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HUMAN SECURITY

Oleg RUSU

Ștefan cel Mare Police Academy of Chisinau

ENSURING THE CONVICTORS' RIGHT TO PERSONAL SECURITY

Abstract:	<i>The article is devoted to the legal and organizational aspects of ensuring the right of detainees to personal security. Ensuring the personal security of convicts during the execution of the sentence is one of the basic tasks of the executive-criminal system. Thus, a legal feature of personal security is presented in the context of ensuring the right of convicts to personal security. A classification of the normative acts that regulate the measures to ensure the personal security of the convicts in the process of executing the criminal sentences of deprivation of liberty is made. The author also made an analysis of the legal basis that regulates the issues related to ensuring the personal security of detainees. The analyzed normative acts represent a basis for the improvement of the legal regulation of the personal security of the convicts. In this context, an analysis of the existing problems in this field is made at the current stage. Also, the regime measures of ensuring the personal security of the convicts in the process of execution of the custodial sentences are examined. Finally, measures to ensure the safety of convicts in the execution of sentences are examined.</i>
Keywords:	criminal enforcement system; convicted persons; personal security; the right to personal security; ensuring personal security
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Introduction

The need for safety and security is fundamental to human mental life, and in the penitentiary environment this need is inherently affected by the very essence of detention, which indicates the legal argument for the physical isolation of a person, which is in itself an action that affects the normal way of human activity.

Penitentiary institutions, by definition, are sources of increased danger given the fact that they are shelter to the most dangerous category of citizens who have broken the law. Thus, the issues related to penitentiary security and ensuring the security of convicts remain highly topical because the deprivation of liberty of the person continues to provoke discussions and controversy¹.

It should be noted that security in prisons, as opposed to security in society, is ensured in a specific environment and atmosphere. The staff of the respective institutions is in a position to work in the environment of the persons who have committed crimes. Moreover, that activity is carried out on a restricted area. In this regard, some authors rightly point out that the atmosphere in prisons can be characterized as less favorable for achieving the goals of ensuring security, compared to that in society as a whole².

Security and safety in prisons depend on creating a positive climate, which encourages cooperation between detainees: external security (prevention of escapes) and internal security (prevention of disorders) are best ensured by creation of positive relationships between detainees and staff. This is the essence of dynamic security, which should be present in detention³.

Results and discussions

The science of criminal enforcement law treats the notion of penitentiary security differently. According to some authors, the security of the penitentiary consists in the protection of certain objects or buildings⁴, for others - ensuring peace, inviolability of the life and health of prison officials, of convicts and others, of their work and rest, as well as the functioning of the penitentiary institution as a

¹ Ренат Усеев, *Основы фортификации в исправительных учреждениях*. "Вестник Самарского юридического института: Научно-практический журнал", No. 2(13), 2014, p. 25

² Сергей Хохрин, *Проблемы организационного и правового обеспечения профилактической работы по предупреждению и пресечению правонарушений осужденных*, "Вестник Пермского института ФСИН России", No. 3(7), 2012, p. 6

³ Arina Țurcan, Victoria Captari, Iuliana Ciurea, ș.a. *Ghid de bune practici pentru angajații sistemului penitenciar. Asigurarea răspunsului la nevoile special ale femeilor aflate în detenție*, Chișinău, 2019, p. 45

⁴ Бронислав Казак, *Безопасность уголовно-исполнительной системы. Монография*, АПУ Минюста России, Рязань, 2001, p. 45

whole and of its structural units in particular¹. In the view of others, this consists in a state that ensures the absence of danger².

The concept of penitentiary security is complex in content, due to the custodial function of the penitentiary

People deprived of their liberty must be isolated and kept in prison according to precise rules, designed to maintain a bearable and human prison atmosphere. Penitentiary security consists of a set of measures and actions designed to prevent escapes and maintain a human environment between detainees, on the one hand, and prison staff, on the other, to prevent aggressive and self-aggressive manifestations of convicts³.

Based on the notion of security in the penitentiary environment and taking considering the theoretical notions of personal security, by the security of convicts we mean the protection of life, health, other vital and socially important interests of the convict which are guaranteed by international law and national law, as well as the prevention of dangers and threats arising in the process of serving the criminal sentences of deprivation of liberty.

The legal regulation of the personal security of the convicts presupposes the normative fixing of the order and conditions of the realization of the subjective right of the convicts to personal security as well as of the measures to ensure their security. Highlighting these two directions of legal regulation allows us to examine the security of convicts as a complex legal institution, which contains rules of different branches of law. At the same time, the rights of convicts to personal security, as well as the obligation which should be insured, are regulated by the norms of criminal enforcement law as well as by other branches of law (constitutional law, civil law, labor law, etc.).

In this context, safety is the condition of being and feeling safe, out of danger. Security often means all the measures taken to ensure safety. In the penitentiary environment, it is often believed that security can be ensured by keeping and maintaining order, discipline and control. Both national and international law provide that limitations on certain rights may be legitimate for reasons of security. However, they must meet all three criteria established in accordance with international law and ECHR case law:

- Legality – the measure must be provided for in accordance with international human rights law.
- Necessity – the measure must be necessary and useful.

¹ Анатолий Перегудов, *Курс лекций по обеспечению безопасности, порядка исполнения и отбывания наказания в ИТУ*, УВШ МВД России, УФА, 1996, p. 26

² Михаил Громов, Вячеслав Селиверстов. *Правовые и организационные вопросы обеспечения безопасности работников ИТУ*, РВШ МВД СССР, Рязань, 1991, p. 7

³ *Siguranța și ordinea în penitenciare*, <https://legeaz.net/dictionar-juridic/siguranta-ordine-penitenciar> (12.02.2022)

- Proportionality – the measure taken must be the least invasive in order to achieve the objective of maintaining order and security and should be imposed for the shortest possible time¹.

All the existing characteristics of the theory of the right to security result from its belonging to the legal status of the citizen. His right to personal security, in the theory of law, is determined as a fundamental right of the person, which is a guarantee for the realization of other rights, freedoms and the fulfillment of their obligations². It may also be regarded as a subjective right under the right to inviolability of the person which cannot be restricted until it has been proved that a criminal offense punishable by deprivation of liberty has been established³. Thus, the right to personal security is a subjective right, which ensures the inviolability of the person, the defense and protection of his rights and legitimate interests. This right refers to the legal status of the citizen and belongs to the activity of the state law enforcement bodies.

The subjective right of the convict to personal security has its determined specificity, first of all, by its special legal status. Along with the right to security, which results from the general legal status of the citizen, the convict also has the right to security, but at a narrower level, which corresponds to his special legal status. This right results from the norms of the criminal executive law and belongs to the convict as the subject of the executive-criminal relations. The specific character of this right is conditioned both by the particularities of the executive-criminal system and by the forms of assurance of the convict's right to security, which differ in diversity and are fixed in all institutions and norms of executive-criminal law⁴.

The notion of “ensuring the personal security of convicts” in the science of criminal law is determined by a complex of legal, administrative, operational-investigative, tactical and special-preventive measures, aimed at preventing a possible danger and removing an obvious risk that threatens peace, life and health, honor and dignity of persons serving criminal sentences in places of detention.⁵ Therefore, ensuring the security of convicts is an organizational-legal complex that functions on the basis and to ensure the convict's right to security, which is an attribute of his general and special legal status. The organizational forms of

¹ Arina Țurcan, Victoria Captari, Iuliana Ciurea. ș.a. *Ghid de bune practici pentru angajații sistemului penitenciar. Asigurarea răspunsului la nevoile special ale femeilor aflate în detenție*, Chișinău, 2019, p. 47

² Николай Матузов, Александр Малько. *Теория государства и права: курс лекций*, Юристъ, Москва, 2001, p. 256

³ Николай Огурцов, *Правоотношения и ответственность в советском уголовном праве*, Рязань, 1994, pp. 25-26

⁴ Владимир Уткин, *Уголовно-исполнительное право: Общая часть*, Томск, 1995, p. 79

⁵ Валерий Анисимков, Владимир Епанешников, *Особенности обеспечения безопасности осужденных в исправительно-трудовых учреждениях. Курс лекций по обеспечению безопасности, порядка исполнения и отбывания наказания в ИТУ*, под ред. А. Г. Перегудова, Уфа, 1996, p. 469

ensuring the security of convicts, as well as the right to security, are subordinated to a single purpose, namely the creation of certain conditions for the execution of the sentence.

There is currently a wide range of normative acts, which defend the right of convicts to personal security. The category of such documents includes standards and norms in the field of human rights protection, which are a component part of the national law system, departmental normative acts, etc. Several international normative acts proclaim a person's right to security, including the right to life, the right to decent conditions of detention that correspond to security conditions, the right to attain a maximum level of physical and mental health, the spiritual and moral inviolability of the person, etc.¹.

Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948, *Convention on the Protection of Human Rights and Fundamental Freedoms* concluded in Rome on 4 November 1950, as acts which determine the state of security of the person provide such rights as the right to life, the opportunity to work in conditions that would meet the requirements of security, the right to respect for the physical, spiritual and moral inviolability of the person; prohibit the application of torture or other cruel, inhuman or degrading treatment or punishment.

Set of Minimum Rules for the Treatment of Detainees (Nelson Mandela's rules), adopted by UN General Assembly Resolution on 17 December 2015, assigns measures to ensure the safety of detainees to protect them from insults, public curiosity and any publicity during their detention or removal from the place of detention (rule 73.1). In the event of recourse to chambers, they must be occupied by carefully selected detainees and recognized as fit to be accommodated in these conditions. At night they will be subject to regular supervision, adapted to the respective type of penitentiary (rule 12.2). The rules also provide that the prison system, except in cases of justified solitary confinement or the application of solitary confinement for the maintenance of discipline, must not aggravate the specific suffering in such a situation (rule 3).

Code of Conduct for Law Enforcement, adopted on 17 December 1979, by UN General Assembly Resolution No. 16/169, establishes that law enforcement officials are obliged to respect and protect human dignity, to defend and protect the fundamental rights of every person, including convicts (art. 2) and to ensure the protection of the health of persons under their care and provide them with medical care whenever necessary.

Set of Principles for the Protection of All Persons Subject to Any Form of Detention or Imprisonment, adopted on 9 December 1988 by Resolution 43/173 at the 76th Plenary Session of the United Nations and *European Rules for Prisons*

¹ Илья Аминов, *Обеспечение прав осужденных в местах лишения свободы как основа пенитенциарной безопасности*, in *Юридическая наука и практика, Альманах научных трактатов Самарского юридического института ФСИИ России*, 2014, pp. 10-14

(REC recommendation (2006) 2 of the Committee of Ministers of the Council of Europe to the Member States, adopted at 11.01.2006), being basic international documents that regulate the security of detainees, list the rights to be ensured regardless of the legal status of the individual. They stipulate those states are to prohibit by law any action that would be inconsistent with the exercise of these rights.

The next group of normative acts, which regulate the security of the person in penitentiary institutions, is the Constitution of the Republic of Moldova, other laws of the Republic of Moldova, Government Decisions, and other normative acts.

Social guarantees of personal security are constitutional guarantees in the Republic of Moldova.

Constitution of the Republic of Moldova, adopted by the Parliament of the Republic of Moldova on July 29, 1994, proclaims the rights and freedoms of man and citizen as fundamental values. Thus, it is mentioned that the state guarantees to every person the right to life and to physical and mental integrity (art. 24 paragraph (2)) and the individual's freedom and security are inviolable (art. 25 paragraph (1)). That provision fully corresponds to the approach of the entire civilized community to the issue of human rights expressed in international standards, adopted at the level of the United Nations and the Council of Europe.

Based on the provisions of international law, we can argue that the personal security of convicts appears as a vital human need, which is achieved by ensuring and realizing it in their legitimate rights, freedoms, and interests.

In order to implement the recommendations of the international community, the Republic of Moldova has assumed the obligation to bring the conditions of detention of convicts and ensure their security in accordance with international legal norms.

The security of the convict, his protection against physical, sexual, and psychological violence by other convicts depend, first, on the state of the regime in the penitentiary institution, the discipline among the convicts and the measures taken to improve them. Organizational-legal measures, aimed at strengthening the regime and discipline of convicts are complex means of supporting security in the institution¹.

The subjective right of persons sentenced to personal security is set out in the Code Enforcement of the Republic of Moldova. Although, in the art. 169 paragraph (1) letter b) the right to defense and observance by the institution or body which ensures the execution of the sentence of the dignity, rights and freedoms which it has is provided, including not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or, regardless of his or her consent, to life-threatening medical or scientific experience, benefiting, where appropriate, from state protection measures.

¹ Василий Фомин, *К вопросу о личной безопасности осужденных в местах лишения свободы*, "Человек: преступление и наказание", 2018, No. 1, pp. 54-55

Article 206 of the Enforcement Code guarantees the personal security of the convict wherever the threat comes from (from other convicts, from the prison staff). That article determines the right of convicts to personal security, which is correlated with the obligation of the administration of the penitentiary institution to ensure the security of detainees. Thus, according to art. 206 of the EC of the Republic of Moldova, when the danger to the personal security of the convict arises, he is entitled to address to any of the persons in charge of the penitentiary a request regarding the assurance of personal security. In this case, the person in charge is obliged to take immediate measures to ensure the personal security of the convict and, where appropriate, measures of protection taken by the state. The administration of the penitentiary takes the necessary measures in order to eliminate the danger for the personal security of the convict. Those measures shall be maintained for as long as their purpose requires.

The basis for taking measures to ensure the personal security of the convicts is the direct addressing of the convict or the existence of truthful information, received from other sources, including as a result of special investigative measures.

The basis for taking measures to ensure the personal security of the convicts is the direct address of the convict or the existence of truthful information, received from other sources, including the result of special investigative measures: real, which do not depend on the conscience and will of the convict, and artificial, created intentionally by the convict for his placement in a safe place for the purpose of self-isolation from other detainees¹.

The results of another study² conducted at the national level showed that the most common causes of conflicts between detainees are: imposing rules of conduct by some detainees in relation to other detainees; the desire of some detainees to show superiority; imposing opinion and solution to certain problems; spreading rumors; personal issues; violation of order and neglect of living conditions; perpetuation of conflicts of freedom; debts; theft and forced seizure of property of other detainees; imposing abusive behavior by other detainees.

At the same time, the frequent causes of abuse by detainees by some representatives of the administration are the challenges by some detainees; stress, unstable emotional state of some officials; unprofessionalism, ignorance of working methods and lack of special communication skills of some officials; spread of rumors by a detainee regarding the official; desire of some officials to demonstrate their power and authority; professional solidarity and revenge for the

¹ Александр Смирнов, *Предоставление осужденным к лишению свободы безопасного места как один из важных факторов обеспечения их личной безопасности и внутренней безопасности учреждения*, in *Актуальные проблемы деятельности подразделений УИС: Сб. матер. Все-рос. науч.-практ. Конф.*, Воронеж, 2017, p. 376

² Igor Dolea, Victor Zaharia, *Securitatea personală în mediul penitenciar*, Cartea Juridică, Chişinău, 2014, p. 14

abuse of detainees in relation to officials; imposition by some officials with excessive severity of the conditions provided by the legislation; pedantism¹.

The increased danger of threats to personal security in the penitentiary environment is partially offset by a wide range of regime measures, taken in the direction examined. At the same time, in the conditions of the collective detention of the convicts and the reduction of personnel, the security is ensured at the expense of the technical-engineering means. The ineffectiveness of such an approach is demonstrated by the practice of other states. Thus, the increase in the number of means of technical supervision, simultaneously with the decrease in the number of personnel, leads to the decrease of the discipline and respectively to the increase of the number of violations of the regime².

In this regard, we consider it appropriate to keep in isolation, in special rooms, during the evening and at night, people who show aggressive behavior. It should be noted that such an approach is common in international practice. Thus, the Russian author D. Macarov, describing the German experience, mentions that solitary confinement is advantageous in terms of the prevention of interpersonal conflicts, the mutual influence of convicts, a healthy psychological climate and personal security. In particular, it was shown that during the period when two convicts were held in cells, there were numerous cases of violation of the right to personal security (conflict, aggression, violence, and suicide). Following the resumption of solitary confinement of the most dangerous detainees, the situation immediately recovered³.

Given that the contingent with the highest level of criminalization is concentrated in places of detention, the provision of a safe place in case of danger to the rights and freedoms of convicts, in particular related to endangering their lives and health, is to be recognized, as an effective method of ensuring the personal security of detainees, but also of the internal security of the penitentiary institution as a whole⁴.

The security of the convict, his protection against physical and mental violence by other convicts, depends directly on the state of the regime in the penitentiary institution, the discipline among the convicts and the measures taken to improve them. Practice shows that in the event of a worsening of the regime, there is an increase in disciplinary violations among convicts, including an increase

¹ Igor Dolea, Victor Zaharia, *Securitatea personală în mediul penitenciar*, Cartea Juridică, Chişinău, 2014, p. 67

² Максанс Кани, «Корбас»: провал концепции современной тюрьмы? ”Преступление и наказание”, No. 7, 2013, pp. 57-58

³ Дмитрий Макаров, *Особенности отбывания наказания и обеспечения безопасности в пенитенциарных учреждениях ФРГ на примере исправительного учреждения Брухзаль*, In: Ведомости уголовно-исполнительной системы, No. 9, 2012, p. 52

⁴ Александр Смирнов, *Предоставление осужденным к лишению свободы безопасного места как один из важных факторов обеспечения их личной безопасности и внутренней безопасности учреждения*, in *Актуальные проблемы деятельности подразделений УИС: Сб. матер. Все-рос. науч.-практ. конф.*, Воронеж, 2017, p. 376

in the number of cases of physical violence. Therefore, organizational and legal measures, aimed at strengthening the regime in penitentiary institutions and the discipline of convicts, ultimately contribute to ensuring the security of convicts. At the same time, the regime and discipline have the role of complex means of ensuring security in penitentiary institutions.

Currently, the national criminal enforcement legislation¹ contains several provisions aimed at ensuring the security of detainees in the penitentiary environment, such as:

- regime in penitentiary institutions;
- technical-engineering installations;
- control over convicts through video surveillance systems;
- visual surveillance of convicts in penitentiary institutions;
- special regime in penitentiaries;
- application of special means and firearm;
- special investigation activity;
- bringing to the attention of the detainees the provisions of the executive criminal legislation.

All the provisions examined above not only establish the rights and obligations of the convict in the field of personal security, but also represent a system of legal guarantees and measures to achieve security taking into account the special legal status of the convict and the specific conditions of execution. Depending on the type of punishment and the established penitentiary institution in which the convict is detained, his personal security and the particularities of his insurance are established.

Conclusions

The analysis of some provisions and norms of the legislation in force demonstrates the existence of a well-elaborated legal basis, which allows ensuring the personal security of the convicts in the penitentiary institutions. At the same time, it is necessary to continuously improve the enforcement mechanism as well as to look for new approaches regarding the realization of the right of convicts to personal security.

In this regard, we fully share the views of the authors who point out the need to change the content of the convicts' right to personal security and its transition to

¹ *Codul de executare al Republicii Moldova* No. 443-XV, 24.12.2004, în vigoare din 01.07.2005 // Monitorul Oficial nr. 214-220 din 05.11.2010; *Legea nr. 300 din 21.12.2017 Cu privire la sistemul administrației penitenciare*, Monitorul Oficial nr. 48-57 din 16.05.18; *Statutul executării pedepsei de către condamnați*, aprobat prin Hotărârea Guvernului Republicii Moldova nr. 583 din 26.05.2006, Monitorul Oficial nr. 91-94/676 din 16.04.2006

a more developed form, in which convicts must be fully protected from any threats¹.

We find that programs to prevent and combat the violence and abuse of some detainees by other detainees are only partially effective, including due to poor cooperation between prison services. For these reasons, the implementation of programs to reduce violence in prisons will include, as beneficiaries, impulsive detainees, those with a higher status in the criminal hierarchy, those addicted to alcohol and drugs, people with mental disorders, people with disabilities, people with prison experience, people with good physical training.

In the same vein, improving the legislation and the procedure for registering cases, developing methodological rules for investigating cases, training staff investigating cases, increasing the trust of detainees in the representatives of the penitentiary administration, developing work programs with potential victims of abuse would increase the chances of identifying and punishing perpetrators in cases of violence and abuse of detainees committed by other detainees.

At the same time, the management of the penitentiary system has to include the elaboration of certain methodological norms for the investigation of cases of abuse and violence between detainees and to train those responsible for this activity.

The mechanism of ensuring the security of the convicts will be effective only if the security measures will be applied in the complex, taking into account the concrete situation and the factors, which create a danger for the personal security of the convicts².

Therefore, the functioning of the executive criminal systems of modern states must be guaranteed by the security of all subjects of penitentiary relations, such as: convicts, prison staff, and other categories of people. The person's right to security consists in the protection of his or her life and health, rights and freedoms, property, honor and dignity, personal inviolability. In these circumstances, security as a state of physical, mental, legal and socio-economic protection is an indispensable condition for the efficiency of the functioning of the entire executive-criminal system, as it serves as an indicator of rationality and efficiency according to international norms and standards.

Abbreviations

- ECHR = European Court of Human Rights
- UN = United Nations Organization
- EC = Enforcement Code
- RM = Republic of Moldova

¹ Сергей Паканич, *Теоретико-правовое исследование понятия права осужденных на личную безопасность в условиях лишения свободы*, "Вестник Кузбасского института", No. 5 (8), 2011, p. 101

² Василий Фомин, *К вопросу о личной безопасности осужденных в местах лишения свободы*, "Человек: преступление и наказание", No. 1, 2018, p. 56

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ETHNO-NATIONALISM AS A FOUNDATION OF TERRORIST ORGANIZATIONS

Abstract:	<p><i>The understanding of ethnonationalism as the foundation of terrorist groups was long suspected to be true, yet only in the last decade, could the research prove to be so. These non-statal actors, which do not act in a violent manner, can become important threats for the national of international security, if provided with the right interest. Stating this, the implications for the regional and European security can be tremendous, as the civilian society will suffer greatly as an aftermath of a terrorist attack. Following this study, knowledge will be gained that will help to better understand the dynamics of relations developed between statal and non-statal actors.</i></p> <p><i>This paper is also an instrument underlying the concept of ethnonationalism and the connection of the term with terrorism, as we presently know it. From a methodological point of view, a qualitative method of research was used – the analysis of a case study, alongside a brief specialty literature review, in which research results regarding the topic were described. This article is open to any and all society members and can raise awareness of the public regarding the phenomenon of transformation of a non-statal actor, by providing some well-needed indicators.</i></p>
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Introduction

Terrorism can be analyzed from many points of view, being considered one of the most dangerous phenomena that have spread throughout the 21st century. While this is not the first time that warnings have been sounded about terrorist acts

around the world, it is clear that they have intensified in recent times with increasing uncertainty and ignoring and exacerbating the problems in poor countries that are characterized by multiculturalism.

In international law, terrorism includes attacks on diplomatic personnel, hostage-taking, embezzlement, some forms of money laundering and violations against state officials. In the United States, the "war on terror" initiated by President George W. Bush has had a huge impact on prioritizing counterterrorism, while formalizing the phenomenon. The abundance of the causes of the emergence of these organizations raises ethical questions regarding the establishment of the list of terrorist organizations in the world; often there are justified situations that led to the creation of such organizations such as violations of fundamental rights, injustices and the need to meet basic needs.

The term "terrorism" is etymologically a derivative of "terror", a word of Latin origin. Even before the Romans, in Greek mythology, terror - Phobus - and fear - Deimos were the names of the two horses that pulled the chariot of the god Ares, the god of war¹.

The waves of terrorism that hit Europe, America and the Middle East in the 1970^s have taken Western democracies by surprise. Violence has been initiated by states and citizens and directed against other states or their own citizens, in the absence of other opportunities to do justice.

The terrorist act must be seen "as a violent act against an individual, class or representatives of the authorities of a state, which seeks to intimidate or compel them to meet certain requests or objectives underlying its implementation"².

International terrorism is an act that is essentially politically motivated and transcends national borders.³ It is practiced by independent individuals who may or may not enjoy the support of sympathetic states. Through its scope and its ramifications, as well as its objectives, international terrorism has spread throughout Europe, and is already known as "Euroterrorism". But what defines international terrorism is the element of alienation.

The belief that all ethnic nationalists have is that "nations are defined by a common heritage, which usually includes a common language, a common faith, and a common ethnic origin"⁴. It also includes a common culture between group members and a common language; they are therefore different from nationalists, who claim that people can become members of a nation through cultural assimilation.

In this paper, we have analyzed a case study of the Kurdistan Workers' Party (PKK), an ethno-nationalist terrorist organization. Despite the fact that some of its

¹ Florian Răpan, *Suport de curs: Globalizare, terorism și securitate*, București, 2016, p.5

² Gheorghe Bica, Mihail Burdușel, *Suportul financiar al terorismului internațional*, Eficient, București, 2001, p. 35

³ Cristian Popiștineanu, *Neofascismul, terorismul, pericole pentru lumea contemporană*, Editura Politică, București, 1981, p. 78

⁴ Jerry Muller, *Us and Them*, "Foreign Affairs", Vol. 87, No. 501/2008, pp. 9-14

claims can be considered justified and their actions, prior to the emergence as a terrorist organization, supported the US in the war on terror, the PKK is an insurgent group active both in its military wing and in its political side.

This scientific research presents qualitative methods (specialty literature review, case study) and aims to establish the indicators that can be observed from early-on of a possible mutation of ethnonationalist groups into insurgent or terrorist ones, as both of these non-state actors fight for common goals, only by different means. Another objective is raising awareness of the civil society on this topic, as currently, there are less and less reliable official sources, and people tend to believe unverified and propagandistic sources, usually through mass-media.

From a structural point of view, the paper contains 2 chapters, *Specialty literature review* and the *Case Study - Kurdistan Workers' Party (PKK)*.

Specialty literature review

Many authors have undergone exhaustive research on the topic of ethnonationalism, while others even established the link between the concept and terrorism. One of them is Wilson Robin, which in his research¹ he analyzed ethnonationalism in the Northern Ireland and former Yugoslavia regions. The results showed that these groups reconceptualize sovereignty through a mentality based on identity choices and a feeling of minority entrenchment.

Authors² exploring the migratory problems in the region have concluded that Kurds in Syria were subjected to state ethno-exclusion, economic and socio-political marginalization, impacting on their freedom and profoundly altering the demography of their region.

Professors from Warwick University³, while researching the communist-rule conflicts in Bulgaria, Macedonia, and Kosovo through comparative case studies, have discovered that internal conflict dynamics are critical, especially interactions between ethnic majorities and minorities.

In more recent studies⁴ regarding the role of political and economic dimensions on civil war development, have concluded that inequalities between ethnic groups with political influence and statal actors promote ethnonationalist conflict.

¹ Robin Wilson, *The politics of contemporary ethno-nationalist conflicts*, "Nations and Nationalism", Vol. 7, No. 3/2001, DOI:10.1111/1469-8219.00021, pp. 365–384

² Cemal Ozkahraman, *Kurdish cross-border trade between Syria and Turkey: the socio-political trajectories of Syrian Kurds*, "Middle Eastern Studies", Vol. 57, No. 4/2021 DOI: 10.1080/00263206.2021.1874365, pp. 567-580; Daniel Meier, *Introduction to the Special Issue: Bordering the Middle East*, "Geopolitics", Vol.23, No.3/2018, pp.495–504

³ Maria, Koinova, *Ethnonationalist Conflict in Postcommunist States: Varieties of Governance in Bulgaria, Macedonia, and Kosovo*, University of Pennsylvania Press, Philadelphia, 2013, DOI: 10.9783/9780812208375, pp. 78–99

⁴ Lars-Erik Cederman, Weidmann Nils, Kristian Skrede Gleditsch. *Horizontal Inequalities and Ethnonationalist Civil War: A Global Comparison*, "American Political Science Review", Vol. 105, Nr. 3/2011, DOI: 10.1017/S0003055411000207, pp. 478–95

In recent findings, other researchers suggest that ethnic identity is a significant factor in shaping Kurds' electoral choices and that majority of Kurds in Kurdish towns support the pro-Kurdish parties. For authors studying the Kurdish issue¹, data showed that ethno-national exceptionalism plays a significant role in determining the motivations of political violence among groups and radicalization. Other interesting discoveries are those of Recep Gulmez², whose research concluded that the Syrian refugee problem increased nationalist feelings in Turkey, determining a more violent approach towards PKK members. Other data³, obtained through a qualitative text analysis through the MAXQDA software, on the speeches of Kurdish parliamentary group, found that PKK employed socio-economic, relative deprivation and regional terrorism approaches in gaining influence. Regarding the same topic, Tuncay and Ali⁴ have shown that the Turkish state has consistently failed tackle the Kurdish issue, aspect which can be observed through analyzing the Kurdish Opening in 2009.

Special issues of terrorist-related journals⁵ have researched the connection between ethnonationalism and terrorism. These studies concluded that contemporary terrorism is mainly based on religious motives that characterized left wing and ethno-nationalist terrorism of the past.

Case study: Kurdistan Workers' Party (PKK)

To understand why the PKK is listed as a terrorist organization in many countries around the world, we need to do a historical analysis of it.

In 1970, a group of students led by Abdullah Ocalan came together to form a Marxist-Leninist region in southeastern Turkey. They called their group PKK and

¹ Tahir Abbas, Ismail Hakki Yigit, *Perspectives on Ethno-National Conflict Among Kurdish Families With Members in the PKK*, "Terrorism and Political Violence", Vol. 28, Nr. 2, 2016, DOI: 10.1080/09546553.2014.908774, pp. 297-315

Vera Eccarius-Kelly, *Surreptitious Lifelines: A Structural Analysis of the FARC and the PKK*, "Terrorism and Political Violence", Vol. 24, 2012, pp. 235-258

² Gulmez Recep, *The Securitization of the Syrian Refugee Crisis Through Political Party Discourses*, "Migration & Integration", Vol. 20, 2019, DOI: 10.1007/s12134-018-0637-2, pp. 887-906

³ Berna Öney, Torsten Selck, *What was the "Kurdish opening" all about? A qualitative text analysis of parliamentary group speeches in Turkey*. "Ethnicities", Vol. 17, Nr. 6/2017, DOI: 10.1177/1468796817700934, pp. 771-791

⁴ Kardaş Tuncay, Balci Ali, *Inter-societal security trilemma in Turkey: understanding the failure of the 2009 Kurdish Opening*, "Turkish Studies", Vol. 17, Nr. 1, 2016, DOI: 10.1080/14683849.2015.1126183, pp. 155-180

⁵ Ersun Kurtulus, *The "New Terrorism" and its Critics*, "Studies in Conflict & Terrorism", Vol. 34, Nr. 6/2011, DOI: 10.1080/1057610X.2011.571194, pp. 476-500

Alexander Spencer, *Sick of the 'new terrorism' debate? A response to our critics*. "Critical Studies on Terrorism", Vol. 4, Nr. 3/2011, pp. 459-467

their goal was to create a Kurdish state.¹ At the time, Turkey was dealing with the problems of the Cold War - a coup took place in 1980². Ocalan established the first PKK headquarters in Lebanon's Bekaa Valley with the support of the Syrian government.

In 1984, the PKK began an armed guerrilla campaign against Turkey. He began attacking state officials and civilians across the country. Villages were set on fire, children were abducted, and people were killed³. By 1990, PKK attacks had crossed Turkey's borders. There were highly coordinated attacks and demonstrations throughout Europe. During the same period, the US State Department published several reports on the involvement of the PKK in organized crime and drug trafficking. These events led to the organization being considered a terrorist organization⁴.

Under pressure from Turkey, Syria has also stopped harboring the PKK. This pushed them to relocate to the Qandil Mountains in northern Iraq, just across the border from Turkey, where it has remained until now⁵.

Abdullah Ocalan was arrested in Kenya in 1999, but his arrest did not deter his followers. Although they did not act in any way for the next six years, the PKK consolidated its power and reorganized⁶. PKK, as a political party, operates under different branches in the region: there is PJAK in Iran, PCDK in Iraq and PYD in Syria⁷. They are all known to engage in violent activities. In recent years, the most active is the armed wing of the PYD-YPG.

In the next period, Turkey has seen a dramatic drop in terrorist attacks and deaths. However, the violence began again in 2015, when the ceasefire was unilaterally broken by the PKK and the main figure in the organization, Bese

¹ European Union, *European Union: Counter Terrorism Strategy, Programs and Activities Handbook*, 2011, p. 24

² Redacția Haber 7, *Önce ortam hazırlandı, sonra darbe*, <http://www.haber7.com/siyaset/haber/111090-once-ortam-hazirlandi-sonra-darbe> (2005)

³ Ion Necula, *Turcia a anunțat efectuarea de raiduri aeriene în nordul Siriei pentru anihilarea rebelilor kurzi*, https://www.stiripesurse.ro/turcia-a-anuntat-efectuarea-de-raiduri-aeriene-in-noudul-siriei-pentru-anihilarea-rebelilor-kurzi_1390185.html (15.04.2022)

⁴ Redacția TRT, *Rolul Organizației Teroriste PKK / KCK în traficul de droguri*, <https://www.trt.net.tr/romana/lume/2018/03/20/rolul-organizatiei-teroriste-pkk-kck-in-traficul-de-droguri-933983> (15.04.2022)

⁵ Redacția Daily Sabah, *Nurtured in Qandil, PKK terrorists move to NE Syria, terrorize wider region*, <https://www.dailysabah.com/war-on-terror/2019/07/30/nurtured-in-qandil-pkk-terrorists-move-to-ne-syria-terrorize-wider-region> (15.04.2022)

⁶ Redacția DW, *Liderul PKK, Abdullah Ocalan, îndeamnă susținătorii să predea armele*, <https://www.dw.com/ro/liderul-pkk-abdullah-ocalan-îndeamnă-susținătorii-să-predea-armele/a-16691455> (15.04.2022)

⁷Gareth Stansfield, *The Kurdish Question Revisited*, Oxford University Press, New York, 2017, p. 325

Hozat, announced through the media that the time had come for a "revolutionary public war"¹.

Meanwhile, the fight against Daesh in Syria has intensified and the United States has shifted its allegiance to the YPG². With US support, YPG changed its name to the Syrian Democratic Forces (SDF), receiving equipment and training. The US-backed SDF removed Daesh from the region in 2017, but then took control.



Foto 1. Kurdish fighters raise flag of PKK leader in centre of Raqqa³

According to the official CEDO website⁴, 70% of PKK's finances come from drug trafficking and tax collection. In 2015, Amnesty International published a report⁵ in which he presented how the SDF groups deliberately set fire to localities and forced the inhabitants to leave.

Turkey is also trying to erase its border with the group that blocked Turkey and killed hundreds of people. In 2016, Turkey launched Operation Euphrates Shield. His goal was to drive out Daesh and the YPG in northern Syria. Then, in 2018, came the "Olive Branch" operation in Afrin. As a result of the two operations, at least 340,000 refugees were able to return home. Today, Turkey is

¹ Al Jazeera, *Claim: Ceasefire with PKK breaks down after Suruc attack*, http://factcheckingturkey.com/claim-ceasefire-pkk-broken-down-after-suruc-attack-65#footnote5_5lesk6i, (15.04.2022)

² Ministry of Foreign Affairs of Turkey, *PKK*, <http://www.mfa.gov.tr/pkk.en.mfa> (15.04.2022)

³ <https://www.middleeasteye.net/news/kurdish-fighters-raise-flag-pkk-leader-centre-raqqa>, (15.04.2022)

⁴ For details see <https://www.echr.coe.int/>

⁵ Amnesty International, *'We had nowhere else to go' Forced displacement and demolitions in northern Syria*, Peter Benenson House, London, 2015, <http://www.aina.org/reports/aiwhnetg.pdf>, (15.04.2022)

conducting Operation Peace Spring to create an area of 480 km long by 30 km wide that separates them from the Kurds¹.

Despite these actions, there are obstacles that prevent them from invading the region:

Since 1984, the PKK has been fighting the Turkish state, killing more than 40,000 people. According to a CIA Factbook², There are an estimated 12 million Kurds in Turkey. The PKK claims that it is fighting for the right of self-determination for the Kurdish people of Turkey.

This group is recognized as a terrorist organization not only by Turkey, but by many entities, including the EU, NATO, USA, Australia, Japan. However, the United States has been training and arming the FDS group since 2015. Despite its known affiliation with the PKK, the United States has seen the FDS as a key ally in its fight against Daesh in Syria. As of 9/29/2019, more than 300 civilians in Turkey have been killed by Daesh, and Turkey has arrested more than 5,000 Daesh terrorists and neutralized 3,500³.

An important question to ask is - Why didn't the US seek a partnership with Turkey in the fight against Daesh? "We are accused of supporting Daesh (Islamic State). It now provides support to terrorist groups, including Daesh, YPG, PYD. It is very clear. We have confirmed evidence with pictures, photos and videos"⁴, Recep Tayyip Erdoğan, the President of Turkey.

Instead, US support for the SDF has encouraged the terrorist group, which claims to be Kurdish interests, although most Kurds oppose the SDF and the PKK. In 2019, UN Secretary-General Antonio Guterres said the YPG had recruited 313 children and used many schools for military purposes⁵.

As Operation Spring of Peace continued, FDS released 800 prisoners from Daesh prisons to hamper Turkey's attempts to secure the area.

Conclusions

In conclusion, as long as the PKK gained the support of the West, not only the people of Turkey but also the Arabs, Kurds and Turkmen in the region suffered, despite the terrorist organization's help in capturing and killing Daesh-affiliated terrorists.

¹ Redacția TRT, *Op. cit.*

² CIA, *CIA factbook. Middle East: Turkey*, <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html>, (15.04.2022)

³ Onur Orhan, *Turkey: 100 Daesh/ISIS terrorists arrested in raids*, <https://www.aa.com.tr/en/turkey/turkey-100-daesh-isis-terrorists-arrested-in-raids/1630733>, (15.04.2022)

⁴ Toksabay Ece, *Erdogan says U.S.-led coalition gives support to terrorist groups in Syria*, <https://www.reuters.com/article/us-mideast-crisis-syria-turkey-idUSKBN14G1EU>, (15.04.2022)

⁵ Betül Yuruk, *313 children recruited by YPG/PKK terror group: UN*, <https://www.aa.com.tr/en/politics/313-children-recruited-by-ypg-pkk-terror-group-un/1543354>, (15.04.2022)

The interpretation of the SDF as a terrorist organization by Turkish President Recep Tayyip Erdogan, Turkish inaction and attempts to create conflict in the region - all this, together, lead to the creation of opportunities for Daesh. The history of this terrorist organization shows an evolution dependent on the environment, because in the periods when it received support, it offered help and behaved like a US ally, and when it received "anti-terrorist" treatment it behaved exactly like a terrorist organization. This leads to the idea that the terrorist organization, although an asymmetric threat, or perhaps that is why it should be kept close, used for the purpose of achieving global security, to receive a purpose and the means to accomplish it. With extreme caution and continuous surveillance, the PKK could help fight the Taliban, as well as other theaters of operations, alongside NATO forces.

