1938*, University of Calgary, 2019, p. 68

⁹⁶⁹ Bernard Bridel, *Ethiopia 1935-36: mustard gas and attacks on the Red Cross*, "Le Temps Magazine", 13.08.2003, Ethiopia 1935-36: mustard gas and attacks on the Red Cross - ICRC (11.12.2023)

diplomacy⁹⁷⁰. Although many severely criticized the institution for not taking the necessary measures to protect its members who died as a result of the usage of mustard gas and they did not ensure the implementation of the chemical weapons articles of the Geneva Conventions and Protocol, they were also sympathetic to the actions of the Red Cross because, on the international arena, Italy's supremacy was obvious and very few would have criticized it. Irish political activist George Bernard Shaw corresponds: "We only have to do one thing. Let us remain out of the conflict between Italy and Ethiopia and take care to remain on good terms with Italy"⁹⁷¹. On the other hand, experts also urge us to consider the very high probability of a secret arrangement between Italy and the IFRC of mutual benefits: the Red Cross needed to keep its silence, and, in return, Italy would have achieved a higher level of influence as an NGO on the global arena.

Conclusions

Finally, the mission of the International Movement of Red Cross and Red Crescent in Ethiopia provided good reasons to be criticized in the international arena because, whether it was a case of impressive European diplomacy as some called it or not, the Red Cross violated its principles and betrayed its only purpose as a global institution who swore to protect everyone in need. Moreover, it is quite possible that it was its interest in becoming more influential and powerful that caused it to drown itself in deep and furious water, a metaphor for the criticism that it received for lacking integrity and loyalty.

Just as an example of how the IFRC benefited from not raising its voice and advocating for both the Ethiopians and the Red Cross members who were lost or severely injured on the field, it is obvious that the relations between the League of Nations and the Red Cross only solidified after it refused to bring up Italy's serious crimes, although there was solid evidence with which Italy should have faced serious consequences. This could be potential proof, I might add, of a secret agreement between the great powers of the world and the international institution that, indeed, became stronger after the situation in the Second Italo-Ethiopian War, from a player on the fringes of the international stage, the Red Cross was now occupation center stage which is what the institution wanted all along to gain influence, to grow in number and popularity, to become sufficiently powerful that it could pose as a key point in international relations and affairs. It succeeded, even nowadays the Red Cross is a huge and well-known institution that is present all over the world but did it at the expense of innocent lives and, more importantly, at the expense of its members.

In conclusion, the actions or, better said, the lack of actions of this institution led to its criticism in the global arena, but it fulfilled another purpose: to increase its importance with the help of a powerful ally. However, its actions must be condemned, especially out of respect for the Red Cross members and Ethiopian troops who have not received any justice, not even to this day. On the other hand, it is also important to hold accountable Italy because it committed atrocities and respected no law whatsoever, only having one big and unjustified reason: to sustain its imperial hegemony. We condemn the IFRC's lack of integrity, but I must also condemn fascist Italy's actions, as journalist George Steer clearly stated: "But of the many that I saw dead or dying, there is not one of them whose blood does not lie on the head of Mussolini"⁹⁷². Aggressive actions and violent strategies toward thousands of people who have the right to life and health never were and never will be the solution. History shows us that countries that committed atrocities and leaders who were vicious and power-hungry always ended up being defeated, no matter how long they ruled or how much dominance and influence they had over the world. Barbaric mentalities will always lose to the detriment of progressive and diplomatic thinking which is exactly why countries that have the sole interest of expanding their power even though inconceivable brutality will undoubtedly crash and forevermore be criticized for their actions.

This should not be confused with the case of countries that have committed violent acts as self-defense or who have obeyed any form of limitation from aggressive conflicts as the law of war specifies. We understand wars are inevitable in some isolated cases, but completely forgetting about the *jus in Bello* is unforgiving as the rules are there for the protection of innocent lives, the protection of the Ethiopian lives, and the Red Cross members who are now lost because Italy could and would not obey some simple and clear rules.

⁹⁷⁰ Bahru Zewde, *Between Bombs and Good Intentions: The Red Cross and the Italo-Ethiopian War, 1935–1936* "African Studies Association", Vol. 50, No. 2, September, 2007 pp. 234-235

⁹⁷¹ Alberto Alpozzi, *Guerra di propaganda. Le bugie sul conflitto in Abissinia riciclate per l'Ukraine*, <https://italiacoloniale.com> (05.11.2023)

⁹⁷² Rainer Baudendistel, *Between Bombs and Good Intentions: The Red Cross and the Italo-Ethiopian War, 1935-1936*, Berghahn Books, New York, 2006, p. 344

Furthermore, the Red Cross could not do that either as it failed in every aspect of what it promised and ended up putting its benefits above the people in need of their protection. For an institution that claims to have humanitarian aid at its origins and solid structure, the actions post the Italo-Ethiopian war in 1935-1936 do not show this at all. They are just as much to blame for the innocent lives lost in this armed conflict as it is fascist Italy. The writer Rainer Baudendistel states, and I tend to agree: "By walking a thin line between its interests and those of fascist Italy, the organization came dangerously close to complicity, by abstention, with the power that committed these violations"⁹⁷³.

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**THE NECESSITY AND EFFICIENCY OF NATO-LED INTERNATIONAL
PEACEKEEPING OPERATIONS IN KOSOVO AFTER 1999**

Abstract:	<i>On June 11th, 1999, NATO initiated the Kosovo Force (KFOR), a peacekeeping mission, in Kosovo, immediately following the ratification of UN Security Council Resolution 1244. At that juncture, the Yugoslav military forces were deeply embroiled in hostilities with the Kosovo Liberation Army, thereby precipitating a dire humanitarian crisis within Kosovo. The exodus of nearly a million individuals from Kosovo as refugees, a significant proportion of whom never returned to their homes, underscored the gravity of the situation. Subsequently, KFOR's mission centered on the establishment of a secure environment and the facilitation of unimpeded freedom of movement for all inhabitants across the entire expanse of Kosovo, regardless of their ethnic backgrounds. This paper seeks to delineate whether the sustained presence of a permanent peacekeeping force within the region was a requisite imperative and whether it has engendered any salutary impacts on the broader spectrum of human security.</i>
Keywords:	NATO; peacekeeping mission; Kosovo; conflict; Allied Force
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Introduction

The Yugoslav wars, which transpired throughout the 1990s, were characterized by profound racial animosities, economic devastation, and the eruption of civil conflict within the erstwhile Yugoslav territories and this period witnessed the reemergence of latent and simmering social and ethnic tensions that had previously been subjugated under the formidable and authoritarian governance of Yugoslavia. It was against this tumultuous backdrop that the United States and its North Atlantic Treaty Organization (NATO) allies found themselves compelled to intervene, as the global community bore witness, with a sense of dismay, to the harrowing episodes of violence unfolding in regions such as Bosnia and Kosovo.

In particular, the United States and its NATO partners executed airstrikes against Serbia, which had wielded the mantle of power within the former Yugoslav territories⁹⁷⁴. This Western intervention in Yugoslavia was code-named "Allied Force" and stands as a subject of considerable controversy, owing to the enduring questions surrounding the legal justification for NATO's bombing campaign from the perspective of international law.

Matters of International Law

In the late 20th century, the Balkans became a crucible of ethnic tensions, culminating in the Kosovo conflict of 1999. As the world witnessed the unfolding humanitarian crisis, the international community grappled with the complexities of intervention, legal principles, and the delicate balance between state

⁹⁷⁴ Michael Mandelbaum, *A Perfect Failure: NATO's War against Yugoslavia*, "Foreign Affairs", Vol. 78, No. 5, 1999, pp. 2-8

sovereignty and the responsibility to protect. The NATO bombings in Yugoslavia emerged as a controversial chapter, a narrative woven with diverse perspectives and a tapestry of stakeholders. The backdrop was one of deep-rooted ethnic strife in Kosovo, where Yugoslav President Slobodan Milosevic's oppressive policies⁹⁷⁵ had triggered a brutal response from the Kosovo Liberation Army. The escalating crisis gave rise to a moral imperative for intervention, setting the stage for the NATO airstrikes. Within the alliance itself, a nuanced discourse unfolded.

Proponents of the airstrikes, largely consisting of NATO member states, argued that their actions were a last resort in the face of failed diplomatic endeavors. They invoked the concept of the "responsibility to protect,"⁹⁷⁶ contending that intervention was necessary to prevent an impending humanitarian catastrophe. However, dissenting voices within NATO questioned the legality of the intervention, emphasizing the absence of explicit authorization from the United Nations Security Council.

In Belgrade, the Yugoslav government vehemently opposed the NATO bombings, viewing them as an egregious violation of sovereignty and an affront to international law. Milosevic's regime painted the airstrikes as an act of illegal aggression, further inflaming tensions in the region. Beyond the immediate actors, global powers like Russia and China weighed in. As permanent members of the UN Security Council, they criticized the intervention⁹⁷⁷, citing concerns about a breach of international law and the undermining of principles such as state sovereignty.