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**SECURITY INFORMATION AND SECURITY GUARANTEES OF
INFORMATION PROVIDED IN A REENGINEERING PROCESS**

Abstract:	<p><i>Following the analysis of the theories specific to the process of carrying out a Business Reengineering Plan (BPR), from the perspective of the security of the information provided and the security guarantees offered to the management of any such process, we consider that a systemic approach to introduce the subject among the central themes of the term is needed.</i></p> <p><i>Management reengineering and/or management reengineering at the organizational/corporate level is one of the major challenges facing the shareholders/owners of a company that initiates such an approach today.</i></p> <p><i>The lack of information protection and the guarantee of its security, within the concept of reengineering, especially in the current society conditions (characterized by major economic effects caused by crises, pandemics, cyber attacks, etc.), is one of the big unresolved problems of reengineering but also the major reason for the distrust of employees in companies subject to this process.</i></p> <p><i>As a solution, we propose the introduction in the Reengineering Plan of a new step, called security, along with the seven steps of classic reengineering, in view of the need to ensure information security during the process, a step that thus becomes conditional.</i></p> <p><i>At the same time, the stability of the BPR is characterized by a state of resilience, based on the balance of three components: organizational culture/trust, team professionalism and technological level appropriate to the legal environments, which only in reciprocal balance can ensure the success of the process.</i></p>
Keywords:	Reengineering; information management; information society; Business Plan of Reengineering – BPR; information security; security guarantees; information resilience
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Introduction

The need to analyze this aspect related to information security and security guarantees offered in a reengineering process, an aspect not highlighted at all so far in any paper published on this topic, also takes into account the two currents of presentation of doctoral theses on this topic. . In fact, it is the "classicist" and "synonymous" current of these works recorded and published on the subject of reengineering. Basically, the "classicists" take over what was written and stated before them by the coryphaeus of the term, and the "synonymists" - majority in number, prefer to use synonyms commonly in defining the same terms and their analyzes as in the works of their predecessors.

That is why the very existence of these two currents may have caused the above-mentioned issue to be overlooked, although its importance is major in the case of a Business Reengineering Plan/Business Plan of Reengineering (hereinafter referred to as BPR). Another reason for not analyzing this aspect is that the vast majority of those who wrote on this topic of reengineering were trained by economists and this issue falls very much to the information analysts and specialized lawyers.

The method used so far to ensure that this aspect consisted only of simple contractual clauses of confidentiality extremely difficult to implement in practice, due to legal issues such as deadlines, legal proceedings, legislative inconsistencies between states, cumulated and with the high degree of failure of reengineering processes, procedural fees etc.

In a major challenge, from the evolution of the current society to the fulfillment of the criteria established for an information society, the protection of information and security guarantees become vital to any business or BPR.

Literature review

Michael Hammer and James A. Champy¹ are considered to be the parents of reengineering itself, they are the ones who defined and launched the concept and Bhudeb Chakravarti² is the one who will later launch the "seven steps theory of reengineering" called by us: INSPIRE by using the initials of these steps. Adam

¹ Michael Hammer, James Champy, *Reengineering the Corporation: A Manifesto for Business Revolution*, Harper Collins Publisher, New York, 2006

² Bhudeb Chakravarti, *Business process management*, https://www.bhudeb.com/bpm-bpr#inbox/_blank, (16.04.2022)

Smith¹ said in 1776 that "the division of labor is the essence of industrialization and the progress of mankind" while Frederick Winslow Taylor- the founder of scientific management, propagated Adam Smith's principle of the social division of labor as a guarantee of the success of any human activity. At the same time, however, the procedural approach in management, first proposed by Henry Fayol²³, represents the management process in terms of the five functions of management, Fayol linking the evolution of the procedural approach to increasing the importance of mutual relations. In our opinion as a complement to this concept stated by Hammer and Champy, the following three principles appeared in 1994, principles that senior management should know before starting a BPR Bussiness Process of Reengineering).

1. Changing a management process focuses on external objectives, because all those objectives that may involve the outcome of the process in customer satisfaction;
2. Coordination of complex horizontal activities will require first of all the development of connections and boundaries in the same plane;
3. Management team members should have primary access to all unfiltered information in a way that is easy for them to access. Al Mashari and Zairi⁴ in particular, rightly insist that the relocation and resizing of the IT network are major factors in the success of the BPR implementation process. Viewed from the perspective of Koestler's Holonic theory⁵, the internal capacity of the company offered by the internal Intranet system, ensures a true holistic business system structure.

The term BPR differs substantially from common practice and can be a "process innovation" according to Thomas Davenport⁶ while Attaran and Wood⁷ they claim that: "the ultimate theme of a business process is to find the means to improve which in turn will generate rapid and substantial gains for the company's

¹ Adam Smith, *The Wealth of Nations*, Chapter I - Of the division of labor, Wordworth, Stansted, 1776

² Frederick Winslow Taylor, *The Principles of Scientific Management*, Dover Publications, Mineola, New York, p. 43

³ Henry Fayol, (1949), *General and Industrial Management*, Dover Publication, Mineola New York, 1911, p 43

⁴ Majed Al-Mashari, Mohamed Zairi, *Revisiting BPR: a Holistic Review of Practice and Development*, "Business Process Management Journal", March 2000, <https://www.emerald.com/insight/content/doi/10.1108/14637150010283045/full/html>, (16.05.2022)

⁵ Arthur Koestler, *The Ghost in the Machine*, Hutchinson, London, 1967

⁶ Thomas H. Davenport, J. Gilbert, B. Probst Heinrich von Pierer, *Knowledge Management Case Book*, , 2nd Edition, Siemens Best Practice, 2002, p. 10

⁷ Mohsen Attaran, Glenn Wood, *How to Succeed at Reengineering*, "Journal of Management Decision", vol. 37, No. 10/1999, p. 37

performance". To understand the importance of information management we must mention the following¹:

1. Any information system in a business must comprise all the data, information, procedures, information circuits and methods used in the information process, which presupposes the existence of a complex, and as secure as possible, a mechanism for collecting, processing, storage, use and transmission of data and information.
2. The general components of an information system are: data and information, information circuit, information procedure and means of information processing, data protection means, mechanisms for guaranteeing data and information protection.
3. The data stored or not, in circulation or in storage, are represented by facts, processes, situations, mechanisms, events expressed lyrically or numerically, being the symbolic support of the information of a business. All this data is organized and recorded in turn in a complex set of data that gives their operator the exact way to know about the organization, resources, results and its environment.
4. Criteria for the existence, sorting, presentation, communication and use of information recorded in an organizational system:
 - a) By mode of communication: oral information; written information; audio-visual information;
 - b) By character: information free to be known, information with internal degree of security, sensitive information;
 - c) By origin and destination: internal information, external information, official information, unofficial information;
 - d) By direction of travel: ascending information, descending information, collateral information;
 - e) According to their importance for the organization: secret information with limited use of top management, restricted circuit information, public information;
 - f) According to the level of legal protection: information protected by the laws on intellectual property protection for which the specific procedures were performed by the organization officials, information protected by the laws on intellectual property protection for which the specific procedures were not performed by the organization officials, information and programs guaranteed in terms of their security.

Accurate, correctly selected, and quality information is critical to creating an effective information system within a BPR without which the team in charge of building the proposed model cannot achieve the purpose for which it was requested. That is why there are common procedures for defining terms related to the information system, information protection and guaranteeing information

¹ M. Petrescu, A.G. Petrescu, Fl. R. Bilcan, V.A.Camarasan, *Tools and mechanisms regarding the management of classified information – From theory to practice*, Biblioteca Targoviste, Targoviște, 2019

regardless of the field of activity, as they are generally applicable. Any reengineering activity will be analyzed in the following "seven steps" ¹:

1. *Information circuits*, ie itineraries of data, information and decisions from the issuer to the beneficiary.

2. *The information procedure* or the set of elements for establishing and using the methods of collecting, processing and transmitting the information contained in certain *information circuits*. The procedures in question are based on certain instructions, models and algorithms through which the data become information, while acquiring a high degree of formalization and typing based on which their sorting, securing, application and guarantee are done.

3. *The means of processing* information which are in fact all the methods of collecting, storing, recording, processing and transmitting data and information may be: normal, mechanical and/or computerized.

4. *How to collect, process and disseminate information within the organization*. Gathering information is, from a theoretical point of view, a complex process of researching formal and informal sources, practical conditions of access and technical devices necessary for gathering and most information leaks outside the organization are based on systemic problems. to these.

5. *Determining the strategic priorities and the elements of impact on its activity is part of the analysis process within an BPR*. Specifically, the reengineering team must identify the information available to it for decision-making in appropriate conditions. Depending on these, as well as on the team's own, it will be possible to proceed to the formation of the informal plan on the model proposed to the organization.

6. *Information plan*. The result of the analysis must necessarily identify, concretize and visualize the differences between the current sources of information (of the organization and the reengineering team) as well as the priority areas of research. This plan is the product of the strategic and operational queries of the organization made by the reengineering team and indicates the real level of financial, human and informational resources of the organization as well as its development and maturity.

7. *Establishing the priority areas of the analysis within a BPR in terms of information* includes the following actions²

- Identifying people and means of internal research
- Verification of internal and external sources of information and research
- Creating an effective filter for the intended purpose in order to select only the necessary information
- Classification of information and sources
- Creating a scale based on the urgency of the need for information and the importance of information
- Determining exactly the beneficiaries of the information

¹ *Idem*

² *Idem*

- Communicating the tasks related to this subject to the personnel with attributions in the field within the organization subject to reengineering.

Normally any organization should be able to make unrestricted use of the means and methods of gathering legal information, and by using directly or indirectly accessible sources of information, it will usually be able to obtain sufficient data and information. Therefore, the organization itself must know very well the information it holds and disposes of, so as not to end up in the situation of looking for information it already has (the most common case is related to the possession and validity of copyright, patents, inventions, etc.). Thus, if the information plan, developed by the reengineering team based on the information provided by the heads of the organization subject to reengineering, is properly implemented, it will become the basis for building the model proposed by BPR for approval to top management or shareholders. The first problems that arise are in this area, because the organization undergoing reengineering does not provide all the real and necessary data - from the desire to protect itself but also from the lack of guarantees offered by the team performing the reengineering. Because of this, in the model proposed by the team, the first distortions begin to appear, smaller or larger but important enough to alter the success of such an activity.

On the other hand, the organization intentionally underestimates the availability of much of the necessary information, based on the idea that it would fall into the category of confidential information.

In order to obtain the necessary data and then to carry out a correct analysis of the organization, the members of the engineering team must:

- have the ability to understand development priority;
- have technical knowledge to enable them to understand the meaning of the information gathered;
- possess data and knowledge regarding the organizational culture of the analyzed business - use a common language of communication, preferably that of the majority nationality within the analyzed organization;
- to present certain security guarantees to the organization and to the employer.

It should be noted that almost half of the information sought outside an organization is actually found inside it, which is determined by the fact that the information available to the organization is not correct and properly structured and therefore any information that has become publicly accessible. During the work of the reengineering team, it will arouse suspicions of unauthorized leaks and the first to be targeted will be the members of the reengineering team.

Guarantees of information security in a reengineering process

In order to be able to request guarantees of information security in a reengineering process, we must start from some important and obligatory premises as follows:

1. Defining the concept of information: information can be presented and constituted in many ways and from different perspectives, in general, however, it is

represented by documents, data, objects or activities, regardless of their medium, form, mode of expression or circulation.

2. Knowing the classifications of information from a legal point of view

According to the legislation approved, published and in force in Romania, the information is classified as follows:¹

- Non-advertising information² ;
- Information of public interest³;
- Unclassified information;
- Personal data information⁴;
- Classified information⁵ .

3. "Nemo censetur ignorare legem - Ignorance of the law does not absolve from the guilt of its non-observance!"⁶. Knowledge of the legal principle valid in any national system stated in the title by any member of a reengineering team is mandatory because "No one is above the law!"⁷.

Also, the knowledge and observance of the related laws at local, regional, national, continental, global and sectoral level is strictly obligatory for the members of the reengineering teams because their violations are the reasons for the need for reengineering or the reasons for the failure of reengineering. It is well known that many companies have sensitive data, secret service data, classified data, patents and inventions, impact contracts, etc. and access to them is strictly restricted⁸.

As we mentioned before, access to this data is not desired by the shareholders of the company undergoing reengineering given the effects of their knowledge outside the company. Access to this data by a team outside the company, even if its role is obviously objective and sustainable, has highlighted a possible "Trojan horse" of reengineering. We must take into account the situation that existed after the 1990^s, when the military-geopolitical blocs disappeared, the Eastern society was preparing to adapt to the demands of the typical consumption of the West, the West wanted the secrets of the East. the two great currents (American and European), the rapid spread of the computerization of society, etc. The question that arises regarding this sensitive area of the guarantees offered by reengineering teams and the non-inclusion of this aspect in the circle of graphic

¹ *Idem*

² Petre , Burlan Daniel, *The New Criminal Code* , Rosetti International, București, 2020, art. 304

³ *Law 544/12.10.2001 Regarding the free access to information of public interest* , Monitorul Oficial no. 663 /23.10.2001

⁴ <https://gdpr.eu/> Complete Guide to GDPR compliance, (18.02.2022)

⁵ *Law 182/12.01.202 Regarding the protection of classified information*, Monitorul Oficial No. 248/12.04.2002

⁶Romanian Constitution., art . 1

⁷Romanian Constitution, art. 16, paragraph 2

⁸ M. Petrescu, A.G. Petrescu, Fl. R. Bilcan, V.A.Camarasan, *Op.cit*, p. 20

representations of reengineering is the following: "Why aren't security guarantees offered in a reengineering process?". Here are some possible answers from the theory and practice of reengineering:

1. The process of reengineering from a theoretical point of view does not provide anything about compliance with information security and ensuring their security by the team hired to perform this activity.
2. Reengineering, created after 1990, was indirectly aimed at finding out information inside the organization, secret information, internal circulation, etc. so that it could be used unofficially later! This is how the Israeli intelligence systems managed to get the technical documentation of both the parts of the Soviet-made MIG 21 fighter jets and the tools, systems, etc. that produced the tools, subassemblies and parts. As a result of a reengineering offered to repair companies outside Russia, accredited for this aircraft, this was possible, which allowed Israel to gain control of the international military arms market, an extremely popular product and present in military aviation. of most states in the sphere of ex-Soviet influence, many of these states having enemy status,
3. Negotiations establishing the contractual terms of such a process should have included both the "winning premium" and the "interest insurance" in case of failure, information leakage, etc. As payments are made in part in advance, in theory a special fund should be set up which would increase costs and lead to the immobilization of significant financial funds, in addition to long-term legal actions, high costs, additional staffing and resources, and an unforeseen end.

Author's theory of the seven steps of reengineering through the prism of information security in a bpr

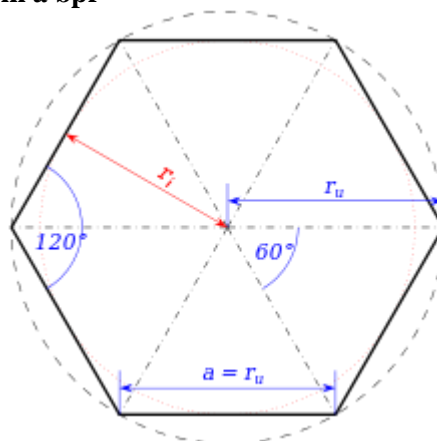


Fig 1. The geometrical figure of a regular hexagon

Source: Authors

The regular hexagon is a regular convex polygon with six equal sides. Its internal angles are congruent, each measuring 120° (the sum of the measures of its angles being 720° , as in any hexagon). The circle around a regular hexagon has a

radius equal to the side of that hexagon. The circle inscribed in a regular hexagon has a radius equal to $L_6 \sqrt{3}/2$, where L_6 is the side of that hexagon. In plane geometry, the apothem r_i of a regular polygon is one of the right segments that connect the center of the polygon with the middle of one of the sides (figure above), but this term can also refer to the length of this segment. Until now, any economic analyst who is involved in creating a BPR had to follow the “seven steps of reengineering” (INSPIRE in English and INSPIRA in Romanian) ordered as such by Bhudeb Chakravarti and considered axiomatic in the whole thinking of management, because they are the very stages of the process:

1. Initiating the reengineering process and preparing the "*business case*";
2. Negotiating with the senior business management and approving the start of the construction of the BPR project;
3. Selecting key areas where reengineering is needed;
4. Planning the reengineering process and its stages;
5. Investigating the causes and analyzing the reasons why the problems appeared in the areas discovered to be weak;
6. Redesign (redesign) of areas discovered to have problems in order to increase performance;
7. Ensuring the successful implementation of the plan through continuous monitoring and evaluation. In our opinion, steps 1 and 2 are obviously so closely linked that they can easily be merged with what we have called information protection and security guarantees; security in a reengineering process is practically one of the mandatory steps of the process called security.

We suggest that for the visualization of a BPR of any type, the formula of a regular hexagon inscribed in a circle, starting from the idea that an equilateral triangle represents the best and really one of the segments of any such plan. Until now, the idea induced by the shape of the pyramid has been frequently used to explain the processes and organization charts of a business, company etc. Although the graphic representations in all published works indicate a triangle called "pyramid". In this way we will have 6 equilateral triangles that represent these steps numbered as follows:

1. Initiation of the reengineering process, preparation of the "*business case*" and negotiation with senior business management and approval of the start of construction of the BPR project
2. Selection of areas key where it is necessary to intervene by reengineering
3. Planning the reengineering process and its stages
4. Investigate the causes and analyze the reasons why the problems appeared in the areas discovered to be weak
5. Redesign (redesign) of areas discovered to have problems in order to increase performance.
6. Ensuring the successful implementation of the plan through continuous monitoring and evaluation.

In order to ensure the balance and to maintain the unity of the regular shape of the hexagon, in fact of a BPR, each triangle must keep its qualities and

properties of an equilateral triangle. This is due to the equality and importance of each step in a BPR. The demarcation areas between the steps are represented by the radii of the circle and thus ensure that at least two sides of the triangle are permanently equal. The natural tendency is for each step - triangle, to tend to increase at the expense of the other steps - the other triangles. In order to maintain a control that ensures the maintenance of the evenness of the step itself, it is acted with a calculable force using the apothem which is also theoretically equal for any of the six equilateral triangles of the BPR¹. In other words, for the leader of a BPR, theoretically the same force should be needed to maintain the implementation of such a process. This means streamlining the management process of the management of a BPR and reducing the consumption of resources involved in the BPR process. The apex of the hexagon is also the force that maintains the evenness of the triangle but also the communication channel with each internal segment of the triangle from top to bottom and from bottom to top. Because the sphere is the perfect shape in geometry in space and the circle is the perfect shape in plane geometry. Therefore, for a BPR to be perfect, it is necessary to present it in the form of a circle, as most researchers do.

At this point, however, we will find that the spaces outside the regular hexagon represented by the BPR plan itself are also six in number, the areas of which can also be calculated. Basically, these six areas are the ones that constitute step 7 = security, though the one of information protection and security guarantees in a BPR, they are also the protection and buffer zones against disturbing actions both inside and outside. The two points of contact of each triangle with the edge of the circle circumscribed by the hexagon represent the minimum average of the possibilities of disturbing the balance of the information protection system and of the security guarantees, though of trying to penetrate from the outside or leaking information from the inside.

¹ *Property 2. In an equilateral triangle, all the important lines starting from the same vertex coincide (the bisectors of the angles coincide with the heights, medians and mediators). These are also axes of symmetry.* <https://liceunet.ro/ghid-geometrie/coliniaritate-concurenta-paralelism/centrul-cercului-circumscribit-relatia-lui-sylvestor>, (18.02.2022)

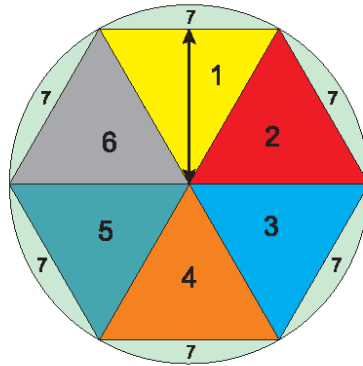


Fig. 2 Case studies in the analysis of the information protection system within the Osiceanu Theory model
Source: Author

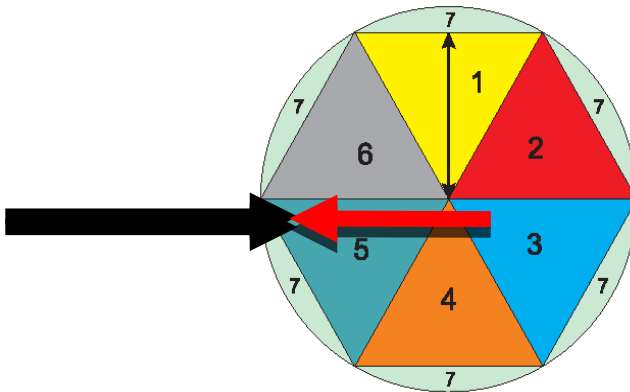


Fig. 3 Scenario 1: Attack on the system executed from outside of it
Source: Author

FE = External force is :

- a disruptive external force of the system which consists of actions of the market, of competition, of certain persons or groups, as a result of changes in legislation or the environment, etc.

FR = Inner force is a force :

- response, internal to the system
- designed and constructed with the construction of the system itself to ensure the balance of the system in relation to the external disturbing force that may occur
- equal in any point of contact with the outside being represented from a mathematical point of view by the radius of the circle

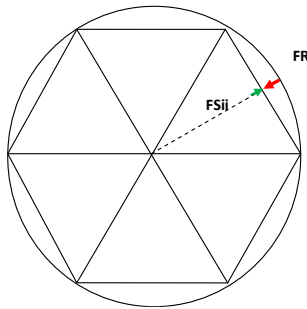


Fig. 4. Scenario 2: Leakage of information inside the system
Source: Author

FSII - The force of information leaks inside the system:

- is generally low in value due to the small number of employees who may try to either test the reaction force of the system or even try to penetrate security step 7;
- it can cause great damage to the system but mainly in combination with an external attack.

FR - The reaction force of step 7 Security is :

- made from the calculation of the system itself in the design phase;
- based on internal protection resources;
- usually given by the IT equipment of the system;
- the first system left behind from a technological point of view;
- one of the major consumers of system resources.

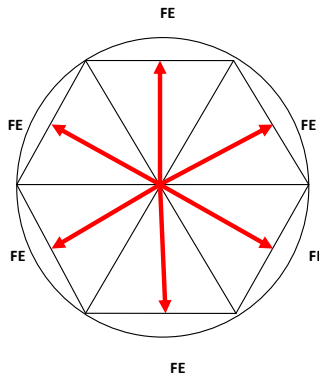


Fig 5. Scenario 3: The natural tendency of each internal system to become dominant relative to the others within any sum of systems that make up a defined whole system
Source: Author

FE - the balance force is:

- equal in all equilateral triangles representing the six steps of a BPR Business Reengineering Plan;

- theoretically equal in size to the apex of the hexagon in case of leakage of information inside the system as in the case of the scenario;
- is equal to the radius of the circle in the case of an attack on the system executed from outside it as in the case of scenario 2;
- in the situation of the analysis of the BPR itself as a global mechanism or system the apotheosis is the force of the general system that must maintain the internal balance of the system;
- in the case of the step analysis itself as a subsystem visualized by the equilateral triangle is equal to the geometric height;
- the force that plays a major role in maintaining the internal balance of the six steps of the BPR, due to the natural tendency of each internal system to try to develop to the detriment of the others. A BPR is an obvious disruptive factor of the already disturbed system from its equilibrium state, a system that the team that performs, implements and verifies seeks to restore it to its previous equilibrium state. In the following we will study the resilience of the system proposed by the theory launched above and for this:

1. We will first define the term resilience as the ability of someone to return to normal after suffering a shock, in our case an economic shock¹.

2. We will name the vertices of the equilateral triangle as follows:

A) culture: in our case the organizational culture of the society subject to reengineering;

B) environment, entering here:

- the material basis of the company subject to reengineering;
- business environment.

C) knowledge, in our case:

- principles and levels of Knowledge;
- its implementation (including the employee's conscience, the process of knowledge, etc.) within the company subject to reengineering. Since it is an equilateral triangle, it is obvious that in order to respect the equilibrium and maintain the evenness of the triangle, the point of intersection of the forces generated (assimilated to the important lines of the equilateral triangle) by each vertex of the triangle will always be the same and located in the center of gravity of the figure².

3. Considering that the need for reengineering is precisely due to the disruption caused to the system by one of the three forces corresponding to each angle, in order to respect the equilibrium of the company subject to reengineering - ie for

¹ <https://dexonline.ro/definitie/rezilienta>, (20.02.2022)

² Property 3. In an equilateral triangle, the center of the circumscribed circle coincides with the center of the inscribed circle, the orthocenter and the center of gravity, <https://liceunet.ro/ghid-geometrie/coliniaritate-concurrenta-paralelism/centrul-cercului-circumscri-sylvester's-relationship>, (18.02.2022)

the success of the proposed plan , it will have to act accordingly. For this, each of the 3 components will first be analyzed in the steps in the number 2 and 4 of the BPR, respectively and Depending on the result of the analysis, action will be taken on them to restore the steady state.

We will calculate the BPR identity resilience index IRI. To do this, we must first specify the indicators for each corner of the figure, indicators that must be considered when establishing the mathematical relationship to define the equilibrium of the company/business subject to BPR. Thus, we will have:

The sum of indicators related to organizational culture and measuring confidence $\Sigma \mathbf{I}$:

A) - confidence in the management of the company ;

- business confidence ;

- level of employee satisfaction;

- confidence in the new business processes proposed by BPR ;

- the degree of community / brand cohesion of employees subject to BPR;

- the level of multiculturalism existing in the society subject to BPR .

B) The sum of the indicators related to knowledge $\Sigma \mathbf{ICU}$ - the development index of new technologies and processes proposed by BPR ;

- degree of use of foreign languages;

- number of unskilled, skilled and highly qualified employees.

C) Sum of environmental indicators $\Sigma \mathbf{IM}$:

D) the level of SAB budget allocations with an impact on employees proposed by BPR;

- the level of SAB budget allocations with an impact on the endowments proposed by BPR;

- restrictions/facilities imposed/brought by recent amendments to laws, regulations, etc. at local, national, international level but with a direct or indirect impact on the business.

The equation of the IRI IDENTITY RESILIENCE INDEX of the IRI BPR, practically the equilibrium of the analyzed business system will be, taking into account the proposed mathematical model of the equilateral triangle, the following:

$$IRI = \frac{\Sigma \mathbf{IC} + \Sigma \mathbf{ICU}}{2\Sigma \mathbf{IM}}$$

We will use for the identity resilience index of a BPR the value 1 as maximum and which value corresponds to an ideal situation in which the company made profit, fulfilled its projects, employees and suppliers were paid etc and 0 as the minimum value corresponding to closing the business.

Due to the fact that the angles are equal in the equilateral triangle and each value of each sum must be equal to either of the other two, regardless of the number, importance, value and size of the indicators that make up the amount in question:

$$\Sigma \mathbf{IC} = \Sigma \mathbf{ICU} = \Sigma \mathbf{IM}$$

It is also obvious that by respecting this formula the value 0 theoretically cannot be reached within a BPR which leads to the following conclusions:

1. A BPR cannot be considered to have zero value .
2. The 3 determining values in a resilience calculation of a BPR (culture, environment and knowledge) are those that encompass both the material and immaterial aspects of a business.
3. The role of an BPR is to restore the uncontrolled disturbed system, identified as the business itself , to equilibrium by producing a controlled disturbance but¹
4. Any BPR is subject to a state of resilience identified by the 3 components mentioned above, which only in balance can ensure the success of the process.

Conclusions

1. Reengineering is a means of action and reaction of neoliberalism of great relevance and widespread in the world economy.
2. Management reengineering and/or management reengineering at the organizational/corporate level is one of the major challenges facing the shareholders/owners of a company that wants to execute such a process today.
3. The protection of information and the lack of guarantee of its security within the concept of reengineering, especially in the conditions of today's society (characterized by serious economic effects caused by crises, pandemics, cyber attacks, etc.), is one of the great unresolved problems of reengineering but and the major reason for the distrust of employees in companies subject to this process.
4. As a solution we propose the introduction in the Reengineering Plan of a new step, called security along with the seven steps of classic reengineering, in view of the need to ensure information security during the process, a step that thus becomes conditional.
5. Osiceanu's theory on the seven steps of reengineering in terms of information security in such a process introduces, describes, motivates and justifies the need for the new step security.
6. The lack of a separate research topic related to the introduction in a BPR of an analysis of the resilience of the business subject to this process, the execution of a resilience plan, etc. is, in our opinion, one of the causes of the high failure rate of reengineering.
7. At the same time, the stability of the BPR is characterized by a state of resilience, based on the balance of three components: organizational culture/trust, team professionalism and technological level appropriate to the legal environment, which only in reciprocal balance can ensures the success of the process.

¹ John Naisbitt, *Megatendinte*, Politica, București, 1984, p.79

Theme 1:	The specific objective (OS)	Research hypothesis (I)
Protection and guarantee of information in a system subject to reengineering	OS 1. 1. Identifying the information, the way of collecting, transmitting, analyzing, using, storing, reintroducing its use,	I.1.1. Shortcomings of the reengineering process in ensuring the security of the information provided in an BPR
	OS 1.2. Analysis of existing methods of protection and assurance of information security in a system subject to reengineering	I.1.2. Lack of information security reengineering in a BPR
	OS1.3. Introducing new approaches to information security and information security in a reengineering process	I. 1. 3. The possibility of completing the theories of information and reengineering through the Osiceanu Theory on the seven steps of reengineering

Tab. 1. General Dashboard of Theme 1: Protection and guarantee of information in a system subject to reengineering

Source: Author

Specific objective OS 1.1. Identification of information, of the way of collection, transmission, analysis, use, storage, reintroduction into use of it, Hypothesis I.1.1. Shortcomings of the reengineering process in ensuring the safety of the information provided in a BPR.

Theme 1: Protection and guarantee of information in a system subject to reengineering			
OS 1. 1. Identifying the information, the way of collecting, transmitting, analyzing, using, storing, reintroducing it into use,	I. 1. 1. Lack of the reengineering process in terms of ensuring the security of information provided under an BPR		
Questionnaire	Result	Measurement method	Research variable
1. Are there any gaps in the security of information provided in an BPR or not ?	Yes: 306 No: 144	Open question (Yes/No)	knowledge of the concept and the law
2. He is considered to be the strongest who; A) holds the information and cannot use it B) stores the information and can use it whenever needed ?	A: 221 B: 229	open question (Yes/No)	knowledge of the concept
3. The legal framework for information security is established in Romania by : A) law B) internal documents	A: 312 B: 138	open question (Yes/No)	knowledge of the concept and the law

4. The information provided in a BPR in Romania is: A) protected by specific laws and regulations B) unprotected	A: 378 B: 72	open question (Yes/No)	knowledge of the concept and the law
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Tab. 2. General Dashboard of Theme 1: Protection and guarantee of information within a system subject to reengineering,
Source: Author

A) ANOVA dispensational analysis of the specific objective OS 1.1; identification of information, of the way of collecting, transmitting, analyzing, using, keeping, re-entering into use thereof. Case 1: Results of the questions according to the answer criteria (yes/A): 306, 221, 312, 378. Case 2: Results of the questions according to the answer criteria (no / B): 144, 229, 138, 72.

Anova: Single Factor

SUMMARY

<i>Groups</i>	<i>Count</i>	<i>Sum</i>	<i>Average</i>	<i>Variance</i>
Cazul 1	4	1217	304,25	4144,25
Cazul 2	4	583	145,75	4144,25

ANOVA

<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>P-value</i>	<i>F crit</i>
Between Groups	50244,5	1	50244,5	12,12391	0,013111	5,987378
Within Groups	24865,5	6	4144,25			
Total	75110	7				

Tab. 3 ANOVA dispensational analysis of the specific objective OS 1.1

In the ANOVA table, Statistics **F=12.12391** are calculated with a value **p=0.013111** (materiality threshold). This p-value allows us to say that at least two environments differ significantly (with a probability of 95%), which means that the chosen tactic is appropriate and thus the hypothesis is validated.

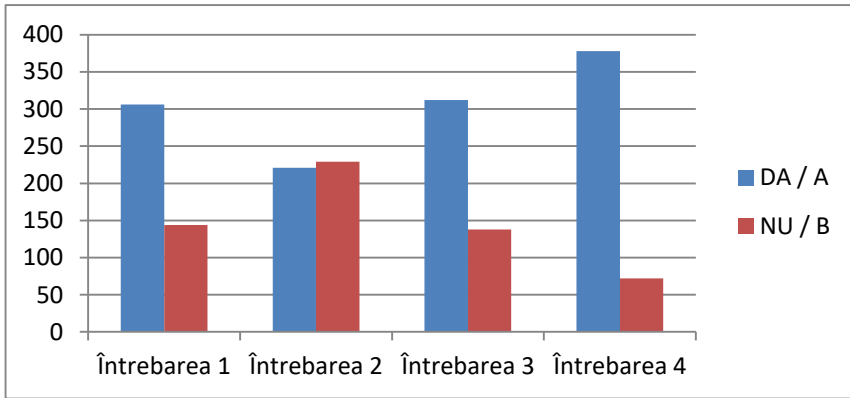


Fig. 6. Graphical representation of the result of the questionnaire for Theme 1, Specific objective OS 1.1, Hypothesis I. 1.1.

Source: Author

Analysis of existing methods of protection and guarantee of information security within a system subject to reengineering, Hypothesis I.3.2.; shortcomings of the reengineering process in the field of the security of information provided within the framework of a BPR

Theme 1: Protection and guarantee of information in a system subject to reengineering			
OS 1.2. Analysis of existing methods of protection and assurance of information security in a system subject to reengineering	I. 1. 2. Lack of information security reengineering in a BPR		
Questionnaire	Result	Measurement method	Research variable _
1. Are current methods of protecting and ensuring the security of information in a system subject to reengineering sufficient ?	Yes: 336 No: 114	question (Yes/No)	knowledge of the concept
2. Is there a model model for regulating the protection and guarantee of information security in a system subject to reengineering ?	Yes: 53 No: 397	question (Yes/No)	knowledge of the law
the method of hiring ORNISS accredited personnel in airlines of national interest or with state capital correct even if it involves higher costs ?	Yes: 276 No: 174	question (Yes/No)	knowledge of the concept
method of employing accredited personnel in national or state-owned airlines ORNISS ensures fully protected a _ and ensuring the security of information in a reengineering system ?	Yes: 392 No: 58	question (Yes/No)	knowledge of the concept
5. Do the companies that ensure the creation and implementation of a BPR guarantee the	Yes: 403 No: 47	question (Yes/No)	knowledge of the

protection and security of the information received ?			concept and the law
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Tab. 4. General Dashboard of Theme 3: Protection and guarantee of information within a system subject to reengineering, Specific objective OS

Source: Author

ANOVA dispensational analysis of the specific objective OS 3.2.; analysis of existing methods of protecting and guaranteeing the safety of information within a system subject to reengineering.

Anova: Single Factor

SUMMARY

<i>Groups</i>	<i>Count</i>	<i>Sum</i>	<i>Average</i>	<i>Variance</i>
Cazul 1	5	1460	292	20408,5
Cazul 2	5	790	158	20408,5

ANOVA

<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>P-value</i>	<i>F crit</i>
Between Groups	44890	1	44890	2,199574	0,176337	5,317655
Within Groups	163268	8	20408,5			
Total	208158	9				

Tab. 5. Case 1: Results of the questions according to the answer criteria (yes): 336, 53, 276, 392, 403. Case 2: Results of the questions according to the answer criteria (no): 114, 397, 174, 58, 47

In the ANOVA table, Statistics **F=2.199574** are calculated with a value **p=.176337** (materiality threshold). This p-value allows us to say that at least two environments differ significantly (with a probability of 95%), which means that the chosen tactic is appropriate and thus the hypothesis is validated.

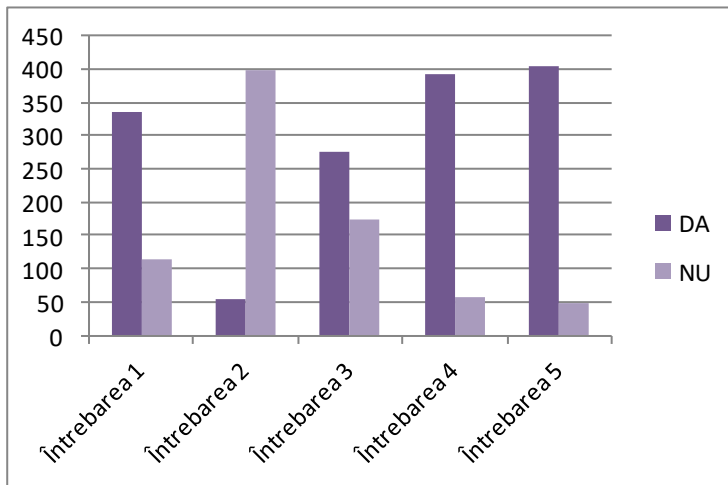


Fig. 7. Graphical representation of the result of the questionnaire for Theme 1, Specific objective OS 1.2, Hypothesis I. 1.2.

Source: Author

Theme 1. Protection and guarantee of information in a system subject to reengineering			
OS 1.3. Introducing new approaches to information security and information security in a reengineering process	I.1.3. The possibility of completing the theories of information and reengineering through the Osiceanu Theory on the seven steps of reengineering		
Questionnaire	Result	Measurement method	Research Variable
1. Is there a need to complete current procedures and applications for information security and information security in a reengineering process?	Yes: 241 No: 209	Question (Yes / No)	knowledge of the concept and the law
2. Does the general theory of reengineering introduce a specific step strictly related to the subject of information security and information security in an BPR, increase its degree of success?	Yes: 317 No: 133	question (Yes / No)	knowledge of the concept and the law
3. Due to the specificities of the field of civil aviation in which the members of the reengineering teams are linked both to the companies subject to this action and to the competing companies through their past, relatives, etc. , as part of a reengineering process by introducing in the general theory of reengineering a specific step strictly related to the subject of security information and	Yes: 339 No: 111	Question (Yes / No)	knowledge of the concept and the law

information guarantee within an BPR?			
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Tab. 6. General Dashboard of Theme 1: Protection and guarantee of information in a system subject to reengineering, Specific objective OS 3.3. Presentation of new approaches to information security and information assurance in a reengineering process, Hypothesis I.3.3.