The debate transcended national borders and diplomatic circles, drawing the attention of international legal scholars who offered a spectrum of interpretations, from critiques of illegality to justifications based on emerging norms of humanitarian intervention. Human rights advocates found themselves caught in a web of conflicting ideals. While many supported the intervention as a necessary response to the humanitarian crisis, others voiced concerns about the potential for civilian casualties resulting from the airstrikes. The legal controversy hinged on the interpretation of the UN Charter, with critics arguing that the use of force without explicit Security Council authorization violated the principle of non-intervention.

On the other side of the spectrum, supporters pointed to the evolving norm of humanitarian intervention and the emerging doctrine of the responsibility to protect. The legacy of the NATO bombings in Yugoslavia reverberates through the corridors of international law and geopolitics. The conflict prompted a reassessment of legal frameworks and ignited discussions on the need for clearer guidelines governing humanitarian interventions. It left an indelible mark on debates around the balance of national sovereignty and the need to prevent serious human rights violations.

As the story progresses, the conflict around NATO's bombing of Yugoslavia highlights the relationship between geopolitics, morality, and international law. Stories and views of different stakeholders demonstrate the challenges of balancing the principle of national sovereignty with the responsibility to protect people from gross human rights violations. The history of this chapter is complete, yet the narrative continues in the general debate about the evolution of international law in the face of humanitarian crises.

Background of the War

The Kosovo War, a seminal conflict that unfolded from 1998 to 1999 in the Balkans, bore the hallmarks of a protracted and intricate armed struggle involving the Federal Republic of Yugoslavia, encompassing Serbia and Montenegro, and the ethnically Albanian population dwelling in the tumultuous province of Kosovo. This chapter in Balkan history was shaped by a confluence of historical, geopolitical, and socio-ethnic factors, which culminated in the eruption of hostilities in the late 20th century. The precipitating factors of the Kosovo War were deeply rooted in historical antecedents.

⁹⁷⁵ Julija Bogoeva, *From Lies to Crimes: The Milošević Switch from Communism to Nationalism as State Policy*, "FICHL Policy Brief Series", No. 19, 2014

⁹⁷⁶ ICCISS, *The Responsibility to Protect: the Report of the International Commission on Intervention and State Sovereignty*, "International Development Research Centre", Ottawa, 2001, <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/> (22.10.2023)

⁹⁷⁷ China&US Focus, *We Remember 1999 Very Well'- The NATO Bombing of Yugoslavia and its Impacts on Sino-Russian Relations*, <https://www.chinausfocus.com/peace-security/we-remember-1999-very-well--the-nato-bombing-of-the-federal-republic-of-yugoslavia-and-its-impacts-on-sino-russian-> (23.10.2023)

Kosovo, a historically significant region in the Balkans, held a complex historical legacy characterized by a juxtaposition of Serbian medieval statehood and the predominance of an indigenous ethnic Albanian population. The dissolution⁹⁷⁸ of the Yugoslav Federation in the early 1990s, marked by a series of ethnic fissures, further heightened the latent tensions surrounding Kosovo. The heavy-handed policies of the Yugoslav regime⁹⁷⁹, notably led by President Slobodan Milosevic, entailed the revocation of Kosovo's autonomous status, the suppression of Albanian cultural institutions, and pervasive political marginalization.

These policies engendered escalating discontent and catalyzed the rise of the Kosovo Liberation Army (KLA)⁹⁸⁰, an Albanian guerrilla organization founded in 1998, with the express objective of securing independence from Serbian rule. The Kosovo War, in essence, transpired because of this multifaceted amalgamation of historical grievances, political repression, and the emergence of the KLA, which heralded a violent phase of the conflict. Commencing in 1998, the KLA embarked on armed confrontations with Yugoslav security forces, inciting the formal commencement of hostilities⁹⁸¹.

NATO's intervention in Kosovo in 1999 took place after numerous diplomatic efforts and negotiations. For example, there was the Rambouillet Agreement⁹⁸², and the negotiation process started with the Rambouillet Conference held in France in February 1999. The main aim was to bring together representatives of the Kosovo Albanian and Yugoslav delegations to discuss the solution of the problem. Known as the Rambouillet Agreement, its purpose was to create a temporary political framework that would guarantee Kosovo's independence while remaining within the Federal Republic of Yugoslavia. However, the negotiations ran into major obstacles due to the refusal of the Yugoslav delegation, led by President Slobodan Milosevic, to accept the deployment of NATO troops in Kosovo, which was the main aspect of the agreement. The conversation eventually reached an impasse. Furthermore, concurrent with the Rambouillet talks, various international actors engaged in diplomatic initiatives and mediation efforts to find a peaceful resolution. Key players included the Contact Group, comprising the United States, the United Kingdom, Germany, France, Italy, and Russia. The Contact Group worked to facilitate negotiations and urged both parties to reach a diplomatic settlement. The international community, represented by diplomats and envoys, engaged in shuttle diplomacy between Belgrade and Kosovo, seeking common ground and attempting to bridge the gaps in the negotiation process. These efforts aimed at finding a political solution to the Kosovo crisis without resorting to military intervention.

Nevertheless, the United Nations Security Council (UNSC) played a pivotal role in diplomatic efforts. Discussions within the UNSC centered on the situation in Kosovo, and various resolutions were proposed to address the escalating conflict. However, the Council faced challenges in reaching a consensus due to differing views among its permanent members, particularly Russia and China, which expressed reservations about external intervention. Thus, diplomatic initiatives faltered in the face of intractable disputes, prompting the United States of America⁹⁸³ and the North Atlantic Treaty Organization (NATO) to intervene militarily⁹⁸⁴ in March 1999. NATO's aerial campaign, intended to quell the escalating violence in Kosovo, had the unintended consequence of triggering a massive humanitarian crisis. Hundreds of thousands of ethnic Albanians fled Kosovo, fearing retaliatory actions by Yugoslav forces. The war ultimately ended following 78 days of relentless NATO airstrikes. President Milosevic acceded to the withdrawal of Yugoslav forces from Kosovo, and the United Nations Interim Administration Mission in Kosovo (UNMIK) was established to govern the region⁹⁸⁵.

⁹⁷⁸ Florian Gârz, *Iugoslavia în flăcări*, Obiectiv, București, 1993, pp. 42-44

⁹⁷⁹ Misha Glenny, *Balkanii: Naționalism, Război și Marile Puteri 1804-2012*, Trei, New York, 2022, p. 340

⁹⁸⁰ Tom Gallagher, *The Balkans in the New Millennium: In the Shadow of War and Peace*, Routledge, Londra, 2005, pp. 57-59

⁹⁸¹ Naser Sopjani, *Lufta e UÇK-së në Malësinë e Gollakut*, Bluetech, Pristina, 2012, pp. 61-74

⁹⁸² United Nations, *Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)*, Paris, 1999, <https://peacemaker.un.org/kosovo-rambouilletagreement99> (27.10.2023)

⁹⁸³ Jill Lepore, *These Truths: A History of the United States*, Trei, New York, 2019, p. 45

⁹⁸⁴ Henry Kissinger, *Does America need a Foreign Policy?*, Simon & Schuster, New York, 2001, pp. 111-117

⁹⁸⁵ Alexandros Yannis, *The UN as Government in Kosovo in Global Governance*, No. 1, 2004, pp. 67-81

In subsequent years, Kosovo embarked on a path towards independence, culminating in its declaration of sovereignty from Serbia in February 2008⁹⁸⁶, an event acknowledged by a significant number of nations, albeit disputed by Serbia and Russia. The Kosovo War reverberated with profound consequences that transcended the borders of the Balkans. Its foremost impact was a pronounced humanitarian toll, characterized by substantial loss of life, mass displacement, and considerable human suffering. This humanitarian dimension underscored the imperative of international intervention in conflicts characterized by egregious violations of human rights.

Moreover, the Kosovo War constituted an enduring chapter in the protracted dissolution of the Yugoslav Federation, perpetuating ethnic tensions that plagued the Balkans throughout the 1990s. The nature of the international intervention, notably NATO's intervention without explicit United Nations Security Council authorization⁹⁸⁷, engendered deliberation on the legitimacy and precedent of such actions in future international conflicts. The war's most profound consequence was the reconfiguration of Kosovo's political status.

The territory, which fell under the United Nations administration⁹⁸⁸, embarked on a trajectory towards statehood, culminating in its declaration of independence, a move that continues to be a subject of contention and unresolved dispute in the realm of international diplomacy. In a regional context, the Kosovo War cast a lingering shadow over Balkan stability and its intricate inter-state relations, as neighboring countries grappled with the repercussions of this watershed conflict. Thus, the Kosovo War, emblematic of a bygone era, endures as a historical pivot point, influencing the contours of contemporary Balkan politics and the global discourse on humanitarian intervention.

The Controversy Behind NATO's Intervention

The NATO bombings of Yugoslavia could not be entirely justified in terms of international law, which makes the Western participation in the country, code-named "Allied Force", a very contentious issue. Following the tragic events in Bosnia, Serbia, and Kosovo, numerous discussions have erupted. At the heart of this contentious issue was a mosaic of nuanced and interconnected factors, each adding layers to the polemical discourse that encapsulated the intervention.

A central point of contention revolved around the lack of explicit authorization⁹⁸⁹ from the United Nations Security Council (UNSC) for NATO's military intervention. International law has long held the UNSC as the arbiter of legitimacy in matters of military intervention, and the absence of its formal approval left many questioning the legal and moral underpinnings of the action. The principle of state sovereignty, a cornerstone of the Westphalian system, was thrust into the limelight, prompting debates about the permissibility of armed intervention within the borders of a sovereign state.

The intervention invoked a complex interplay between the concepts of humanitarianism and sovereignty⁹⁹⁰. Advocates of the action underscored its ethical justification, rooted in the burgeoning doctrine of the "Responsibility to Protect" (R2P)⁹⁹¹, positing that the international community bears a duty to protect civilians from severe harm when their government fails to do so.

⁹⁸⁶ Christopher Borgen, *Kosovo's Declaration of Independence: Self-Determination, Secession and Recognition*, "ASIL INSIGHT", 2008, pp. 4-5

⁹⁸⁷ Louis Henkin, *Kosovo and the Law of Humanitarian Intervention*, "The American Journal of International Law", Vol. 93, 1999, pp. 824-828

⁹⁸⁸ United Nations, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, New York, 1999, <https://digitallibrary.un.org/record/275998> (24.10.2023)

⁹⁸⁹ Louis Henkin, *Kosovo and the Law of Humanitarian Intervention*, "The American Journal of International Law", Vol. 93, 1999, pp. 824-828

⁹⁹⁰ Radu Tabără, *Evoluția dreptului internațional umanitar în domeniul prevenirii și sancționării crimelor de război și a crimelor împotriva umanității*, Editura Universității Naționale de Apărare "Carol I", București, 2015, pp. 23-26

⁹⁹¹ ICCISS, *The Responsibility to Protect: the Report of the International Commission on Intervention and State Sovereignty*, International Development Research Centre, Ottawa, 2001, <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/> (22.10.2023)

The scale and scope of the NATO airstrikes also came under intense scrutiny, as detractors alleged that the alliance's use of force was disproportionate and excessive.⁹⁹² The campaign's impact on Serbian civilian assets, including power facilities, bridges, and industrial installations, was derided as indiscriminate and contributory to civilian suffering⁹⁹³.

Furthermore, the intervention propagated divisions within the international community. While NATO member states were largely supportive of the intervention, non-NATO nations, notably Russia and China, vociferously condemned the military action as an encroachment upon Yugoslavia's sovereignty. This schism⁹⁹⁴ illuminated the intricate challenges of forging international consensus on intervention in internal conflicts.

Perhaps the most enduring and unresolved source of controversy lay in the aftermath of the intervention and the political quagmire surrounding the status of Kosovo. The subsequent governance of Kosovo by the United Nations, followed by its declaration of independence in 2008⁹⁹⁵ sowed the seeds of an enduring diplomatic dispute. Serbia adamantly refused to recognize Kosovo's sovereignty, and the broader international community remained deeply divided over the recognition of Kosovo's statehood, making it a lasting emblem of the Kosovo War's tumultuous legacy.

Thus, NATO's intervention in Yugoslavia during the Kosovo War ignited a firestorm of controversy. It raised profound questions surrounding the use of military force for ostensibly humanitarian purposes, the intricate balance between state sovereignty and the imperative of safeguarding human rights, and the role of international institutions, particularly when intervention transpired without the imprimatur of the UN Security Council⁹⁹⁶. The shadow of this controversy continues to cast a pall over the Kosovo issue and the overarching discourse on international interventions in internal conflicts.

The Kosovo Force Mission

The Kosovo Force mission represents a pivotal chapter in the multifaceted narrative of post-conflict peacekeeping and stabilization efforts within the Balkans. Established on June 11th, 1999, KFOR materialized as a robust and multi-national military presence, bearing the imprimatur of the North Atlantic Treaty Organization⁹⁹⁷. This peacekeeping mission was inaugurated in the aftermath of the Kosovo War, an acutely turbulent period in the Balkan region marked by protracted conflict and grievous humanitarian suffering⁹⁹⁸. At the time of KFOR's inception, Kosovo, a province within the former Yugoslavia, was ensnared in a perilous quagmire. The Kosovo Liberation Army, an ethnic Albanian insurgent group, had engaged in hostilities with Yugoslav military forces, leading to widespread violence, displacement, and a profound humanitarian crisis.⁹⁹⁹ The international community, alarmed by the escalating violence and eager to restore stability, invoked the mantle of multilateral intervention.

KFOR's mandate¹⁰⁰⁰ is multifaceted and multifarious. It was entrusted with the overarching responsibility of creating a secure and stable environment within Kosovo. This entailed the demilitarization of the region, the establishment of a safe and conducive atmosphere for the return of refugees and displaced persons, and the safeguarding of freedom of movement for all residents, irrespective of their ethnic origins. The mission also prioritized the protection of minority communities and critical infrastructure¹⁰⁰¹ while

⁹⁹² Ved Nanda, *Legal Implications of NATO's Armed Intervention in Kosovo*, "International Law Studies", Newport, 2000, p. 12

⁹⁹³ Tiberiu Costăchescu, Iuliana Neagoș, Iustin Vancea, *Pagini de politică și diplomație*, Techno Media, Sibiu, 2020, p. 75

⁹⁹⁴ Mark Webber, *The Kosovo War: A Recapitulation* "International Affairs", No. 3, 2009, pp. 447–459

⁹⁹⁵ Christopher Borgen, *Kosovo's Declaration of Independence: Self-Determination, Secession and Recognition*, "ASIL INSIGHT", 2008, pp. 4-5

⁹⁹⁶ Alexandros Yannis, *The UN as Government in Kosovo in Global Governance*, Vol. 10, No. 1, 2004, pp. 67–81

⁹⁹⁷ NATO, Military Technical Agreement: Between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, Belgrade, 1999, <https://reliefweb.int/report/serbia/military-technical-agreement-between-international-security-force-kfor-and-governments> (23.10.2023)

⁹⁹⁸ Lawrence Freedman, *Victims and victors: reflections on the Kosovo War*, "Review of International Studies", No. 26, 2000, pp. 335–358

⁹⁹⁹ Naser Sopjani, *Lufta e UÇK-së në Malësinë e Gollakut*, Bluetech, Pristina, 2012, pp. 61-74

¹⁰⁰⁰ NATO, *Manualul NATO*, Washington, 2001, <https://www.nato.int/docu/handbook.htm> (26.10.2023)

¹⁰⁰¹ NATO, *NATO's role in Kosovo*, https://www.nato.int/cps/en/natohq/topics_48818.htm (21.11.2023)

overseeing the disarmament and disbandment of the KLA. The operative phase of KFOR was characterized by its pronounced multi-national composition, reflecting a diversity of troop-contributing nations under the aegis of the NATO alliance. These forces were tasked with implementing the mission's objectives while collaborating closely with the United Nations Mission in Kosovo (UNMIK)¹⁰⁰², which administered the civil governance of the region. Over time, KFOR evolved and adapted in response to changing circumstances and the shifting political landscape.

The mission witnessed a gradual reduction in troop numbers as security conditions improved, and the focus transitioned towards more comprehensive efforts related to institution-building, development, and the rule of law¹⁰⁰³. This transformation underscored KFOR's commitment to supporting the long-term stability and viability of Kosovo. However, the journey of KFOR has been marked by both successes and enduring challenges. The mission's presence has undoubtedly contributed to the mitigation of violence, the protection of minority communities, and the facilitation of the return of refugees. Yet, Kosovo remains a region fraught with political tensions and contested sovereignty, exemplified by the differing stances of Serbia, which does not recognize Kosovo's independence, and most Western nations that do.

In a broader context, the Kosovo Force mission serves as a critical case study in the intricate dynamics of peacekeeping and post-conflict stabilization efforts. It is emblematic of the complexities associated with bridging political divisions, facilitating reconciliation, and fostering enduring stability in regions recovering from protracted conflicts. The legacy of KFOR continues to resonate within the broader discourse on international intervention, state-building, and conflict resolution, offering both valuable lessons and persistent dilemmas for scholars, policymakers, and practitioners of peace and security. It has evolved into an indispensable and highly efficient instrument in maintaining peace and security within the complex and historically fraught region of Kosovo.