Source: Author

ANOVA declensional analysis of the specific objective OS3.3.; presenting new approaches to information security and guaranteeing information in a reengineering process

Anova: Single Factor

SUMMARY

<i>Groups</i>	<i>Count</i>	<i>Sum</i>	<i>Average</i>	<i>Variance</i>
Cazul 1	3	897	299	2644
Cazul 2	3	453	151	2644

ANOVA

<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>P-value</i>	<i>F crit</i>
Between Groups	32856	1	32856	12,42663	0,024337	7,708647
Within Groups	10576	4	2644			
Total	43432	5				

Tab. 7. Case 1: Results of the questions according to the answer criteria (yes): 241, 317, 339. Case 2: Results of the questions according to the answer criteria (no): 209, 133, 111.

In the ANOVA table, the statistics **F=12.42663** are calculated with a value **p=0.024337** (materiality threshold). This p-value allows us to say that at least two environments differ significantly (with a probability of 95%), which means that the chosen tactic is appropriate and thus the hypothesis is validated.

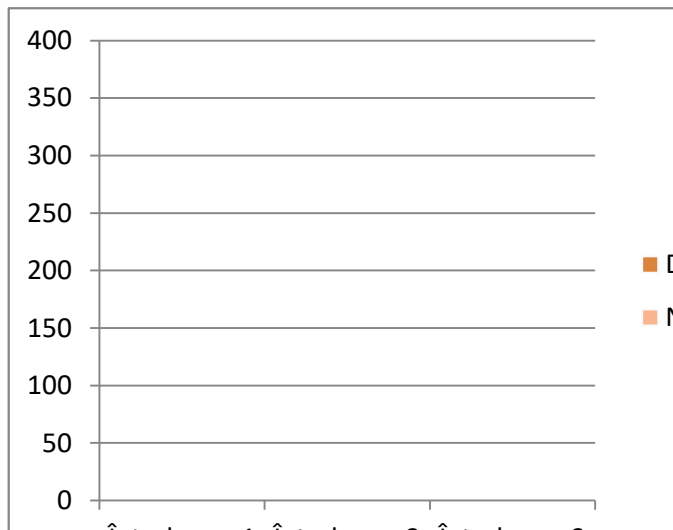


Fig. 8. Graphical representation of the result of the questionnaire for Theme 1, Specific objective OS 1.3, Hypothesis I. 1.3.

Source: Author

The sampling method used was applied on the basis of a random choice to a sample of a selected group. These samples therefore responded to the selection request by completing a questionnaire . The selection was attended by people of different ages, of different sexes and of different professions, who work or have worked in the field of civil aviation, as well as others who had access to related information in the field of civil aviation.

The selection method is part of the category of statistical selection where numbers of people were used as input data according to clearly established criteria and as output data were the graphs of the samples used in the approach of the established criteria.

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**INTERNATIONAL LEGAL REGULATION OF THE FIGHT
AGAINST TERRORISM IN FRAMEWORK OF THE
COMMONWEALTH OF INDEPENDENT STATES**

Abstract:	<p><i>Fight against international terrorism is also led by a regional organization such as the Commonwealth of Independent States, which demonstrates the experience of effective counter-terrorism in the format of cooperation between CIS member states. This is done on the basis of the Treaty on Cooperation in Combating Terrorism (1999) drawn up in the provisions of the Protocol on the procedure and implementation of joint counter-terrorism measures on the territories of the CIS member states.</i></p> <p><i>Programs to combat international terrorism and other manifestations of extremism, for example, developed for the period 2020-2022, come to coordinate the efforts of the CIS states. With the understanding of the extent of the real threat of terrorism, the idea of creating a coordination center arose in the CIS, which later materialized through the creation of the CIS Anti-Terrorism Center (2000). The CIS is in a state of constructive dialogue with various international organizations to find effective ways to combat terrorism.</i></p> <p><i>The article will highlight the activities, the political and legal framework of the Commonwealth of Independent States as a regional security organization in the field of combating and preventing terrorism. The priority areas of cooperation between the CIS and other international organizations in the field of combating terrorism will be also analyzed.</i></p>
Keywords:	International terrorism; international cooperation; fight against terrorism; security threat; the Commonwealth of Independent States; the Commonwealth of Independent States; Anti-terrorism Center
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Modern terrorism has an international character and is distinguished by public exposure, media presence, organization and mass character. In the 21st century, the fight against terrorism remains one of the most persistent problems, the solution of which requires the efforts of the entire world community, as well as the mobilization of all the mechanisms created. The CIS countries faced the threat of terrorism and extremism long before the events of September 11, 2001, after which the fight against terrorism evolved on a global scale.

The Commonwealth of Independent States is a regional international organization designed to regulate relations between countries that were previously part of the USSR. It was founded on December 8, 1991 and now brings together a number of post-Soviet states: the Republic of Azerbaijan, the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, and the Republic of Uzbekistan. Since August 2005 Turkmenistan left the CIS full members and received the status of an associate member. From December 1993 to August 18, 2009, Georgia was part of the CIS¹. Ukraine, along with Russia and Belarus, signed on December 8, 1991 the Agreement establishing the Commonwealth of Independent States (CIS). This act went down in history as the "Belovezhskaya agreement". Ukraine received the official status of a "founding country of the Commonwealth". On December 10, 1991, the Supreme Council (Verkhovna Rada) of Ukraine ratified the Treaty on the Establishment of the CIS, but later the Verkhovna Rada refused to ratify the CIS Charter. That is, Ukraine did not formally join the Commonwealth².

All CIS member states are also members of the UN and the OSCE. Consequently, they are fully responsible for the obligations imposed by the UN Charter and international law. Thus, the preamble to the CIS Charter states that this Commonwealth is acting in accordance with the generally recognized principles and rules of international law, the provisions of the United Nations Charter, the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. This provision means that, in implementing any of its activities, the community relies primarily on these agreements and that any agreements and treaties concluded by the organization should not contradict them³.

Speaking of threats to the security of the countries of the Community, it should be noted that this region is characterized by the presence of weak borders

¹ Internet portal of the CIS, <https://e-cis.info/>, (1.05.2022)

² *Вышла ли Украина из состава СНГ? Зачем ей быть в СНГ вместе с Россией?* <https://regnum.ru/news/polit/2547491.html>, (01.05.2022)

³ *Устав Содружества Независимых Государств 22 января 1993 года*, <https://docs.cntd.ru/document/1903017>, (01.05.2022)

(in the Afghan direction), disputed ones (especially between Armenia and Azerbaijan), adjacent areas of prolonged conflict, including areas of Afghanistan and Pakistan. CIS threats include drug trafficking and arms smuggling; socially motivated mass labour migration, which is both illegal and legal but uncontrolled at the same time, as well as terrorism.

According to the Russian expert B. Milnikov, first Head of the Commonwealth of Independent States Anti-Terrorism Center (from November 200 to November 2006), the operational situation in the fight against terrorism is characterized by the development of several dangerous tendencies. These trends are generated both by external factors associated with the development of international terrorism and by internal motives inherent in the CIS states.

External factors are:

- the emergence or revival of the old geopolitical claims of some neighbouring states towards the CIS countries,
- the transfer on one's own territory of the confrontation of some foreign political forces with their political opponents,
 - regional conflicts,
 - the stepping-up of extremist manifestations of several foreign terrorists, religious, national radical and other foreign organizations.

Internal causes and factors:

- economic crisis, unfair privatization, unemployment and impoverishment of a significant part of the CIS population;
- rising nationalism, ethnic intolerance, religious extremism and separatist sentiments;
- increased feeling of social unrest, insecurity among the significant masses of citizens;
- the loss of ideological and spiritual orientation in life, increased despair and social aggression;
- increase in crime, decrease in the authority of administrations, the law, confidence in its ability to ensure the safety of citizens;
- the presence of a significant illegal "market" for weapons and the relative ease of their acquisition;
- the presence of a significant contingent of individuals who went through the "school of war" in Afghanistan, Transnistria, Tajikistan, Chechnya and other "hot spots";
- the poor job of law enforcement agencies, state and public institutions to protect the rights of citizens, as well as a number of other reasons ¹.

One of the first counter-terrorism treaties adopted by CIS member states was the Cooperation Agreement for the Protection of Civil Aviation from Illegal Intervention of 26 May 1995. The next document providing for counter-terrorism

¹ Борис МЫЛЬНИКОВ, *Новые вызовы: международный терроризм и иные проявления экстремизма, пути (направления) взаимодействия*, <https://cis.minsk.by/page/1426>, (01.05.2022)

measures was the Agreement on the Cooperation of CIS Member States in the fight against crime. However, the Treaty on the Cooperation of the Member States of the Commonwealth of Independent States in the Fight against Terrorism of 4 June 1999 (Uzbekistan, Turkmenistan and Belarus did not sign this Treaty) is the fundamental international act of the CIS in the field of counter-terrorism, according to which ways of cooperation were identified by the competent authorities, among which we can highlight: the reciprocal exchange of information; carrying out requests received for conducting operational search measures; providing information and analytical assistance in assessing the state of the physical protection system for objects with high technological and environmental risk, developing and implementing measures to improve this system; organizational and legal support for cooperation, including an analysis of the regulatory and legal framework for the counter-terrorism activities of the CIS Member States; drafting of laws, making recommendations to improve the legislative process and law enforcement in the fight against terrorism and extremism; conducting joint counter-terrorism exercises; organizing the advanced training and education of the employees of the competent authorities; conducting scientific and representative events, etc.¹.

The core of the legal bloc, which provides comprehensive and diversified regulation of the fight against terrorism, is represented by: the Regulation on the organization and implementation of joint counter-terrorism measures in the territory of the Community of October 7, 2002; and the concept of cooperation of the Member States in the fight against terrorism and other violent manifestations of extremism of 26 August 2005; the Treaty of the CIS Member States on combating the legalization (money laundering) of illegal income and terrorist financing of 5 October 2007; the Concept for the further development of the Commonwealth of Independent States of 5 October 2007; the Concept of cooperation of the CIS member states in the field of combating the legalization (money laundering) of proceeds of crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction, adopted on 11 October 2017; Information Exchange Agreement of the Commonwealth of Independent States in the field of counter-terrorism and other violent manifestations of extremism, as well as their financing, 3 November 2017; Decision of the CIS Council of Heads of State of 16 September 2016 on the "Declaration of the additional joint efforts to combat international terrorism" and others.

A distinct contribution to the fight against terrorism has been the so-called model legislation. It is noteworthy that the standard laws (model) represent international legal standards adapted to the conditions of the Commonwealth and are elaborated by the CIS Interparliamentary Assembly (IPA CIS) within the convergence of the legislation of the CIS states. In general, the model law is

¹ *Agreement on Cooperation of the CIS participant states in the fight against terrorism. (Minsk, 4 iune 1999), <https://www.cisatc.org/1289/135/152/275>, (01.05.2022)*

constructed as an independent and complete act, which without any modification can be included in the legal system of each state¹.

Within the Commonwealth of Independent States, a model law "On Combating Terrorism" was adopted (8 December 1998, amended on 4 October 2004), which defined the following key concepts: "terrorism", "terrorist attack", „preparing for a terrorist attack", "attempted terrorist attack", "terrorist", „terrorist group", "terrorist organization", "the fight against terrorism", "counterterrorism operation", "area of conducting a counterterrorism operation". According to the legislation, terrorism is defined as attacks, which include specific actions – explosions, arson, which carry "the danger of human death, causing significant material damage or the occurrence of other dangerous consequences from a social point of view". At the same time, it was assumed that such an illegal violent attack should have had a characteristic purpose, namely „breach of public safety, intimidation of the population or influence of decision-making by the authorities..."².

Thus, the model law "On Combating Terrorism" of the new edition and the amendments adopted at the twenty-fourth plenary session of the IPA CIS on 4 December 2004, formed the basis of the Treaty on Cooperation of the Member States of the Commonwealth of Independent States in the fight against terrorism, in which the parties agreed that „terrorism is an illegal criminal attack committed to violate public safety, to influence decision-making by the authorities, to intimidate the population, manifested in the form of:

- violence or threat posed against private individuals or legal persons;
- destruction or threat of destruction of property associated with danger of human death;
- causing significant property damage or other socially dangerous consequences;
- assassination attempt on an official or public figure;
- attacks on a representative of a foreign state enjoying international protection, as well as on the office space or vehicles of persons receiving international protection;
- other actions falling within the concept of terrorism in accordance with the national law of the Parties, as well as other generally recognized international legal acts aimed at combating terrorism"³.

¹ Николай Давыдов, Майя Рубцова, *Модельное законодательство как средство обеспечения безопасности и противодействие терроризму и экстремизму*, "Евразийский союз ученых", No. 3, 2016, p. 38

² *Модельный закон. „О борьбе с терроризмом”, 8 декабря 1998 года*, <https://www.legislationline.org/ru/documents/id/14964>, (01.05.2022)

³ *Agreement on Cooperation of the CIS participant states in the fight against terrorism. (Minsk, 4 iune 1999)*, <https://www.cisatc.org/1289/135/152/275>, (01.05.2022)

Mention should also be made of the model law "On Countering the Financing of Terrorism" (2006), amendments and additions to the Model Codes of Criminal Procedure for CIS member states on countering terrorism and extremism, „on combating organizations and persons whose activities are aimed at committing terrorist attacks on the territory of other states" (2004), which serves the purpose of preventing, detecting and suppressing the activities of organizations and persons carrying out terrorist attacks on the territory of other states, the model law "On Combating Extremism" (2009), which establishes the basic principles, organizational foundations for combating extremism, as well as the responsibility for its implementation, the model law "About Counteraction to Terrorism" (2009), which establishes the basic principles of combating terrorism, organizational foundations for preventing and combating terrorism, minimizing and (or) eliminating the consequences of manifestations of terrorism etc.

In this normative act, the following definition of terrorism was proposed – "the ideology of violence and the practice of influencing decision-making by state authorities, local authorities or international organizations associated with intimidation of the population and (or) other forms of illegal violent actions"¹.

The auxiliary unit of the legal framework for counter-terrorism activities in the Commonwealth countries also consists of the rules contained in the Model Law "On Participation of a State in Peace Support Operations" (2004), Model Law "About Control of Turnover of Radioactive Materials" (2004) and a number of other acts.

In addition, the Interparliamentary Assembly of the CIS Member States, at its 36th plenary session, held on 16 May 2011, adopted a model law "About Bases of the Regulation of the Internet" which is capable of resolving the problems of prosecuting private individuals and legal entities who post material of an extremist and terrorist nature on various networks.

An important step in the fight against terrorism was the signing on 28 September 2018 by seven CIS countries of an Interstate Agreement on cooperation in the fight against information technology crimes. This document creates a legal basis and defines clear forms of interaction. In addition, the fight against information technology crimes was selected in 2019 as a separate field of activity. Keeping the continuity of the fundamental documents adopted within the CIS and completing them taking into account the modern realities, at the summit of the heads of government on October 25, 2019, the Strategy for ensuring the information security of the CIS member states was approved².

It should be noted that after the adoption by the IPA of the CIS, model laws are offered to Commonwealth countries exclusively as models for local law, but at

¹ Модельный закон „О противодействии терроризму”, 3 декабря 2009 года, <https://www.cisatc.org/1289/135/154/249>, (01.05.2022)

² Stanislav Chernyavskiy, *Community of Independent States as an Organization of Regional Security. Post-Soviet Issues*. No. 7(2), 2020, pp. 142-153, <https://www.postsovietarea.com/jour/article/view/240/228>, (20.04.2022)

the same time are not binding for adoption in full context, and CIS countries independently determine what to implement in their legislation. As a result, today we can see a different interpretation in their legislation of the key category, although there are some semantic similarities.

In addition to direct counter-terrorism documents within the CIS, interstate treaties such as the Collective Security Treaty of 15 May 1992; The agreement on cooperation of border troops in the field of border control at check points through borders of the State Parties of the Commonwealth of Independent States with the states which are not entering the Commonwealth in 1998; The agreement on cooperation of the State Parties of the Commonwealth of Independent States in fight against illegal migration in 1998; Bishkek Memorandum of 1999 on cooperation and interaction between law enforcement agencies and special services in the Republic of Kazakhstan, the People's Republic of China, the Republic of Kyrgyzstan, the Russian Federation and the Republic of Tajikistan, "Shanghai Five" Member States, etc.

The main document defining the practical measures for organizing cooperation in the fight against terrorism are the documents of the cooperation program of the Member States of the Commonwealth of Independent States in the fight against terrorism and other violent manifestations of extremism. Currently in force, in accordance with the decision of the Council of Heads of State of the Commonwealth of Independent States of 11 October 2019 "The cooperation program of the Member States of the Commonwealth of Independent States in the fight against terrorism and other violent extremist manifestations for 2020-2022"¹. The main developer of the program is the CIS Anti-Terrorism Center. An analysis of this document allows us to talk about the scope and depth of the work plan for this period: from purely organizational-legal and organizational-practical measures to further improving information and analytical support to combat terrorism and extremist activities.

The objectives of the program include:

- preparing proposals to the Council of Heads of State, the Council of Heads of Government and other CIS bodies on directions for the development of cooperation in the fight against terrorism and other violent manifestations of extremism;
- developing the legal framework for cooperation between CIS member states;
- improving and harmonizing national legislation;
- carrying out agreed and/or joint activities;
- interaction with international organizations;
- implementation of information and analysis activities and scientific and methodological work in the field of counter-terrorism and other violent

¹ *Программа сотрудничества государств – участников Содружества Независимых Государств в борьбе с терроризмом и иными насильственными проявлениями экстремизма на 2020-2022 годы*, <https://www.cisatc.org/1291/1334>, (20.04.2022)

manifestations of extremism, information support for cooperation;

- staff training, professional development of specialists from the competent authorities of the CIS Member States.

Among the planned activities reflected in the program, we should also mention the joint counter-terrorism exercises in the territory of the Republic of Kazakhstan (2020), the Russian Federation (2021), the Republic of Kyrgyzstan (2022)¹.

The main activity on the cooperation of the CIS member states in the fight against terrorism is carried out by the statutory bodies of the Commonwealth, such as the Council of Heads of State, the Council of Heads of Government, the Council of Ministers of Home Affairs, the Council of Ministers of Defence.

However, in order to increase the effectiveness of the steps taken by states in their cooperation, it was decided to set up a permanent body to carry out all current activities in this field. The Anti-Terrorism Center (CIS ATC) became such a body, established in 2000 by decision of the CIS Council of Heads of State.

The Statute of the Anti-Terrorism Center² defines the Anti-Terrorism Center as a permanent specialized sectoral body of the Commonwealth of Independent States, whose main tasks are: maintaining a special database of international terrorist organizations and their leaders, as well as non-governmental organizations providing assistance to terrorists; organizing counter-terrorism exercises and participating in the preparation of the regulatory framework for counter-terrorism. It should be noted that the Center, in carrying out its activities, uses the capabilities of the anti-terrorist units of the security services, as well as the special services of the CIS member states and the United Information Database of these services. It has the right to request the information it needs from the competent authorities and departments of the CIS member states, as well as to set up regional divisions (offices, representative offices, branches).

One of the visible results of the CIS ATC activities is the development of interstate cooperation programs between the CIS member states in the fight against international terrorism and other manifestations of extremism; preparation of international treaties and standard legislative acts; monthly release of information and analytical materials that reflect the operational situation and not only on the territory of the CIS countries. The centre's specialists are directly involved in the review and approval of draft documents submitted for examination by the highest Commonwealth bodies – the CIS Council of Heads of State and the CIS Council of Heads of Government.

The main areas of cooperation between the CIS Member States, their competent authorities, as well as the CIS statutory and sectoral cooperation bodies set up to coordinate and interact in the fight against terrorism and extremism, are:

¹ *Idem*

² *The Statute of the Anti-Terrorism Center*, <https://www.cisatc.org/132/166/189>, (15.05.2022)

1. Developing the counter-terrorism potential of the CIS member states and the Commonwealth as a whole;
2. Prevention, detection, suppression and investigation of terrorist and extremist crimes, as well as the minimization of their consequences;
3. Promoting the inevitability of punishment for terrorist and extremist crimes;
4. Improving the legal framework for cooperation in the fight against terrorism and extremism;
5. Analysis of the factors and conditions leading to the emergence of terrorism and extremism and forecasting trends in their development and manifestation in the territories of the CIS member states;
6. Providing assistance in the rehabilitation of persons affected by terrorist and extremist crimes;
7. Preventing the use or threat of use for terrorist purposes of weapons of mass destruction and their means of delivery, radioactive substances, toxic substances and other dangerous substances, materials and technologies for their production;
8. Combating the financing of terrorist and extremist activities;
9. Countering terrorism as a threat for all means of transport, life support facilities and critical infrastructure;
10. Preventing the use or threat of use of local or global computer networks for terrorist purposes (combating cyber terrorism);
11. Interaction with civil society and the media to increase the effectiveness of the fight against terrorism and extremism;
12. Combating the propaganda of terrorism and extremism;
13. Participation in the international community's counterterrorism activities, including interaction within international organizations and collective counterterrorism operations, and joining forces in contributing to the development of a comprehensive strategy to combat new challenges and threats under the auspices of the United Nations;
14. Providing assistance to third states interested in cooperating with CIS member states in the field of combating terrorism and extremism in all its manifestations;
15. Improving the material and technical basis of the fight against terrorism and extremism, developing, among other things, special technical means and equipment for supplying anti-terrorist units ¹.

The Anti-Terrorism Center of the member states is led by a Head appointed (dismissed) by decision of the Council of Heads of State of the Commonwealth of Independent States on a proposal from the Council of Heads of Security Agencies and Special Services of the CIS member states. The Head of the Center has three deputies: from the Council of Ministers of Internal Affairs (first deputy), the

¹ *Сотрудничество в сфере борьбы с международным терроризмом и иными проявлениями экстремизма*, <https://e-cis.info/cooperation/3140/77660/>, (10.03.2022)

Council of Ministers of Defence and the Council of Border Troops Commanders from the CIS member states. In accordance with the regulations of the Anti-Terrorism Center in the CIS member states, the head of the Center, his first deputy and his other deputies may not be representatives of a single state. In carrying out their duties, they shall respect the interests of all CIS member states¹. Colonel General E. Sysoev was appointed as the Head of the Commonwealth of Independent States Anti-Terrorism Center by the decision of the Council of the Heads of the CIS States dated 15 October 2021².

Following the interaction of the competent authorities of the CIS member states with the Center for the settlement of problems concerning counter-terrorism and extremism, the Council of Heads of Government of the Commonwealth states introduced the Regulation on Plenipotentiary Commonwealth Representatives to the CIS ATC. The deputy heads and plenipotentiaries of the member states of the Commonwealth hold a permanent meeting to resolve issues of interaction between the Center and the competent authorities of the CIS member states.

The need to step up the CIS Anti-Terrorism Center's efforts to establish a system of measures to combat extremism and terrorism was predetermined by forecasting the situation in the region and analyzing information from the competent authorities of the Central Asia region states (CA). To this end, the Department of the CIS Anti-Terrorism Center for the Central Asia Region, located in Bishkek, was established in 2001.

The CIS Anti-Terrorism Center and its regional office in Bishkek are currently considered the only interstate and interdepartmental structure uniting security staff, ministries of internal affairs, special services, and ministries of defence and border services of the Commonwealth member states³.

Planned joint counter-terrorism exercises are of particular importance in the context of strategic planning for interaction issues between CIS member states in the fight against terrorism. Since 2001, joint military instructions of special counterterrorism detachments have been taking place in CIS countries. In the years 2001-2002, they took place with the participation of special services from Kyrgyzstan, Tajikistan, Uzbekistan and Kazakhstan ("South – Antiterror"), in 2003, with the participation of Russia and Ukraine ("Azov – Antiterror"), and on 28-30 June 2004, on the territory of Moldova ("West-Antiterror- 2004"), with the participation of special services from Belarus, Moldova, Russia and Ukraine, followed by the instructions "Caspian-Antiterror-2005" (Republic of Kazakhstan), "Atom-Antiterror-2006" (Republic of Armenia), „Baikonur-Anti-Terror-2007" (Kazakhstan), "Anti-Terror Bastion-2008" (Belarus), "Donbas-Anti-Terror- 2011" (Donetsk, Ukraine), "Don-Anti-Terror-2012" (Kazakhstan), "Ala-Too- Antiterror-

¹ *Executives CIS*, <https://www.cisatc.org/132/164>, (10.03.2022)

² Head OF CIS ATC, <https://www.eng.cisatc.org/132/164/9093> (10.03.2022)

³ Андрей Пашкевич, *Управление антитеррористическим сотрудничеством государств-участников СНГ: социально-технологический подход. Диссертация на соискание ученой степени кандидата социологических наук*, Белгород, 2017, p. 100

2013” (on the territories of the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and Ukraine), ”Zhetyssu-Antiterror-2014” (the Republic of Kazakhstan), ”Cyber-antiterror-2016” (the Kyrgyz Republic and the Russian Federation), ”Dushanbe-Antiterror-2017”, ”Ararat-Antiterror-2019” (Yerevan, Armenia), ”Issyk-Kul-Antiterror-2018” (Cholpon-Ata - K rg zstan), ”Caspian-Antiterror-2020” (was postponed due to the pandemic), ”Caspian-Antiterror-2021”.

The most important area of work of the CIS ATC is the coordination of the interstate search for terrorists. In recent years, ATC has accumulated detailed information on 10,000 people on the interstate search list, of which more than 5,000 are people who take (or have taken part) in hostilities on the territories of non-CIS states. Almost 4,000 photos of people in these categories were collected, which made the search much easier. As a result of the information provided by the center, dozens of people were identified and detained, whose data were transmitted by the initiators of the search, and measures were taken to extradite them. Security agencies and special services of the CIS member states, with the assistance of the CIS ATC, carry out a set of coordinated search activities under the code name ”Tral-Antiterror”¹.

We agree with the Russian expert K. Burtnyi, who considers that a series of recommendations can be formulated as a proposal to increase the effectiveness of counter-terrorism in CIS countries and within the functioning of ATC:

- the priority of preventive measures, the elimination of root causes, origins, not the elimination of the consequences of terrorist attacks, should be pivotal;
- participating countries must systematically implement counter-terrorism measures, i.e. not only at the political, economic and social level, but also at the ideological, propagandistic and educational level;
- unification of the national legislation of the CIS member states;
- respond flexibly to terrorist threats with the involvement of analysts and experts of various profiles in the governmental and public structures of the CIS member states;
- take appropriate counter-terrorism measures according to the degree, nature and extent of the terrorist threat (to keep the balance of force and ”humanitarian” measures)².

Within the CIS ATC, scientific work is also being carried out in order to study the urgent problems of terrorism and to organize the fight against its threats. Meetings of the Scientific Advisory Board set up at the CIS ATC are held, whose members participate in drafting proposals aimed at increasing the effectiveness of the fight against terrorism and other manifestations of extremism, preparing draft legislative acts, draft legal acts and international treaties; carry out an analysis of the international treaties and national law of the CIS member states governing

¹ Stanislav Chernyavskiy, *Op. cit.*, p. 149

² Константин Буртний, *Сотрудничество стран СНГ в борьбе с терроризмом*, „Военный академический журнал”, No. 2(14), 2017, pp.74 –80

counterterrorism relations, in order to draw up proposals aimed at harmonizing and aligning the entire legal framework for cooperation in this field with the norms of international law, as well as harmonizing the counter-terrorism laws of CIS member states; participates in the preparation and conduct of seminars, symposia, round tables, conferences, meetings dedicated to the fight against terrorism and other manifestations of extremism in the CIS member states¹.

Representatives of leading research and education institutions, specialized universities of security agencies, special services and law enforcement agencies in the CIS member states participate in the work of the Scientific Advisory Board on a permanent and temporary basis. In choosing the topics for meetings, the Scientific Advisory Board is guided by requests from the states, specific terrorist threats, the emergence of new terrorist technologies and destabilization algorithms, and the combination of technological, legal and managerial approaches makes it possible to formulate a consolidated position of scientists on each specific issue and provides the competent authorities with an algorithm for them. The center prepares methodological recommendations, collections of materials, monographs, which are later used in the practical activities of the security agencies and in the educational process of the specialized higher education institutions in the Commonwealth countries².

The member states of the Commonwealth consider that international cooperation should become an effective tool in the fight against terrorism and extremism and advocate for the strengthening of its legal basis in accordance with the UN Charter, Security Council resolutions and the UN General Assembly. Strengthening international counter-terrorism cooperation is one of the priority areas of activity of the member states of the Commonwealth of Independent States in the fight against terrorism and other violent manifestations of extremism³.

The Anti-Terrorism Center successfully develops cooperation with the Counter-Terrorism Committee Executive Directorate of the UN Security Council (CTED), The Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC), the Organization for Security and Co-operation in Europe Action against Terrorism Unit (OSCE ATU), the International Criminal Police Organization - Interpol (an Interpol database office has been set up and operates within the CIS ATC), the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization (SCO RATS), Central Asian Regional

¹ Олеся Репинская, *Сотрудничество по противодействию терроризму в формате СНГ*, "Гуманитарные, социально-экономические и общественные науки", No. 4, 2015, pp. 174-178

² Научно-консультативный совет при АТЦ СНГ, <https://www.cisatc.org/1289/136/147>, (10.03.2022)

³ Андрей Бондаренко, *Международное сотрудничество Антитеррористического центра государств – участников Содружества Независимых Государств*. <https://e-cis.info/cooperation/2845/78314/>, (10.02.2022)

Information and Coordination Centre for Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors (CARICC).

In order to strengthen international cooperation in the field of counter-terrorism, the CIS ATC and the SCO Regional Anti-Terrorist Structure (SCO RATS) have signed a protocol on cooperation in ensuring the security of major international events on the territories of the CIS and SCO Countries. As noted by Zhang Xinfeng, Director of the Executive Committee of the SCO Regional Anti-Terrorist Structure, the co-operation mechanism for ensuring security and safety at major international events, set up in 2008, has been launched more than 20 times in 6 years. It has played a major role in a number of such important large-scale events, such as the Beijing Olympics, the 2010 EXPO in Shanghai, the APEC Summit in Vladivostok, and the Winter Olympics in Sochi¹.

In June 2014, the Anti-Terrorism Center and the The Eurasian Group (EAG) on Combating Money Laundering and financing of terrorism signed a Memorandum of Cooperation. According to the document, the parties will exchange information, legislation and other legal acts of the CIS member states and the EAG member states, statistical data as well as methodological recommendations on combating the financing of terrorism².

An important step in strengthening international cooperation in the fight against terrorism was the signing on 28 May 2018 of the "Memorandum of Understanding on Cooperation and Interaction" between the CSTO Secretariat, the SCO RATS Executive Committee and the CIS Anti-Terrorism Center. According to the document, the parties, on the basis of reciprocity, undertook to inform each other "about the current terrorist and/or extremist challenges and threats, the results of their activities in the field of counter-terrorism and extremism, ongoing and planned anti-terrorism and/or anti-extremism actions". Shortly, a permanent trilateral "Expert group" was set up, which discussed, in particular, international and regional security issues, including security threats posed by international terrorist organizations located in Afghanistan and the measures taken to neutralize them³.

In 2018, a Memorandum of Understanding was also signed between the CIS ATC and the UN, represented by its Office of Counter-Terrorism, which makes it possible to launch joint counter-terrorism projects and programs to support the balanced implementation of the UN Global Counter-Terrorism Strategy, exchanges information, conducts joint events and consultations in the field of preventing and combating terrorism. Earlier in 2016, CIS ATC became a member of the UN

¹ Ришат Нигматуллин, *Деятельность международных организации по совершенствованию нормативной базы борьбы с терроризмом: история и тенденции развития*, "Правовое государство: теория и практик", No. 4, 2014, p. 158.

² *Ibidem*, p. 159

³ Юлия Карпенко, Михай Шумилов, *Институционализация антитеррористического сотрудничества на евразийском пространстве: проблемы и перспективы*, „Евразийская интеграция: экономика, право, политика”, No. 1, 2021, p. 95

Security Council's Counter-Terrorism Executive Committee's Global Research Network. On 25 September 2019, the UN Security Council hosted a briefing on CIS, SCO and Collective Security Treaty Organization (CSTO) cooperation with the UN and the contribution of these organizations to the fight against terrorist threats¹. It was noted that the CIS, SCO and CSTO have extensive experience in the fight against terrorism and make a significant contribution to ensuring stability on the Eurasian continent and in Central Asia countries. At the same time, the regular raids by foreign terrorists on the territory of Central Asia countries, as well as the recruitment of various terrorist associations operating in the region, including those associated with ISIS, are worrying. Northern Afghanistan risks becoming a new fulcrum for ISIS-led international terrorist organizations. One of the activities of the CIS, SCO and CSTO should be the fight against the involvement of citizens in terrorist activities at all stages: from the "indoctrination" stage to returning from regions with „increased terrorist activity" after gaining so-called „combat experience"².

With regard to the Commonwealth's cooperation with other international and regional organizations, in addition to the UN, relations with the Secretariat of the Organization for Security and Cooperation in Europe are constantly evolving. Seminars, consultations, conferences, meetings of heads of organizations and other events are held under the auspices of the OSCE, with the aim of both understanding security challenges and threats and developing practical measures to combat terrorism.

Contact was established with the Council of Europe Committee of Experts on Terrorism, CODEXTER (2003-2017). In 2018 CODEXTER became the Council of Europe Counter-Terrorism Committee³. ATC of the CIS had the status of observer at CODEXTER.

In recent years, co-operation between CIS Member States' financial intelligence units has become more active in identifying and tracking cash flows from economic offences, as well as in suppressing attempts to channel them into terrorist financing.

In planning cooperation in the field of counter-terrorism activities, it is of the utmost importance to take into account modern trends, both global and local, in the development of public relations, as well as their impact on the degree of counter-terrorism. Analyzing current trends in the area under consideration, Head of CIS ATC (since 2006 to 2021), Colonel General A. Novikov notes that "the pandemic has imposed certain restrictions on the formats of international cooperation, including in the fight against terrorism. A number of activities related to the involvement of large groups of specialists and their relocation to the territory

¹ Stanislav Chernyavskiy, *Op. cit.*, p. 149

² В Совбезе обсудили сотрудничество ООН с СНГ, ШОС и ОДКБ в борьбе с терроризмом, <https://news.un.org/ru/story/2019/09/1363642>, (10.05.2022)

³ Committee of Experts on Terrorism (2003-2017), <https://www.coe.int/en/web/counter-terrorism/codexter>, (2.05.2022)

of the partner states, for example, in the framework of joint counter-terrorism exercises, including Caspian-Anti-Terrorism-2020, have been postponed for a later date...”¹.

However, the impact of the coronavirus pandemic on the state of cooperation in the fight against terrorism cannot be determined as being unequivocally negative. A significantly constructive effect on the development of cooperation between CIS member states in the field of combating extremism and terrorism has been provided by the unique experience gained during the pandemic in the interaction of CIS special services with emergency units, military departments and health authorities. Without the enhanced work of all departments and services, without the stable links between them, it is impossible to improve the mechanisms of interaction and coordination of cooperation.

As we can see, the CIS is in a state of constructive dialogue with various international organizations to find effective ways to combat terrorism. All the member states of the CIS are members of both the UN and the OSCE. Consequently, they are fully responsible for the obligations imposed by the UN Charter and international law. Within the framework of the CIS, a legal mechanism has been defined that makes it possible to combine the forces and means of allied states in order to suppress terrorist acts.

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¹ Юлия Сергеева, Константин Алябьев, *Вопросы обеспечения взаимодействия государств – участников Содружества Независимых Государств в борьбе с терроризмом*, "Академическая мысль", No. 1, 2021, p. 116

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**THE RUSSIAN-UKRAINIAN CONFLICT THROUGH THE LENS
OF THE INTERNATIONAL HUMANITARIAN LAW**

Abstract:	<p><i>Throughout history, especially after the Cold-War period, the Russian Federation manifested itself as a global power, engaging in many aggressive forms of warfare, ranging from conventional, to hybrid and informational. An important requirement in order to fully comprehend the legal consequences of their actions is to understand and analyze the international legal aspects, especially the International Humanitarian Law. This paper supports this initiative by raising awareness of all society members regarding the modus operandi of aggressive states that violate the International Humanitarian Law and the solutions provided by international conventions, such as the Geneva Conventions, international norms and customs.</i></p> <p><i>Methodologically, the qualitative research was integrated through the use of document analysis and a case study: the Russian-Ukrainian conflict. The paper also presents the key differences between international human rights and international humanitarian law, a distinction which is often times confused by society at large. The evolution of international legislation regarding human rights and international humanitarian law is another aspect investigated in the study. In the end, the most important factor for protecting the civilian population is their knowledge of international legislation, as the key to halt all armed conflicts lies often in the societies' initiative and their proactive actions.</i></p>
Keywords:	the Russian Federation; Russian-Ukrainian conflict; International Humanitarian Law; Geneva Conventions; human rights; armed conflicts
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Introduction

The current regional instability, as an aftermath of the Russian-Ukrainian conflict, clearly shows signs of further evolution and creates panic among the civilian European population regarding a leading attack emerging from the Eastern side of the continent.

The current paper's objective is to determine whether the Russian Federation should be held responsible for the violation of international humanitarian rights, and if it is, what international crime is committed. Although mass media plays a major role in portraying the Russian forces as criminals, it is of utmost importance for society to be aware of the international laws and carefully analyze them, in order to make a point worth noting. The objective of identifying the responsibility of the Russian Federation in the Russian-Ukrainian conflict comes from a legal analysis point of view, not from a propagandistic or skeptical mindset, therefore making the results of the research as objective as possible. The methods used in the research are qualitative ones, document analysis and case studies.

To deepen the subject of international responsibility, we must first conceptualize the basic terms that we will use during this study. Initially, there existed the presumption of the right to conduct war - "jus ad bellum" – which evolved into "jus in bello" – the series of norms that govern relations between armed conflict parties.

The codification of International Humanitarian Law has resulted in the theoretical separation of "jus in bello" into two branches: war law and humanitarian law. The Law of War can be found in The Hague, 1899¹ and 1907² – under the heading "rules and customs of war". Going forward, the 1949 Geneva Conventions³ makes a sharper separation between laws of war (Hague law) and humanitarian law (Geneva Law). The Geneva Additional Protocols of 1977 introduce a new concept: "international law applicable in armed conflicts"⁴.

International Humanitarian Law is a combination of customary and unconventional international law norms aimed at resolving issues that arise in instances of international or non-international conflict. Armed conflict is a state of miscommunication, disagreement, or clashing of antagonistic interests between

¹*Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899, <https://ihl-databases.icrc.org/ihl/INTRO/150>, (24.05.2022)*

²*Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, <https://ihl-databases.icrc.org/ihl/INTRO/195>, (24.05.2022)*

³ International Committee of the Red Cross, *Geneva convention for the amelioration of the condition of the wounded and sick in armed forces*, 12 August 1949, <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>, (24.05.2022)

⁴*Protocols I and II additional to the Geneva Conventions*, 8 June 1977, art. 2, letter b), <https://www.icrc.org/en/doc/resources/documents/misc/additional-protocols-1977.htm>, (24.05.2022)

opposing parties that have devolved into violent actions or war owing to particular circumstances.

In the event of armed conflict, the International Humanitarian Law applies regardless of whether a declaration of war has been issued or whether the state of war has been acknowledged by the parties to the conflict.

International legislation

Efforts to enforce laws prohibiting war

Prior to the outlawing of wars of aggression, war was:

-a relationship between states, with only those nations having “jus ad bellum” (the right to wage war);

-a relationship dictated by the intention to wage war (“animus bellandi”), with the obligation to warn the opponent in advance by declaring war or issuing an ultimatum.

The first effort to prohibit aggressive behavior, at an international level, was made by the League of Nations, with its Treaty of Mutual Assistance¹. The document was signed in 1923 and it determined that aggression, in a state-to-state relationship, is an international crime. The 1928 Briand-Kellogg Pact was the first legal instrument to prohibit war. Article II it stated that “the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means”².

Following the First World War, the League of Nations Pact was signed in 1919. It is worth noting that the Pact did not outright forbid war or the use of force; rather, it provided a system for limiting conflict to acceptable levels. When analyzing its content, an algorithm for solving the causes can be observed: “Any war or threat of war, (...) is hereby declared a matter of concern to the whole League. (...) In case any such emergency should arise the Secretary General shall summon a meeting of the Council on the request of any Member”³.

“The Members of the League agree (...) in no case to resort to war until three months after the award by the arbitrators or the judicial decision, or the report by the Council”⁴. (...) If such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of the settlement. (...) If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make or publish a report containing (...) recommendations which are deemed just and proper”⁵.

¹ League of Nations, *Draft Treaty of Mutual Assistance*, 27 September 1923

² *General treaty for the renunciation of war (Kellogg-Briand Pact)*, Paris, 27 August 1928, <https://iilj.org/wp-content/uploads/2016/08/General-Treaty-for-the-Renunciation-of-War-Kellogg-Briand-Pact.pdf>, (24.05.2022)

³ League of Nations, *Covenant of the League of Nations*, 28 April 1919, <http://www.unhcr.org/refworld/docid/3dd8b9854.html>, (24.05.2022)

⁴ *Ibidem*, art. 12

⁵ *Ibidem*, art. 15

Following the Second World War, the issue seemed more pressing; therefore, The United Nations Charter was signed in 1945. The text clearly stated a no-war policy for the signatory countries, prohibiting wars of aggression, which is the most serious international crime. “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state”¹.

However, for it not to become an undesirable agreement for some frozen conflict regions, the Charter offered an exception to the rule – the right to use armed forces only for the exercise of the law of the legitimate right of individual or collective defense, or for the sanctioning of aggression: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations”². After the prohibition of aggression war, based on the 1945 UN Charter³ and the 1928 General Treaty of Renunciation of War⁴, governments no longer have “jus ad bellum” or “facultas bellandi” – anybody who employs force is labeled an aggressor by a Security Council resolution and faces the consequences, according to international legislation.

International law on human rights

The draft article on state accountability, drawn up by the UN Commission on International Law (1996), defines international crime as "an internationally wrongful act which results from the breach by a State of an international obligation essential for the protection of fundamental interests of the international community"⁵.

In Article 6 of the Statute of the International Military Tribunal at Nuremberg, the first categorization of international crimes was established⁶, mentioning three instances: crimes against peace, against humanity and war crimes.

Protocol I to the Geneva Conventions significantly broadens the definition of war crime, including all major violations listed in the Geneva Law of August 12,

¹ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, art. 2(3), <https://www.refworld.org/docid/3ae6b3930.html>, (24.05.2022)

² *Ibidem*, art. 51

³ United Nations, *Op. cit.*

⁴ *General treaty for the renunciation of war (Kellogg-Briand Pact)*, Paris, 27 August 1928, <https://iilj.org/wp-content/uploads/2016/08/General-Treaty-for-the-Renunciation-of-War-Kellogg-Briand-Pact.pdf>, (24.05.2022)

⁵ UN Commission on International Law, *Draft article on state responsibility with commentaries*, January 1997, art. 19(2), https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_1996.pdf, (24.05.2022)

⁶ Adunarea Generală a Organizației Națiunilor Unite, *Convenția asupra imprescriptibilității crimelor de război și a crimelor contra umanității*, 26 noiembrie 1968, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/27199>, (24.05.2022)

1949, in Article 85¹. The Protocol also establishes guidelines for a superior's criminal or disciplinary culpability for major violations committed by subordinates². Superiors must answer if they knew or had the opportunity to know, in certain circumstances, that a subordinate had committed or would commit such a violation, and if they had not taken all reasonable means to prevent or punish such a violation.

The Convention for the Prevention and Punishment of the Crime of Genocide, enacted by the United Nations General Assembly on December 9, 1948, was the first international legal treaty to criminalize genocide. Even attempted genocide is punishable under this constitution³. This crime can occur during both peace and conflict.

In Article 6, genocide is defined as:

"Any of the acts listed below, committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, namely:

- a) killing members of the group;
- b) serious harm to the physical or mental integrity of members of the group;
- c) the intentional submission of the group to conditions of existence that would lead to its total or partial physical destruction;
- d) birth-prevention methods inside the group;
- e) forcible transfers of children from one group to another"⁴.

The International Criminal Court's Statute, enacted in Rome in 1998, contains the most recent classification of international crimes. As a result, the Statute restricts the Court's jurisdiction to the most serious crimes impacting the international community as a whole. These are the following⁵:

- a) genocide;
- b) crimes against humanity;
- c) war crimes;
- d) aggression crimes.

According to the International Criminal Court's Statute, the following fall under the war crimes incrimination⁶:

- a) "the act of purposely causing considerable anguish or seriously harming bodily integrity or health;
- b) torture and cruel treatment, including biological encounters;

¹ *Protocolul I adițional la Convențiile de la Geneva din 12 august 1949 privind protecția victimelor conflictelor armate internaționale*, 1977, <https://crucearosie.ro/assets/Uploads/Protocolul-Adițional-I.pdf>, (24.05.2022)

² *Ibidem*, art. 86(2)

³ Adunarea Generală a Națiunilor Unite, *Convenția pentru prevenirea și reprimarea crimei de genocid*, 9 decembrie 1948, art. 3, https://irido.ro/irido/pdf/089_ro.pdf, (24.05.2022)

⁴ *Ibidem*, art. 6

⁵ Curtea Penală Internațională, *Statutul Curții Penale Internaționale*, 17 iulie 1998, art. 5(1), <https://www.legal-tools.org/doc/759f54/pdf/>, (24.05.2022)

⁶ *Ibidem*, art. 8

- c) the act of forcing a prisoner of war or a protected person to serve in the forces of an enemy power;
- d) intentional deprivation of a prisoner of war or any other person protected by his or her right to a fair and impartial trial;
- e) illegal deportation and transfer or illegal detention;
- f) taking hostages;
- g) destruction and misappropriation of goods not justified by military necessity and carried out on a large scale illicitly and arbitrarily.”

To achieve this paper’s objective, a comparison between war crimes and crimes against humanity was analyzed, revealing some distinctions, based on objective criteria: regarding the specific situation, in times of armed conflict war crimes are implemented; regarding the target population, war crimes target both military and civilian personnel; regarding the limitations, war crimes are strictly limited to actions conducted towards the peoples of the enemy.

The historical evolution of international norms and customs

Historically, norms of war have evolved into customary International Humanitarian Law since the 19th century. For example, written in 1864, the Geneva Convention for the Amelioration of the Condition of the Wounded Soldiers of the Armed Forces in the Field was amended in 1906 and 1929, and superseded in 1949 by the Geneva Convention (I).

Another example is the 1899 Hague document¹, which expanded to The Hague 1907²; it was later rebirth as the Geneva Convention (II) 1949.

Convention IV on the Laws and Habits of Land Warfare (including the Annex Regulations) is adopted in 1907 at The Hague; the Martens clause is also introduced.

In 1929, in Geneva, the first two Conventions (from 1864 and 1907) are developed and reinforced, and a new agreement on the treatment of prisoners of war is approved, which is later superseded by the Third Geneva Convention (1949)³.

¹ *Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899.* <https://ihl-databases.icrc.org/ihl/INTRO/150>, (24.05.2022)

² *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907.* <https://ihl-databases.icrc.org/ihl/INTRO/195>, (24.05.2022)

³ *Geneva convention relative to the treatment of prisoners of war, 12 August 1949,* https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32_GC-III-EN.pdf, (24.05.2022)

The four Geneva Conventions, have also been reinforced, through additional protocols in 1977 (Additional Protocols I and II)¹ and 2005 (additional Protocol III)².

On the other hand, international customs are the oldest and most independent source of humanitarian law.

Their practices were developed through time in state-to-state interactions, some connected to traditions, others to ethics or etiquette, and many of which are now codified in international instruments, such as treaties. The major source of International Humanitarian Law is the international treaty, which represents the legal act reflecting a willful agreement between states and other international law subjects to create, amend, or terminate rights and duties in their relations.

The international treaty has a few advantages over the customary norm, such as taking a shorter time to be implemented and making its content less interpretable.

Distinctions between the international human rights and international humanitarian law

Although these are two separate legal systems, international human rights law is strongly tied to International Humanitarian Law. International Humanitarian Law provides protection in exceptional circumstances, such as during armed war, when the majority of human rights are restricted, whereas the international human rights law only comes into action in peace times. Therefore, International Humanitarian Law is in charge of both hostile and non-hostile militants and civilian interactions. Humanitarian law is inextricably related to refugee rights, which exist both in times of peace and in times of conflict. Closely connected is the environmental law, which forbids or regulates the use of any means or practices, designed to affect or degrade the environment from the standpoint of environmental protection and raising community concerns.

The International Humanitarian Law principles are personal inviolability and security, protection of war victims and the civil population, neutrality of humanitarian assistance, good faith, military need and limitation of means and methods of control, discrimination, and proportionality distinction. An entity participating in the government's legal contracts and subject to the principles and rules of International Humanitarian Law is the subject of international law applicable in armed conflict in the legal sense. The capacity of the holder of international rights and duties in the realm of military conflicts, conduct, and

¹ *Protocols I and II additional to the Geneva Conventions*, 8 June 1977, <https://www.icrc.org/en/doc/resources/documents/misc/additional-protocols-1977.htm>, (24.05.2022)

² *Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)*, 8 December 2005, <https://ihl-databases.icrc.org/ihl/INTRO/615>, (24.05.2022)

cessation of hostilities is the most important element of International Humanitarian Law topics.

Following the ratification of the Geneva Conventions of August 12, 1949, and the Additional Protocols of 1977, the Romanian government committed to publicizing the provisions of these international documents, which make up International Humanitarian Law and protect the rights of wounded soldiers, prisoners, and civilians during armed conflict. International Humanitarian Law is an essential aspect of public international law, and it comprises regulations that are meant to protect those who do not or no longer participate in hostilities, as well as to limit the means and tactics of combat employed during armed conflicts.

The ICRC¹ defines international humanitarian law applicable to armed conflict as a set of international rules derived from treaties or customs that are specifically intended to resolve humanitarian issues arising directly from an armed conflict, whether international or non-international in nature; for humanitarian reasons, these rules limit the parties' right to use any means or methods of war that affect civilians.

International Humanitarian Law is divided into two branches. On one hand, the Geneva Conventions are designed to protect the population who are not involved in warfare, as well as those who are not actively involved in hostilities. The Hague Convention, sometimes known as the Law of War, provides the rights and responsibilities of belligerents in the conduct of military operations and places restrictions on the methods of damaging the adversary². However, both branches of the International Humanitarian Law are not fully independent, as parts of the rules of law in The Hague protect victims of war, and some of the norms of law in Geneva limit belligerents' conduct. This difference has primarily historical and didactic importance because the 1977 Additional Protocols were adopted, which combined both branches of the International Humanitarian Law.

Case study – the Russian-Ukrainian conflict

From classical warfare to hybrid warfare, the norms of combat have evolved. International law does not expressly outlaw this new kind of warfare. The Russian-Ukrainian conflict is a physical embodiment of the hybrid war. As a result, the state lost part of its territory, which was annexed by Russia via a referendum. Unfortunately, the essential steps to stop the Russian Federation's actions have not been implemented, and the Russian aggression on Ukrainian land now poses a threat to regional and European security.

Being a signatory of the Conventions and on all the international treaties mentioned that legally condone armed conflicts, the Russian Federation is a state which should be held responsible for the genocides it caused in East Europe. As a method to achieve this paper's objective of identifying the legal responsibility of

¹ The International Committee of the Red Cross, *What_is_IHL?*, 2004, pp. 1-2, https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf, (24.05.2022)

² *Ibidem*, pp. 1-2

the Russian Federation in the Russian-Ukrainian conflict, we have analyzed the clash between the two states historically.

The 2014 Crimean Peninsula annexation

In 2014, the Russian Federation seized the Crimean Peninsula¹. At the start of the crisis, Ukrainian President Viktor Yanukovich halted all trade and association discussions with the EU. Protests erupted in Kyiv's Independence Square as a result². In late 2013, President Yanukovich met with Russian President Vladimir Putin to discuss strategic collaboration. Anti-government protests became violent between December 2013 and February 2014³.

The President of Ukraine signed a peace accord negotiated by the EU in late February 2014⁴, which includes preparations for a presidential election by the end of the year. The Ukrainian parliament decided to remove President Yanukovich the next day, and he departed the country.

On the Ukrainian peninsula, dozens of pro-Russian militants were occupying government facilities and hoisting the Russian flag. At the same time, the State Duma accepted President Putin's request to deploy the Russian army to Ukraine on March 1, 2014⁵.

In the end, on March 21, 2014, President Putin signed an act formalizing the Russian Federation's annexation of Crimea following a sham referendum.

Current development of the conflict

In November 2021, President Zelensky stated that around 100,000 Russian soldiers were mobilized on the Ukrainian border⁶. Russia has drafted a list of security demands to "resolve" the situation in Ukraine, including a formal guarantee that Ukraine will never be admitted to NATO and that NATO would suspend all military activities in Eastern Europe. Following the largest Russian military drill since the Cold War, which included joint exercises with Belarus, the President of the Russian Federation acknowledged the independence of the self-proclaimed Donetsk People's Republic and the Lugansk People's Republic on

¹ Nigel Walker, *Ukraine crisis: A timeline (2014 - present)*, Research Briefing Number CBP 9476, UK, House of Commons Library, 1 April 2022, p.6

² Anton Bebler, *Crimea and the Russian-Ukrainian Conflict*, "Romanian Journal of European Affairs" 15, 2015, pp.35-54

³ Jan Matzek, *Annexation of Crimea by the Russian Federation*, "Policy Paper", Institut Pro Politiku a Spolecnost, January 2016

⁴ European Union, *Latest analyses of Russia's war on Ukraine*, Briefing, 21 March 2022, p.1

⁵ Institute for Economics & Peace, *The Ukraine Russia Crisis: Terrorism Briefing*, Sydney, March 2022, pp.1-6, <http://visionofhumanity.org/resources>, (24.05.2022)

⁶ Government Offices of Sweden, *Deterioration of the security environment – implications for Sweden*, 13 May 2022, pp.4-17, <https://www.government.se/legal-documents/2022/05/ds-20228/>, (24.05.2022)

February 21, 2022. Later, Russian forces were dispatched to both districts for "peacekeeping"¹.

The OSCE's special reports on the situation in conflict-affected regions provide illustrative instances of the impact that Russian forces are now projecting on the Ukrainian population.

There were 2158 ceasefire breaches, 1100 explosions in the Donetsk area on February 18-20, and 1073 ceasefire violations, 926 explosions in the Lugansk region.²

On March 3, 2022, Ukraine invoked the Moscow Mechanism of the Organization for Security and Cooperation in Europe's (OSCE) Human Dimension with the assent of 45 member states. Therefore, on March 14, 2022, three specialists were assigned on a mission required by the Moscow Mechanism to draft a report in three weeks and submit it to Ukraine on April 5, 2022.

The purpose of the report was to determine the impact of the present war on human rights abuses. The OSCE has discovered evidence that such concerns exist even at the level of the most basic rights, such as the right to life, the prohibition of torture, and others, while not being able to verify all alleged occurrences involving violations of International Human Rights Law³.

Other claimed OSCE-related occurrences occurred in February 2022, when Russian tank columns were seen entering the Lugansk region of eastern Ukraine⁴. Despite the Organization's claim that it had vacated its automobile fleet prior to these discoveries, the columns were led by white cars with OSCE insignia. The cars belonged to the Russian Federation, according to the European press, but the OSCE insignia were illegal⁵. The incident occurred just days after Russian officials accused the OSCE of giving Ukraine inside information about Russian forces⁶.

Research results

The results of this study show that the toll of civilians killed, left without homes, and forced to migrate, alongside the use of chemical weapons, although not

¹ Nigel Walker, *Op.cit*, p.27

² OSCE, *Daily Report 40/2022*, Special Monitoring Mission to Ukraine, 21 February 2022, p.1, <https://www.osce.org/special-monitoring-mission-to-ukraine/512683>, (24.05.2022)

³ OSCE, *Organization for Security and Co-operation in Europe*. Office for Democratic Institutions and Human Rights Number 132, 13 April 2022, pp.1-2

⁴ Jeffrey Mankoff, *Russia's War in Ukraine: Identity, History, and Conflict*, "Center for Strategic & International Studies", 22 April 2022, <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict>, (24.05.2022)

⁵ Digital Forensic Research Lab, *Russian Hybrid War Report: Belarus joins conflict against Ukraine*, New Atlanticist, 24 February 2022, <https://www.atlanticcouncil.org/blogs/new-atlanticist/russian-hybrid-war-report-belarus-joins-conflict-against-ukraine/>, (24.05.2022)

⁶ Hugo Meijer, Marco Wyss, *The Handbook of European Defence Policies and Armed Forces*, London, Oxford University Press, 2018, p.420

recognized by the Russian Federation¹, clearly define their actions as international crimes. Specifically, the country should be held responsible for the genocide produced in the region, as well as for the emerging refugee crisis.

As a result, unlike the war on terrorism², which is a confrontation between a state and a transnational organization, the two actors in conflict are two states, and the international treaties and conventions have established transparent and fixed algorithms which end in supporting the consequences by the accountable one.

Conclusions

In conclusion, the OSCE's contribution to regional security is distinct and visible. Its holistic approach to security and stability, which includes components of human rights as well as the political, military, economic, and environmental elements of security, is one of its distinctive traits and competitive advantages.

The extensive attack on Ukraine by Russian President Vladimir Putin is a flagrant breach of International Humanitarian Law and the United Nations Charter, endangering European and global peace and security. Fortunately, the 45 participating governments, including the 27 signatory EU member states, can take action against the Russian Federation for gross human rights breaches³ and the humanitarian consequences of the conflict thanks to the Moscow OSCE Mechanism.

The objective of the paper was achieved, with research results showing that the most serious international crime that the Russian Federation should be held accountable for is genocide. Although their true interest lies in internal official documents, the deeper skirmish into Europe, following the 2014 Crimea Peninsula annexation, has raised many concerns regarding humanitarian crises and forced displacements, as well as their attempt to wipe the Ukrainian blood-line off the face of the Earth, with an all-out-war.

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² Common art. 3 of the 12 August 1949 Geneva convention is tough to apply, relying solely on the interpretation

³ Statista Research Department, *Russia-Ukraine conflict 2021-2022 - statistics & facts*, 17 May 2022, https://www.statista.com/topics/8922/russia-ukraine-conflict-2021-2022/#topicHeader__wrapper, (24.05.2022)

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**THE GENERAL CONCEPT OF CRIME PREVENTION, WAR
CRIMES IN THE LEGISLATION OF THE
REPUBLIC OF MOLDOVA**

Abstract:	<i>Crime includes all the transgressions that are committed in a certain territorial-administrative space. Preventing them from being committed is essential in order not to admit the damage to the supreme values of society.</i> <i>War crimes directly attack the constitutional order, peace and security of mankind. Therefore, within the framework of this research, we intend to carry out an analysis of the general concept of crime prevention, including the general prevention of war crimes.</i>
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Introduction

Analyzing the concept of *prevention*, we understand at first sight that this represents nothing but the prevention/anticipation of an event, process and/or action that could eventually take place in the objective reality. According to the dex-online information platform, the term *prevention* is associated with the verb *prevent*, "which also means the action of drawing someone's attention to the (negative) consequences of some actions; informing in advance; taking precautions to remove something (unpleasant) or fulfill someone's wishes in advance"¹.

The Romanian researcher Aurel Dincu, in his work under the marginal name *Basics of Criminology*, supports the idea that "prevention is a set of measures

¹ *Prevention*, <https://dexonline.ro/definitie/prevenire>, (12.05.2022)

directed at the factors that determine or favour the appearance of the facts that present social danger, to restrict and annihilate their harmful effects”¹.

Reporting the generic explanation of the term prevention on the level of lawlessness, it is worth mentioning that the prevention of crime represents an important stage in the process of ensuring the observance of the legal framework, thus ensuring the independence and integrity of the state against crimes, as well as guaranteeing the respect for the fundamental rights and freedoms of citizens.

The local author Mihail Bîrgău takes the view that ”the prevention of crimes is a special specific activity that ensures the reorganization of social relations, as a result of which the determinants of criminal behavior are removed, neutralized and blocked; social-criminological prophylaxis is oriented towards the prevention of different types of crime”².

Materials used and methods applied

In the process of elaborating the scientific article, we were guided by the following methods of scientific research: the method of analysis, the method of synthesis, the method of deduction, as well as the comparative method. The applicative material in the respective research is relevant, namely the Criminal Law of the Republic of Moldova, the publishing research and the specialized literature, which directly or indirectly address the essence and content of the subject under investigation.

The basic content

The concept of crime prevention as a basic stage in the development of society – dates back to ancient times. In the specialized literature, the opinions of researchers vary from one to another concerning the conceptual definition of crime prevention, because it forms the object of study and analysis of various branches of law, primarily being a basic part of criminology, criminal law, criminal procedural law, criminal execution law, etc.

Professor Gheorghe Gladchi argues in some of his studies that, ”criminology has a certain priority in addressing the issue of social reaction against crime compared to other sciences; being the science about the causes and conditions of the criminal phenomenon, criminology can propose the most effective measures and means of fighting it”³.

Thus, analyzing this scientific position, we can deduce that criminology as a science is the basic discipline that has as its object of study in its record – crime prevention.

¹ Aurel Dincu, *Bazele criminologiei*, Proarcadia, București, Vol. I, 1993, p. 175

² Mihail Bîrgău, *Criminologie*, Print-Caro, Chisinau, 2010, p. 183

³ Gheorghe Gladchi, *Fight against crime and the role attributed to criminology*, ”Revista Națională de Drept”, No. 4, 2002, p. 17

Moreover, the methodology for preventing and combating crimes, as an object of study of criminology, is fully supported by the author Igor Ciobanu¹.

At the same time, professor Gheorghe Gladchi, in one of his works, quotes the Russian researchers, as well as that, "the prevention of crime in the criminological sense, is a permanent, complicated and complex social process, an organized whole, a specific form of social management that involves the application of a set of measures designed to prevent the perpetration of antisocial deeds. In other words, crime prevention represents unity in diversity, i.e. an integrated social system consisting of various elements, dependent on each other (spheres of action, levels and directions of preventive effort; subjects of prevention, set of preventive measures and means, etc.). Therefore, this type of social practice requires a systemic approach. Moreover, at present, crime prevention has been established not only as a type of social practice but also as a criminological theory that reflects the regularities of this kind of socially useful activity"².

Under the described conditions, we can say with certainty that crime prevention is a process specific to criminological science, which involves first of all the identification of the causes and conditions that would determine/favor the commission of a crime, to prevent its commission. Subsequently, following a complex plan of measures that would include the other fields of criminology, such as the identification of the types of crimes that would be allegedly committed in the objective reality, the behavior of the criminal personality of the subject of the wrongful act, etc.

Moreover, in the opinion of professor Iurie Larii, crime prevention represents a complex system of measures sized in the following four directions:

1) revealing, neutralizing and removing the causes and conditions of crime or some separate types thereof;

2) revealing and removing the situations in certain geographical areas or a certain environment (entourage) that provoke the commission of crimes;

3) identification of groups of persons with a high degree of criminal risk and its reduction by applying various influence measures;

4) identification of specific persons, whose conduct indicates that they could in reality commit crimes, as well as the exercise of preventive influence in respect of them³.

In another context, the author Elena Duda, in one of her publishing analyses, mentions that "the prevention of crime means, first of all, the prevention of committing for the first time those human actions or inactions that society considers harmful for its values, for its normal evolution towards progress"⁴.

¹ Igor Ciobanu, *Criminologie*, Cartdidact-Reclama, Chisinau, Vol. I, 2003, p. 16

² Gheorghe Gladchi, *Criminologie*, CEP USM, Chisinau, 2019, p. 526

³ Iurie Larii, *Criminologie*, Cartea Militară, Chisinau, 2020, pp. 267-268

⁴ Elena Duda, *Study on preventing and combating violent crime*, "Studii Juridice Universitare", No. 1-2, 2014, p. 204

In the given circumstances, we cannot agree that the general concept of crime prevention essentially presupposes anticipating the commission of lawlessness for the first time. Because prevention means continuous prevention or whenever there are supposedly credible indications of the commission of a crime in objective reality. In this case, the statement of the author Elena Duda can be qualified as a special opinion to prevent crime.

Thus, we can conclude from a generic point of view that, "crime prevention is a social activity oriented on the processes of determining and causation of crime. The causes and conditions of crime can be removed, minimized or neutralized by influencing criminals, potential offenders (people who have not committed crimes, but their conduct indicates the real possibility of committing antisocial deeds) or on situations (circumstances), social phenomena that determine crime. Preventive measures aimed at potential offenders or offenders are aimed at retaining some from the transition to the act, and others from returning to criminal activity, i.e. their resocialization"¹.

Regarding the socially dangerous deeds directed against the peace and security of mankind, it is worth mentioning that their prevention is of prime importance for a state governed by the rule of law, as in our case the Republic of Moldova would be.

The local legislator has consecrated a whole and separate chapter on the limits of the Criminal Law to these types of crimes. The incipient stage of the Special Part of the Criminal Code of the Republic of Moldova has its normative starting point with the chapter I with the generic name *Crimes against peace and security of mankind, war crimes*. In the context of this chapter, the Criminal Law sanctions the subject of offences intending or committing illicit acts aimed against the independence and integrity of the state, as well as aimed at harming the fundamental rights and freedoms of citizens².

Or, under the conditions of Art.2 of the Criminal Code of the Republic of Moldova, we note that "The Criminal Law protects the person against crimes, his rights and freedoms, property, the environment, the constitutional order, the sovereignty, independence and territorial integrity of the Republic of Moldova, *the peace and security of mankind*, as well as the entire order of law"³.

In the context of the above, we infer that the Criminal Law defends the most important values of mankind, including peace and security, which can be harmed in the context of committing illicit acts. Thus, the socially dangerous

¹ Gladchi Gheorghe, *Op. cit.*, pp. 527-528

² *Criminal Code of the Republic of Moldova*, No. 985 of 18.04.2002, Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022

³ *Criminal Code of the Republic of Moldova* No. 985 of 18.04.2002, Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022, art. 2

transgressions that can harm these values are also war crimes. These acts are considered illegal that directly harm the peace and security of mankind.

In the meaning of Chapter I of the Special Part of the Criminal Code of the Republic of Moldova, we note that the Moldovan legislator has provided for criminal liability for the following war crimes, which once committed in the objective reality, can bring serious consequences on the sovereignty, independence and territorial integrity of the country¹:

1). Article 137, marginally called *War offences against persons*, the following typical ways of the offences shall be punishable for criminal liability:

1. Committing, in the context of an armed conflict of an international nature, one of the following acts:

a) coercion, through violence or threat, one or more protected persons within the meaning of the Geneva Conventions of 12 August 1949² on the protection of victims of war and of Additional Protocol I of 8 June 1977 on the protection of victims of international armed conflict³, in particular the sick, wounded, shipwrecked, prisoners of war and civilians, to enlistment in the enemy armed forces;

b) coercing the citizens of the enemy party to take part in the military operations directed against their country, even if they were enlisted in the armed forces of this enemy party before the beginning of the armed conflict;

c) illegal retention in detention or unjustified delay in the repatriation of one or more of the persons mentioned above, in letter a);

d) the transfer, directly or indirectly, by an agent of the occupying party, of a part of the civilian population to which he belongs, in the occupied territory, the deportation or transfer by him within or outside the occupied territory of all or part of the civilian population in that territory. These acts are punishable by a prison sentence of 3 to 10 years⁴.

2. The exposure, in the context of armed conflict with or without an international character, of a person protected by international humanitarian law to a danger of death or serious harm to health by:

a) carrying out experiences of any kind, which are not determined by a medical, therapeutic, hospital treatment, in respect of which the person has not voluntarily, expressly and prior consented and which are not carried out in his interest;

¹ *Criminal Code of the Republic of Moldova* No. 985 of 18.04.2002, Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022

² *Geneva Conventions of 12 August 1949 on the protection of victims of war*

³ *Additional Protocol I of 8 June 1977 on the protection of victims of international armed conflict*

⁴ *Criminal Code of the Republic of Moldova* No. 985 of 18.04.2002 // Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022, art. 137, align. 1

b) the removal of tissues or organs for transplantation, except for the taking of blood or skin, carried out for therapeutic purposes following generally recognized medical principles and with the voluntary, express and prior consent of the person;

c) submission to unrecognized methods of treatment, without these being necessary for the health of the person and without his having voluntarily, expressly and prior consent. Such lawlessness is punishable by imprisonment from 8 to 12 years with the deprivation of the right to occupy certain positions or to exercise a certain activity for a period of 3 to 5 years¹.

3. committing, in the context of an armed conflict with or without an international character, against one or more persons protected by international humanitarian law, one of the following acts:

a) intentionally causing serious physical or mental suffering or serious injury to bodily integrity or health;

b) the application of torture or submission to inhuman or degrading treatment, as well as mutilation;

c) rape, sexual exploitation, coercion to prostitution, illegal detention of a woman who has become forcibly pregnant, to alter the ethnic composition of a population, forced sterilization or any other violent sexual act;

d) hostage-taking;

e) the deportation or forced transfer, in violation of the general rules of international law, of persons legally staying on the territory where the armed conflict takes place;

f) recruiting and incorporating children who have not reached the age of 18 in the national armed forces, as well as determining them, by any means, to actively participate in military operations;

g) deprivation of the right to be tried by a legally constituted and impartial court, the pronouncement of the conviction or its execution without observing a legal and impartial procedure, which provides the guarantees imposed by international law. These regulatory modalities are punishable by imprisonment from 10 to 20 years².

4. Committing, in the context of an armed conflict with or without an international character, the murder of one or more persons protected by international humanitarian law shall be punishable by imprisonment from 15 to 20 years or by life imprisonment.

2). Article 137¹, entitled *War offences against property and other rights*, provides for criminal liability for the following socially dangerous acts:

¹ *Criminal Code of the Republic of Moldova* No. 985 of 18.04.2002, Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022, art. 137, align. 2

² *Criminal Code of the Republic of Moldova* No. 985 of 18.04.2002, Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022, art. 137, align. 3

1. Committing, in the context of an armed conflict with or without an international character, one of the following acts:

a) the destruction, appropriation or confiscation of assets of the enemy party, in violation of international law and without its being justified by military needs;

b) the looting of a locality, including the one taken by storm, is punishable by imprisonment from 3 to 10 years.

2. Declaring, within the framework of an armed conflict of an international character, as extinguished, suspended or inadmissible in court the rights and actions of one or more citizens of the enemy party. Such an act is punishable by imprisonment for a term of 5 to 10 years.

3. The looting on the battlefield of the dead or wounded committed in the framework of an armed conflict with or without an international character, is punishable by imprisonment from 8 to 15 years.

3). Article 137², entitled "The use of prohibited means of conducting war", establishes criminal liability for the following form of illegal actions:

The use, in the context of an armed conflict with or without an international character, of:

a) poisoning or poisoned weapons;

b) asphyxiating, toxic or assimilated gases and any liquids, materials or similar processes;

c) weapons, projectiles, and materials likely to cause unnecessary physical suffering;

d) bullets that expand or flatten easily in the human body, such as bullets whose hard coating does not fully cover the middle or are punctured by cuts, shall be punished by imprisonment from 7 to 15 years.

4). Article 137³, marginally called *The use of prohibited methods of conducting war*, expressly provides that:

1. Injury to members of the armed forces and combatants of the enemy party who have laid down their weapons or who, for any other reason, are no longer able to defend themselves and who are not under the power of the enemy party, or the perfidious wounding of a member of the enemy armed forces or a combatant of the enemy forces, committed in the framework of an armed conflict with or without an international character, is punishable by imprisonment from 5 to 8 years;

2. Declaring, within the framework of an armed conflict with or without an international character, that there will be no mercy for the losers, constitutes a criminal offence and is punishable by imprisonment from 7 to 12 years;

3. Triggering, within the framework of an armed conflict with or without an international character, an attack:

a) against the civilian population or civilians who do not participate directly in hostilities;

b) against civil property protected by international humanitarian law, in particular buildings devoted to religious worship, education, art, science or charitable actions, against historical monuments, hospitals and places where the

sick or injured are gathered, as well as against localities, dwellings or buildings which are not defended and which are not used as military objectives;

c) against the staff of the humanitarian aid or peacekeeping mission, against the installations, equipment, units or vehicles used therein following the Charter of the United Nations, provided that they are entitled to the protection that international humanitarian law guarantees to civilians and property of a civil character;

d) against buildings, equipment, establishments and means of transport and personnel using the hallmarks provided for in the Geneva Conventions of 12 August 1949;

e) knowing that it will cause loss of human life among the civilian population, injuries to civilian persons, damage to civilian property or extensive, lasting and serious damage to the environment, which would be manifestly disproportionate to all the concrete and directly expected military advantage. Such transgressions are punishable by a prison sentence of 8 to 15 years;

4. Use, in the context of an armed conflict with or without an international character, of:

a) methods of struggle likely to cause unnecessary physical suffering;

b) the intentional starvation of civilians by depriving them of the goods indispensable for their survival or intentionally preventing them from receiving aid, contrary to international humanitarian law;

c) a person protected by international humanitarian law to avoid certain points, areas or military forces becoming the target of the military operations of the enemy party, shall be punished by imprisonment from 8 to 15 years;

5. The killing of one or more members of the armed forces and combatants of the enemy party who have laid down their weapons or who, for any other reason, are no longer able to defend themselves and who are not under the power of the enemy party, committed by perfidy in the context of an armed conflict with or without an international character. Such an offence is punishable by imprisonment from 15 to 20 years or life imprisonment.

5). Article 137⁴ *The use without right of distinctive signs of international humanitarian law*, implies:

The use without right of the distinguishing signs provided for in the Geneva Conventions of 12 August 1949, of the parliamentary flag, of the flag, of the military badges or the uniform of the enemy or the United Nations, as a means of protection in the context of an armed conflict with or without an international character, if this has caused:

a) serious injury to the bodily integrity or health of one or more persons;

b) the death of one or more persons. This wrongdoing is punishable by imprisonment from 7 to 15 years.

6). Article 138 entitled *Giving or executing a manifestly unlawful order. Failure to exercise or improper exercise of due control* provides for criminal liability for the following normative modalities of the war offence component:

1. The execution of a manifestly illegal order aimed at committing the offences provided for in Articles 135-137⁴ of the Criminal Code of the Republic of Moldova shall be punished with imprisonment from 5 to 10 years;

2. The giving, by the hierarchical superior or by the person holding the command of the armed forces, within an armed conflict with or without international character, of a manifestly illegal order aimed at committing the offences provided for in Articles 135-137⁴ of the Criminal Code of the Republic of Moldova, shall be punished with imprisonment from 8 to 15 years;

3. Failure to exercise or improperly exercise the proper control by a military chief or by the person who holds the command of the armed forces, which led to the commission of the offences provided for in Articles 135-137⁴ of the Criminal Code of the Republic of Moldova, shall be punished with imprisonment from 6 to 12 years.

7). Article 141, marginally called *The activity of mercenaries*, provides for criminal liability for the following normative modalities:

1. The participation of the mercenary in an armed conflict, in military actions or in other violent actions aimed at overthrowing or undermining the constitutional order or violating the territorial integrity of the state, shall be punished with imprisonment from 5 to 10 years;

2. The employment, training, financing or other insurance of mercenaries, as well as their use in an armed conflict, in military actions or in other violent actions aimed at overthrowing or undermining the constitutional order or violating the territorial integrity of the state, shall be punished with imprisonment from 10 to 15 years¹.

In the context of what was said, it is worth mentioning that, once the criminal responsibility for the socially dangerous acts of war is criminalized, the peace and security of mankind as supreme values are always protected by the Criminal Law of the Republic of Moldova. But preventing the commission of these kinds of crimes is much more essential in a rule of law.

Conclusions

Following the study, it is worth mentioning that prevention is a key step, which should exist in democratic states. This is primarily intended to prevent the occurrence of various phenomena, in our case – we are talking about the prevention of crimes in general and war crimes in particular. Thus, we can conclude that war crimes directly attack the peace and security of mankind. And the measures to prevent them can be aligned with the general measures of crime prevention, which were stated in the content of the research:

1) revealing, neutralizing and removing the causes and conditions of crime or some separate types thereof;

¹ *Criminal Code of the Republic of Moldova* No. 985 of 18.04.2002, Official Gazette of the Republic of Moldova No. 72-74 of 14.04.2009, in force according to the latest amendments and adjustments from 20.04.2022

- 2) revealing and removing the situations in certain geographical areas or a certain environment (entourage) that provoke the commission of crimes;
- 3) identification of groups of persons with a high degree of criminal risk and its reduction by applying various influence measures;
- 4) the identification of specific persons, whose behaviour indicates that they could in reality commit crimes, as well as the exercise of a preventive influence on them.

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**AN UNCONVENTIONAL APPROACH TO THE
VICTIMIZING EFFECT OF LAW AND ITS POSSIBLE
INFLUENCES ON NATIONAL SECURITY - AN ANALYSIS OF
THE ROMANIAN LEGAL SYSTEM**

Abstract:

We live in a world more legalized than ever, but more alien to the true spirit of the law than ever before! A hyper-formatted, hyper-normative, hyper-hierarchical universe of conformity and normativity has been created and seems to expand relentlessly, which provokes the fear of the individual and works according to a quasi-similar logic. It already encompasses and dominates important areas of society, such as business, administration, health, education, culture and institutionalized science in the letter and, above all, in the spirit of its data.