The Necessity and Efficiency of KFOR

The necessity and operational efficiency of KFOR in the Balkans are emblematic of the multifaceted challenges inherent in post-conflict environments and the critical role that international peacekeeping missions play in fostering stability, security, and reconciliation. The necessity of KFOR's continued presence within Kosovo derives from the complex and enduring challenges that persist in the aftermath of the Kosovo War, a protracted and brutal conflict marked by ethnic violence, displacement, and deep-seated historical animosities. The region remains a powder keg of unresolved political disputes and ethnic tensions¹⁰⁰⁴, making it susceptible to potential escalations of conflict.

The sovereignty issue, particularly with Serbia's non-recognition of Kosovo's statehood, remains a volatile diplomatic quandary that necessitates the mission's continuous role as a buffer and guarantor of stability. KFOR has been instrumental in averting a return to violence by serving as a deterrent and a reassuring presence to all parties involved¹⁰⁰⁵. Its mandate to establish a secure environment encompasses the prevention of inter-ethnic violence and the facilitation of freedom of movement for all residents, irrespective of their ethnic backgrounds. This critical role contributes not only to the physical security of the populace but also to the broader sense of confidence and well-being in Kosovo. Operational efficiency characterizes KFOR's ability to execute its mandate effectively. The mission's ability to control and mitigate violence, as well as its commitment to ensuring the security of minority communities, exemplify its success in maintaining a stable environment¹⁰⁰⁶.

¹⁰⁰² Alexandros Yannis, *The UN as Government in Kosovo in Global Governance*, Vol. 10, No. 1, 2004, pp. 67–81

¹⁰⁰³ NATO, *Military Technical Agreement: Between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, Belgrade, 1999*, <https://reliefweb.int/report/serbia/military-technical-agreement-between-international-security-force-kfor-and-governments> (23.10.2023)

¹⁰⁰⁴ Tiberiu Costăchescu, Iuliana Neagoș, Iustin Vancea, *Pagini de politică și diplomație*, Techno Media, Sibiu, 2020, p. 75

¹⁰⁰⁵ European Western Balkans, *Is KFOR still guaranteeing stability and security in Kosovo?*, <https://europeanwesternbalkans.com/2018/12/17/kfor-still-guaranteeing-stability-security-kosovo/> (23.10.2023)

¹⁰⁰⁶ Urtak Hamiti, *NATO in Kosovo - KFOR mission, intentions, successes, failures*, "European Journal of Research in Social Sciences", Vol.3, No. 16, 2015, pp. 48-52

The demilitarization of the region, including the disarmament of the Kosovo Liberation Army and the disbandment of paramilitary groups, has significantly reduced the proliferation of small arms and light weapons, thereby promoting the rule of law. KFOR's protection of critical infrastructure, including bridges and power plants, preserves essential services and fosters socio-economic recovery¹⁰⁰⁷. This not only contributes to the immediate well-being of the population but also lays the groundwork for sustainable development and prosperity.

The mission's facilitation of freedom of movement is emblematic of its operational efficiency, exemplifying its commitment to building inclusive societies and enabling economic progress. This ensures that residents can traverse Kosovo unimpeded, thereby promoting social cohesion and broader economic integration. In conclusion, the necessity and efficiency of KFOR in Kosovo underscore the indispensable role of peacekeeping missions in post-conflict settings. The persistence of political and ethnic divisions, coupled with the sovereignty dispute, necessitates KFOR's continued presence as a guarantor of stability. The mission's operational efficiency, evidenced by its success in maintaining security, facilitating freedom of movement, and supporting demilitarization and infrastructure protection, is emblematic of the vital contributions that international peacekeeping missions make to peace, security, and reconciliation in conflict-affected regions. KFOR stands as a tangible testament to the international community's ongoing commitment to the stability and well-being of Kosovo and the broader Balkans.

Recent Escalations and Tensions in the Region

Kosovo has experienced various escalations and tensions since the end of the Kosovo War in 1999. For example, in March 2004, Kosovo witnessed a significant escalation of inter-ethnic violence. Riots broke out in several cities, primarily targeting Kosovo Serbs and their property. The unrest resulted in the displacement of thousands and widespread damage. KFOR was called upon to restore order and protect vulnerable communities¹⁰⁰⁸. Moreover, Kosovo's declaration of independence from Serbia in 2008 triggered a diplomatic escalation¹⁰⁰⁹. While many countries, including the United States and many EU member states, recognized Kosovo's independence, Serbia vehemently opposed it¹⁰¹⁰. The declaration and its aftermath led to diplomatic tensions and ongoing disputes.

Nevertheless, the period after Kosovo's independence declaration saw numerous political escalations and deadlocks within Kosovo's governance. Political infighting and frequent government collapses hindered the region's progress and created a climate of uncertainty. Kosovo's attempts to define and establish its borders have been a continuous source of tension. Disputes with neighboring countries¹⁰¹¹, particularly Serbia and Montenegro, have led to escalations in rhetoric and occasional flare-ups. In addition, inter-ethnic tensions and localized escalations have persisted, with sporadic incidents of violence and property damage. While not on the scale of the 2004 unrest, these incidents highlight the challenges in achieving lasting reconciliation between ethnic communities in Kosovo. Kosovo has experienced a series of political demonstrations and protests in response to various issues, including allegations of corruption, electoral disputes, and calls for government reform¹⁰¹². These protests occasionally escalate into clashes with law enforcement, posing challenges to stability¹⁰¹³.

¹⁰⁰⁷ Jason Fritz, *Stability Operations in Kosovo 1999-2000: A Case Study*, PKSOI, Carlisle, 2018, pp. 42-46

¹⁰⁰⁸ HRW, *Failure to protect: Anti-minority violence in Kosovo, March 2004*, Belgrade, 2004, <https://reliefweb.int/report/serbia/failure-protect-anti-minority-violence-kosovo-march-2004> (24.10.2023)

¹⁰⁰⁹ Christopher Borgen, *Kosovo's Declaration of Independence: Self-Determination, Secession and Recognition*, "ASIL INSIGHT", 2008 pp. 4-5

¹⁰¹⁰ Reuters, *U.S. and EU powers recognize Kosovo as some opposed*, <https://www.reuters.com/article/us-kosovo-serbia-idUSHAM53437920080218/> (23.10.2023)

¹⁰¹¹ Leon Malazogu, Florian Bieber, Drilon Gashi, *The Future of Interaction Between Prishtina and Belgrade*, PER, Pristina, 2012, pp. 56-68

¹⁰¹² Crisis Group, *Behind the Renewed Troubles in Northern Kosovo*, <https://www.crisisgroup.org/behind-renewed-troubles-europe-balkans-northern-kosovo> (12.11.2023)

¹⁰¹³ European Western Balkans, *Is KFOR still guaranteeing stability and security in Kosovo?*, <https://europeanwesternbalkans.com/2018/12/17/kfor-still-guaranteeing-stability-security-kosovo/> (23.10.2023)

The dialogue between Kosovo and Serbia, facilitated by the European Union¹⁰¹⁴, has seen multiple escalations and setbacks. The European Union has played a pivotal role in mediating the dialogue between Kosovo and Serbia, addressing the complex historical and political issues stemming from Kosovo's declaration of independence in 2008. Under the guidance of the EU's High Representative for Foreign Affairs and Security Policy, negotiations have culminated in the 2013 Brussels Agreement¹⁰¹⁵, a significant milestone aiming to normalize relations. Monitoring the implementation of these agreements has become a focal point, with regular high-level meetings serving as platforms for progress evaluation and issue resolution. Emphasizing not only political dimensions but also the rule of law, human rights, and reconciliation, the EU seeks a comprehensive and lasting resolution. The prospect of EU accession serves as a powerful incentive for both Kosovo and Serbia, underlining the transformative potential of successful dialogue. Despite persistent challenges, the EU's patient diplomacy remains steadfast, navigating differing perspectives and historical complexities. This engagement reflects the EU's commitment to fostering stability and integration in the Western Balkans, presenting a compelling narrative of diplomatic resilience in the pursuit of regional peace.

Issues related to autonomy for the Serb-majority municipalities in Kosovo, property rights, and the integration of the Serbian community have been sources of contention. These examples illustrate the complex and multifaceted challenges that Kosovo has faced in the post-conflict era. They also underscore the ongoing need for organizations like KFOR to help maintain peace, stability, and security in the region.

In 2021, Kosovo became embroiled in a significant and contentious issue revolving around license plates, which took center stage in the region's political and diplomatic landscape¹⁰¹⁶. The events concerning license plates had far-reaching implications and showcased the complexities and sensitivities inherent in Kosovo's ongoing quest for statehood and international recognition. The license plate controversy centered on Kosovo's endeavor to have its own unique license plate identifier, distinguishable from those of other nations or regions. For years, vehicles in Kosovo had been using license plates bearing the letters "RKS," which had become a symbol of Kosovo's aspiration for recognition as an independent and sovereign state.¹⁰¹⁷ Thus, in 2021, the government of Kosovo decided to replace the "RKS" identifier with "KS," a move intended to solidify Kosovo's identity and reinforce its claim to international statehood¹⁰¹⁸. The license plate issue had significant international visibility. For example, Serbia vehemently opposed Kosovo's move¹⁰¹⁹ to change the license plate identifier to "KS" and viewed it as a provocative assertion of Kosovo's independence, which Serbia does not recognize¹⁰²⁰. This disagreement underscored the ongoing diplomatic tensions between Kosovo and Serbia¹⁰²¹, which had yet to reach a comprehensive resolution regarding Kosovo's status.

The Kosovo Force played a crucial role in managing the situation from a security perspective. KFOR's mission is to maintain peace and stability in Kosovo, and the license plate controversy had the potential to incite tensions and escalations that could compromise the region's security¹⁰²². KFOR was tasked with monitoring and preventing any demonstrations, protests, or incidents related to the license plate issue from escalating into violence. The mission's presence was essential to ensuring that any potential inter-ethnic

¹⁰¹⁴ Uniunea Europeană, *Rezoluția Parlamentului European referitoare la Raportul Comisiei privind Kosovo pe 2021, Bruxelles, 2021*, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=fr&reference=2021/2246\(INI\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=fr&reference=2021/2246(INI)) (19.10.2023)

¹⁰¹⁵ The Government of the Republic of Serbia, *Бриселски споразум*, <https://www.srbija.gov.rs/cinjenice/283757> (22.10.2023)

¹⁰¹⁶ Al Jazeera, *Kosovo's car licensing rule resisted by ethnic Serbs takes effect*, <https://www.aljazeera.com/news/2022/9/1/kosovos-car-licencing-rule-resisted-by-ethnic-serbs-takes-effect> (20.10.2023)

¹⁰¹⁷ Council of Europe, *The situation in Kosovo and the role of the Council of Europe*, PACE website (coe.int) (23.10.2023)

¹⁰¹⁸ KoSsev, *Temporary RKS license plates: The origin story*, <https://kossev.info/temporary-rks-license-plates-the-origin-story/> (11.11.2023)

¹⁰¹⁹ DW, *Tensions at Kosovo-Serbia border over license plate rules*, <https://www.dw.com/en/kosovo-new-restrictions-on-serbian-license-plates-spark-protests/a-59246024> (19.10.2023)

¹⁰²⁰ Mihai Melintei, Cristina Deffert, *The problem of free movement of means of transport in the Transnistrian and Kosovo case* in "Anuarul Laboratorului pentru Analiza Conflictului Transnistrean", Vol. 6, No. 1, 2022, p. 67

¹⁰²¹ Leon Malazogu, Florian Bieber, Drilon Gashi, *The Future of Interaction Between Prishtina and Belgrade*, PER, Pristina, 2012, pp. 56-68

¹⁰²² Mihai Melintei, Cristina Deffert, *The problem of free movement of means of transport in the Transnistrian and Kosovo case*, "Anuarul Laboratorului pentru Analiza Conflictului Transnistrean", Vol. 6., No. 1, 2022, p. 65

disputes or clashes were swiftly addressed to maintain peace and stability in the region. KFOR's perspective on the events of 2021 in Kosovo was framed by the understanding that seemingly minor administrative matters, such as license plates, could have symbolic and political significance in a region where deep-rooted historical and political divisions persisted. The mission's efficiency lay in its ability to balance the protection of freedom of expression with the maintenance of order and security, thereby preventing the situation from deteriorating into violence or unrest.

The license plate controversy was emblematic of Kosovo's broader challenges as it sought to assert its identity and gain international recognition. The issue was a reminder of the unresolved political and diplomatic disputes in the region, particularly Kosovo's disputed status and Serbia's non-recognition of Kosovo's sovereignty. Hence, KFOR's role in maintaining security and stability during such controversies underscored its importance as a stabilizing force in a region marked by historical tensions and ongoing political disputes. The license plate issue was a microcosm of the larger struggle for Kosovo's recognition and statehood, which continued to shape the region's dynamics and security landscape.

However, in 2023, the Kosovo region witnessed a substantial increase in tension and escalation. To begin with, on January 8th, NATO declined Serbia's proposal to deploy as many as 1,000 of its troops and military police to North Kosovo¹⁰²³. In addition, in the autumn of 2022, a crisis unfolded as Kosovo Serbs relinquished their positions within the local administration¹⁰²⁴. This¹⁰²⁵ came in response to Pristina's refusal to permit vehicles bearing Serbian license plates to traverse the northern region of Kosovo. The situation deteriorated, giving rise to street confrontations and a notable escalation in tensions, necessitating the intervention of the European Union¹⁰²⁶. Subsequently, Brussels issued stern warnings to the Kosovar authorities¹⁰²⁷, even considering the imposition of sanctions, to dissuade further exacerbation of the dispute with the Serbs.

In May 2023 Serbs in several predominantly Serb-inhabited localities in northern Kosovo opted to boycott the local elections. Consequently, these elections resulted in victories for ethnic Albanian candidates. Additionally, on May 29th, a total of twenty-five peacekeepers from the NATO-led Kosovo Force sustained injuries during confrontations with ethnic Serbs in North Kosovo, relating to the installation of ethnic Albanian mayors.¹⁰²⁸ In response to these clashes, Serbian President Aleksandar Vučić elevated the Serbian Armed Forces to the highest level of combat readiness. Henceforth, on June 14th, Serbian authorities arrested three officers from the Kosovo Police, alleging their unlawful border crossing. The Prime Minister of Kosovo, Albin Kurti, refutes these Serbian assertions, contending that the officers were detained while situated 300 meters within Kosovo's territory, and he calls for their prompt release¹⁰²⁹.

The Banjska attack¹⁰³⁰, which unfolded on the 24th of September 2023, marked a terrorist assault carried out by Serb militants against the Kosovo Police in the village of Banjska in North Kosovo. During the 23rd and 24th of September 2023, Serb militants launched an attack against Kosovo police officers who were

¹⁰²³ Politico, *Serbian request to deploy troops in Kosovo denied by NATO*, <https://www.politico.eu/article/nato-denies-serbia-request-deploy-military-kosovo-aleksandar-vucic/> (22.10.2023)

¹⁰²⁴ Al Jazeera, *Kosovo-Serbia tensions: Mood on the ground, possible scenarios*, <https://www.aljazeera.com/news/2022/12/29/kosovo-serbia-tensions-mood-on-the-ground-possible-scenarios> (18.10.2023)

¹⁰²⁵ Kosovo Online, *Serbët u larguan nga institucionet e Kosovës një vit më parë, 12 muaj krize pa asnjë tregues se diçka do të ndryshojë*, <https://www.kosovo-online.com/sq/lajm/politike/serbet-u-larguan-nga-institucionet-e-kosoves-nje-vit-me-pare-12-muaj-krize-pa-asnje> (12.11.2023)

¹⁰²⁶ Al Jazeera, *Serbia and Kosovo set for talks in Brussels amid tensions*, <https://www.aljazeera.com/news/2022/8/17/kosovo-albanians-serbs-tense-ahead-of-talks-in-brussels>, (22.10.2023)

¹⁰²⁷ Paparaci, *Mos-marrëveshja në Bruksel mobilizon Kosovën, mbledhën Osmani, Konjufca e Sveçla*, <https://paparaci.com/242368/mos-marreshja-ne-bruksel-mobilizon-kosoven-mbledhen-osmani-konjufca-e-svecla/> (22.10.2023)

¹⁰²⁸ Reuters, *NATO soldiers injured in Kosovo clashes with Serb protesters*, <https://www.reuters.com/world/europe/nato-soldiers-deploy-around-kosovo-town-halls-standoff-with-serb-protesters-2023-05-29/> (24.10.2023)

¹⁰²⁹ Reuters, *Serbian security forces detain three Kosovo police officers, Kosovo official says*, <https://www.reuters.com/world/europe/serbias-security-forces-detain-three-kosovo-police-officers-kosovo-official-says-2023-06-14/> (12.10.2023)

¹⁰³⁰ BBC, *Kosovo: Why is violence flaring between ethnic Serbs and Albanians?*, <https://www.bbc.com/news/62382069> (24.10.2023)

responding to a situation involving unregistered trucks obstructing a bridge in Banjska. Tragically, this incident resulted in the loss of Kosovar sergeant Afrim Bunjaku, posthumously honored with the Hero of Kosovo distinction.¹⁰³¹

Subsequently, the attackers sought sanctuary within the Banjska Monastery¹⁰³², which was eventually retaken by the Kosovo Police. During this operation, three militants were fatally wounded, and a substantial cache of weaponry was seized. Eight individuals were apprehended, with four of them later being released. It is worth noting that Milan Radoičić, the Vice-president of the Serb List, was implicated and subsequently admitted to responsibility for the attack, leading to his subsequent arrest¹⁰³³.