The "normative" system says the law, decides a priori who is right, elaborates laws, administers and governs, establishes strategic guidelines, appoints in school, university or academy, guides the media, is everywhere and anytime. But the right it thus claims to express, by which it protects himself and ensures its reproduction is distorted to such an extent that, in order to avoid collapse, it becomes absolutely necessary to abandon it quickly and return to the idea and practice of true law!

*Especially in Romania, where, after the coup d'état of December 1989, the allogeneic, anti-Romanian state, traitor of nation and country, is waging a deaf fight against the Romanian nation, a criminal legislation, as we will see, which, due to its character they criminogenously affect national security, with the consequence of condemning the Romanian people to extinction! What to do? We began to answer such a question by referring to the new philosophers of law, such as the Frenchman J.J. Sarfati, in his work *Redonner sens au mot "droit"*¹, but also approaching, unconventionally, the victimizing effect of law, trying an analysis from the legal, economic, social and political point of view of the Romanian legal system. And here we have in mind a multitude of aspects generated mainly by the idea that there are strange*

¹ Jean-Jacques Sarfati, *Redonner sens au mot „droit”*, Éditeur Connaissances et savoirs, Paris, 2017

	<i>epochs in the evolution of society, such as the current one, in which humanity seems to be entering a smooth dissolution. We believe that when it comes to the victimizing effect of law, it is necessary to keep in mind that, in the contemporary period, the role and impact of law on society must be viewed from a dual perspective: the positive, as a factor in ordering social relations (the most widespread and developed at the moment) and negative as a victimizing and criminogenic factor of its recipients, materialized by neglecting, ignoring or violating their rights and freedoms (scientifically ignored perspective).</i>
Keywords:	National security; legal security; rule of law; criminogenic law; victimization theory
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Introduction

This paper is intended to be writing designed to contribute to the knowledge of legal reality as a social phenomenon. It is an analysis that addresses from a legal-criminological perspective the victimizing effect of the law, with the stated intention to contribute to finding out the truth about the hidden and dark side of the law, for both legal and non-legal readers. It is not at all an easy undertaking as it seems at first sight. We admit that this because both the language - in this case, as a means of written communication with the reader - and the topic approached were carefully chosen to achieve the purpose of the essay approach, namely that of legal information. We try through the content of ideas about law as a criminogenic phenomenon of social life to see why the law has come to bear this burden because in a modern and democratic society people must acquire skills designed to allow them to know and interpret legal texts. It will also address the diachronic presentation of law, as well as the connections religion-law, morality-law, state-law, etc., being dominant the link between law and culture that contributes, in the opinion of a distinguished author, to the enthronement of the spirit. of legality. At the same time, this study can mark a beginning in the research of the victimizing nature of law, the stated intention being to present the main features and ways of manifestation, based on a valuable bibliography that can encourage reading for additional legal knowledge. Then, the study is a tribute to the law and, at the same time, a convincing urge to know the law and legal thinking.

Our approach to legal research is written in good faith, respecting both the ethics and the rule of law, stating from the outset that we rely on the provisions of the Romanian Constitution and Law no. 51 of July 29, 1991 on the national security of Romania, republished¹. More precisely, art. 54 of the Fundamental Law enshrine, as a fundamental duty, fidelity to the country, which is sacred, but also the right and obligation of the citizens to defend Romania. In the infra-constitutional norms of the Law on national security we find, in art. 1 definition of national security "Romania's national security means the state of legality, balance and social, economic and political stability necessary for the existence and development of the Romanian national state as a sovereign, unitary, independent and indivisible state, maintaining the rule of law and the climate of exercise unrestricted rights, freedoms and fundamental duties of citizens, in accordance with the democratic principles and norms established by the Constitution". Furthermore, in the same law, we find that the threats to Romania's national security are legally arranged. We must also mention the provisions according to which "Romanian citizens, as an expression of their loyalty to the country, have a moral duty to contribute to the achievement of national security". From the perspective of the research object, we will approach only the state of legality as an element of national security, leaving the specialists in the other fields to express their points of view. Is the current state of Romanian law with its victimizing effect a direct threat to national security? The answer can only be affirmative, which we will try to prove.

Therefore, the work is full of unequal, partial, unscrupulous, violent, contradictory, insolent passion, like all the writings of those who love without being ashamed of their loves. I allow myself to be cynical, because I believe that this study, unlike so many full of wisdom and kindness, is a lively endeavor. I did not want to make a history of Romanian law that is no longer even a discipline of study in our law faculties and no collection of essays on the legal dementia he was subjected to in the almost 50 years of Judeo-Bolshevik communism, continued , after the December 1989 coup by their descendants, allogeneic neo-Marxists. My attempt is not intended to inform readers of what exactly the unhappy people are talking about, or to make rigorous interpretations or scholarly comments on their ways of healing the world from its diseases. This paper is an excerpt from an intellectual autobiography. It is a product of my release from certain things that have made me suffer when I see that Europe and the whole world are in chaos, because the measures those governments are taking to prevent the spread of the Covid-19 virus do ten times more harm than good; the virus itself, both physical and economic. People everywhere can no longer tolerate the blatant and shameless lies that national and international authorities, as well as the media, repeat endlessly through every official and mainstream channel, causing untold

¹ Law no. 51 of July 29, 1991 on the national security of Romania, was published in the Official Gazette no. 163 of August 7, 1991 and republished in the Official Gazette no. 515 of 14 August 2013

psychological and emotional harm to every human being on the planet. Every human being on the planet is now painfully aware that the fundamental rights and freedoms for which countless generations have fought and died no longer exist and that those in power have established a global totalitarian state under the pretext of a pandemic. More and more people in every corner of the globe are waking up to the reality that the Covid-19 virus is a political invention and that the world is not in the throes of a pandemic, but a pandemic, a man-made pandemic, and so on illusory.

We live in very turbulent times, and a very short inventory of risks, which I, as a lawyer, part of a *lato sensu* culture, foresee. I don't know if I'm much systematized, but I cut my speech into another key to interpretation, then the official and well-known one from the press reports enslaved to the occult, allogeneic, anti-Romanian system that leads the country where I live today. In a random, non-exhaustive order, I will argue the causes of this major slippage of law and democracy. As we all know, law is about democracy. I think that risk no. 1 in a logical and chronological order is the divorce between law and democracy; democracy, as much as it was and as far as I know. We face the risk of transforming the democratic regime, as it was, into a technocratic, authoritarian regime, dominated by martial law, bureaucratic and instructional, far removed from principles. Then, I think we face a risk of skidding specific to totalitarian systems; restriction of fundamental rights and freedoms under various pretexts. I will not go into details now, we will develop something later. What is also serious is the fact that we are very close to a risk that means uncovering the meaning of culture, civilization and law and transforming meaning into nonsense or antisense. I think we are very close to the time when freedom means slavery, power means ignorance and peace means war. Yes, when it comes to local law, I think we are in a crisis of local law. As long as a minister of justice in this country says that human rights are a luxury, as long as a prime minister of that country challenges the binding decisions of the Romanian Constitutional Court, as long as the People's Advocate is unconstitutionally dismissed and no one answers, as long as a lawyer is criminally convicted for his legal opinions as wrong, in what legal system do we live?

In the God-given years of my life, I have heard speeches of remarkable magnitude and quality, which speak of law and culture, of kindness, love, altruism, generosity, all as a link between culture and law. That means the need to say things by name. I believe in that. I think that's what lawyers are missing today. And not just lawyers. I think we get too drunk with cold water. I feel the need for very open debates in which to say things by name. I will not now engage in a critical analysis of the legal system, of the relationship between law and culture, of the relationship between law, culture and contemporary civilization, from my humble perspective. But if, as the children of Vitoria-Gasteiz National Justice say, the truth is all that matters, then we must always strive to bring the truth to light. We cannot hide behind our fingers and we must admit that the Romanian legal system is going

through a serious crisis; and, with it, the Romanian culture and civilization, and, with them, the universal culture, civilization and justice¹.

We have the impression that we live in times when both law and culture are spit in my soul, and the image of justice, which is the mirror image of society, reminded me of a snag, which is very dear to me, but I sadly admit that I do not know who it probably belongs to Voltaire, who said: "God created man in His own image and likeness. And man returned the favor and created God in His image and likeness."² I'm afraid we live in such times because, after all, the clergyman says, "It all depends on the weather and the circumstances," and my thoughts somehow come from the turmoil in my area of human rights research. And I thought about the etymology of the word culture. It comes from the verb *colo*, cholera, to cultivate. To cultivate means to know, to know what you cultivate, to know how to take care of what you cultivate and then to appreciate what has borne fruit, what has come out of what you have cultivated. Culture has to do with nature, with the natural world, it has to do with the human being, with human nature, it has to do with divinity and all the unseen forces that somehow order this perfectly created Universe, from my point of view, as Professor Dulcan said, an intelligent Universe. And then I think that culture is the conduit between the past and the future, because culture tells us what to do and what not to do, how to act and how not to act. So here are the values, here are the rules. After all, it was culture that shaped law, and law, in turn, shaped culture. Somehow, culture today has to do with the relationship between man and nature, between man and man and between man and divinity. All of these are, in fact, power relations, if we think about it, power relations. Only something has happened in recent years. It has happened that this old culture has been attacked by new technologies, by modern anti-culture technologies. New technologies, which, in fact, promote hostility towards the love of nation, love of country, love of values, after all, and I believe that this fracture or these anti-culture technologies do nothing but disconnect culture from nature, disconnect culture of the human being, to disconnect the culture of law. Therefore, I believe that we can only go from disorder to disorder. We get to that chaos; we somehow get to that imbalance for our healthy life³. We feel the need to raise a question about my own understanding in the different contexts we face. In contemporary society, people have gained almost automaticity in confirming that they have understood, but it is not clear to us what element marks the moment of understanding. How many times have we penetrated the meaning of something beyond the subjectivity of our perception? How worried are we that we can't relate correctly to certain situations? The question of identifying certain marks of the ability to understand in which just the mere perception of a fact does not lead

¹ The speech of Mr. Florentin Țuca during the Justice Day 2021, <https://www.universuljuridic.ro>, (16.04.2022)

² *Idem*

³ James Gleick, *Chaos, The birth of a new science*, Publishing House Publica, Bucharest, 2020. p. 23

directly to the discovery of meaning is too complicated, I leave others more skilled to develop, I say only that the inadequate response to some situations appears in the absence of comprehensive intelligence, able to analyze the situation in depth and identify the levels of meaning. Even though access to information is fast and almost instantaneous in the current era, it cannot be a guarantee of clarification of facts or correct assessment of them. In this context, we point out that a deep understanding of the current situation of law would facilitate good coexistence in any community, would lead to finding out the truth about the recent history of law which is in fact our history of Romanians much falsified and now even banned. We will learn about the history of the Jews and the Holocaust! It is at the same time an exercise in memory: about the Judeo-Bolsheviks brought by the liberating Soviet tanks, about the holocaust of Romanian culture during the Stalinist period in which almost all of Romania's intellectual elite was decimated and the 1918 Great Union leaders ended in communist fears. Everything is connected, and the close memory also sends us to the terrorists of December 1989 (who, despite the revisionist narratives propagated especially by the former Securitate, existed and was Securitate, about the Ceausescu dictatorship and its main instrument of repression, the Securitate, about the fear that the latter instilled in the victims he left behind. But more on the December 1989 coup, a little further on. Until then, let's unravel the secrets of the holocaust of Romanian culture, the traces of which are still felt today; genocide that is being repeated now, but on a global scale, through a terrible pandemic bacteriological war. Because after every genocide that was applied to us, as soon as we got up, a claw from the four horizons tore our unconsolidated grip. But the holocaust of our culture has left the most terrible and unfortunate consequences, unimaginable for a peaceful people.

The Holocaust of Romanian culture in the Judeo-Bolshevik period of Stalinism

The history of mankind abounds in horrors, the holocaust or genocide being part of the eternity of peoples. The Holocaust means complete extermination, usually by burning, a sacrifice that leaves only ashes. In a direct and figurative sense, after the Second World War, the Romanian culture underwent the treatment of a holocaust. It has been thrown into the furnaces and prisons of an intolerant political ideology, to free the ground for a "new" culture. After 1944, thanks to this imported ideology, all Romanian life was divided into two: the "past" and the "new" life, which was built by demolition, by destruction, by the holocaust of this past. The "past" was black and needed to be destroyed; the "future" was bright and needed to be built. All the Romanian values of the past were thrown, with non-existent or insignificant exceptions, at the "common grave" of the Holocaust programmed against the Romanian culture. They meant "the past," and an almost religious rage punished those who tried to save or maintain the values of the afflicted "past," increasing the proportions of sacrifice. The quarrel over the symbols of Romanian life and culture was barbaric: for example, no one took stock of the statues on the pedestal in the first post-war decade and did not analyze the

way in which they were destroyed. The statues were also given to the Holocaust: the group of statues on the road, dedicated to Ferdinand I, the Unifier, Mestrovici's creation, was thrown into the furnace and melted. It was more than a physical destruction: the transformation of sculpture into an informal matter also aimed at the disappearance of a cultural meaning¹.

The same thing happened with the legal culture, the science of law and some of its servants, for example, Al. Otetelișanu, Mircea Djuvara, Valentin Al. Georgescu, Traian Ionașcu, Hurmuz Aznavorian, Petre Pandrea, H. Stahl, Dimitrie G. Lupu, First President of the High Court of Cassation and Justice, as well as lawyers and magistrates who stood out by elaborating significant scientific legal materials. It is known that the great cultured people of the nation had, as it was said in the press of the time, two GAZ cars (the ancestor of the off-road car M 461, produced in Câmpulung Muscel, the grandfather of the well-known ARO) at the gate of the house, where they could climb; one to the Academy and the University and the other to the White Gate or canal, the dreaded communist prisons. There were many who opted for collaboration with the communist authorities, giving up everything they had done before! Why did scientists choose, especially in the beginning, the path of collaboration, they accepted, without hesitation, out of opportunism, fear or conviction, to be used and legitimized by their name (especially when it had gained previous recognition) communist totalitarianism. Others have chosen not to do so. The former ensured a better life, functions that ensured them social prestige, ensured their ability to publish books, and secured their right to maintain public assertion². "Meanwhile, other members of the intellectual elite were losing their jobs, their sources of income, their freedom, and their lives. Elimination from a prestigious intellectual position (academician, university professor) often meant a decisive step towards imprisonment and not in a few cases, given the inhuman conditions of detention, towards death"³.

¹ Mihai Ungheanu, *The Holocaust of Romanian Culture. 1944-1989*, DBH Publishing House, Bucharest, 1999, <https://vladhogea.wordpress.com/2010/06/11/restituiri-mihai-ungheanu/>, (16.04.2022)

² The conclusion of Alexandru-Murad Mironov expressed at the end of the study entitled Benefits, privileges and rewards or the price of intellectuality in R.P.R. it is harsh, but in a sea of ambiguity and shades of gray, in a post-totalitarian transition as difficult as ours, things sometimes have to be said like this: intellectual was the most important advantage. For, otherwise, the intellectuals of the R.P.R. it was sold at a fairly low price." The study is published in the volume entitled *Romanian Intellectuals in the Archives of Communism*, Dan Cătănuș (coordinator), Nemira, Bucharest, 2006, p. 472.

³ Every year, leading intellectuals perished in prison: in 1947, Traian Brăileanu; in 1949, Radu Rosetti; in 1950, Alexandru Lapedatu, Gheorghe Cuza, professor at the Faculty of Law in Iași, Mihail Manoilescu; in 1951, Istrate Micescu, professor at the Faculty of Law in Bucharest, Gheorghe Tașcă, professor at the Faculty of Law in Bucharest and at the Commercial Academy; Anton Golopenția; in 1952, Mircea Vulcănescu; in 1953, Gheorghe I. Brătianu. From the old Academy they went through prisons: Many professors from the Faculties of Law: Emil Hațieganu, George Fotino, Gh. Leon, Gheorghe Strat, Ion V. Gruia,

Indeed, for some professors, this decision to collaborate with the institutions of the communist regime came after a first purge from the Faculties. At one point, they were also victims, and we must not forget that. However, we must not forget anything else: the pact between the victim and the executioner emerges the winner, first of all, the latter, due to the legitimacy given by the assumed partnership of the victim, especially when the choice was not between life and death or between freedom and imprisonment. The choice was whether or not to put your skills to work in the regime's institutions. It is the option that does not put life or freedom first, but the temptation of professional pride, of keeping in public life, of writing. The victims who did not assume this, as were those mentioned by Petre Pandrea¹, did not legitimize the executioner, but showed them and continue to show his true face. And this is even more necessary in the case of a communist dictatorship, a dictatorship based on a generalized lie, on demagoguery, on a humanism invoked only by the façade. In the case of such a dictatorship, the executioner must always point the finger, and not justified by shades of gray of a so-called good. These shades of gray do not matter as long as the communist regime killed people and kept Romanian society for half a century in a dictatorship. What else can you invoke in this picture? Beyond the humanism invoked by the façade, beyond the books that explained the ideology of the regime, beyond the new clothes of a so-called good, communism has always paraded naked. As far as I am concerned, I do not think that we should now try to show that he actually had a mantle of good, and we should not justify the facts by this argument. A wise saying of a great thinker: Evil always enters the world under the pretext of good. But a false good that some people have identified and have chosen to oppose or at least not cooperate with, knowing that in fact through this collaboration would only legitimize evil. A totalitarian communist regime is, after all, the same exponent of evil as a totalitarian fascist or Nazi regime. The dead are not left or right, they are just the result of the application of the ideology of a totalitarian regime. Therefore, any shades of gray of the good have no place, the law is put in the service of justice as we will try to analyze further².

Many did the same after December 1989. Such an attempt to evoke their past and make it public was programmatically avoided. "The vast majority of those who hold leadership positions in the judiciary and in legal education have either worked in the system before 1989 or, and it is well known that justice is a caste, are descendants or have had teachers who they identified with communist justice. The

Ion Fintescu. An incomplete list of those who lost their lives in communist prisons, a list from which I chose, in the context of my study today, without wanting to overshadow in any way the sacrifice of other victims, to emphasize the sacrifice of law professors.

¹ Petre Pandrea, *Memoirs of the Wallachian Mandarin*. vol. 1, Journal 1954-1956, Vreema Publishing House, Bucharest, 2011 and *Memoirs of the Wallachian Mandarin*. vol. 2, Journal 1957-1958, Vreema Publishing House, Bucharest, 2012.

² Radu Teodorescu, *The good in comparative religion*, Cugir, 2013, https://amp.issuu.com/teodorescuradu4/docs/evil_in_world_religions/54, (16.04.2022)

natural tendency of the author of a wrong, abusive or obedient sentence is to forget the mistakes of the past, showing reluctance to any tendency to re-evaluate his role. Reluctance is also taken over by their successors at the department. "We will give only one example, the unfortunate role of the military prosecutors from the Military Prosecutor's Office under the Ceausescu dictatorship. It is a well-known fact: many military prosecutors conscientiously obeyed the unwritten orders of the Securitate. For "legal" coverage, acts of political opposition were initially classified as "crimes against state security" (including the famous "propaganda against the socialist order", art. 166 of the Criminal Code). These cases were "investigated" by the Securitate in "close collaboration" with the military prosecutor's office. In reality, the military prosecutors only counter-signed, almost entirely, the "proposals" of the investigators of the Sixth Security Directorate, from the removal from criminal prosecution (if the investigated person was "positively influenced" or if it was decided disguise the case in a common law) until prosecution for "security" offenses. The reports of the Sixth Directorate show that virtually all the proposals of the security guards to prosecute the political cases were "resolved by the military prosecution bodies" and the military tribunals by prosecuting and convicting the respective opponents.

According to military prosecutor Ioan Dan, "I knew what it meant to be a prosecutor, even of the highest rank, when orders were given at such a level [Security]. The prosecutor was nothing more than an executive officer."¹ The cover of the Securitate's crimes immediately after the Revolution by the Military Prosecutor's Office was made under the direction of Chief Military Prosecutor Gheorghe Diaconescu, who, according to an overwhelming number of documents and testimonies, participated in the "legal coverage" of the repression in Timisoara. How did the staff of the Sixth Directorate become military prosecutors investigating the Revolution? It should be noted that most of the investigators of the 6th Directorate (Criminal Investigation) of the Securitate were briefly seconded from the Revolution, officially, to the Military Prosecutor's Office - including in Bucharest, Sibiu, Brasov - by the head of the Military Prosecutor's Office. that period, General Gheorghe Diaconescu. According to Magistrate General Ioan Dan, most of the time they were allowed to carry out effective research work on the causes of the Revolution, especially the activity of gathering evidence on the ground. In this way, security investigators - now acting as military prosecutors - were able to hide evidence. Ioan Dan had suspicions about the way in which his colleagues actually let themselves be "coordinated" by the former security guards, many of the prosecutors still being afraid of those from the 6th Directorate. Some military prosecutors have even demanded that they be suspended from certain cases for fear of those in the former Securitate. Ioan Dan also reported other cases in which former security officers, investigating shootings from the apartments of

¹ Alecu Racoviceanu, SIPA Archive. "*In a hierarchy of culprits for political repression, the judiciary would be on a higher level than the security*", <https://evz.ro/arhiva-sipa-dezvaluiri-cracana.html>, (16.04.2022)

former colleagues of the institution, reported that in fact they were fired from the outside to the inside. A telling example for the above is the former officer of the 6th Security Directorate Nicu Crișan, who immediately after the Revolution was taken over, together with most of his colleagues, in the military prosecutor's office within the Army and then in the J Formation J of the SRI. Here is his statement, given in 2015 before the military prosecutor, in case 32 / P / 2014 (by which his former colleagues Pârvulescu Marin, Hodiș Vasile and Postelnicu Tudor were charged with committing the crime against humanity): "Immediately after December 1989, when we were transferred to the Ministry of National Defense, we received ID cards with the military unit code of the Ministry of National Defense and some powers of attorney signed, as far as I can remember, by the head of the Military Prosecutor's Office at that time, Gheorghe Diaconescu. all military units. I, for example, have checked several places where it is alleged that a fire broke out in the days of the Revolution. I do not know if all my colleagues have received such powers, but certainly many of us have received such a thing.

According to the authors, "this case offers a plausible explanation, namely that some military prosecutors destroyed and forged evidence in investigations conducted immediately after the Revolution. (Obviously, they manipulated them in favor of the perpetrators, respectively those of the "Fifth Directorate, USLA, CTS and other Security units, including special ones"¹, according to Iulian Vlad.) And the explanation is simple: the respective "military prosecutors "They were in fact security guards from the Sixth Directorate, confirming the statements of Ioan Dan. The lack of professionalism and perseverance in the investigations and the attempts to "direct" them to preconceived conclusions were not accidental. They were based on the old subordination and enslavement of military prosecutors to the Securitate. With a directness and sincerity that puts his testimony above any doubt, the magistrate puts his finger on the wound of the institution in which he spent most of his career: The bias of the Ministry of Interior - Militia and Security - by the military prosecutor is confirmed by evidence. Moreover, in the files of the Timișoara Revolution, due to the eminently political nature of the repression, the facts fall under the legislation on crimes against humanity. The magistrates who worked on the files of the Revolution noticed these facts, but, suspiciously, did not include them in the mentioned crimes, generally considering them only "abuse of office", facts that in the end turned out to be amnestied. or prescribed. And yet, prosecutors noted: Demonstrators were brutally attacked on the evening of December 16, 1989 by militia intervention platoons and subunits of security forces and firefighters, who used sticks, tear gas and water cannons against them. Through these acts of violence, [the defendants], who refused to have open discussions with the masses of demonstrators, expressed their clear intention to repress any anti-dictatorship movement. Justice, the weeping eyes want to see you!

¹ Andrei Ursu, Roland O. Thomasson, Madalin Hodor, *Shooters and Mysticians for details. Security Counter-Revolution in December 1989*, Polirom Publishing House, Iași, 2019

And their souls will bleed to see how former communist prosecutor Dan Voinea¹ a received more than 30 billion lei from his pension by 2022 and if he lives to the age of 80, he will receive more than 1.5 million euros from his pensions². At the time of Voinea's retirement in 2009, at the age of 59, he obtained a pension of 18,500 lei per month, meanwhile the pension being indexed and substantially increased with the transfer of contributions to the gross salary invented by Olguța Vasilescu, the minister of sad memory. Returning to the prosecutor who investigated the files of the Revolution and Mining, Dan Voinea, it is worth mentioning that the Attorney General of Romania during the 15 years of prescription for the files of the Revolution and Mining, respectively December 2004-June 2005 was Ilie Botoș, also retired at the age of 51 with a pension of 24,000 lei, even if his income was 16,000 lei in activity. Of course, the pension has increased like Dan Voinea's. In addition, Ilie Botos buried the Fleet File. About the way those files were handled, the general prosecutor, at that time - 2009, Laura Codruța Kovesi, explained then the scandalous story of General Voinea with unbelievable details, if they had not been documented by the SCM inspectors, who found irregularities unprecedented in the investigation of the files of the Revolution and Mining: was committed. Are we talking about documents in the file and the beginning of criminal proceedings? Do you know how criminal proceedings began in these cases? On handwritten papers, handwritten, without legal classification, some names were written, 10-20 names, of which 10 or 15 people died, unregistered", Kovesi publicly accused the way in which the military prosecutor Dan Voinea was made to work. Until the spring of 2021, only prescriptive facts were investigated in the case of the Revolution, and one by one the defendants were released by prosecutors. But in 2021, the PCJJJ expanded its charges of genocide, which is indescribable.

Moreover, Laura Codruța Kovesi, who now heads the European Public Prosecutor's Office, described how the investigation was conducted in the

¹ Dan Voinea has been a military prosecutor since 1982, and between 1997 and 2000 he was the head of the Military Prosecutor's Office of the Prosecutor's Office attached to the High Court of Cassation and Justice. In December 1989, he was brought by Ion Iliescu as a prosecutor to the trial of the Ceausescus, at that time having the rank of major in the Directorate of the Military Prosecutor's Office. Dan Voinea participated in the trial of Elena and Nicolae Ceaușescu, who drew up the "indictment" on the basis of which the two were sentenced to death and executed on December 25, 1989. Subsequently, Voinea was the one who handled two of the most important cases. post-December, that of the mining of 13-15 June 1990 and that of the Revolution of December 1989, managing the performance of delaying and completely m Dorina Lascăr, Unmasked at the Court that she supervised the cremation of the dead in '89, Dan Voinea has a pension of over 35,000 lei, she supervised the cremation of the dead in '89, taken from the website: <https://www.curentul.info>.astering the two files, for almost two decades.

² Dorina Lascăr, *Unmasked at the Court that she supervised the cremation of the dead in '89, Dan Voinea has a pension of over 35,000 lei, she supervised the cremation of the dead in '89*, <https://www.curentul.info>, (16.04.2022)

Revolution's case: "The prosecutors carried out a large number of procedural acts in question but did not capitalize on a large amount of information. They did not take any steps to declassify the documents regarding the hearings in the senatorial commission in the conditions in which thousands of hearings were carried out in this commission and although SRI has drawn up a large document, it is not found in the criminal investigation file. "It would have been necessary to obtain it," he said, noting that the hearings in the case were "synthetic and formal". without any justification in this regard in the file "and" the few ballistic examinations established only the type of ammunition and weapons but the weapons with which they were fired were not identified nor the shooters".

One of the reasons why Dan Voinea covered up the case may be his attempt to hide his involvement in the cremation of the dead in Timișoara. Journalist Vasile Surcel studied the testimonies from the "Timișoara Trial" and found that a statement once made in court by one of the defendants of the "Timișoara Lot" brings to the attention of former military prosecutor Gen. (r) Dan Voinea. But it also links him to one of the most horrible episodes of the Revolution: the cremation of the 42 corpses from Timișoara. Dan Voinea is well known to those who watched the film of the trial in Târgoviște, the one that ended with the execution of the Ceausescu: he was the prosecutor of that mock trial. Voinea read out the impromptu indictment, probably on his knees, and when he was given the floor, he pleaded for the two to be punished. Admittedly, in his capacity as accuser, he was much more balanced than the Ceausescu's ex-officio lawyers, lawyers who accused their "clients" as harshly as inquisitors. Then, in the years that followed, Dan Voinea became famous by the fact that, in his capacity as military prosecutor, he investigated, for years, the "Files of the Revolution"¹. "Arrested in the very last days of 1989, the great donkeys of the communist regime were brought to justice in a series of trials in which what were later called "Revolution Files "were tried. Trials started to be blocked by returning the files to prosecutors who were asked to complete the investigation, and then resumed, to find out that the deeds were pardoned or prescribed. Thus, in the face of criminal justice, it came to pass that, in the end, historians were left alone to deal with the problems of the Revolution. They and the curious who still have the patience to read carefully the testimonies taken 32 years ago. And those testimonies are, even now, particularly interesting.

¹ The ECHR has again condemned Romania following a lawsuit initiated by 23 people against the Romanian state. The plaintiffs or close relatives took part in the demonstrations and were injured or killed during the events of December 1989 in Bucharest, Slobozia, Targoviste and Resita, which led to the overthrow of the communist regime. According to the sentence, Romania must pay the 23 applicants, within three months, non-pecuniary damages of 15,000 euros each and the related court fees. The decision comes after last year another 81 victims or descendants of those who were wounded, tortured or killed in the Revolution received from the Romanian state over 800 thousand euros, which we expect the Ministry of Finance to recover from those guilty, since according to art. 12 of O.G. no. 94/1999, the state has the right of recourse against the persons who, through their activity, with guilt, determined its obligation to pay the amounts established by ECHR decision.

And one of these statements is the one that connects prosecutor Dan Voinea with the dead cremated at the "Cinderella" Crematorium.

Heard at the end of 1990 during the first trial on the merits of the "Timișoara Revolution" trial, the defendant Ion Baci, former head of the Economic Directorate within the Militia, wanted to specify at the end of his testimony: "The last issue, Mr. President, I declared to you on the occasion of the presentation of the material, I do not know if it was further verified, that on the 20th, at 10.10, Mr. Lt.-Colonel Voinea Dan, accompanied by another military prosecutor in military uniform, who spoke with the respective personnel; I was there and I was waiting for the car to come and hand over the ash bins and in about 10 minutes they left ". Well, although the proceedings oblige the president of the full court to ensure the exact recording of those who are brought to the notice, the magistrate asked the clerk to record only that: incineration, two military prosecutors showed up at the crematorium", what did they do? Were they interested in what? "So, he refused to mention the name of the prosecutor Baci had talked about. Then he was given the floor again, at which point he said, "I was nearby, and he got in touch with a worker, Geta. Those who worked are afraid that something will happen to them. The judge asked them to write down only: corpses and those workers are afraid that something unpleasant will happen to them. "At the next moment, Baci also stated that the prosecutors in question "After about 10 minutes they left". Statement recorded as such, but followed by the question of the judge who wanted to know: "Did they talk to you?" And after the defendant answered briefly that no, the judge recorded: "Without talking to me. I mention that I knew one of the prosecutors".

But the same magistrate pretended not to hear when Baci wanted to specify: "Mr. Colonel Voinea, who in fact also told me during the investigation in Bucharest, in fact". And in the end, although Ion Baci insisted on the presence of prosecutor Dan Voinea at the "Cinderella" Crematorium on the morning of December 20, 1989, his name did not appear in the trial records. That's about it. What remains to be noted is the fact that the magistrate, who tried not to mention the name of prosecutor Dan Voinea, was the military judge, then Colonel of Justice Cornel Bădoiu"¹. Contacted by phone, Gen. (r) Dan Voinea denied that, on December 20, 1989, he was at the " Ash "Crematorium to inquire about the dead cremated there. Instead, he told us something about the activity he carried out in

¹ Cornel Bădoiu, who stubbornly refused to mention Dan Voinea's name as Ion Baci spoke of him, also had a brilliant post-December career. A career whose more "delicate" moments were also talked about by Filip Teodorescu, who in December 1989 was the deputy director of the Romanian counterintelligence: "The president of the panel, col. Cornel Bădoiu, an intelligent man who managed to do relatively well, blaming the prosecution for all the errors and mistakes in the indictment that did not ensure the motivation of a sentence of our conviction, decided, in the summer of 1990, to return the case to the prosecutor's office for completion. Meanwhile, the military magistrate Cornel Bădoiu was promoted to the rank of general, president of the Military Section of the Supreme Court of Justice and in 2000 he became a lawyer.

the last days of 1989. He told us that, together with his colleague Mircea Levanovici, he participated in the capture of Postelnicu, whose first statements he took to accuse. Statements from which he allegedly found out about the 42 corpses cremated at the "Cinderella" Crematorium. Instead, Dan Voinea told us that the prosecutor who was actually at the crematorium was Gheorghe Diaconescu, the then head of the Military Prosecutor's Office, Deputy Prosecutor General of the RSR. Asked about the reason why Baciuc allegedly stated that he was also there, Dan Voinea told us that he has no way of knowing, but that it could be because he also investigated them, later, everyone involved in this dark business. General Dumitru Sorescu, also involved, which is true only in a collateral way, in the operative action regarding the transport and incineration of the people of Timisoara, also told us that he knows absolutely nothing about the presence of any prosecutor who came there. But his statement cannot be particularly conclusive: those who know him describe him as a man who preferred to bear all the consequences of that mission. Recently, the military prosecutors of the Military Prosecutor's Office of the Prosecutor's Office attached to the High Court of Cassation and Justice ordered the extension of the criminal investigation, in rem, for the crime against humanity. The prosecutors' findings are shocking and show the conspiracy against the Romanians that continues today: the damage to the physical and mental integrity, respectively the deprivation of liberty of a large number of persons, facts that are limited to the typical conditions of the crime against humanity prev. of art. 439 para. 1 lit. a, g, i and k Criminal Code with applying art. 5 Penal Code. The premise of the crime against humanity regarding the existence of a widespread attack results from the large number of localities where armed incidents took place with the consequences mentioned above. The manner in which this attack took place shows the existence of a plan according to which action was taken, a plan that aimed to create a state of confusion among the armed forces, by dividing the leadership of the Ministry of National Defense and disseminating false orders, reports and information. and the arming of the population, namely the creation of a "civil war" in which to confront armed units belonging to the Ministry of National Defense and the Ministry of Interior or the same ministry, in order to take power and legitimize the new leaders. In carrying out this plan, the Romanian Television was used to transmit alarmist and sometimes false communiqués, to cut the telephone connections and to bring to the leadership of the ministries of force former military personnel loyal to the new politico-military leadership, with the consequence of generating a psychological "war", which led to the deaths of many victims¹.

So, from spring to November 2021, the military prosecutors exposed this plot that Dan Voinea, Cormel Bădoiu, Ilie Botoș and other communist military magistrates, the beneficiaries of huge pensions, hid. It seems absolutely unnatural

¹ Vasile Surcel, *Chief of Militia: Dan Voinea personally checked at the crematorium the incineration of the stolen corpses from the Hospital from Timișoara*, <https://www.curentul.info/special>, (16.04.2022)

to me that this prosecutor directly involved in the events mentioned above is the one who self-investigated, as if we were in Kafka's or Orwell's novels, how to be impartial and claim immunity when you were directly involved !? Where is the truth, both historical and legal? Legal truth is at hand, overlapping with historical truth and collective memory. It takes courage and professionalism to take it on, otherwise we see how, in our eyes, the phenomenon of criminal law has created fertile ground for today's assassins of the Romanian people who can no longer revolt against those who lead them, as they did those of 32 years ago, but unfortunately we have replaced some criminals with others. What a shame!

The present test can be considered as a historical study, but also as an alarm signal, because the heroes who died for us in '89 were not treated fairly. For 32 years, they have been killed again every December. In the midst of memorials and pious wreaths, we forget, each time, that justice for martyred heroes' means punishing those who shot them. However, the revolutionaries and the military did not shoot each other "like fools", they were not just victims of "fratricidal fire"¹. They were the last victims of the Ceausescu Security. In these pages we invite you to (re) examine the facts, as it results from the testimonies and documents. Some older ones, which were forgotten or covered by propaganda for the acquittal of former Securitate agents, others recently found in the CNSAS archives. You will probably have quite a few surprises in some cases. What are we after? We want justice for the victims. Justice in the legal sense is, we believe, the sine-qua-non condition of people's trust in the state, of our civil and peaceful coexistence, finally freed from the colds of dictatorship. The goal of justice is, after all, for a crime not to be repeated. As long as the assassin security guards are among us and dictate the way we understand our history, we will not be able to say that freedom and democracy have really won in Romania. Without (re) knowing and understanding that defining moment for the national consciousness, we do not believe that we can say, with our hands on our hearts that "we have been saved from fear". We hope that our judge, the reader of good faith, will see for himself in the pages of this paper that we want the truth to come to light. We want to believe that together the author and readers should be animated by the same feeling: the desire to bring the truth to light and to take a step towards rectifying a terrible injustice done to Romanians, coup after coup, genocide after genocide. A terrifying carousel of the victim-executioner binomial, they have so far searched the truth about the victimizing effect of law during the communist period.

Criminology of the law - profound alteration of Romanian law during the communist period

3.1. Clarifying questions about the communist legal system

Theoretically, the imperfection of the legislation is one of the conditions that create fertile ground for the development of crime, the idea generating the

¹ *The indictment of April 5, 2019*, in the file 11/P/2014 of the Military Prosecutor's Office Section

hypothesis according to which the criminology of the law is concerned with the study of the interdependence between crime and legislation. But in the reference period we are not talking about the imperfection of the law which is human, but we are considering the state, with its three powers, as an enemy of the people, which is waging a fierce fight against the Romanian nation. Under these conditions, human rights and fundamental freedoms, the democratic society in which dignity and human values define the rule of law, have practically disappeared. Can such an undertaking guarantee mental balance, peace of mind, or self-confidence? Can he attain perfection? Can it fix people's complexes? Can it guarantee respect for human values in a state governed by the rule of law? Here are some of the questions that can arise from the desire of people to ensure their freedom and dignity! We researchers have some answers to these questions. Freedom and dignity are perceived differently by each of us. In my job, I work with the perception of freedom, with vulnerabilities and feelings of dignity. Not infrequently I have encountered cases in which freedom and dignity did not go beyond the realm of theory. Only when you are deprived of them, like the loss of the parents you have become accustomed to, waiting with love in your soul, on the doorstep of the house, do you realize their absence. As it happened in the gloomy period of Ana Pauker and their acolytes in Moscow when the entire Romanian judicial system was dislocated and made available to the allogeneic occupant, stuffed with enough Romanians, ax tails.