Following the attack, Kosovo, in collaboration with Albania, the European Union, and various other nations, issued strong condemnations. The Assembly of Kosovo not only decried the incident but also called for an international investigation into the potential involvement of the Serbian state, stressing the need for appropriate measures by Western nations. Furthermore, the increased deployment of Serbian military forces along the Kosovo border prompted widespread regional concern, prompting calls for de-escalation and the reinforcement of NATO deployments. Kosovo made allegations of Serbian state complicity, substantiating these claims with evidence of training activities conducted on Serbian territory. Concurrently, the Kosovo Intelligence Agency confirmed reports of a Serbian military base under construction near the border.¹⁰³⁴

Following those events, on September 25th, Kosovo Police, utilizing armored vehicles, entered the village of Banjska in North Kosovo. This move occurred a day following an attack on the village by armed individuals¹⁰³⁵. Considering the recent developments, a contingent of over 130 additional troops from Romania¹⁰³⁶ arrived in Kosovo on the 13th of October to bolster NATO's Kosovo Force peacekeeping mission. This deployment supplements the two hundred British soldiers who were sent earlier in October. The decision to increase troop numbers was prompted by the violent attack on Kosovo Police that transpired on September 24, along with escalating tensions in the region¹⁰³⁷.

Conclusions

All in all, the NATO-led international peacekeeping operations in Kosovo after 1999 have proven to be a crucial and enduring force in maintaining peace, security, and stability in a region marked by historical conflicts and ethnic tensions. The necessity for such operations became evident in the aftermath of the Kosovo War, with the international community recognizing the importance of preventing a resurgence of violence and safeguarding the rights and safety of all residents, regardless of their ethnic backgrounds. These missions, prominently represented by the Kosovo Force, have played a pivotal role in facilitating the return of displaced populations, demilitarization efforts, and the establishment of a secure environment.

The efficiency of these operations, as demonstrated over the years, lies in their adaptability to changing circumstances and their ability to manage various escalations and challenges. They have navigated complex political transitions, the declaration of Kosovo's independence, and ongoing disputes with Serbia. Furthermore, these missions have effectively responded to local conflicts and crises, such as the Banjska attack in 2023, maintaining peace and security even in the face of emerging tensions. While challenges persist, and the Kosovo issue remains unresolved, the continued presence of NATO-led peacekeeping operations reflects

¹⁰³¹ Alfapress, *Killed in the line of duty, Sergeant Afrim Bunjaku is declared a hero of Kosovo*, <https://alfapress.al/english/kosova-bota/u-vra-ne-krye-te-detyres-rreshteri-afrim-bunjaku-shpallet-hero-i-kos-i79030> (23.10.2023)

¹⁰³² Al Jazeera, *Kosovo monastery siege ends following deadly attack on police*, <https://www.aljazeera.com/news/2023/9/24/one-police-officer-killed-in-kosovo-attack-blamed-on-serbia> (22.10.2023)

¹⁰³³ Balkan Insight, *Kosovo Serb Kingpin Radoicic Takes Responsibility for Weekend Shootout*, <https://balkaninsight.com/2023/09/29/kosovo-serb-kingpin-radoicic-takes-responsibility-for-weekend-shootout/> (23.10.2023)

¹⁰³⁴ KOHA, *Musliu: Serbia is building a new military base near the border with Kosovo*, <https://www.koha.net/en/ktv-evening-news/394069/Mosliu%2C-Serbia-is-building-a-new-military-base-near-the-border-with-Kosovo/> (20.10.2023)

¹⁰³⁵ Daily Sabah, *Kosovo police enter northern village after shootout kills 4*, <https://www.dailysabah.com/world/europe/kosovo-police-enter-northern-village-after-shootout-kills-4>, (22.10.2023)

¹⁰³⁶ Radio Free Europe, *Romania Sends Reinforcements To KFOR In Kosovo, Says NATO*, <https://www.rferl.org/a/kosovo-kfor-romanian-reinforcements-nato/32637314.html> (23.10.2023)

¹⁰³⁷ Radio Free Europe, *Romania Sends Reinforcements To KFOR In Kosovo, Says NATO*, <https://www.rferl.org/a/kosovo-kfor-romanian-reinforcements-nato/32637314.html> (23.10.2023)

the ongoing necessity of international involvement in post-conflict regions. These missions stand as a testament to the international community's dedication to Kosovo's well-being and serve as a cornerstone of security and stability in the region. As Kosovo continues to navigate its complex path toward reconciliation, statehood, and broader recognition, the importance of NATO-led peacekeeping operations in the region remains undeniably vital. They promise a more stable and secure future for the people of Kosovo and the Balkans, and their significance should not be underestimated.

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BOOK REVIEW

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THE MOST RECENT COLLECTIVE CONTRIBUTION TO THE TRANSNISTRIAN ISSUE: "THE ARMED CONFLICT OF THE DNIESTER. THREE DECADES LATER", BY PETER LANG PUBLISHING GROUP

Abstract:	<i>The publication of the international volume dedicated to the conflict on the Dniester, "The Armed Conflict of the Dniester. Three Decades Later", published by the prestigious Peter Lang Publishing Group in the series "South-East European History" represents the crowning of a sustained effort of almost three years from several editors and researchers from Romania, the United States of America, Germany, Turkey and the Republic of Moldova coordinated as volume editor by Professor Eugen Străuțiu.</i> <i>The current context of regional and international security makes studying and deeply understanding the dynamics of the Transnistrian settlement an asset for anyone who wants to understand the overall picture of our geopolitical region.</i>
Keywords:	Transnistrian conflict; Republic of Moldova; frozen conflicts; National Identity; Armed Conflict; Geopolitics
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The international volume *The Armed Conflict of the Dniester. Three Decades Later* was published as a part of the "South-East European History" series of the Peter Lang Publishing Group¹⁰³⁸. The volume includes the work of well-known researchers in analyzing international conflicts and especially those in the former Soviet space. As volume editor the editorial policy was coordinated by Professor Eugen Străuțiu from Lucian Blaga University of Sibiu (Romania), who provided impressive expertise on the dynamics of the Transnistrian settlement, being the founder and director for almost ten years of the Laboratory for Analysis of the Transnistrian Conflict¹⁰³⁹. Throughout this period, he developed particularly useful analysis tools for constructive solutions to the settlement of the Transnistrian conflict. The general policy of LACT systematically favored solutions through negotiation, providing the theoretical framework and academic events that focused on constructive, peaceful energies. Among the projects carried out by LACT and coordinated by Professor Eugen Străuțiu, we mention the project "The Transnistrian Files – solutions for the development of the societies on both sides of the Dniester River",¹⁰⁴⁰ carried out between 2014 -2016 and the scientific volume edited at that time, being particularly relevant¹⁰⁴¹. Among other analytical

¹⁰³⁸ <https://www.peterlang.com/document/1319009> (15.11.2023)

¹⁰³⁹ <https://centers.ulbsibiu.ro/ccsprise/lact/> (15.11.2023)

¹⁰⁴⁰ <https://centers.ulbsibiu.ro/ccsprise/lact/dezvoltarea-ca-solutie-a-reconcilierii-conflictului-transnistrean/> (11/15/2023)

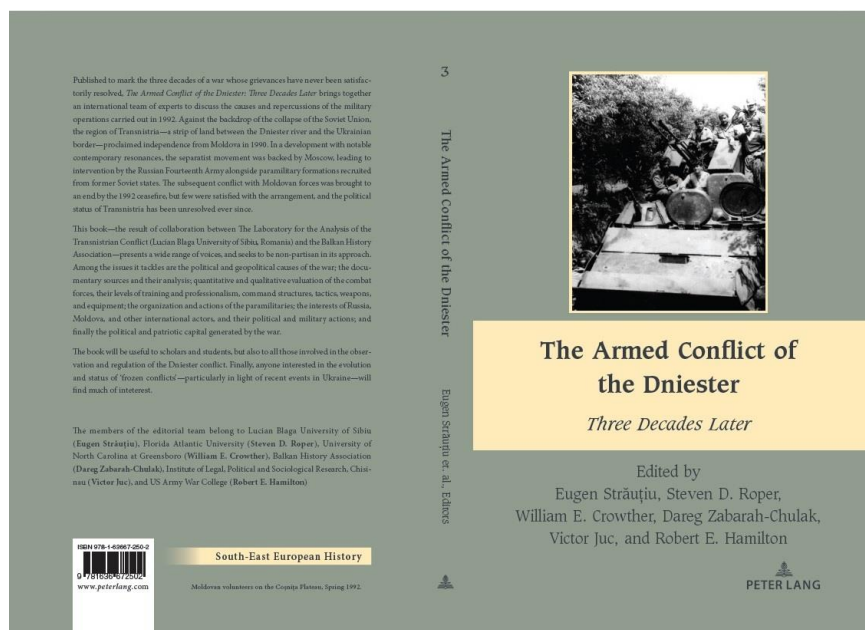
¹⁰⁴¹ Eugen Străuțiu, *The Transnistrian Conflict Files*, TehnoMedia, Sibiu 2017

contributions related to the Transnistrian theme, we mention the author's volume *Transnistrian Bibliography* (2019), and those in collaboration *A comparative analysis of the development on the two banks of the Dniestr*¹⁰⁴² (2015) and *Options of political parties in the Republic of Moldova in the Transnistrian problem*¹⁰⁴³ (2017).¹⁰⁴⁴

The Armed Conflict of the Dniester. Three Decades Later represents the result of a collaboration between the Transnistrian Conflict Analysis Laboratory¹⁰⁴⁵ and The Balkan History Association.