For the historians of the recent past, the study of the judicial system, though the institutional and legal ensemble in charge of distributing justice in the Romanian society represented a marginal preoccupation¹. Only relatively recently did the first significant research on the judiciary appear, but systematic studies on this topic have not yet been conducted². Numerous other small-scale research focuses on the judiciary in terms of its role in cracking down on "enemies of the regime"³. The dominant interest in historiography was given to the repressive

¹ The concept of "judicial system" does not have a unanimously accepted definition. Traditionally, "power / authority" means all courts, civil and military. Another broader meaning includes the Public Ministry - although in most democratic systems criminal investigation bodies are part of the executive branch, under the coordination of the Minister of Justice. As far as we are concerned, for the period of the communist regime, by "judicial system" we mean not only the courts, the prosecutor's office and the lawyers, but also two other institutions involved in the "legal repression" of society: Security and Militia

² Florian Banu, *Judicial Bodies of the R.P.R./R.S.R., In Romania 1945-1989. Encyclopedia of the communist regime. Party, state, public and cooperative institutions*, coord. Dan Cătănuș, I.N.S.T., Bucharest, 2012, pp. 376-385; idem, *Procuratura R.P.R./R.S.R.*, in ibidem, pp. 491-497; Iuliu Crăcană, *Law in the service of power. Justice in the communist regime in Romania (1944-1958)*, I.N.S.T., Bucharest, 2015; Corneliu Pintilescu, *Military Justice and Political Repression in Communist Romania (1948-1956)*, Cluj University Press, Cluj-Napoca, 2012, p. 45

³ Historians of law have also not conducted systematic research on the judiciary during the communist era. It is worth mentioning the synthesis of legal documents made by Sorin

phenomenon, being highlighted the responsibility of magistrates in political processes. The instruments for the application of the criminal policy (official or secret legislation, Security and Militia) or the forms and consequences of the application of punishments (the situation in the penitentiary system) were analyzed¹. The overall assessment of the judiciary is lacking not only as a structure with an essential responsibility in repressive policies, but also in the regulation of civil disputes in Romanian society. The situation finds more explanation. The archives of the Ministry of Justice are not made available to historical research, and those of the penitentiaries are very difficult to access². The essential information about the career of magistrates, contained in the so-called "professional maps" (staff files), is also prohibited at this time for research. Historians have had other sources available to study the judiciary: mainstream legislation, including secret legislation; political and administrative decisions taken by the Workers' Party/Romanian Communist Party; documents produced by the Security, respectively a good part of the political processes; press and other publications; memorial literature, etc.³. Another possible explanation can be found in the dynamics of the phenomenon of decommunization throughout Eastern Europe⁴. From the device of the so-called "transitional justice", in its radical form, lustration, the judicial system was missing. The ruling party of the totalitarian parties together with the secret service personnel, considered to be political politicians, was the central subject of the actions of "democratization through decommunization". The main assumption was that the justice system was under the direct control of the Communist Party, with magistrates being only a "passive tool" in the application of criminal policy, thus being exonerated from the stigma of "totalitarian collective guilt." The adaptation of the judiciary to the conditions of a democratic society, respectively the transformation of justice into a guarantor of democracy (by establishing the so-called "rule of law"), was achieved with priority by changing laws and multiple administrative reorganizations. Personnel in the judicial system of the old regime were not affected after 1989 by purges or exclusions for political reasons, under the argument that by establishing the hypothesis of collective guilt of the magistrates' body, new injustices would occur. The magistrates of the communist period were not subject to institutional

Popescu, Dan Lupașcu, *The Romanian Judicial System. Collection of normative acts (1859-1989)*, Universul Juridic Publishing House, Bucharest, 2008, p. 64

¹ Florian Banu, *Instrumentalization of justice by the communist regime (1945-1958)*, "CNSAS Notebooks", no. 2, 2009, pp. 25-26

² The secrecy that dominated the leadership of the Ministry of Justice, regardless of the political orientation of the holder of the government portfolio, can be explained precisely by the "quiet transition" of magistrates from the communist to the democratic regime

³ Florin Abraham, *Justice in Communist Romania: Between Political Control and Autonomy*, in the "Archives of Totalitarianism" no. 3-4 /2016, pp. 181-201

⁴ For the issue of "transitional justice", Lavinia Stan, *Transitional Justice in Eastern Europe and the Former Soviet Union Reckoning with the Communist Past*, Routledge, London, 2009, p. 65

assessments of values and behavior to see if they were compatible with the rigors of democratic justice, as they were seen as adapting to democracy with society as a whole. In Romania, the "new justice" was built not only by new laws and legal institutions, but also by the massive granting, starting with 1994, of the immovability of incumbent judges, regardless of their activity during the communist period. Communist judges and prosecutors continued unabated after 1989, the only moral and legal barrier being collaborating with or belonging to the Securitate, and only if they violated fundamental rights and freedoms, and denounced activities and attitudes contrary to the communist regime, following a final court decision. Unlike magistrates, the parliamentary and governmental political elites of the democratic regime were overwhelmingly not recruited from the high communist nomenclature, but from its second echelon and from the newly arrived technocrats, or from the former Security officers¹.

3.2. The dynamics of the Romanian communist judicial system between Stalinism and autochthonism

After the fraudulent takeover of political power in March 1945, with the massive "help" of Russian tanks, in March 1945, the Communist Party of Romania was put in front of two options. The first option, which would have had negative consequences for its future, was to start the fight against landowners and capitalists from the beginning, which would have exposed the totalitarian principles, lacking PCR of adherents, allies and sympathizers, maneuvering table. The second scenario provided for the owners to be assured of demagogic promises and slogans, as well as short-term legislative initiatives, in order to reassure some of the bourgeoisie and give the peasantry a sense of security. The Romanian communists, as well as the Soviet ones, at the beginning of the functioning of the socialist state, chose the second option, proving that they had learned the lesson whispered from the interwar period and shouted and argued with the "mass punch" by the Soviet-imperialist state post-war stage. Communist leaders launched promises, disproving rumors of a possible collectivization, although the expropriation and socialization of the land had been announced in the party's program adopted at the founding congress of 1921, at the V Congress of December 1931, in various circulars, brochures and party newspapers from the interwar period². Subsequently, the dynamics of the communist judicial system went through several stages, following closely the same periods as the entire communist regime, precisely as a result of the control exercised by the state party. There were only variations on the same theme; there was no degree of autonomy of justice in

¹ Laurențiu Ștefan, *Who Governs Romania? Profiles of Romanian Political Elites before and after 1989*, Publishing House of the Institute of Political Science and International Relations, Bucharest, 2012, p. 48

² Cezar Avram, *Structures and social categories in the vision and action of the Romanian People's Justice*, in the Yearbook of the Institute of Socio-Human Research "C.S.Nicolăescu-Plopșor", pp. 76-90

relation to political power. In relation to the intensity and harshness of the communist repression, the concrete actions and the presence or absence from the leadership of the country of the Soviet occupiers, foreigners or Romanians, according to some opinions expressed in the literature, we propose a stage that can be improved. We point out, however, that the Marxist-Leninist view of justice remained unchanged from the beginning until the fall of the communist regime. However, the political transformations determined institutional changes in the judicial policy of the Romanian state during 1945-1989¹.

Therefore, the evolution/involution of the judicial system has gone through several stages, marked both by elements of continuity and important changes. In the first stage (1945-1947), uncertainty prevailed in a geopolitical context marked by the stabilization and consolidation of the hegemony of the Soviet Union. The main events for the judiciary were the trials organized by the People's Tribunal for those considered to be "war criminals" or responsible for the "disaster of the country". Under the leadership of Lucrețiu Pătrășcanu, the Minister of Justice, the judiciary was prepared for its transformation from the roots in order to apply the dogmas of Marxist-Leninist ideology. This was done at the beginning of the second stage (1948-1967) when the model of Soviet justice was taken over in its entirety. Massive purges of magistrates and lawyers took place in order to break with "bourgeois justice", the prosecutor's office was replaced by the prosecutor's office, new criminal legislation was adopted, public and secret, some civil law institutions were transformed, mainly regarding the right of ownership. Security has become a criminal investigation body. Justice has obviously acquired class character by introducing popular assessors, who seconded the judges.

In the third stage (1968-1989) the political decision makers, Nicolae Ceaușescu mainly, tried to reconcile with the Romanian society, including through the apparent depoliticization of justice. The changes in the judiciary announced by the 1965 Constitution were followed by a new law on the organization of the judiciary, a new Criminal Code and criminal procedure. The new codes have eliminated much of the previous political offenses, and the procedural safeguards on respect for human rights have become stronger. The changes in criminal policy were the consequence of a new approach: control over society was achieved through the synergy between propaganda and preventive surveillance of society, less through custodial sentences. In the case of the two great periods between 1948 and 1989, other sub-stages can be identified, during which the political pressure on justice was more intense "(1948-1953; 1958-1960; after 1980)", but the dynamics of the system were determined. the framework organization laws (Law no. 341 of 5 December 1947; Decree no. 132 of 1 April 1949; Law no. 5 of 19 June 1952; law no. 58 of 27 December 1968) and the main criminal laws (The Criminal Code of 1948, which underwent numerous amendments until 1960; the Criminal Code of

¹ Iuliu Crăcană, *Law in the service of power. Justice in the communist regime in Romania (1944-1958)*, National Institute for the Study of Totalitarianism (INST), Bucharest, 2015, p. 134

1968) and the Civil Code (Civil Code, Family Code, Labor Code). Another significant element that indicates that the history of the judiciary was not homogeneous during the communist period is the generational changes (in the biological and cultural sense). After the purges of magistrates and the inclusion in the legal system of persons with incomplete education, but with "proletarian conscience", since the early 1960s, among the magistrates came people with a more thorough legal training.

3.3. Communist justice versus bourgeois justice

Justice, like any subsystem of society, contains at the same time both a positive and a negative potential for the destruction of the rule of law. It is true that the legal system characteristic of the rule of law tends towards the positive, while the one of totalitarian origin wears the gloomy, negative robe, as the Marxist Leninist ideology was defined by opposition to the liberal (contractual) theory of the state, developed in the eighteenth century. The theory of separation and mutual control of powers in the state was rejected because it was considered to reflect the domination of the "exploiting classes", and justice was only an instrument of class domination. From a Leninist perspective, power was unique, belonging to the proletariat, which was entitled to use even repressive means against "exploiters" (from the so-called "dictatorship of the proletariat"), in order to create society without ruling classes. The power of the proletariat was not subject to the censorship of any other power, being unlimited. This thesis is in clear contradiction with the liberal theory of the state, according to which, in order to avoid the tyranny of a power, it is necessary to separate the balance and the mutual control of the executive, the legislative and the judicial activity. While in liberal theory justice must be depoliticized, as a minimum guarantee of its impartiality, in the Marxist-Leninist view justice cannot exist outside the political phenomenon, even having the mission to apply the legislation necessary for the creation and functioning of communist society. Therefore, the condition of the magistrate is also different¹.

If in the liberal theory and in the practice of democratic regimes the judge is given legal and real guarantees for the free and independent exercise of his profession, in the Leninist-Stalinist theory of justice, respectively in communist regimes, the judge is "independent", but the political power has extraordinary remedies available for the annulment of final decisions. The magistrate must not be outside partisan politics, as the liberal theory demands, but must be politically integrated into the state party, according to Marxism-Leninism. The judiciary was not considered a power, but only a function of the state, as well as the legislative and executive functions, all of which were subordinated to the will of the "revolutionary elite" institutionally coagulated in the Communist Party. Lenin summed up this view by stating that "the activity of the court is one of the sectors

¹ Christoph Möllers, *The Three Branches: A Comparative Model of Separation of Powers*, Oxford University Press, 2013, p. 142

of state activity"¹. Communist justice was conceived as an instrument of the communist party's will to defend the interests of the proletariat and the social and political order established by the totalitarian party. The judiciary could not censor the decisions of the Communist Party, in order to defend the rights and freedoms of its citizens or a wider public interest. In fact, the leadership of political activity by the nomenclature is not governed by laws, but only by internal clarifications of the Communist Party which do not fall within the jurisdiction of the judiciary. In this respect, the legislative sphere had concrete, criminal features, which determines the need for criminological research of this phenomenon and to take concrete measures for its prevention and annihilation. As we will see, in another section of the study, things happened in the same way after 1989, when the legislation was used by the allogeneic occult to destroy the Romanian economy. In this context, the role of magistrates was to interpret the laws and apply them to particular cases without having the power to create genuine case law. Although the Supreme Court had the power to standardize judicial practice, in reality similar or very similar cases received significantly different solutions, depending on the value of the judges and their possible influence on them.

In conclusion, in the absence of separation of powers in the state and by virtue of its political role played by the party, the politically dominated judiciary has made possible judgments in political order or in the interest of political power. The right of Bolshevik origin, foreign to our nation, was the docile tool of politics, and it was equally foreign, it removed our legal system. Therefore, in the newly created branch of law - criminology of law - should be analyzed as a determining factor of crime in its concrete forms; and the phenomenon of criminality of legislation (or legislative crime) to be understood as the capacity of the legislative activity to generate criminogenic and criminal laws. We will first see how the three constitutions adopted during the communist regime formed the basis of both criminogenic and criminal legislation. Let's take them one at a time.

3.4 The constitutions of the communist regime, the decisive factor of the criminogenic character of the law

3.4.1. The Romanian Constitution of 1948

The criminogenic nature of the law means its ability to generate crime (or criminality). A law is criminogenic when by its provisions it contributes or favors the commission of crimes, unlike the criminal law which is, in its essence, a concrete instrument of committing the crime. Given the above, let us analyze how the Romanian Constitution of 1948² - a decisive and at the same time revealing

¹ ME. Celtov, *The Soviet Criminal Trial*, State Publishing House for Economic and Legal Literature, Bucharest, 1954, p. 75

² At the meeting of April 13, 1948, the Grand National Assembly voted the Constitution of the Romanian People's Republic (Law no. 114/1948), with a unanimous vote of 401 votes. The Constitution was promulgated by Decree no. 729 of April 13, 1948 of the Provisional Presidium of the Romanian People's Republic, signed by the President of the Provisional

step in revealing the intentions of the communist party and state - was, by its norms, at the same time both criminogenic and criminal law, even if the act fundamentally enshrined the principle that "all power emanates from the people and belongs to the people, who exercise it through representative bodies elected by universal, equal, direct and secret ballot." The Constitution of the Romanian People's Republic, composed of 105 articles, grouped in 10 titles, contained important provisions relating to state law in guiding and planning the national economy, the existence of small property and private property, the revision of all existing codes and laws to be agreed with the provisions of the Constitution. Title II of the Constitution of 1948 - "Socio-economic structure", not found in the previous fundamental laws of Romania, indicates the existence of three categories of property: state property, property of cooperative organizations and property of individuals, individuals or legal entities (art. 5). Also, art. 6 stipulated that "the riches of any kind of subsoil, mining deposits, forests, waters, natural energy sources, railways, roads, water and sea, mail, telegraph, telephone and radio" belong to the state as common goods of the people", specifying that the modalities for transferring the above-mentioned goods to state ownership, which, at the date of entry into force of the Constitution, were in private ownership, were to be established by law. Private property and the right of inheritance were recognized and guaranteed by law, with private property "agonized by labor and saving" enjoying "special protection. According to art. 9, "the land belongs to those who work it", and "the state protects the peasant property from work", "encourages and supports the village co-operation", and for raising agriculture, "the state can create agricultural enterprises, state property". Like the previous constitutions, the 1948 Constitution provided for the possibility of expropriations "for reasons of public utility on the basis of a law and with a fair compensation established by the judiciary." Also, in order to achieve the legal basis for the nationalization of the main means of production, by constitutional means, it was provided that "when the general interest requires, the means of production, banks and insurance companies that are the private property of individuals or legal entities the property of the state, ie the property of the people, under the conditions provided by law "(art. 11)". As a result of these provisions, on June 11, 1948 the main industrial, mining, banking, insurance and transportation enterprises were nationalized, on July 2, 1948 the State Planning Committee was established, on March 3-5, 1949 it was decided The "socialist transformation of agriculture" on April 20, 1950, nationalized much of

Presidium, CI Parhon, and the Secretary of the Provisional Presidium, GC Stere, countersigned by the President of the Council of Ministers, Dr. Petru Groza, and the Minister of Justice, Avram Bunaciu . It was published in the Official Gazette, part I, no. 87 bis of 13 April 1948 and entered into force on the same date. The 1948 Constitution was amended by Law no. 3/1952 regarding the modification of art. 61 of the Constitution of the Romanian People's Republic, published in the Official Gazette no. 16 of March 29, 1952. The Constitution of the Romanian People's Republic of 1948 was implicitly repealed on September 24, 1952, by the entry into force of the Constitution of 1952

the buildings and housing, and on January 20, 1952, a new monetary reform was made to confiscate the last cash reserves of the population. Subsequently, in order to consolidate the democratic-popular power and set the objectives of total liquidation of the contradiction between the socialist character of the state power and the character of the production relations based on private property, the Constitution of 1952¹ was adopted, the second of the three constitutions of Romania the communist regime.

3.4.2. The Constitution of the Romanian People's Republic of 1952

The 1952 constitution consisted of an introductory chapter and 105 articles grouped into 10 chapters. In the introductory chapter, the Constitution proclaims Romania a "state of the working people in towns and villages." The Romanian People's Republic, as shown below, "was born out of the Soviet Union's historic victory over German fascism and the liberation of Romania by the glorious Soviet Army, a liberation that empowered the working people, led by the working class led by The Communist Party, to overthrow the fascist dictatorship, to destroy the power of the exploiting classes and to forge the state of popular democracy, which fully corresponds to the interests and aspirations of the popular masses in Romania. "The creation and strengthening of the People's Democratic State , "friendship and alliance with the great Soviet Union" were meant "to ensure the independence, state sovereignty, development and flourishing of the Romanian People's Republic." Foreign policy "is a policy of peace, friendship and alliance with the USSR." As a state regime, the Constitution proclaims the regime of popular democracy, which "represents the power of the working people." The People's Democratic State is a form of the dictatorship of the proletariat, exercised by the working class party. the cultural-educational one. Based on these new constitutional provisions, the new socialist system of state bodies was created, and the replacement of the existing state apparatus with a new one was achieved through amendments to the laws on judicial organization and the organization and functioning of the Prosecutor's Office.

¹ The Constitution of the Romanian People's Republic of 1952 was adopted by the Grand National Assembly on the basis of Articles 38 and 104 of the Constitution of the Romanian People's Republic of 1948 after discussing the draft published on July 19, 1952 by the Constitutional Commission for the preparation of the draft Constitution. The Grand National Assembly voted the constitution in the meeting of September 24, 1952, unanimously by 324 votes, a situation certified by the President of the Grand National Assembly, Coliu Dumitru, and the secretaries of the Grand National Assembly, Marussi Gheorghe and Belea Miron. dated September 24, 1952, under the signature of the President of the Presidium of the Grand National Assembly, Dr. Petru Groza, and the Secretary of the Presidium of the Grand National Assembly, Marin Florea Ionescu, and was published in the "Official Bulletin of the Grand National Assembly of the Romanian People's Republic" no. 1 of September 27, 1952. The Constitution entered into force on September 24, 1952, that is, on the date of its adoption. It implicitly repealed the 1948 Constitution at the same time

For the investigation of the victimizing effect of the law, we will distinguish between the criminogenic character of the Constitution, as a normative act and of the infra-constitutional legislation. A legal norm can be recognized as criminogenic when it generates criminogenic factors (legal, economic and other), which determine either the commission of crimes or the increase of the level of crime within the limits of the relations it regulates. And here we have in mind the legislation adopted between 1948-1953 which was the legal support of nationalization and collectivization and highlighted the objectives of the policy of the party and the communist state because, from 1945 to 1948, Romania had gone through the stages preceding major communist reforms. After the abdication of King Mihai, the proclamation of the Romanian People's Republic and the implementation of some reforms - agrarian and monetary -, in the middle of 1948 it was the turn of nationalization. If until then all the things done by the communists had a precedent, nationalization was the first concrete act towards another era, radically different from everything the Romanians had experienced until then because since the National Conference of the PCR in October 1945, the communists opened the fight against private property of any kind in the economy. After the nationalization of the National Bank of Romania was carried out in December 1946, state control over all credit institutions became effective. As early as July 1947, the Ministerial Commission for Economic Recovery was created, with the aim of controlling raw materials, production and sales of products. The nationalization of enterprises was the end of a whole process. From October 1947, the private, industrial, commercial and transport enterprises were inventoried. A Superior Nationalization Commission was set up simultaneously with the county and collective commissions for each enterprise and the Plenary CC of the PMR, from June 9-11, 1948 adopted the Report, presented by Gheorghe Gheorghiu Dej, on the nationalization of "industrial, banking, insurance enterprises, mining and transport"¹.

By the law of nationalization of June 11, 1948, all industrial, banking, mining or transport associations, as well as real estate owned by citizens became the property of the state without any compensation for the owner. Thus, thousands of buildings and mansions became the residences of trusted people of the Communist Party or the headquarters of CAPs and cultural centers. The Soviet-style plan was secretly implemented by Gheorghe Gheorghiu Dej, who headed the Ministry of National Economy. The development of the economy was just a pretext. However, the measure was political in nature and fully targeted the old political and intellectual elite; a vague text, based on which more than 9,000 houses were nationalized in the Capital alone. A text that operates with labels that is difficult to control. Who decided, and especially on what basis, whether or not you were an exploiter or an element of the big bourgeoisie? Subsequently, the process continued in the agricultural field through collectivization, in order to remove

¹ Gheorghe Gheorghiu-Dej, *Articles and speeches, December 1959 – May 1961*, Bucharest, Politică Publishing House, 1959, p. 153

exactly the same social layer, but from the rural world. However, the measures were not taken at the same time because, no matter how many precautions the rulers took, there was a possibility of a revolt. The principle applied was divide et impera. After the regime got rid of the big industrialists, whom it sent to prison, the "war" against the scoundrels started the following year. The collectivization of Romania - an occasion for crimes, torture, arrests and deportations - was the civil war that destroyed the Romanian peasant. It was called "collectivization" but, in fact, it was a huge kidnapping committed by the totalitarian regime brought to Romania on the "liberating" tanks coming from Moscow, after August 23, 1944. From 1949 until 1962, peasant after peasant he was forced to cede his property to a state that would rob him not only of his possessions but also of his dignity. The Romanian peasants were not afraid of the association, but of the model they already knew: most of them had been soldiers on the Soviet front, in the Second World War, and they had seen with their own eyes the drama of the "culacul", of the collectivized peasant, by force in the USSR. How it got here is clear, political, but also legal, by putting the right in the service of power by profoundly altering the positive effect of the entire legal system and marking the criminogenic nature of the legislation / law / legal norm whose features may express legal defects such as: recognition discretion for law enforcement subjects, the possibility of equivocal and narrow interpretation of the legal norm, gaps in the normative act that may generate legal collisions and, most seriously, non-regulation of legal liability for violation of various legal norms, or otherwise subject to the declaratory it still happens today with magistrates who are not responsible for judicial errors committed. All these characteristics are found in almost all the laws issued during the communist period.

For the agrarian policy from 1945-1953, the political trigger was the Plenary of March 3-5, 1949 which started the collectivization campaign. In his report, Dej spoke of the existence of collective households, which had been formed by the "free will" of the peasants, their desire to follow the "example of the Soviet Union." At the time of this plenary, the coordinates of the socialist agricultural sector had already been established. By Decree no. 82/1949 confiscated all properties of 50 ha and over, left over from the agrarian reform of March 1945. The decree was contained in the following wording of the PMR leader, also in the Plenary of 3-5 March 1949: complete liquidation of the remains of the estates". Following the political decision, both external and internal, the legal support consisted of a series of normative acts (over 200 laws, decrees, decisions of the Council of Ministers, ministerial decisions, journals of the Council of Ministers, decisions of the Commission economic recovery and monetary stabilization, decisions of the General Confederation of Labor) with an organizational character regarding the functioning of the Ministry of Agriculture, mutual aid groups, simple annual associations, TOZs¹, GACs, GAS, SMT- on the role of agricultural unions,

¹ The TOZs taken over from the Soviets were companions that did not disappear after each agricultural campaign, but gradually developed into a collective farm

party organizations, youth organizations, women's organizations, the People's Councils and the State in general, the amount of investments and endowments, etc. Some of these legal acts were of great importance, because their application brought essential changes in the social structure, in the structure of property, in the structure of production, in the life of the Romanian village. A feature of these packages of laws and decrees was that they legislated something that had already been done. The Romanian communists applied the "technique of the accomplished fact". Many laws and decrees, instead of prefabricating and creating the legal framework necessary for the deeds, were enacted after a few months, when the object of the law was already working. Decree no. 33/22 May 1948, which established the Administration of State Farms and Car Stations, meant, in fact, only a change of title, as since 1945 state farms and agricultural car rental stations have been established, and by Decree - law no. 939/27 November 1946, the Autonomous Directorate of Agricultural, Animal Husbandry, Agricultural Industries and Machinery was established by merging state farms with agricultural machinery rental centers¹. On July 2, 1948, by Decree no. 119, the State Planning Commission was established, in order to draw up the "general plan of the national commission". This Commission took over the attributions of the Superior Council of the National Economy, which had been established on November 26, 1945 under the presidency of Gh. Gheorghe-Dej. The state's control over the agricultural activity in the villages, existing since the end of 1945, was thus recognized, the economic super centralization becoming a principle of the Romanian communist policy taken over with the entire packaging from the enemy from the east. And so, the communist law, the one with criminogenic valences, was put in the service of power.

3.4.3. The Constitution of 1965

The communist constitutional triad ended with the Constitution of 1965, which ended its public coup after the 1989 coup. It was the last communist constitution to be part of the second phase of the evolution and course of the communist regime in Romania. it produces an ideological, political and intellectual "thaw", followed by a period of relative "liberalization" of the regime, when it was hoped even for an "opening" of the regime to democracy, which will prove to be a vain illusion. During this period, despite the appearance of liberalization of the regime, the all-encompassing control of the party and the socialist state extended to all public institutions, trade unions and public organizations, schools, universities, mass media, free movement of persons and contacts with foreign countries. Of the three Constitutions that Romania had until December 89, the one of 1965 lasted the longest in the life of society, being used by the communist regime both to create the illusion of a relaxed, open regime and as an instrument of control. of the population.

The constitution adopted on August 21, 1965, was no longer the product of Soviet pressure, but a paradoxical one, by its very content. On the one hand, it

¹ C. Avram, *Op. cit.*, p. 82.

contained provisions that created the image of liberalization, a relaxation of the regime, and on the other hand it established the monopoly of the Romanian Communist Party. "An overall analysis of the text is surprising by the paradox it illustrates: on the one hand, many provisions try to describe another side of the regime, more relaxed, more legalistic and less revolutionary, and on the other hand, the inflexibility of the principles basic, taken from the 1952 Constitution, call into question the reformist character of the document. Compared to other countries in the communist bloc, the reform is extremely limited and the mono-organizational character of the society remains untouched"¹. Conceptually, the Constitution of 1965 - a constitution of victorious socialism - returned to the organization of the text into titles, giving up the "chapters" of Soviet inspiration, specific to the Constitution of 1952. The Basic Law of 1965 contained 9 titles and 121 articles systematized as follows: Title I - Socialist Republic of Romania (art. 1-16); Title II - Fundamental rights and duties of citizens (art. 17-41); Title III - Supreme bodies of state power (art. 42-76); Title IV - Central bodies of the state administration (art. 77-85); Title V - Local bodies of state power and local bodies of state administration (art. 86-100); Title VI - Judicial bodies (art. 101-111); Title VII - Prosecution bodies (art. 112-115); Title VIII - Signs of the Socialist Republic of Romania (art. 116-119) and Title IX - Final provisions (art. 120 and art. 121). The Constitution of 1965 changed the name of the Romanian State from the Romanian People's Republic to the Socialist Republic of Romania. As in all socialist states and in Romania, the issue of relations between the party and the State was raised, especially since art. 3 states: "In the R.S.R., the leading political force of the whole society is the P.C.R." Under the leadership of the PCR in Romania, the dictatorship of the proletariat was established, the economy was established in the economy, civil society was altered by the dictatorial principles of the PCR, and censorship inhibited freedom of expression. With regard to the judiciary and the prosecutor's office, there are no substantial changes in relation to the provisions of the previous Constitution. A coalition of Western powers, neighbors and especially the U.R.S.S. in full reorganization but also superimposed on the deep dissatisfaction of the Romanian people with the dictatorial political regime led to the overthrow of Ceausescu on December 22, 1989. At that time all power in the state was taken over by the Council of the National Salvation Front. On December 25, 1989, former head of state Nicolae Ceausescu and his wife were shot dead after a hastily organized trial led by the newly formed power in Bucharest. The Constitution was massively amended following the coup in 1989 and came into full force in 1991. The three Constitutions (1948, 1952 and 1965) are the effect of the establishment of the totalitarian communist regime in Romania, the first two being made according to the Soviet model. Stalinist. The period 1948–1964 was characterized by harsh measures such as the elimination and even physical extermination of the civil society elite, doubled by an action to

¹ Gheorghe Sbărnă, *The Constitutions of Romania*, Cetatea de Scaun, Târgoviște, 2012, p. 98

dismantle the old historical parties, and later to abolish them and take power by the communists, in the conditions of the Soviet interferences, which established in Romania a Marxist of modernization and development of the country, having as main pillar the forced industrialization, the "cooperativization" of agriculture and the socialist transformation of education, science and culture. At the same time, in order to introduce total control over the individuals, the police terror was intensified, by establishing institutions of force and intimidation, in order to repress any movements of dissent and resistance and to introduce a climate of terror and personal insecurity among individuals. "By abdicating the traditions of parliamentary democracy, the socialist constitutions represented the legal form of subordinating society (including the state) to the will of a single political force, represented by the Communist Party, raising the absolute monopoly of the decision of a single political party to from constitutional practice a ritual of the dictatorial manifestations of the communist rulers". In conclusion, the experience of communism for Romanians was traumatic. In economics it has replaced entrepreneurship with centralized control; in politics and social life he drowned civil society in institutions without integrity; in the intellectual life it has suffocated the free expression of the human spirit, and most seriously, it has caused incalculable damage to the collective morality by the proliferation of laws but the contempt for the law"¹. About the situation of Romanian`s law in the service of power, in the second part of our study, in the next issue of the magazine.

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CHINA IN INTERNATIONAL RELATIONS

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A SIGNIFICANT STEP TOWARDS THE SINO-ROMANIAN RAPPROCHEMENT: LI XIANNIAN'S VISIT TO ROMANIA (AUGUST 1964)

Abstract:	<p><i>Organized between August 26-27, 1964, in Timiș, the Sino-Romanian talks represented a major step in the direction of achieving a rapprochement between Beijing and Bucharest. The Romanian authorities, taking advantage of the 20th anniversary of the „liberation of the homeland”, will hold secret talks with Li Xiannian, a member of the CCP CC.</i></p> <p><i>During the talks between the two sides, both the RWP leaders and Li Xiannian will resort to an analysis of the differences with the Kremlin, thus creating the premises for a Sino-Romanian rapprochement. Based on documents from the Romanian archives, this article analyzes the main topics of discussion between the two parties.</i></p>
Keywords:	Gheorghe Gheorghiu-Dej; Li Xiannian; Ion Gheorghe Maurer; Sino-Romanian rapprochement; Nikita S. Khrushchev; marxism-leninism
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Li Xiannian's visit to Romania in August 1964, on the occasion of the 20th anniversary of the "liberation of the motherland", was part of the Sino-Romanian efforts to build closer relations between the People's Republic of China (PRC) and

the People's Republic of Romania (PRR). By August 1964, the dynamics of relations between the two countries, as well as between the Romanian Workers' Party (PMR) and the Chinese Communist Party (CCP), had undergone important developments. Thus, on 16 May 1963, a meeting was organized between the PRC ambassador in Bucharest, Xu Jianguo, and the Minister of Foreign Affairs of the PRR, Corneliu Mănescu¹.

Subsequently, on 12 December 1963, the Chinese ambassador was to meet Gheorghe Gheorghiu-Dej at Snagov, the meeting having been requested by the Romanian side². Finally, on 24 January 1963, a series of talks were held in Beijing between the Romanian Ambassador to China, Dumitru Gheorghiu, and the President of the PRC, Liu Shaoqi³. The purpose of convening these meetings was to illustrate the Romanian-Soviet and Sino-Soviet differences. It was in this context that the well-known mediation of the Soviet-Chinese conflict was organized by the Romanian side in March 1964. In reality, the above-mentioned mediation was merely a pretext⁴ which Bucharest used to organise direct talks between the Romanian and Chinese sides. In addition, potential Soviet protests against direct Romanian-Chinese meetings were avoided, as Bucharest assumed the "noble" mission of mediating the conflict between Moscow and Beijing. In reality, however, the Romanian-Chinese discussions on the ideological conflict between Moscow and Beijing took a peripheral place, mainly dealing with the

¹ National Central Historical Archives (hereafter ANIC), Central Committee of the Communist Party of Romania - Foreign Relations Section, file no. 53/1963, ff. 2-20. The document in question has been published. See in this regard: "Document 3: 1963 May 16. Note on the audience of Xu Jianguo, Ambassador of the People's Republic of China in Bucharest, with Corneliu Mănescu, Minister of Foreign Affairs, concerning the Romanian-Soviet differences.", Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, Mega, Cluj-Napoca, 2012, pp.29-44

² ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file 94/1963, ff. 3-32. The document in question has been published in fragment. See in this regard: "Document 9: 1963 December 12. Note on the Snagov conversation between Gheorghe Gheorghiu-Dej, First Secretary of the Central Committee of the Romanian Workers' Party, and Xu Jianguo, Ambassador of the People's Republic of China in Bucharest, on the Romanian-Soviet differences and the need for Romanian-Chinese rapprochement (fragment)", Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, pp. 196-226

³ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file. 93/1963, ff. 23-33. The document in question has been published. See in this regard: Document 10: 1964 January 24. Note on the audience of Dumitru Gheorghiu, Ambassador of the People's Republic of Romania in Beijing, to Liu Shaoqi, President of the People's Republic of China, concerning the organization of meetings between representatives of the Romanian Workers' Party and the Communist Chinese Party, and other international matters", Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, pp. 227-235

⁴ Mihai Croitor, *România și conflictul sovieto-chinez (1956-1971)*, Mega, Cluj-Napoca, 2009, pp. 271-284

divergences in Romanian-Soviet relations¹. Clearly, such an orientation of the Romanian-Chinese bilateral talks betrays Bucharest's intention to convince Beijing of its distancing from Moscow.

Returning to Li Xiannian's presence in Romania, we must say that after participating in the ceremonies marking the 20th anniversary of the "liberation of the homeland", his programme was a busy one. Thus, the Chinese official was to visit the Brazi Refinery, the "1Mai" and "Red Flag" factories, a Collective Agricultural Farm (GAC), as well as the wine-making complex in Valea Călugărească. Obviously, the Doftana Museum was to be included in the Chinese leader's programme². As a sign that secrecy remained a constant in relations between Bucharest and Beijing, the meetings between the Romanian and Chinese delegations (organized between 26-27 August 1964) would not take place at the headquarters of the Central Committee (CC) of the PMR, as was customary, but at Timiș.

From the very beginning we can identify a pattern in the Romanian-Chinese talks of 26-27 August 1964, similar to the meetings of 16 May 1963³, 12 December 1963⁴, 24 January 1964⁵, namely 3-10 March 1964⁶. Thus, the Romanian delegation (led by Gh. Gheorghiu-Dej) will address the dynamics of Romanian-Soviet relations, trying to convince the Chinese side of the distance

¹ For a detailed overview of the talks held in March 1964 between representatives of the Romanian Workers' Party and the Communist Chinese Party, see: ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file. 29/1964, ff. 1-123. The document in question has been published. See in this regard: "Document 12: 1964 March 3-10, Beijing. Transcript of the talks between the CC delegation of the PMR, led by Ion Gheorghe Maurer, and the CC delegation of the CCP, led by Liu Shaoqi, on Soviet-Chinese differences and Romanian-Soviet differences.", in Mihai Croitor, Sanda Croitor (ed.), *Anul tigrului de hârtie: Dinamica rupturii sovieto-chineze (1964)*, Mega/Școala Ardeleană, Cluj-Napoca, 2019, pp. 277-385

² ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file 40/1964, f.4. The document in question has been published. See in this regard: "Document 32: 1964 August 26-27. Transcript of the discussions in Timiș between the Romanian delegation led by Gheorghe Gheorghiu-Dej, First Secretary of the Central Committee of the Romanian Workers' Party, and the Chinese delegation led by Li Xiannian, member of the Political Bureau of the Communist Chinese Party, concerning the Romanian-Soviet differences and the Soviet-Chinese differences", Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, pp. 348-406

³ ANIC, Central Committee of the Romanian Communist Party Fund-Foreign Relations Section, file 53/1963, ff. 2-20

⁴ ANIC, Central Committee of the Romanian Communist Party Fund-Foreign Relations Section, file 94/1963, ff. 3-32

⁵ ANIC, Central Committee of the Romanian Communist Party Fund-Foreign Relations Section, file 93/1963, ff. 23-33

⁶ ANIC, Central Committee of the Romanian Communist Party Fund-Foreign Relations Section, file 29/1964, ff. 1-123

between the PRR and the Kremlin. For its part, the CCP delegation (led by Li Xiannian) will focus on illustrating the main Sino-Soviet differences. In the following we will illustrate the main topics of discussion on the agenda of the two delegations mentioned above.

In the talks of 26 August 1964, Gh. Gheorghiu-Dej stated that "as far as relations with the Soviet Union are concerned, we would like to make another tour of the horizon"¹, stressing also that the leaders in Moscow "continue to be concerned by the tendency to dominate, to control others"². Without necessarily following a chronological line of events that have marked Romanian-Soviet relations, the Romanian leader will bring up the so-called "Valev Plan." In essence, an article signed by Emil B. Valev (article entitled "Problems of the economic development of the Danube districts of Romania, Bulgaria and the USSR") in which he theoretically emphasized the economic benefits of the Danube inter-state complex, comprising territories in Romania, Bulgaria and the USSR³.

The reaction of the Romanian authorities was the publication on 25 June 1964 of the article⁴ signed by Valev in the magazine "Viața economică", together with a caustic commentary. The categorical position adopted by the decision-makers in Bucharest regarding this article led the Moscow authorities to publish an article in the newspaper *Izvestia* criticizing Valev's theoretical approach. Referring to these issues, on 26 August 1964, Gh. Gheorghiu-Dej recalled the events in question in the following way: "Look, for example, at Valev's article. It took them a while because they were stunned, bewildered by our response, like a boxer when he gets stunned and grabs the ring with his hand so that he doesn't fall down, they didn't wait and when they got up they asked the question: what do we do? They had to come and say something in the "Izvestia".

They admitted something to the world, but we don't believe anything they said. That's why we didn't even publish that article in *Izvestia*. And our comrades came to us: look, they wrote an article in *Izvestia* fighting Valev. True, but they were fighting the small sides, not the pilot (sic!) general, they were not fighting the substance of things, the conception behind Valev's article, because the theses are taken from Khrushchev. Valev is not guilty. I told my comrades this - if I have the opportunity to meet Valev, I will shake his hand because he helped me understand what interstate economic complexes are"⁵. The position adopted by the Romanian leader in this matter must not have surprised Li Xiannian, given that, during the

¹ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.6

² *Ibidem*

³ David Floyd, *Rumania: Russia's dissident Ally*, Pall Mall Press, London, 1965, pp. 105-106

⁴ E.B. Valev, *Problemele dezvoltării economice a raioanelor dunărene din România, Bulgaria și URSS*, "Viața Economică", Vol. II, No. 24, 12 June 1964, pp. 5-7

⁵ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section file40/1964, f.8

meeting with the Ambassador of the PRC in Bucharest, Xu Jianguo, (a meeting held on 5 June 1964), Gh. Gheorghiu-Dej had labeled Valev's theoretical construct as a "plan to dismember Romania"¹. Aware of the CCP's penchant for the cult of personality and Beijing's denial of the process of de-Stalinization, launched by the secret speech delivered by Nikita S. Khrushchev on 25 February 1956,² the 20th Congress of the Communist Party of the Soviet Union (CPSU), the Romanian leader resorted to an anecdote during the talks of 26 August 1964. "Now he could ask on Radio Yerevan - said the leader of the PMR - if the cult of personality still exists in the Soviet Union, and he would be told: the cult exists, but we have no personality."³ At the time of August 26, 1964, the hottest issue on the agenda of Sino-Soviet differences was the convening of a new meeting of communist and workers' parties. From the Soviet perspective, such a conference would demonstrate the perpetuation of Soviet ideological primacy and the isolation of Chinese ideological "heresies".

As subsequent events were to demonstrate, convening such a meeting would prove difficult, with the Chinese refusal being compounded by the reluctance of the Albanian Labour Party (LMP) and the PMR. During the Romanian-Chinese talks on 26 August 1964, the Romanian leader brought up the meeting between the delegations of the PMR (led by Gh. Gheorghiu-Dej) and the CPSU (led by Anastas Mikoian) on 25 August 1964.⁴ Deliberately, the PMR leader

¹ At the meeting on June 5, 1964, the Romanian leader stated the following: "(...) in a magazine of the Moscow University a material was published by specialists on the establishment of a complex industrial district on the lower Danube. According to the map attached to the material, this district includes a large part of the territory of Romania, part of the territory of Bulgaria and a small part of the territory of the USSR. (...) The planned district has an area of 150,000 sq. km. and a population of 12,000. To it Romania would contribute 42% of the country's area, 48% of the country's population, 48% of its industrial production, 58.5% of its wheat production and 60% of its corn production. We need 2-3 more of these districts and Romania disappears in the name of proletarian internationalism (...) So we are faced with a plan to dismember Romania, to dismantle the state and the nation". See in this regard: ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file.5/1964, ff.32-33

² For a detailed overview of this speech, see: ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file 23/1956, ff. 64-122. The document in question has been published. See in this regard: "Document 5: 1956 February 25, Moscow. Secret report presented to the 20th Congress of the Soviet Union Communist Party by Nikita S. Khrushchev, First Secretary of the Central Committee of the Soviet Union Communist Party, on the abuses committed by Stalin", Mihai Croitor, Sanda Croitor (ed.), *Sub Zodia Dragonului: lungul marș către ruptura sovieto-albaneză (1956-1961)*, Mega, Cluj-Napoca, 2020, pp. 107-164

³ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.9

⁴ For a detailed overview of this meeting see: ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file 16/1964, ff.111-127. The document in question has been published in fragment. See in this regard: "Document 31: 1964 August

will exacerbate the tone of the Romanian-Soviet talks of 25 August 1964 by stressing the categorical refusal of the Romanian side to convene a new conference of communist and workers' parties. According to Gh. Gheorghiu-Dej: "I told them: you know our point of view, our considerations; we regret that things are being forced, we do not see why they are rushing and pushing for a Consultation when the conditions for it are not yet ripe. And with that he got up¹ and left. It lasted half an hour". In fact, at the meeting on 25 August 1964, the Romanian authorities had adopted a visibly watered-down tone, stressing the need to harmonize all positions before the convening of the meeting².

From the plethora of Romanian-Soviet divergences, the integrationist visions promoted by the Kremlin within the Council for Mutual Economic Assistance (CAER) could not be absent. On June 26, 1964, Gh. Gheorghiu-Dej said the following: "We are preventing them, so they said, i.e. a minority is preventing the majority, that because of us they cannot move forward, they cannot adopt more advanced forms, that we are blocking them, that we are using the veto, that this is not possible. But we cannot adopt what they say, and we said: but you know very well that the unanimity principle cannot be violated; you wanted to introduce the majority principle, we cannot. Even Khrushchev himself, when he came to Bucharest³ advocated the principle of unanimity. Has Khrushchev now abandoned this principle? It is possible, but we have not given it up. Do you want to violate the principle of unanimity, to introduce the principle of majority, pointing the finger at us for blocking you, for preventing you from adopting more advanced forms? So it's us again. That's not possible"⁴. But if the Romanian-Soviet economic differences were real, the same cannot be said of the PMR leader's claim

25. Note on the conversation between the Romanian delegation led by Gh. Gheorghiu-Dej, First Secretary of the Central Committee of the Romanian Workers' Party, and the Soviet delegation, led by Anastas Mikoian, member of the Political Bureau of the Central Committee of the Soviet Union Communist Party, concerning the Romanian-Soviet differences and the convening of a new Consensus of Communist and Workers' Parties (fragment)", Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, pp.340-347

¹ Anastas Mikoian

² ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file16/1964, ff.111-127

³ For a detailed overview of Nikita S. Khrushchev's visit to Romania in June 1963, see: ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, Alphabetical, dossier. 16U/1963, ff. 42-116. The document in question has been published. See in this regard: "Document 7: 1963 June 24-25. Transcript of the talks held by the Romanian delegation led by Gh. Gheorghiu-Dej, First Secretary of the Central Committee of the Romanian Workers' Party, with the Soviet delegation, led by Nikita Khrushchev, First Secretary of the Central Committee of the Soviet Union Communist Party, concerning the Romanian-Soviet differences", Mihai Croitor (ed.), *În umbra Kremlinului: Gheorghe Gheorghiu-Dej și geneza Declarației din Aprilie 1964*, pp.86-159

⁴ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.13

that the USSR was seeking to change its borders. "Now you should know," said Gh. Gheorghiu-Dej - that Khrushchev was concerned about the enlargement of the Soviet Union's borders. He doesn't want to die like that, he wants while he's alive to make his dream come true, he wants to be the second after Peter I. But he is too small to be such a big tsar, such a big empire (...) If he were more handsome, more strong-willed, perhaps he would be better suited to be tsar, but his belt doesn't hold him. And then he has to want the countries to become provinces of the Soviet Union. Of course, then Khrushchev's tasks would be much easier, he could command better, solve all the problems in two and three moves, why talk to Dej, why bother with him. (...) Khrushchev is really after that. In my opinion, he is a sick man, he is after the expansion of the Soviet Union's borders"¹. The PMR leader also referred to Nikita S. Khrushchev's speech at Leipzig in 1959, during which the CPSU First Secretary had discussed the question of borders between communist states, stressing the emergence of possible differences. In this context, the CPSU leader also mentioned the potential divergent issues related to Bessarabia and Transylvania². Gheorghiu-Dej considered the statements in question as a result of the great power chauvinism used by Moscow in its relations with the communist states. It was no coincidence that Beijing had repeatedly denounced the Kremlin's great power chauvinism. Ion Gheorghe Maurer will illustrate two other moments when Romania's borders were called into question. According to the Romanian Prime Minister: "When we returned from Peking (in March 1964 - n.d.), as I told you, we stopped at Khrushchev's (in Petunda - n.d.). We had a talk with Khrushchev. During this discussion³, for the second time,

¹ *Ibidem*, ff.16-17

² According to Gh. Gheorghiu-Dej: "Khrushchev in 1959 in Leipzig, at a meeting with workers from both Germanies, there he dealt with territorial issues. There he talked about the Oder-Neisse border, the border between the Soviet Union and Poland, between Romania and the Soviet Union, and in this context he also talked about Bessarabia. He did not talk about Northern Bukovina because they took it as compensation, as interest for the time the Romanians administered Bessarabia. He could have taken all of Romania, then he would have had no one to talk to. But we didn't talk about Bessarabia, he did. And then we had no differences, we had the best of relations. Who made him talk about such things? Worse, he says that Transylvania is a problem, it's a heavy heritage, it's a problem. Who gave him the mandate to refer to a part of Romania's territory and what does he mean by saying that it is a problem, that it is a heavy legacy of the past, that Transylvania has both Romanian and Hungarian populations? We said: it is true that there are 1.5 million Hungarians living in our country, but only 500 000 of them now live in the Hungarian Autonomous Region, which is in the middle of our country, and the rest of the population lives in the middle of the Romanian population", (*Ibidem*)

³ During the discussion on March 15, 1964, Nikita S. Khrushchev said, "What would happen if we revised the borders with Maniuria, Mongolia, etc.? (...) Take Bessarabia, for example. I think we should not discuss this question. Then in socialist countries there should be a plebiscite. If the Romanians were to raise this issue, I personally would be in favor of a plebiscite and let the people belong where they want. But these issues arise for other countries. For example, the border with Poland. If only such a problem arises, the

without us mentioning territorial issues in any way, Khrushchev raised the issue of Bessarabia, saying: look, you too can have claims on Bessarabia. If you do, I am ready to hold a plebiscite. We asked ourselves: what the hell, how did this issue come about? And it passed. When we came to these talks in Moscow (in July 1964 – n.n.)¹ and when Kostyghin raised the issue saying: I don't know the term Bessarabia, there is no Bessarabia, we replied: very well, tell Comrade Khrushchev, because at Pyotunda he told us about Bessarabia. If someone made a mistake, he made a mistake first, and then we made a mistake, and then to show that Khrushchev did not raise the issue of Bessarabia at Petunda, they falsified the transcript, presenting us with a falsified transcript which showed that Bodnach had raised the issue and in what form"².

Indeed, at Pyotunda, Nikita S. Khrushchev had again raised the territorial issues, but had stressed that a withdrawal of the borders would have dire geopolitical consequences³. With regard to the meetings between the delegations of the CC of the CPSU and the CC of the PMR in July 1964, the minutes of the discussions confirm the existence of a polemic between the Romanian and Soviet sides on the Bessarabia question⁴.

In order to be fully sure that the CCP delegation understood and correctly interpreted the positions taken by the Romanian authorities towards the Kremlin, Ion Gh. Maurer was to summarize the conclusions of Bucharest's views. According to the Romanian Prime Minister: "The first conclusion: it is difficult to trust the

Ukrainians and Belarusians will immediately rise up too. These borders cross further east for the benefit of Poland. Poland knows it and everyone knows it. (...) Romania's border with Hungary; there are many problems that arise in connection with this. Hungary's border with Yugoslavia; Tito says there are 700,000 Hungarians living in Yugoslavia, the Hungarians say there are a million. Bulgaria's border with Yugoslavia also presents some problems. If we in general tried to look for the fairest borders it would mean a war and such borders don't exist." See in this regard: ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file 30/1964, ff. 42-43. The document in question has been published. See in this sense: "Document 13: 1964 March 15, Pițunda. Transcript of the talks between the CC delegation of the PMR, led by Ion Gheorghe Maurer, and the Central Committee delegation of the Soviet Union Communist Party, led by Nikita S. Khrushchev, concerning Soviet-Chinese differences", Mihai Croitor, Sanda Croitor (ed.), *Anul tigrului de hârtie: Dinamica rupturii sovieto-chineze (1964)*, pp. 387-444

¹ For a detailed overview of the discussions between the Central Committee delegation of the People's Republic of Romania and the Central Committee of the Soviet Union Communist Party see: ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file35/1964, ff.2-237

² ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, ff.19-20

³ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file 30/1964, ff. 2-68

⁴ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file35/1964, ff. 2-237

current leadership of the Soviet Union; it changes its positions as its interests dictate and as circumstances allow. A word said today is broken tomorrow, a thing said today is forgotten tomorrow. No principle and no truth is worthy of respect, everything can be presented according to what is deemed useful for their purposes. This is a first conclusion. The second conclusion: fundamental principles, signed by everyone, have very little value in the eyes of these people. When we said: independence, sovereignty, non-interference, they said and we respect this, but we want a single planning body, joint undertakings and so on. The third thing: At the head of the Soviet state at the moment sits a man who is very much inclined to adventurism. I would say that there are very few limits to what you can expect from this man. It is very hard to say: this is impossible to do. He can do many, many things. He is not only a man inclined to adventures, but also a man who wields power in the Soviet state in ways that make it difficult to assert views other than his own. Of course, by the end of the day, views that are right will be asserted.”¹ Finally, another topic of the Romanian-Chinese talks of 26 August 1964 will be represented by the differences that arose during the visit to the DPR by Nikita S. Khrushchev in June 1962, Gh. Gheorghiu-Dej brought up the rude behavior of the Kremlin leader².

The second day of the Sino-Romanian talks will be devoted to the CCP delegation's presentation of the main Soviet-Chinese differences. Finding "convincing" the analysis of Soviet-Romanian differences by Gh. Gheorghiu-Dej, Li Xiannian assured the Romanian side of the CCP's support, labeling the actions

¹ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.28

² According to the Romanian Workers' Party leader: "Here is the rally at the factory, where there were many workers, they were also on the roof, to listen to what the guest was going to say. And before the rally began, the workers brought him a model of the locomotive and on this occasion they told him: comrade Khrushchev, the workers, the engineers of the Craiova Electric Power Plant, in honor of you, have prepared this gift in memory of your visit to this plant. He didn't even wait for them to finish what they had to say, and like a man of conviction, he said: what a trick, what a Romanian trick that must be. And that's what he said with a loud mouth. Of course, people thought he was joking, but he wasn't joking. This was Khrushchev. Then we take him to the sea, to Constanta. What can I tell you, the whole of Constanta was on its feet, with flowers, with slogans, the local authorities brought out a guard of sailors to welcome him, with music, delegates with bread and salt, as is the custom for welcoming guests. The train slows down and he goes out of the window and sees the sailors' guard on the platform. Angry as he was, he shouted: what have you got the guard out for, do you want to show me that you have sailors? The Soviet Union has hundreds of thousands of times more sailors than you do. This was the Chairman of the Council of Ministers of the USSR. What should I do? In the train was the first secretary of the party region, and I tell him to get off before the train stops, run to the music, to the guard and stand still, don't give the honor, don't play the music." (*Ibidem*, ff.35-36) For a detailed account of this visit see: Mihai Croitor, *An Episode of the Romanian-Soviet Differences: the medium body weight of slaughtered pigs in Romania*, "Studia Universitatis Babeş-Bolyai Historia", Vol. 56, No.2/2011, pp. 105-115

of the decision-makers in Bucharest as fully legitimate. The Chinese official also undertook to convey to Beijing the issues discussed with the Romanian side.¹ On Sino-Soviet relations, the Chinese official will begin his analysis by pointing out the negative impact that the 20th Congress of the CPSU (in February 1956) had on the international communist movement, adding that some of the theses of this Congress "were not very fair"². Clearly, indirectly, Li Xiannian was referring to the secret speech delivered by Nikita S. Khrushchev on 25 February 1956³. In connection with the 20th Congress of the CPSU, two issues were disturbing to the Chinese authorities: the fight against the cult of personality and the formulation of the thesis of a peaceful transition to socialism. For example, a Chinese commentary of September 1963, entitled "The Origin and Evolution of the Differences between the CPSU Leadership and Us", stated: "The 20th Congress of the CPSU was the first step on the path of revisionism adopted by the CPSU leadership. From the 20th Congress to the present, the revisionist line of the CPSU leadership has undergone a process of emergence, formation, growth and systematization. And it is also through a gradual process that people have come to understand more and more deeply the revisionist line of the CPSU leadership (...) In particular, the complete denial of Stalin under the pretext of "combating the cult of personality" and the thesis of "peaceful transition to socialism by parliamentary means" are gross errors of principle"⁴.

¹ According to Li Xiannian: "This analysis is convincing. We fully admire and support this struggle you are waging. We believe that the conclusions you have drawn are entirely fair. The first conclusion is that Khrushchev will not change his views; the second conclusion is that Khrushchev is a plotter and can do anything. In upholding your principles you proceed with caution, elasticity and skill. We think this is a good way to proceed. My task and that of the comrades in the delegation is to report the exposition of Comrade Gheorghiu-Dej and the other Romanian comrades to our Central Committee, Comrade Mao Tze-dun. This is our task, and we will make every effort to do so, to convey exactly to Comrade Mao Tze-dun and the comrades of our Central Committee these problems", (*Ibidem*, f.42)

² *Ibidem*, f.43

³ For a detailed overview of this speech, see: ANIC, Romanian Workers' Party Fund - Foreign Relations Section, file 23/1956, ff. 64-122. The document in question has been published. See in this regard: "Document 5: 1956 February 25, Moscow. Secret report presented to the 20th Congress of the Soviet Union Communist Party by Nikita S. Khrushchev, First Secretary of the Central Committee of the Soviet Union Communist Party, on the abuses committed by Stalin", Mihai Croitor, Sanda Croitor (ed.), *Sub Zodia Dragonului: lungul marș către ruptura sovieto-albaneză (1956-1961)*, Editura Mega, Cluj-Napoca, 2020, pp. 107-164

⁴ ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file 71/1963, f. 5. The document in question has been published. See in this regard: "Document 21: 1963 September 6, Beijing. Editorial "Origin and development of the differences between the Soviet Union Communist Party leadership and us", published in "Renmin Ribao" and "Hongqi", on Soviet-Chinese differences", Mihai Croitor, Sanda Croitor (ed.), *În umbra tigrului de hârtie: ruptura sovieto-chineză în ecuația*

A second issue on the agenda for discussion on 27 August 1964 was the Soviet proposal to build a long-wave radio station on Chinese territory and to create a joint fleet. According to the Chinese guest: "(...) they proposed through their ambassador to our country - (Pavel - n.n.) Yudin - to control our military maritime fleet. They wanted (sic!) to build a long-wave radio station and Comrade Mao Tze-dun said it is all very well to build a military sea fleet, but isn't it better to give us the equipment for the military sea fleet and the facilities for the radio station and we pay for them? And after we build them they should serve both us and the Soviet Union, because if they want someone else to command this fleet, it would affect our sovereignty"¹. The proposal in question dates back to April 1956, when the Soviet authorities had already forwarded a proposal to Beijing to build the radio station, with 70% of the cost of implementing the project to be borne by the Soviet side.² The Soviet insistence that the proposal should be implemented led Mao Zedong to summon the Soviet ambassador to Beijing, Pavel Yudin, on 22 July 1958. At the meeting, the Chinese leader said: "(...) you have come with the proposal of joint ownership and operation. So, if you want joint ownership and joint operation, how about applying them in all areas - let's move to joint ownership and joint use of the army, fleet, air force, industry, agriculture, culture, education. Can we achieve this? Or you can have China's ten thousand miles of coastline, and leave us to maintain only a guerrilla force. With a few nukes you think you're in a position to control us"³. The project in question had created real difficulties in Soviet-Chinese relations, and it was only Nikita S. Khrushchev's secret visit to the PRC from July 31 to August 3, 1958, that would normalize relations between the two countries and parties⁴.

The third issue raised by Li Xiannian concerned the "Spirit of Camp David". According to the Chinese official, during talks with Dwight D. Eisenhower in September 1959, Nikita S. Khrushchev had maintained a moderate attitude towards the Taiwan question. "In fact," said Li Xiannian, – he⁵ "he agrees with the existence of two Chinas, and he said: in the Soviet Union there used to be a republic in the Far East. That meant why not let Cian Kai-shee make a republic out of Taiwan. We said that this could not be done because the current historical

bipolarismului (1961-1963), Editura Mega/ Școala Ardeleană, Cluj-Napoca, 2019, pp. 289-334

¹ ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file 40/1964, f.44

² Chen Jian, *Mao's China and the Cold War*, The University of North Carolina Press, Chapel Hill, 2001, p.73

³ See in this regard: "6. Minutes, Conversation between Mao Zedong and Ambassador Iudin, 22 July 1958", în *Cold War International History Project Bulletin*, Woodrow Wilson International Center for Scholars, Washington D.C., Issues 6-7, 1995/1996, p.155

⁴ *Document No. 1 First Conversation of N.S. Khrushchev with Mao Zedong, Hall of Huaizhentan* [Beijing], 31 July 1958, "Cold War International History Project Bulletin", No. 12-13, 2001, pp. 250-260

⁵ Nikita S. Hrușciiov

conditions differed fundamentally from the conditions then. Taiwan is an inalienable territory of the PRC"¹. But the Chinese official's account is inaccurate. According to the information sent by the Kremlin to the Communist and Workers' Parties in October 1959, Nikita S. Khrushchev, during the Camp David talks, allegedly stated that Taiwan was "a Chinese province" and stressed the need to admit the PRC to the United Nations². It was not until 2 October 1959 that Nikita S. Khrushchev raised the issue of the Far Eastern republic created by Lenin in his talks with decision-makers in Beijing. According to the transcript of the meeting of 2 October 1959, the following exchange of lines took place:

„**Zhou Enlai**: On the Taiwan issue, we should draw a line between the two aspects of it: relations between the People's Republic of China and Taiwan are a domestic issue, and relations between China and America on the Taiwan issue are the international aspect of it.

Hruščiov: That's right, and that's the way I talked to Eisenhower, as you can see from the excerpts of my conversation with the President. (...) Some time ago, Lenin created the Far Eastern Republic in the far east of the Soviet Union, and Lenin recognized its (sovereignty - ed.). Remember that this republic was established on the territory of the Soviet Union. It was unbelievable, but Lenin for a while did that. Later, as it should, the Far Eastern Republic united with the Soviet Union (...).

Mao Zedong: Although we opened fire on the islands (Quemoy and Matsu in 1958 - ed.) we will not try to liberate them. We also believe that the United States will not start a war just because of these islands and Taiwan”³.

¹ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.44

² According to Soviet Union Communist Party information, the Soviet leader is quoted as saying, "China is absolutely right on this issue and we are on its side, and the US is not right. Taiwan is a part of China, a Chinese province, and the US should have (sic!) nothing to do with this issue. This is an internal matter of China, part of the revolutionary process that is not yet completed. China is pursuing an absolutely just policy, we understand it and fully support it. (...) As regards the UN's position towards China, we have repeatedly stated that we consider it unfair that the real China does not take its place in the United Nations. It is the US that is to blame. You are taking advantage of your temporary superiority in the UN and not admitting China into this organization". See in this regard: ANIC, Central Committee of the Communist Chinese Party - Foreign Relations Section, file 3/1959, f.13. The document in question has been published. See in this regard: "Document 1: 1959 October [undated], Moscow. Confidential information of the Central Committee of the Soviet Union Communist Party on the visit of Nikita S. Khrushchev, First Secretary of the Central Committee of the Soviet Union Communist Party and Chairman of the Council of Ministers of the USSR, to the USA", Mihai Croitor, Sanda Croitor (ed.), *Între Spiritul de la Camp David și Zidul Berlinului: URSS și chestiunea germană (1959-1961)*, Mega, Cluj-Napoca, 2021, pp. 39-52

³ *Document No. 3 Memorandum of Conversation of N.S. Khrushchev with Mao Zedong, Beijing, 2 October 1959*”, "Cold War International History Project Bulletin", No. 12-13, 2001, p. 265

The border conflict between India and the PRC will not escape the attention of the Chinese guest, who condemns the Soviet declaration of 9 September 1959. "Before it was published in Pravda," said Li Xiannian, "they gave us this statement. We told them to publish this statement later. This statement, at first glance, appears to be neutral, but it gave, as we say, 50 strokes each. In fact, with that statement they were supporting Nehru for adopting a neutral attitude when a socialist country was being overrun by a bourgeois country. It is totally incomprehensible why they supported (sic!) Nehru"¹. Indeed, the publication of the statement by TASS on 9 September 1959, thus on the eve of the Camp David meetings, contributed to the deterioration of Sino-Soviet relations. In fact, the Beijing authorities would place the start of the public Soviet-Chinese controversy in September 1959, with the publication of the statement in question². Of course, at the meeting of 27 August 1964, Gh. Gheorghiu-Dej will agree with the Chinese official's opinion, stating the following: "The Indians' backs were itching and they had to be scratched"³.

Another topic of discussion will be the convening of a new meeting of communist and workers' parties. In this connection, the Chinese guest praises the opposition shown by the Romanian side, saying that "the conditions for this meeting are not ripe"⁴. The conclusion of the meeting will be drawn by Li Xiannian: "If we proceed according to Khrushchev's methods, it would mean great power chauvinism, political and economic hegemonism and expansionist

¹ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.46

² For example, in an editorial published on February 27, 1963, in Renmin Ribao, it was stated that "The truth is that the internal differences between the brotherly parties were first revealed to the public not in the summer of 1960, but on the eve of the Camp David talks in September 1959 - on September 9, 1959, to be exact. On that day, a socialist country, disregarding China's repeated explanations and advice about the real situation, hastily published a statement on an incident on the Sino-Indian border through its official news agency. Making no distinction between what is just and what is unjust, the statement expressed "regret" over the border clash and actually condemned China's just stance. The statement even called the clash "tragic" and "deplorable." It is the first time in history that a socialist country, instead of condemning armed provocations by reactionaries in a capitalist country, has condemned another fraternal socialist country when the latter was faced with such an armed provocation." See in this regard: ANIC, Central Committee of the Romanian Communist Party - Foreign Relations Section, file 38/1963, ff.11-12. (The document in question has been published. See in this regard: "Document 15: 1963 February 27, Beijing. Editorial "Where do the differences come from? A reply to Comrade Thorez and other comrades", published in "Renmin Ribao", on the differences between the Communist Chinese Party and the Communist French Party and the Soviet-Chinese differences", in Mihai Croitor, Sanda Croitor (ed.), *În umbra tigruului de hârtie: ruptura sovieto-chineză în ecuația bipolarismului (1961-1963)*, pp.146-171).

³ ANIC, Central Committee of the Romanian Communist Party Fund - Foreign Relations Section, file40/1964, f.45

⁴ *Ibidem*, f.53

tendencies, annexationist tendencies, and it would end with the revolutionary movement"¹.

At the end of the above analysis we can come to a clear conclusion. The talks of 26-27 August 1964 are a continuation of the Sino-Romanian meetings of 16 May 1963², 12 December 1963,³ 24 January 1964,⁴ namely 3-10 March 1964⁵. In essence, both sides will detail their own differences with the Kremlin decision-makers, expressing their willingness to create the premises for a Romanian-Chinese rapprochement.

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¹ *Ibidem*, f.51

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**ASPECTS REGARDING THE RELATIONS
BETWEEN CHINA AND ROMANIA (1949-1965)**

Abstract:	<p><i>In the modern era and in the interwar period, Romania's relations with China were sporadic and inconsistent. The annexation of Romania into the sphere of influence of the USSR and the takeover of power in China by the Communist Party, in 1949, was followed by an acceleration of political cooperation between Romania and China. Cooperation intensified as both states campaigned for national sovereignty over the USSR, which wanted to exercise coordinating authority over all other states with a socialist state regime. The article presents the most important moments of the bilateral meetings between the party and state leaderships of China and Romania and their cooperation, especially the one related to the long conflicts between China and the USSR. The Romania-China relationship had the depth and continuity specific to some strategic partners, in its acceptance today, the parties granting mutual support and showing solidarity in difficult times. This bi-multilateral relationship, adopted by the state socialist regime in Bucharest, has gone beyond the limits of a political game designed to erode Soviet hegemony by supporting a second pole of power within the world socialist state system. During several generations of leaders, the Romanian side promoted a friendly relationship with China, which was also taken over in the collective mind.</i></p>
Keywords:	Diplomatic relations; China; Romania; Gheorghe Gheorghiu-Dej; Nicolae Ceaușescu; Mao Zedong; Emil Bodnăraș; the Sino-Soviet conflict
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Since the proclamation of the People's Republic of China on October 1, 1949 and its recognition by Romania on October 3, 1949, Romanian-Chinese relations

have been decisively influenced by China's relations with the USSR, in contrast to the long-running conflicts between the two most important socialist states¹. Romania's first ambassador to the People's Republic of China was Teodor Rudenko, a man close to the Soviet Union². China and the USSR were separated by a 4,300 km long border, the longest in the world. Since the 13th century, numerous border conflicts took place between the Russians and the Chinese, and the completion of the border was not possible until the first years of the third millennium, when the two states agreed and Russia gave up some territories in favor of China.

In the first years since the establishment of diplomatic relations between China and Romania, the relations of the two countries have been marked by their still very good relationship with the Soviet Union.

Referring only to the contemporary period, we recall that during the period when Russia was ruled by czars, she fully financed the construction of over two thousand kilometers of railway in East China. After the Bolshevik coup, the world's great colonialist powers had occupied and exploited much of China and disputed control of Russia's railways. In 1924 the USSR concluded a treaty with China recognizing its right to administer the Russian-built railways. Later, President Chiang Kai-shek took control of China and did not allow the authorities of the Russian Soviet Socialist Federal Republic to administer the railway, which was particularly profitable.

In 1929, the Soviets attacked China in Manchuria, defeated the Chinese, and, surprisingly and unusually in Russian/Soviet Union politics, withdrew after recovering their rolling stock and people. On that occasion, the Soviet government declared that it would not occupy a single piece of Chinese land. This attitude has impressed a large part of Chinese public opinion, which is unusual for this pattern of behavior of some winners, which is atypical in East Asia. Instead, Chiang Kai Shek's army plundered Manchuria, creating total chaos in the province.

In the interwar period, until 1945, China had conflicts and waged war with Japan, and the USSR fought with Germany and its allies. Between 1927 and 1936, China was shaken by an ideological civil war between nationalists and communists. Weakened by this war, China was attacked and a large part of it was occupied by Japan. During 1941-1945, Romania's ambassador to Japan, Colonel, later General, Gheorghe Băgulescu was also ambassador to the state of Manciuiko (Manzhouguo), created in Manchuria and eastern Mongolia by the Japanese and ambassador to the pro-Japanese Chinese government in Nanjing. In the puppet

¹ The diplomatic missions of the two countries opened in Bucharest and Beijing in 1950

² Mircea Suci, *Prima țară străină pe care am văzut-o a fost China, primul lider de talie mondială pe care l-am întâlnit a fost Mao*, "Dosarele istoriei", Year II, No. 6 (11), 1997, p. 40. Teodor Rudenko was Romania's ambassador to China between 1950-1952 and 1957-1959

state of Manciuco, General Băgulescu gathered an important collection of Chinese art, the most valuable in Romania and one of the most important in Europe¹.

In parallel with the war of liberation under Japanese rule, a civil war broke out between the Chinese nationalists led by Chiang Kai Shek and the communists

¹ Gheorghe Băgulescu was a hero of the battle of Oituz, from the First World War. After the war, animated by strong anti-communist sentiments, he became an important supporter of the Legionary Movement. He was one of the godparents of the commander of the Legionary Movement, Corneliu Zelea Codreanu. Known and appreciated by King Carol II since World War I, Gheorghe Băgulescu was a declared public opponent of the king's relationship with Elena Magda Wolff Lupescu, the mainstay of the Jewish interest group around the king, whom the legionaries considered the main culprit for one of the greatest strengths of the Romanian society. For this reason, the king sent Gheorghe Băgulescu ambassador to Japan, Manciuco (1935-1939) and China (led by the pro-Japanese government in Nanjing). In 1939, he was recalled from the post by the king and decorated for his work. The post's recall was due to the establishment of diplomatic relations between Romania and China (1939), and Romania's representation in Manciuco was not approved by the Chinese. During the legionary revolution of August 31-September 6, 1940, which broke out following the acceptance of the Vienna Dictate, Carol II proposed to Colonel Băgulescu to form a legionary government, to stop the popular street movements in Bucharest and to pacify the country. Colonel Băgulescu refused, the legionaries not wanting to cooperate with the king. The legionaries wanted to remove the king from the throne and judge him for the state terrorism he promoted, assassinating without trial hundreds of legionaries from all over the country. On September 14, 1940, the day of the proclamation of the national-legionary state by King Mihai I, Colonel Băgulescu was promoted to the rank of general, and in 1941, being appreciated by Ion Antonescu, despite his legionary sympathies, he resumed ambassador to Japan, Manciuco and China (led by the pro-Japanese government in Nanjing). Romania entering the war alongside Germany and Japan, China broke off diplomatic relations with Romania. After the war, General Băgulescu had no difficulties with the victors, as in 1943 the Gestapo tried to assassinate him, as known to the Romanian authorities. This assassination attempt must have been linked to the intelligence activities carried out by the Romanian ambassador. Gheorghe Băgulescu was married to Elena Dimitriu, having together a daughter named Monica. During 1941-1946, when General Băgulescu was on a mission in Tokyo, in his house in Bucharest, together with his wife and daughter, one of the most important heads of the SSI, Florin Becescu, very close to the family, lived permanently. At the same time, the mother of the author of these lines also lived in the house of the Băgulescu family, a family friend, at that time a student and memorialist of the events that took place in the Băgulescu house. In 1945, General Băgulescu returned to Bucharest and realized that the Soviet regime would remain in power. For this reason he left Romania, emigrating to the West, under the protection of the US secret services. As his wife and daughter did not want to follow him into exile, Gheorghe Băgulescu left alone. His impressive collection of Chinese and Japanese art could not be preserved in its entirety. Some remained for the wife and daughter of the general, who, without any other income, lived for years on the sale of Chinese and Japanese works of art. Most of the collection was taken by the general in exile. In 1973, through acquisitions from abroad and from the country, the Romanian state managed to recover a part of General Băgulescu's collection and to exhibit it in the National Museum of Art of Romania in Bucharest.

led by Mao Zedong. The fight against Japan reduced the intensity of the civil war, but after the defeat of Japan, the civil war resumed, ending only in 1950, with the complete victory of the communists led by Mao Zedong, supported by the USSR. The defeated Chinese nationalists, despite American support, withdrew to the island of Taiwan, forming a US-backed state, which created a stronghold for undermining the power of the People's Republic of China.

Between 1949 and 1953, while Stalin lived and ruled, China's relations with the USSR were very good. These also materialized in the signing of the Sino-Soviet Treaty of Friendship, Alliance and Mutual Assistance in Moscow on February 14, 1950. Over the next decade, bilateral cooperation materialized through several important agreements, including the USSR's assistance in the construction and reconstruction of 156 large industrial enterprises in China, the Treaty of withdrawal of Soviet troops from Port Arthur, and also the loan of US \$ 300 million from the USSR to China.

After Stalin's death, Sino-Soviet relations cooled. A first high-level visit was made by the Romanian side to the PRC in 1954, at the invitation of Chinese officials, on the occasion of the 5th anniversary of the victory of the Communists in China. The Romanian delegation was led by Petru Groza and Gheorghe Apostol, the contacts at the highest level being Mao Zedong, Zhou Enlai and other Chinese officials at the time.

Around this visit, Romania was the country that took a stand against the strain of Sino-Soviet relations. In February 1954, the political leadership in Bucharest issued a statement stating that "complete equality of rights and mutual respect for national interests" must be the essential elements of Sino-Soviet relations and the entire socialist bloc¹. This statement was in favor of China and unfavorable to the USSR, as the new Kremlin leaders wanted to maintain their supremacy over all socialist states in the world.

The ideological distance between China and the USSR deepened after the USSR officially filed a NATO membership application on March 31, 1954, which was rejected but interpreted in Beijing as an act of capitulation of the USSR to the capitalist states².

On December 28, 1955, Washington issued Directive NSC-5412/2, which gave free rein to secret war operations against the socialist world in the Soviet sphere of influence. US secret structures were being asked to conduct clandestine operations on as large a scale as possible. Clarifying the purpose of these operations, the first point of the directive mentioned the need to capitalize on tensions in Sino-USSR relations. It was also stated that US special operations were

¹ Liviu Țăranu, *Retragerea trupelor sovietice din România-1958 (II)*, "Enigmele istoriei", Year II, No. 6 (18), 30 iunie-28 iulie 2021, pp. 46-47

² Corvin Lupu, *România sub presiunea Războiului rece și a dorinței de integrare euro-atlantică*, vol. I, Editura Fundației "Alma Mater", Sibiu, 2000, p. 203

to be aimed at weakening state control within the USSR and China, as well as within or subject to other US allies.¹

In February 1956, a congress of the CPSU was held in the USSR, at which the cult of Stalin's personality was condemned and his methods of leadership were severely criticized. On this occasion, the idea of "peaceful coexistence" with the capitalist world was introduced. In order to de-escalate relations with the capitalist world, the Cominform was dissolved at this congress, which was to stop the promotion of proletarian internationalism, respectively of globalization² of the world in a socialist state form. This strategy of "peaceful coexistence" with the capitalist world was not agreed upon by the Chinese policy of the time. Thus, an ideological rift was created between the communist parties in the two countries. After a brief silence, Beijing leaders accused the Soviet government of acting as a revisionist and distanced themselves from Marxism-Leninism. Relations between the two countries have cooled.

In September 1956, Gheorghe Gheorghiu-Dej and Mao Zedong met at a Chinese PC congress. At the congress, Mao Zedong placed Gheorghe Gheorghiu-Dej next to him. On this occasion, Gheorghe Gheorghiu-Dej pledged to Mao Zedong to support him with the US government, so that he could pay the important debts that the Americans had towards China, since the Second World War.³ In fact, a few years later, in 1962, noticing the growing friendship between Romania and China, the Soviet authorities imposed certain restrictions on the KGB and the secret services of the Moscow satellite states in their relations with the Romanian secret services.⁴ On this occasion, the two leaders agreed very well that the Soviet experience should not be applied mechanically and that it should be adapted to the specific conditions of each country, and that the USSR should be unfairly favored in bilateral relations with other socialist states. Both leaders also welcomed the abolition of the Cominform and denounced Stalin's abuses. This last fact was surprising, given Mao Zedong's good relations with Stalin and the strong support that the USSR during Stalin gave to the Chinese Communists to win the civil war with the Chiang Kai-shek-led nationalists, strongly supported by the USA. Despite the very difficult economic and financial situation of the entire sphere of influence of the USSR, after the Second World War, Stalin had granted China a loan of \$ 300 million, a very large amount at that time, representing the value of Romania's entire war debt, established by the clauses of the Paris Peace Treaty (1947). Stalin

¹ John Prados, *Războaiele secrete ale președinților*, Elit, Iași, 1998, pp. 204-206

² The term globalization was not used in the sixth decade of the last century. It was adopted by political language in the sphere of US influence in the post-Cold War period, when the same idea was promoted by the USA in the opposite direction to that initiated by Lenin and continued by Stalin, but with the same goals of world domination as wide as possible

³ Romulus Budura, (Ed.), *Politica independentă a României și relațiile româno-chineze 1954-1975. Documente*, Arhivele Naționale ale României, București, Vol. I, Document No. 2, 2008, pp. 95-96

⁴ Larry L. Watts, *Cei dintâi vor fi cei din urmă. România și sfârșitul Războiului Rece*, Rao, București, 2013, pp. 159-160

also supported Gheorghe Gheorghiu-Dej to become the leader of Romania and to allow him to eliminate from the Romanian leadership the very influential group of Jewish cominternists led by Ana Pauker (Hanna Rabinsohn), in 1952.