The members of the editorial team belong to Lucian Blaga University of Sibiu - Eugen Străuțiu, Florida Atlantic University - Steven D. Roper, University of North Carolina at Greensboro - William E. Crowther, Balkan History Association - Dareg Zabarrah-Chulak, Institute of Legal, Political and Sociological Research, Chisinau - Victor Juc, and US Army War College - Robert E. Hamilton¹⁰⁴⁶.

A list of so many names relevant for research in the field of international relations and security is a recommendation on the academic value of the volume and its great usefulness for increasing knowledge and promoting solutions - especially in the current international context, where expertise on the Transnistrian segment can be particularly relevant and useful to universities, public opinion and politicians. This volume comes at an opportune moment of maximum international interest to the security situation in Eastern Europe and especially in the Republic of Moldova and Ukraine, the pro-European path of the Republic of Moldova being conditioned by finding a quick and peaceful solution to the unregulated conflict on the Dniester. The multidimensional approaches and complex perspectives presented by the authors answer substantiated many questions that arise in the context of the efforts for the conflict.



¹⁰⁴² Eugen Străuțiu, *Transnistrian Bibliography*, TechnoMedia, Sibiu, 2019

¹⁰⁴³ Eugen Străuțiu, Vasile Tabără, *A Comparative Analysis of the Development on the two Banks of the Dniestr*, TechoMedia, Sibiu, 2015

¹⁰⁴⁴ Eugen Străuțiu, Nicoleta Munteanu, Marius Șpechea, *Opțiunile partidelor politice din Republica Moldova în problema transnistreană*, Mega, Cluj-Napoca, 2017

¹⁰⁴⁵ <https://centers.ulbsibiu.ro/ccsprise/lact/> (15.11.2023)

¹⁰⁴⁶ <https://www.peterlang.com/document/1319009> (15.11.2023)

For example, we focus on Nicoleta Annemarie Munteanu's contribution, with a chapter dedicated to *War Memorials Published in Chisinau: Between Documentary Value and Patriotic Manifesto*¹⁰⁴⁷. The study analyzes and problematizes aspects related to the objectivity and subjectivity of the historical memory of the Transnistrian conflict and the role of this memory in settling or aggravating tense situations. These aspects of memory seem increasingly important in shaping the collective imaginary and political discourse, with the obvious purpose of legitimation and motivation. In a period increasingly marked by deepfake and propaganda, understanding some mechanisms of memoir discourse becomes indispensable for rational and analytical thinking necessary to correctly reconstruct the big picture.

*The 1992 Dniester Armed Conflict: An Analytical Approach to the Politico-Military Events from the Perspective of the Involved Parties*¹⁰⁴⁸ is the remarkable contribution of the youngest member of the research team, Mihai Melintei. The chapter is basically a practice of Galtung's "triangle method" on the Transnistrian conflict, thus offering a multidimensional perspective on the parties involved in the conflict and their interests, to contribute to shaping efficient ways of dialogue, but also red lines in the settlement process.

The other authors provide us with research entitled *Support for Moldova's Territorial Integrity in the Transnistrian Region from 1989 to 1992* (Keith Harrington), *Armed Stage in the Moldovan-Pridnestrovian Conflict: Causes and Political Consequences* (Anatoliy Dirun), *Fighting for What and Whom? The Non-Resident Volunteers During the Armed Conflict in Pridnestrovie* (Dareg Zabarrah-Chulak), *The Russian Federation's Approach to the Unresolved Dniester Conflict and Its Implications for the Security and Foreign Policy of the Republic of Moldova* (Ana Jovic-Lazic), *Moldova and Transnistria's Bargaining Strategies Towards Russia: Deciphering Bargaining Codes in Asymmetric Relationships* (Maximilian Ohle), *Russian Involvement in the Transnistrian War: A Prototype of Russian Modern "Hybrid Warfare"?* (Tarik Solmaz) și *Revisiting Moldova's Transnistria Dispute Amid Severing EU-Russia Ties* (Kamala Valyieva).

All nine chapters of the volume, totaling 254 pages, represent not only a consistent analytical effort, but a true geopolitical and multidimensional journey in understanding the Transnistrian conflict file, but also the contemporary world with its sometimes latent or frozen challenges.

The volume *The Armed Conflict of the Dniester Three Decades Later* remains remarkable, as it is well pointed out in the introduction, by the originality of the approach and methodology for structuring the research; the coherence of the analytical approach; the diversity of methodologies and perspectives on the topic; the usefulness of the analytical approach that comes not only with answers but as any serious research does, raises new questions and new perspectives on the topic, perspectives that will be the subject of future research and concerns.

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¹⁰⁴⁷ Eugen Străuțiu (Volume editor) *The Armed Conflict of the Dniester. Three Decades Later*, Peter Lang Publishing Group, Lausanne-Berlin-Bruxelles-Chennai-New York-Oxford, 2023, pp. 115-142

¹⁰⁴⁸ *Ibidem*, pp. 21-40

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**”ASPECTS OF ISLAMIC RADICALIZATION IN THE BALKANS AFTER THE
FALL OF COMMUNISM”
PETER LANG PUBLISHING GROUP**

Abstract:	<i>The international volume ”Aspects of Islamic Radicalization in the Balkans After the Fall of Communism”, published in 2023 by the Peter Lang Publishing Group represents a genuine assessment of the Islamic fundamentalism way spread in the Balkans since communism` fall, among the Muslim population, which add to the already existing literature.</i> <i>The studies included in this volume bring to the fore specific issues regarding certain geographical areas: Kosovo, Albania, Montenegro, Bulgaria, Romania, Bosnia and Herzegovina, North Macedonia, and Serbia, as well as holistic approaches within the role of Islam in the Balkans and the related connections with the historical, religious, political, economic, and social aspects in terms of radicalization.</i>
Keywords:	Islamic fundamentalism; communism; radicalization; Salafism/Wahhabism; terrorism;
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Understanding radicalization in general and Islamic radicalization in particular represents a continuous approach of researchers, especially in the current security environment. The international volume *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism* makes a substantial contribution in this area, being framed both temporally and spatially in an area of research considered sensitive and potentially generating risks to national, regional, and international security.

The international volume *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism* represents the second volume within the series *South-East European History*¹⁰⁴⁹, published by Peter Lang Publishing Group on behalf of the Balkan History Association¹⁰⁵⁰, edited by Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, and Adriana Cupcea. The authors¹⁰⁵¹, as well as the editors, are well-recognized researchers in this field, representing universities or research centers such as Mihai Dragnea - the University of South-Eastern Norway; Joseph Fitsanakis - Coastal Carolina University in the United States, Darko Trifunović - Institute for National and International Security in Belgrade; John Nomikos – Research Institute for European and American Studies in Athens; Vasko Stamevski, International Slavic University ”Gavrilo Romanovich Derzhavin” in North Macedonia; Adriana Cupcea – Romanian Institute for

¹⁰⁴⁹ Peter Lang, *South-East European History*, Peter Lang Verlag | South-East European History (12.11.2023)

¹⁰⁵⁰ Balkan History Association, balkan-history.com (12.11.2023)

¹⁰⁵¹ Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupcea (Eds.), *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism*, Peter Lang Publishing Group, Lausanne-Berlin-Bruxelles-Chennai-New York-Oxford, 2023, pp. 267-273

Research on National Minorities, Romania; Joseph Coelho – Framingham State University, United States; Henrique Schneider – Nordakademie University of Applied Sciences in Germany; Gianfranco Bria - the University of Roma "La Sapienza", Italy; Iris Luarasi – University of Tirana, Albania; Marko Savić – University of Montenegro; Almedina Vukić Martinović – University of Montenegro; Bogdana Todorova – Institute for Philosophy and Sociology in Sofia; Cornel Andrei Crișan – Babeș-Bolyai University in Cluj-Napoca, Romania; Mijo Beljo – University of Zagreb, Croatia; Michalis Marioras – National and Kapodistrian University of Athens, Greece; Zhidas Daskalovski – University of "St. Kliment Ohridski" in Skopje, North Macedonia; Klemen Kocjančič – University of Ljubljana, Slovenia.

The chapters release the complexity of radicalization in the Balkans, strengthening the national characteristics and external influences. The titles proposed are accurate and holistically framed providing a complete image of the early 1990^s Islamic fundamentalism spreading among Muslims in the Balkans. The chronology of the articles is properly chosen, starting with an introduction *Introduction: Post-communist Encounters in Islamic Faith and Security in the Balkans*¹⁰⁵², which compulsorily describes the main aspects related to the volume within the chapters. It presents the historical and political context, and the theoretical framework related to Salafism/Wahhabism, leading to an understanding of the following research. The main criteria of the volume structure are related to the geographical area, according to the author's field of expertise in a certain national environment: Kosovo, Albania, Montenegro, Bulgaria, Romania, Bosnia and Herzegovina, North Macedonia, Serbia, highlighted in the following articles: *Constructing a New Threat: The Securitization of Islam in Post-war Kosovo*¹⁰⁵³, *Islamic Radicalization in Kosovo: A Case in Multi-layered Identity*¹⁰⁵⁴, *Salafism in Albania between Deculturation and Post-socialist Legacy*¹⁰⁵⁵, *Mainstream and Online Media, a Useful Tool on Fighting Violent Extremism in Albania*¹⁰⁵⁶, *Building a Community Resilient to the Islamic Radicalism: A Case Study of the Muslim Community in Montenegro*¹⁰⁵⁷, *Risks for Islamic Fundamentalism and Radicalism after the Fall of Communism in Bulgaria*¹⁰⁵⁸, *Missionary Islamic NGOs in Romania: Da'wah Materials Disseminated among Muslims in Romania*¹⁰⁵⁹, *Mujahideen in Bosnia and Herzegovina from 1992 until 1995*¹⁰⁶⁰, *Foreign Fighters and Global Jihad in the Balkans: The Case of Bosnia and Herzegovina*¹⁰⁶¹, *Factors*

¹⁰⁵² *Ibidem*, pp. 1-18

¹⁰⁵³ Joseph Coelho, *The Securitization of Islam in Post-war Kosovo*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 19-38

¹⁰⁵⁴ Henrique Schneider, *Islamic Radicalization in Kosovo: A Case in Multi-layered Identity*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 39-56

¹⁰⁵⁵ Gianfranco Bria, *Salafism in Albania between Deculturation and Post-socialist Legacy*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 57-72

¹⁰⁵⁶ Iris Luarasi, *Mainstream and Online Media, a Useful Tool on Fighting Violent Extremism in Albania*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 73-102

¹⁰⁵⁷ Marko Savić and Almedina Vukić Martinović, *Building a Community Resilient to the Islamic Radicalism: A Case Study of the Muslim Community in Montenegro*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 103-122

¹⁰⁵⁸ Bogdana Todorova, *Risks for Islamic Fundamentalism and Radicalism after the Fall of Communism in Bulgaria*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 123-144

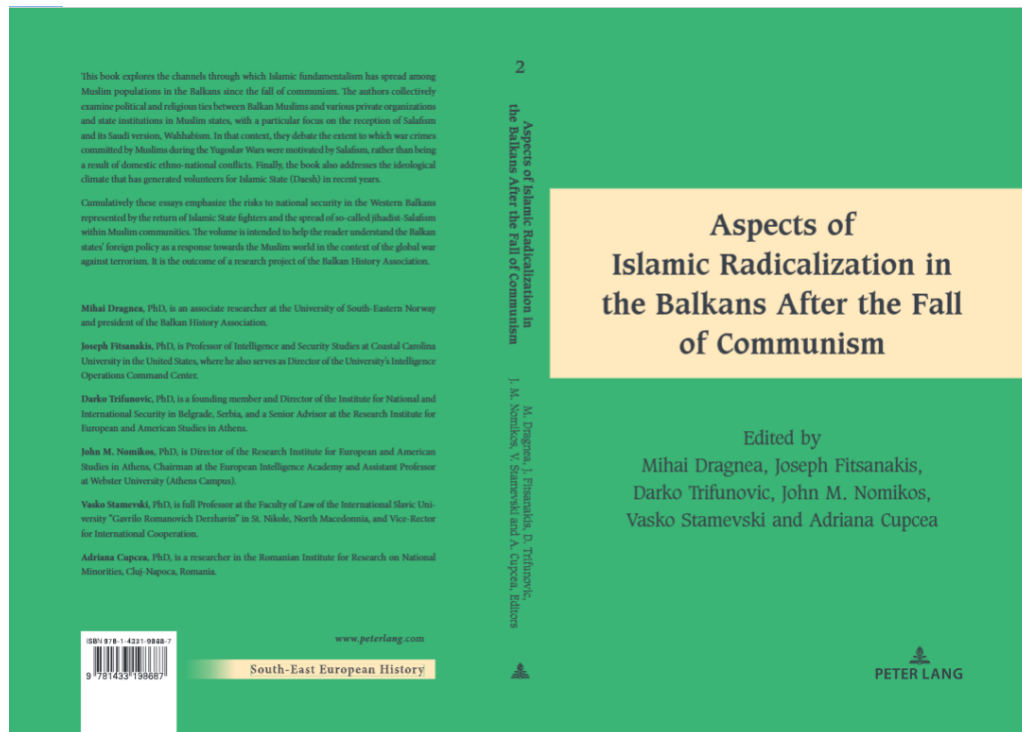
¹⁰⁵⁹ Cornel Andrei Crișan, *Missionary Islamic NGOs in Romania: Da'wah Materials Disseminated among Muslims in Romania*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 145-164

¹⁰⁶⁰ Mijo Beljo, Lucija Zadro, *Mujahideen in Bosnia and Herzegovina from 1992 until 1995*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce *Op.cit.*, pp. 165-182

¹⁰⁶¹ Michalis Marioras, *Foreign Fighters and Global Jihad in the Balkans: The Case of Bosnia and Herzegovina*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupce (Eds.), *Op.cit.*, pp. 183-200

that *Moderate Islamic Radicalization in North Macedonia*¹⁰⁶², “*Islamic Terrorism*” in the *Serbian Sandžak under Salafi Influence*¹⁰⁶³.

The last chapter *Beyond the Balkans: Islamist Terrorism in Europe with Balkan Connections*¹⁰⁶⁴ and the conclusion *The Trajectory of Islamist Militancy in the Balkans*¹⁰⁶⁵ provide a comprehensive analytical approach to the radical Islamists in the Balkans and certain aspects of Europe area, outside the Balkan region, in the context of the Islamist terrorism` causes connected with Western Balkans. These two parts represent a summative and conclusive crowning of the previous chapters, bringing an important contribution to this field of study.



The specific aspect related to the international volume *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism* consists of the discourse on Salafism and its Saudi version-Wahhabism, inside the religious and political approaches between Balkan Muslims and different state institutions and organizations in Muslim states. The readers are already familiar with the main concepts, which are very well explained in the introduction. Even though could be considered more from a historical perspective, the volume refers to the recent evolution of the Islamic State, from the ideological point of view and the threats to national, regional, and international security.

¹⁰⁶² Zhidas Daskalovski, *Factors That Moderate Islamic Radicalization in North Macedonia*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupcea (Eds.), *Op.cit.*, pp. 201-220

¹⁰⁶³ Darko Trifunović, “*Islamic Terrorism*” in the *Serbian Sandžak under Salafi Influence*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupcea (Eds.), *Op.cit.*, pp. 221-240

¹⁰⁶⁴ Klemen Kocjančič, *Beyond the Balkans: Islamist terrorism in Europe with Balkan Connections*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupcea (Eds.), *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism*, Peter Lang Publishing Group, Lausanne-Berlin-Bruxelles-Chennai-New York-Oxford, pp. 241-260

¹⁰⁶⁵ John Nomikos, Joseph Fitsanakis, *The Trajectory of Islamist Militancy in the Balkans*, in Mihai Dragnea, Joseph Fitsanakis, Darko Trifunovic, John M. Nomikos, Vasko Stamevski, Adriana Cupcea (Eds.), *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism*, Peter Lang Publishing Group, Lausanne-Berlin-Bruxelles-Chennai-New York-Oxford, pp. 261-266

The content of the international volume provides an analytical space for conducting research based on three basic concepts in security studies: vulnerability, threat, and risk. The interweaving of these three elements, framed in time and space, gives a touch of authenticity, and added value to the volume. Totalling 279 pages, the international volume *Aspects of Islamic Radicalization in the Balkans After the Fall of Communism* is characterized by high scholarly achievements contributing to the vast range of research in this field, in an original, thoroughly assembled way.

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