In the following years, the views of the Romanian and Chinese leaders were increasingly resonated when the issue arose that the ruling parties were accountable to their own people and that relations between the communist and workers' parties, as well as among the socialist states, they are required to be based on the principles of equality and independence, of non-interference in internal affairs and mutual benefit. Against this background, especially in the conditions of the public dispute between the Chinese communists and the Soviet communists, the Romanian-Chinese relations acquire a solid substance that will favor the exchanges and the collaboration in all the fields. On this basis, the collective leadership of Romania drafted the "April Theses", namely the Declaration on the RCP's position on the issues of the international communist and workers' movement, which represented the country's declaration of independence from the USSR. The Romanian-Chinese relations were a catalyst for the elaboration of this programmatic document of Romania.

In 1957, the Soviet government proposed to China to provide scientific assistance for the production of nuclear weapons in exchange for ceding control of China's defense policy and the Chinese army to the USSR through Soviet advisers subordinating Chinese military commanders. China considered the cost of losing national sovereignty too high. The proposal was rejected by Mao Zedong, and Sino-Soviet relations cooled even further.

China's position has also greatly inspired the Romanian nationalist leaders in Bucharest, who are already engaged in a huge political and diplomatic effort to free themselves from Soviet control and Soviet economic exploitation, under the cover of Romania's need to recover war debt. The Chinese government organized its own nuclear science program without the help of the USSR¹.

Mao Zedong and other Chinese leaders wanted to take a step forward in improving relations with the Soviets and repeatedly expressed the idea that the existence of normal Sino-Soviet relations involved a Soviet decision to relocate some territories to China, including some islands on the river Ussuri. These territories belonged to the USSR, but were inhabited by the Chinese. The rhetoric in the public space between the two parties took the form of addressing open requests, including territorial ones. China has demanded that the USSR transfer Mongolia and other lands under Chinese jurisdiction. In response to sharp statements from the Chinese side in Beijing, Soviet experts stationed in China were fired. Russian-Chinese diplomatic relations have deteriorated severely.

In March 1958, Prime Minister Chivu Stoica paid a visit to Beijing with Emil Bodnăraș and called on the Chinese to withdraw their troops from North Korea. Romania's argument was that it wanted to offer the Soviet Union, which

¹ In 1964 he successfully tested the first atomic bomb and in 1967 he also successfully tested the first hydrogen bomb.

had become China's rival, the model of trust between allies with a socialist state regime, which would help Moscow order the withdrawal of the Soviet army from Romania.

Subsequently, on April 8, 1958, Romania and China issued a joint statement of great importance stating that: “military blocs in Europe and Asia can be abolished and replaced by a system of collective security; the military bases, established on foreign territories, must be eliminated, and the armed forces, stationed on foreign territories, must be withdrawn”. In October 1958, after the withdrawal of the Red Army from Romania, Chinese troops withdrew from North Korea¹.

The cracks in the Sino-Soviet alliance, worn for a while behind closed doors, inside the socialist system in the sphere of influence of the USSR, began to manifest publicly in 1959. In that year, the USSR offered moral support to the Tibetan people during its uprising against the Chinese.

In the same year, 1959, on the tenth anniversary of the victory of the Chinese communist revolution against the Guomintang led by Chiang Kai-shek, Romania sent a delegation led by Emil Bodnăraş and Paul Niculescu-Mizil².

In 1960, at the Congress of the Romanian Workers' Party, Mao Zedong and Nikita Khrushchev openly hurled insults at each other in front of party delegates from many states. The Soviet delegation came to Bucharest with the Secretary General of the CPSU and the Prime Minister of the Soviet Union and other important dignitaries. The Soviets wanted to attack China's policy based on criticism of Albania's “deviations”³, the country that did not agree to be under Moscow's control and was supported by China. On this occasion, during the days of the congress, the party leadership of Romania supported the Soviet side, without criticizing the Chinese side. This position was due to the fact that the Soviets had agreed to withdraw their occupation army from Romania⁴, and the Romanian leaders were already seeking to prepare for the withdrawal of Soviet advisers from most important state institutions, in order to achieve full independence. At the same time, however, the USSR is still providing technological assistance to numerous industrial enterprises under construction in Romania. The Romanian authorities demanded economic, technological and commercial support from the USSR, but acted to restrict the Kremlin's political, intelligence and military influence over Romania.

¹ Liviu Țăranu, *Op. cit.*, p. 47

² Paul Niculescu-Mizil, *Un mare om al secolului nostru*, ”Dosarele istoriei”, Year II, No. 6 (11), 1997, p. 55

³ A few years later, in 1968, Albania left the Warsaw Pact Organization.

⁴ In 1958, when it withdrew from Romania, the occupation army numbered 42,000 soldiers.

In 1960, the Soviets withdrew all their advisers from China and cut off ongoing bilateral cooperation agreements¹.

In the seventh century of the last century, during the Cultural Revolution, China recalled all its ambassadors to the Western world, intentionally isolating itself. Throughout the period until the resumption of diplomatic relations with these many states, Romania was an ambassador of China to the West and of the West to China. On the occasion of Ceaușescu's visit to Beijing, in June 1971, Chinese leaders thanked Romania for this diplomatic effort. Romania also mediated the establishment of relations between China, on the one hand, and Italy, Austria, Federal Germany and several other northern European countries, on the other hand. Through this diplomatic activity of Romania, a breach was made in the blockade established by Moscow against China².

In 1961, Chinese leader Mao Zedong accused Soviet leader Nikita Serghievich Khrushchev of abandoning the principles of communism and of doing nothing but preparing to weaken the international communist movement and surrender to the forces of imperialist capitalism. Later, in 1962, Mao Zedong bluntly accused Nikita Khrushchev, in categorical and highly critical terms, of capitulating to the Americans during the 1962 Cuban Missile Crisis, and the Soviet leader replied that Mao Zedong's policies would lead to a nuclear war³. The Soviets then supported India in the Sino-Indian War from September to November 1962. This conflict was the basis for the establishment of very close relations between the USSR and India⁴, which would last in time until today. Relations between the two great communist powers had completely collapsed.

In the summer of 1963, the USSR made arrangements for Mongolia's admission to the Warsaw Pact. The USSR wanted to expand the organization's remit in the Far East, to the borders of China. This would have been a threat to China. Romania opposed this move by vetoing it⁵.

In June 1963, Romania unpleasantly surprised the USSR and its very loyal satellites in its area of influence by publishing part of the Chinese Communist Party's letter to the CPSU, which criticized the USSR's arrogant, high-powered behavior in its relations with the other socialist states.

¹ Florea Dumitrescu, *China și „insula comorilor”*, ”Dosarele istoriei”, Year V, No. 10 (50), 2000, p. 5

² Larry L. Watts, *Ferește-mă doamne de prieteni... Războiul clandestin al blocului sovietic împotriva României*, RAO, București, 2011, pp. 270-272

³ He was referring to the fact that during the conflict between the People's Republic of China and the Republic of China in Taiwan, in 1958, US involvement and escalation of the conflict led US Secretary of State Christian Herter (1959-1961) to call this crisis “First serious nuclear crisis”. On the occasion of that armed conflict, in order not to lose control of the island of Taiwan and other islands controlled by Chinese anti-communist nationalists, if necessary, the United States was determined to use nuclear weapons.

⁴ Ovidiu Bozgan, *China și „duelul” româno-sovietic la ceputul anilor '60*, ”Dosarele istoriei”, Year II, No. 6 (11), 1997, p. 43

⁵ Larry L. Watts, *Op.cit.*, p. 160

Between January 20 and 23, 1964, Romanian-Chinese negotiations took place in Bucharest for the conclusion of a Romanian-Chinese cultural protocol that covered multiple areas¹.

At the beginning of 1964, Romania offered its good offices for mediating the Soviet-Chinese conflict. In Bucharest, this decision was a collective one. The RCP leadership considered that, for Romania, the promotion of this project does not involve security risks or diplomatic tensions. China and the USSR were after seven years of smoldering conflicts, degenerating into numerous small border military confrontations. This situation had worried the entire socialist movement in the Soviet sphere of influence, which felt its security was threatened by this conflict. The middle states, as well as Romania, as well as the small ones, were aware that they could not defend their political regime against the capitalist sphere of influence, which would absorb them and subject them to their will and stop their own economic and social development. These issues were highlighted in the internal discussions at the level of the leaderships of all socialist states.

The Romanian leaders concluded that even if the Romanian approach fails, they will not lose anything, the approach can be exploited propagandistically, proving to the socialist countries that Romania put itself at the service of the international socialist cause and tried, with all its powers, to contribute to de-escalation and normalization of relations between the two largest and most powerful socialist states².

Romania has taken a number of important steps in distancing itself from the political line promoted by the Kremlin and has begun to establish a state socialist regime with specific Romanian characteristics³. In this direction, Romania had determined the withdrawal of Soviet armies from the country and had categorically opposed Valev's plan for Romania's economic integration into a centralized common economy of the socialist states, considering this plan to be contrary to the country's national industrialization and development interests. For these reasons and others we do not insist on, the Bucharest regime was largely isolated within the community of socialist states.

The CCP had also been dissatisfied with the attitude of the Romanian leadership at the 1960 RWP congress, when Romanians were expected to support China's position. The CCP was also dissatisfied with the fact that at various congresses of some communist parties, Romanian delegates, in tune with the Soviets, criticized the CCP's policy. This was worrying for RWP and Romania. The Romanian leaders hoped that this involvement in the de-escalation of Sino-

¹ Ovidiu Bozgan, *Op. cit.*, p. 47

² Vasile Popa, *Distanțarea României față de Uniunea Sovietică văzută de la... Hong Kong!*, "Dosarele istoriei", Year IX, No. 4 (92), 2004, p. 53

³ At the PMR Congress of 1955, the issue of building socialism on its own Romanian basis and adapting Marxism-Leninism to local conditions in Romania was openly raised for the first time, a fact welcomed and encouraged by the Chinese leadership.

Soviet relations, which represented the greatest crisis of the state socialist system¹, would come out of this international isolation.

At the meeting of the Political Bureau of the RWP CC on February 28, 1964, Gheorghe Gheorghiu-Dej stressed that the approach to get involved in resolving disputes and conflicts between the USSR and the Chinese PR is one of great international importance, involving the whole party and depending on largely due to the way the Romanian delegation that was to leave for China two days later will act. The delegation, said the RWP chief, must show skill, tact, perseverance, patience and foresight in situations that may arise during the discussions/negotiations. Gheorghiu-Dej emphasized that the Soviets agreed with the Romanian approach, but in the sense that the Romanian delegation will be convinced of how difficult it is to get along with the Chinese.

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The delegation sent to the People's Republic of China was led by Prime Minister Ion Gheorghe Maurer, a valuable and experienced politician, supporter of the Romanian national political line for building socialism. The delegation paid a long visit to Beijing on March 2-11, 1964. The Romanians had invited themselves to Beijing and the Chinese were reluctant to receive them.

In addition to the issue of mediation in Sino-Soviet relations, in the alternative, but very important for Romania, Ion Gheorghe Maurer wanted to explain to the Chinese side and Romania's desire to free itself from USSR hegemony and gain China's support in this direction³.

The members of the Romanian delegation were Ion Gheorghe Maurer (President of the Council of Ministers), Emil Bodnăraș, Nicolae Ceaușescu and Chivu Stoica, all members of the RWP Political Bureau. The plane landed in

¹ The author of these lines considers that the political regime of that period was not a communist one, communism being a utopia that never existed anywhere and is not possible to be established in the politico-economic and social practice.

² Mircea Chirițoiu, „*Hrușciov vrea să ne mănânce cu furculița. Mao vrea să ne mănânce la frigare*”, „*Dosarele istoriei*”, Year VII, No. 2 (66), 2002, pp. 14-24. The transcript of the meeting of the Political Bureau of the CC of the PMR of February 28, 1964 is published in the article.

³ Lavinia Betea, *Maurer și lumea de ieri. Mărturii despre stalinizarea României*, Fundația Ioan Slavici, Arad, 1995, pp. 145-146

Beijing on Monday afternoon, March 3, 1964. The guests were greeted by Liu Şao-ti, CCP CC Vice President, Deng Xiaoping, CC General Secretary, Pîn Cijen, a member of the Politburo, other party leaders, the Romanian Ambassador to China, Dumitru Gheorghiu, as well as a crowd of two thousand people to acclaim them, brought in honor of the Romanian delegation.

Mao Zedong appeared only on March 10, 1964, a day before the Romanian delegation left China. In the presence of 32 journalists, Mao made a statement stating that “the space occupied by the Soviet Union is too large”, that it has foreign territories, and, referring to Bessarabia and Northern Bukovina, specified that the USSR “annexed a part of the Romanian territory”. The statement challenged Khrushchev's opinion on March 7, 1959, when he stated that “there is no border dispute between the USSR and Romania over the fact that both countries are socialist, driven by common interests and pursuing the same goals: communism”¹.

During the meeting, Mao Zedong reported his version of the disagreements with the Soviets. Among other things, he told Romanians that in 1957 the USSR insisted on occupying the entire coastline of China. Convinced that the Romanians would serve Khrushchev as a cordless phone, Mao told his guests: “Please tell Comrade Khrushchev how stubborn the Chinese are, they don't want to give in to any step earth, they want to fight hard sharp against sharp”. After a few tens of minutes, Mao looked theatrically at his watch and noticed that the others had barely uttered a word. During the meeting with the Romanian delegation, Mao spoke almost all the time.

Maurer would later say that Mao Zedong introduced himself as “an uncultivated man”². Mao treated the Romanian delegation with an obvious air of superiority, a superiority that was also recognized by the Romanians, given his aura of great fighter and winner for the cause of socialism. At the beginning of the meeting, Mao asked Emil Bodnăraş, the Minister of the Romanian Armed Forces, who had not been at the front, if he had fought in the war, which, at that time, for an army minister, was mandatory in the Chinese leader's view. “I went to jail”, Bodnăraş said.

This visit of the delegation led by Ion Gheorghe Maurer was particularly important because it convinced the Chinese leaders that, within the Sino-Soviet conflict, Romania is placing itself in the Chinese camp and convinced them to support the RWP's political efforts. Even the Chinese press had reported that Romanian nationalism-sovereignty was on the rise. Also, the Chinese press in

¹ George Cioranescu, *Aspects des relationssoviéto-roumaines, 1967-1971*, Minard, Paris, 1971, apud Nicolae Enciu, “Când îţi spunea Stalin să dansezi, dansai!” - 55 de ani de la debarcarea lui Nichita Hruşciiov, ”Art-Emis”, No. 74 (961) /29 Septembrie 2019, pp. 184-186

² It is possible that Ion Gheorghe Maurer's reference was to the fact that Mao Zedong said that when he was a teacher in the country he had not yet learned of the existence of Marx, Engels and Lenin.

Hong Kong, still British at the time, reported that Romania's economic growth rate was almost 16%, one of the highest in the world. The Chinese noted that, despite Soviet pressure, including Khrushchev's visit to Bucharest in 1962, pressure on Romania's integration into the integrated Soviet economic system, Gheorghe Gheorghiu-Dej did not give in and did not back down, defending his country's interests¹. This would have consequences, the Soviets organizing several attacks on the life of Gheorghe Gheorghiu-Dej².

The Chinese reproached the Romanian guests that in the past they had also expressed themselves, at several congresses of the fraternal parties, against the Chinese Communist Party. "Are you dogmatic or revisionist, or do you adopt a middle-class attitude?" Mao asked. "We are Marxist-Leninists", Ceaușescu replied promptly, suggesting that he was not referring to the conflict between the two sides, but to the ideology of the system.³

The Sino-Soviet conflict and the visit of the Romanian delegation in March 1964 offered the leadership in Bucharest, for the first time after the world war, the possibility to raise, by ricochet, the problem of Bessarabia's belonging to Romania. The occasion was the stopover of the Romanian delegation, led by Ion Gheorghe Maurer, returning from Beijing, to Pîțunda, a town on the Black Sea, where Nichita Khrushchev and A.I. Mikoyan were spending their vacation. Relating to the Soviet leaders the meeting with the Chinese officials, the members of the Romanian delegation mentioned: "The Chinese said that you took Bessarabia from us. We had nothing to do but listen to them, although, of course, we no longer need Bessarabia"⁴.

Following Mao Zedong's assertions that the Soviets had taken over Romania, in the same year, wanting to seize the moment, the leaders of Bucharest ordered the translation, printing, and wide distribution of Karl Marx's unpublished manuscripts in which states that Bessarabia is Romanian and could not be taken by Russia from Turkey, because Bessarabia did not belong to Turkey⁵.

The public assertion of Romania's position of independence from Moscow, Mao Zedong's statements about the USSR's occupation of Romanian territories and the courage of high-ranking Romanian dignitaries to say this to the Soviet leadership, have created discontent in the Moldovan SSR leadership⁶. This had immediate repercussions on the political, economic and cultural situation in Soviet Moldova. From the same year, 1964, a new wave of disguised deportations began

¹ Vasile Popa, *Op. cit.*, pp. 54-55

² Elena Negru, *Confruntări istoriografice sovieto-române anii 1960-1980*, "Arhivele Totalitarismului", Year XXIII, No. 86-87, 1-2/2015, p. 159

³ Florin Mihai, *Ceaușescu, tupeu în fața lui Mao Tze-dun*, "Historia", din 27 martie 2012

⁴ Ioan Scurtu (Ed.), *Istoria Basarabiei de la începuturi până în 2003*, Editura Institutului Cultural Român, București, 2003, pp. 449-450

⁵ Karl Marx, *Semnări despre români (Manuscrise inedite)*, published by the academician Andrei Oțetea and S. Schwann, Editura Academiei, București, 1964, p. 106

⁶ Elena Negru, *Confruntări istoriografice sovieto-române anii 1960-1980*, "Arhivele Totalitarismului", Year XXIII, No. 86-87, 1-2/2015, p. 159

in Bessarabia, this time targeting the Moldovan intellectuals, by distributing graduates of higher education institutions throughout the USSR¹. Also, many Romanian elites in Bessarabia were moved to other parts of the USSR, with their consent, by offering higher salaries and better social conditions in the other Soviet republics where they moved.

The visit of the delegation led by Ion Gheorghe Maurer to China was important and managed to convince the Chinese leaders that the Romanians have personality and are determined to break away from Moscow's control and to be loyal partners of China.

In August 1964, Albanian leader Enver Hodja, who had been considered Mao Zedong's closest aide in the West, after Albania's break-up with the USSR, lamented that he had been replaced as China's main partner by the Romanians. He said Romania was pushing China into the arms of US imperialists².

In November 1964, the delegations of the Chinese and Romanian leadership met in Moscow, where, in the summer of the same year, Marshal Leonid Ilyich Brezhnev had taken over the leadership. During the meeting between the two delegations, it was discussed issues that confirmed a communion of views interests and wills to act.

In 1965 and 1966, the Soviet secret services were given the priority task of monitoring the causes of China's interest in the Bessarabian issue, the level and type of influence that Chinese leaders exert on Romanian leaders, which are Romanian sympathies for China and Albania, which are possible Sino-Romanian plans to create a new communist international, to coordinate the policy and practice of the international communist movement³.

In July 1965, on the occasion of the participation of a senior Chinese delegation in the Ninth Congress of the RCP⁴, it was received by Nicolae Ceaușescu, Ion Gheorghe Maurer and Emil Bodnăraș. The Chinese delegation was led by Deng Xiaoping, the CCP's secretary general, and Kang Sheng, the CCP's vice president of the CCP, head of China's security service (Gongambu), who is in charge of China's security and intelligence issues. Kang Sheng attended GRU's "Karol Szerewicz" School of Espionage, Sabotage and Partisan Fighting in Astrakhan, where he was a classmate and friend of Emil Bodnăraș and North Korean leader Marshal Kim Ir Sen. Kang Sheng had been one of the leaders of the Chinese delegation to the Comintern and was present in Mao Zedong's permanent entourage. The special relationship and trust between these two dignitaries, Emil Bodnăraș and Kang Sheng, well as their friendship with Kim Ir Sen, were decisive for Romania's recognition as a mediator between China and the USSR, and later between China and USA.

¹ Ioan Scurtu (coordonator), *Op. cit.*, p. 450

² Larry L. Watts, *Op.cit*, p. 161

³ *Ibidem*, pp. 161-162

⁴ On this occasion, the Romanian Workers' Party was renamed the Romanian Communist Party.

Political scientist Vladimir Tismăneanu, whose parents, Leon Tismenițki and Hermina Marcusohn, Jewish communist militants during the RCP's illegality, knew Emil Bodnăraș well, claims that he was disgusted with Khrushchev and Khrushchevism and viewed Maoism as a theoretical formula meant to save the unity of the world communist movement. Emil Bodnăraș was probably the most pro-Mao of the high dignitaries in Romania¹.

Emil Bodnăraș², the main pillar of the Romanian-Chinese relationship, was in his youth an agent of the Special Intelligence Service under the Presidency of the Romanian Council of Ministers, recruited by Florin Becescu (professional name Georgescu) and sent to the USSR³, with the mission to join and to monitor the Soviet and international communist movement. Gheorghiu-Dej and Ceaușescu both knew this, but appreciated it as a fact of patriotism.

Romanian leaders told the Chinese that Romania did not accept economic integration or military subordination to the Soviets. The Chinese leaders accepted and supported, with some reservations, the Romanian position. Kang Sheng told Romanian delegates that the specialized treaties taught in military academies in the USSR state that in the event of war, the armies of the Warsaw Pact states are subordinate to the Soviet army. Ceaușescu replied that this was an academic position, but Romania would fight against it, using the principle of unanimity in decision-making under the Warsaw Pact⁴.

During this period, when the international communist movement focused on the conflict between the CPSU and the CCP and was most eroded by this conflict, Romania and Yugoslavia were pioneers in promoting sovereignty nationalism⁵.

¹ Vladimir Tismăneanu, *Cine a fost Emil Bodnăraș? Spion rus, stalinist național și dinozaur leninist*, contributors.ro <https://www.contributors.ro/cine-a-fost-emil-bodnaras-spion-rus-stalinist-national-si-dinozaur-leninist/>, (15.05.2022)

² Emil Bodnăraș graduated “with distinction” from the High School in Câmpulung Moldovenesc, the Military School from Timișoara (as head of promotion) and the Military School of Artillery Officers from Bucharest (also as head of promotion). For two years he studied at the espionage school of the GRU “Karol Szerewicz” in AstrakhYear His mother was German and his father UkrainiYear All his life he was an important patriot of Romania, whom he served with devotion.

³ Dennis Deletant, *Communist Terror in Romania – Gheorghe Gheorghiu-Dej and the Police State 1948 – 1965*, C. Hurst & Co. Publishers, 1999. His desertion in 1932 and his “flight” to Ukraine and then to Russia were meant to make him a fugitive. It is hard to believe that Bodnăraș himself wanted, on his own initiative, to flee to Ukraine, where the great famine was in full swing and millions of people were dying of hunger.

⁴ Larry L. Watts, *Ferește-mă doamne de prieteni...Războiul clandestin al blocului sovietic împotriva României*, RAO, București, 2011, pp. 283-284

⁵ Although during the Cold War, Western powers supported sovereignties nationalism in Romania and Yugoslavia, after the conclusion of the verbal agreement in Malta, the regimes in Romania and Yugoslavia became targets of Western globalists. This would have serious consequences. Western states will punish the two sovereignties, anti-globalization countries, Yugoslavia by dismembering the country and destroying war, and Romania by direct Western involvement in the December 1989 coup, seizing Romania, liquidating the

In mid-1965, leaders in Bucharest urged Yugoslav leaders to reconsider their position on China and to strengthen relations with the country, while advising the Chinese to enter into talks with the Belgrade regime in order to improve relations between the two communist parties and states.

In October 1965, Ion Gheorghe Maurer sent to the US Ambassador to Bucharest, William Avery Crawford¹, at the end of his mission in Bucharest, that the US government should no longer ignore China, claiming that this country is less aggressive and more trustworthy than the USSR².

The Chinese side noted the “enthusiasm” with which Romania has supported, mediated and catalyzed diplomatic relations between China and the United States.

The configuration of China-Romania relations from 1962-1965 lasted until the coup in December 1989, when Romania lost its sovereignty and independence, later being left to the Western sphere of influence that always forced it to limit itself at least the relations with the People's Republic of China³.

In October 1965, at a meeting of the Warsaw Pact Political Consultative Council in Moscow, Leonid Ilyich Brezhnev declared that the Chinese government was tightening relations with the United States to counterbalance the USSR and that a China-US agreement would be the biggest threat for the international communist movement. As a result, the KGB launched a program of operations to counter China's actions. These duties were conferred on the KGB's Disinformation Operations Department, headed by General Ivan Agayants. Among the KGB's concerns on this line was the issue of monitoring and preventing close Romanian-Chinese relations.

The leaders of Bucharest did not agree with this Soviet project of undermining China. Romania tried to mediate disputes, which turned into conflicts, including armed ones, between China and the USSR, but the USSR used attempts to mediate relations with China as a screen for KGB actions to undermine

Romanian national economy, replacing it with a foreign economy, seizing resources they are natural, and millions of valuable people have been absorbed into the West.

¹ William Avery Crawford was the first US ambassador to Romania after World War II (1962-1965). He was promoted to embassy in 1964. He and his wife, Barbara, founded the American International School in Bucharest, in 1962.

² Larry L. Watts, *Op.cit.*, p. 161.

³ One of the most suggestive examples of how the Euro-Atlantic authorities did not allow Romania to develop investment in China is in November 2013, when Chinese Prime Minister Li Keqiang was in his first year in office, visited Bucharest and offered large investments for the construction of a high-speed railway to cross Romania from West to Constanța, the re-commissioning at full capacity of the largest chemical plant in Romania (one of the largest in Europe) , Oltchim Vâlcea and the purchase of its production, the financing of many large pig breeding complexes and the purchase of their entire production etc. The Prime Minister of Romania, Victor Ponta, was not allowed by the EU Commission to implement the cooperation program proposed by the Prime Minister of the People's Republic of China.

China and to mass increased military forces on the border with China. American historian Larry L. Watts highlighted Romania's efforts to counter Soviet actions to isolate China, as well as Soviet efforts to involve the entire Warsaw Pact in this operation against China.

The KGB drew up false reports from Chinese leaders regarding the meeting between Zhou Enlai and Ceaușescu, in which Zhou Enlai allegedly criticized Ceaușescu, in which Maurer was considered the true leader of Romania, and Emil Bodnăraș would to hate Ceaușescu. This serious misinformation was aimed at destabilizing the Romanian leadership. At the same time, the KGB acted in Washington, Bonn, London and Paris, inducing the idea that Romania does not have the capacity, diplomatic scope and prestige necessary for mediation between China and the USA. Romania's discretion was also questioned and the lack of motivation of the leaders in Bucharest was invoked. In order to counter China-US rapprochement efforts, the Kremlin authorities have placed in their embassies in the Central and Eastern European states sinologists to monitor all of the host country's relations with China¹. Romania's political activity in mediating the establishment of diplomatic relations between China and the United States will intensify during President Nicolae Ceaușescu.

Abbreviations

CAER = Community of Mutual Economic Aid of the socialist states

CC = Central Committee

CCP = Chinese Communist Party

CIA = US Central Investigation Agency

CPEx = RCP CC Executive Political Committee

CPSU = Communist Party of the Soviet Union

GRU = Glavnoe Razvetivatelnoe Upravlenie-Main Directorate of Military Espionage

KGB = USSR State Security Committee

LCI = Communists League of Yugoslavia

NATO = Organization of the North Atlantic Treaty

NSC = US National Security Council

OTV = Warsaw Pact Organization

PRC = People's Republic of China

RCP = Romanian Communist Party

RWP = Romanian Workers' Party

SSI = Special Intelligence Service

SSR = Soviet Socialist Republic

US = United States

¹ Larry L. Watts, *Ferește-mă...*, pp. 269-270, 279 și 324-325. The author cites special CIA reports. See also Larry L. Watts, *Cei dintâi...*, p. 72

USA = United States of America
USSR = Union of Soviet Socialist Republics

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**ROMANIAN RESEARCH ON CHINA'S FOREIGN AND
SECURITY POLICY**

Abstract:	<p><i>Explaining and predicting China's international and security policies is a relatively recent concern of Romanian researchers, dating only to the beginning of our millennium. The research effort is assumed by the editorial programs of the big publishing houses, and by the editorial policies of the scientific journals.</i></p> <p><i>A balance sheet shows us that the results are not enough and are not integrated. China's growing presence in our geopolitical region, supported especially by the "One Road, One Belt" program, requires a deepening of knowledge of Chinese interests and style of action in international relations.</i></p> <p><i>This research will substantiate a correct collaboration, for the benefit of both states and people.</i></p>
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Brief introduction

The Romanian research of the Chinese space (under its geographical, historical, cultural, political aspects) claims its origin in the works of Nicolae Milescu Spătarul (1636-1708)¹, who wrote *The Journey to China*² and the *Description of China*³ - Sinological products as a result of his diplomatic mission from 1675-1678, when he visited China by order of the Russian Tsar, to explore

¹ Radu Ștefan Vergatti, *Nicolae Spătarul Milescu (viața, călătoriile, opera)*, Paideia, București, 1998

² Nicolae Milescu Spătarul, *Jurnal de călătorie în China*, Editura de Stat pentru Literatură și Artă, București, 1956 (reprints: 1958, 1962, 1974, 1987)

³ Nicolae Milescu Spătarul, *Descrierea Chinei*, Editura de Stat pentru Literatură și Artă, București, 1958 (reprint: 1975)

the possibility of diplomatic relations. There we also find the first analytical observations on the Chinese style of diplomatic and foreign policy, as well as on the Chinese wars.

In the modern sense, the scientific concern to describe and understand China's international and security policy dates back only to the interwar period. Romanian authors (still few) placed themselves in the terminological paradigm proposed by August Scriban's *Dictionary of the Romanian Language*, which defines sinology as "the science of the languages, history, institutions of China"¹. Deepening the institutional aspect of China's knowledge, Romanian historians and geopoliticians make the first observations and comments on foreign policy and the wars in which China relates to Western powers. Significant are the contributions of Nicolae Iorga, who is investigating *The War in the Far East. China, Japan, Asian Russia: Sketches* (1904)² and Ion Conea's notes from the "Bulletin of the Royal Romanian Geographical Society" (1927)³.

Unfortunately, the era of the communist regime in Romania does not bring any progress in the research of China's foreign and security policy, the explanations being mostly political. In the context of the deep divergences between the Soviet Union and China (1956-1971), Romania balanced between the two interests, based on policies that were not intended for the public, and was handled exclusively among the policymakers. The researchers' "help" was not sought - it was even counterproductive.

Contemporary Romanian expertise in the foreign and security policy of the People's Republic of China

Romania's openness to democracy, after 1989, also brought the benefit of democratizing the research environment - in universities, research institutes subordinated to the Romanian Academy or some ministries, think tanks (research organizations with non-governmental status). Political influence has waned and remained rather in the background. So the Romanian research has grown impressively, both quantitatively and qualitatively, being quite little influenced by Romania's accession to Western economic and military blocs; even as political relations between the two states declined, research projects continued and even rose.

Publishers' contribution

The first remarkable phenomenon is the recovery of the communist period, now systematically investigated. For example, the Soviet-Chinese relationship and

¹ August Scriban, *Dicționarul limbii românești*, Institutul de Arte Grafice "Presa Bună", București, 1939

² Nicolae Iorga, *Războiul din Extremul Orient. China, Japonia, Rusia asiatică: Schițe*, Editura Librăriei Socecu&Comp, București, 1904

³ Ion Conea, *Ce vrea China? China de până eri. De ce China nu-i în pas cu vremea?*, "Buletinul Societății Regale Române de Geografie", Vol. 46, 1927

Romania's position as the two key players in the communist camp are systematically researched by Professor Mihai Croitor of Babeş-Bolyai University in Cluj-Napoca, who has published six volumes, numerous book chapters, articles in scientific journals¹. Documents on Romanian-Chinese relations during the communist period were collected and edited by former ambassador Romulus Budura, resulting in three volumes published by the Ministry of Foreign Affairs². The same type of approach, accompanied by an important analytical contribution, was taken by Ion Buzatu³.

The second tendency to point out is the assumption of publishing programs by the big publishing houses, which hosted Romanian authors profiled on the analysis of China as an international actor and the foundations of its power. Corint Publishing House published the contributions of Dan Tomozei, under the titles *Panda Diplomacy*⁴, *The state in the 21st century - The Chinese model*⁵ and *China Time*⁶. Niculescu Publishing House offered the analysis of Andrei Marga, *The Global Ascension of China*⁷ and *China as a superpower*⁸.

The same publishers have published translations, especially of Western authors, but also work by Chinese researchers. Jin Canrong (*China. The responsibility of great power*) appears in Corint Publishing House⁹, but also relevant historical episodes in Chinese military history signed by Peter Harmsen

¹ Mihai Croitor, *Anul tigrului de hârtie: dinamica rupturii sovieto-chineze (1964)*, Mega, Cluj-Napoca, 2019; Mihai Croitor, *România și conflictul sovieto-chinez (1956-1971)*, Mega, Cluj-Napoca, 2009; Mihai Croitor, *În umbra tigrului de hârtie: ruptura sovieto-chineză în ecuația bipolarismului (1961-1963)*, Mega, Cluj-Napoca, 2019; Mihai Croitor, *Unitate și conflict în lagărul comunist: dialectica rupturii sovieto-chineze*, Mega, Cluj-Napoca, 2007; Mihai Croitor, *România și conflictul sovieto-chinez (1956-1971)*, Eikon: Mega, Cluj-Napoca, 2014; Mihai Croitor; Sanda Borșa, *În numele revoluției: Mao și cultura politică chineză*, Mega, Cluj-Napoca, 2008; Mihai Croitor, *Moscova 1963: eșecul negocierilor sovieto-chineze*, Eikon: Mega, Cluj-Napoca, 2014

² Romulus Ioan Budura, *Politica independentă a României și relațiile româno-chineze. 1954-1975: documente*, București, 2008; Romulus Ioan Budura, *Relațiile româno-chineze: 1880-1974: documente*, București, 2015; Romulus Ioan Budura, *Relațiile româno-chineze: 1975-1981: documente*, București, 2015

³ Ion Buzatu, *Istoria relațiilor României cu China din cele mai vechi timpuri până în zilele noastre și dansul în lume dintre cea de a doua fiică a Romei - Luomaniya și împărăția dragonului galben - Zhongguo: cu o scurtă introducere în istoria Chinei și 40 de documente inedite din arhivele M.A.E. și fostei cancelarii a C.C. al P.C.R.*, Meteor Press, București, f.a.

⁴ Dan Tomozei, *Diplomația Panda*, Corint, București, 2015

⁵ Idem, *Statul în secolul XXI – Modelul chinez*, Corint, București, 2016

⁶ Idem, *Timpul Chinei*, Corint, 2018

⁷ Andrei Marga, *Ascensiunea globală a Chinei*, Editura Niculescu, București, 2015

⁸ Idem, *China ca supraputere*, Editura Niculescu, București, 2021

⁹ Jin Canrong, *China. Responsabilitatea unei mari puteri*, Corint, București, 2020

(*Yangtze Stalingrad: Battle of Shanghai - 1937*)¹ and editors Li Wei & Tong Yonguang (*Truths and Facts. The Second Sino-Japanese War 1937-1945*)².

Contribution of the scientific journals

In contrast to the publishers, which by the nature of their mission offer accessible volumes to the public (the ultimate goal of the launched editions being economic - selling them to the widest possible audience, where from the dilution of the specialization claims of the approached topic can also appear), scientific journals host articles on very specific topics. These benefit from maximum specialization and a high capacity to offer policy proposals (in our field, they are materialized in scenarios, models, public policy solutions offered to decision makers in terms of maximum concreteness).

A first category of Romanian research journals that contribute massively to the explanation and forecasting of China's status as a great world power are the economically profiled ones. It detaches the journals of the Institute of World Economy of the Romanian Academy, "Global Economic Observer" (published in cooperation with the "Nicolae Titulescu" University of Bucharest)³ and the "World Economy Review"⁴. The two editorial offices benefit from the contributions of prestigious Chinese economists: Chen Xin, a member of the Chinese Academy of Social Sciences in Beijing, respectively Guo Xuetang, Professor at the Institute of International Strategy and Political Analysis, Shanghai University of International Affairs and Economics. In this way, many Chinese economists have been featured in both magazines. Topics focus on the operationalization of the "One Road One Belt" program and the "16 + 1" cooperation mechanism, China's regional relations in Europe and especially in Eastern Europe, but also provide successful examples of the Chinese economy⁵. The Romanian researchers who support the Chinese

¹ Peter Harmsen, *Stalingradul de pe Yangtze: bătălia pentru Shanghai - 1937*, Corint, București, 2015

² Li Wei; Tong Yonguang, (Eds.), *Adevăruri și fapte. Al doilea război sino-japonez (1937-1945)*, Corint, București, 2019

³ <http://www.globeco.ro/> (15.04.2022)

⁴ <https://ideas.repec.org/s/iem/journal.html> (15.04.2022)

⁵ Doar câteva exemple: Gao Ge, "16+1 Cooperation: Considering Three Sets of Relationships", „Global Economic Observer”, Vol. 7, No. 2, 2019; Sun Jie, *Challenges, Opportunities and Prospects of Cooperation under The 16+1 And Belt and Road Initiative*, „Global Economic Observer”, Vol. 7, No. 2, 2019; Li Jiang, *The 16 + 1 Mechanism and One Belt One Road Initiative, New Channels of Promoting Sino-Czech Relations*, „Global Economic Observer”, Vol. 5, No. 1, 2017; Song Lilei; Cheng Yu, *People to People Communication: A case study of Education Cooperation between China and CEECs from 2006-2016*, „Global Economic Observer”, Vol. 7, No. 2, 2019; Zhang Min, *The New Trends and Developments of China-EU Scientific and Technological Innovation Cooperation*, „Global Economic Observer”, Vol. 7, No. 2, 2019; Ju Weiwei, *Interconnection Cooperation Between China and CEECs under the Belt and Road Initiative*, „Global Economic Observer”, Vol. 7, No. 2, 2019; Chen Xin; Yang Chengyu,

research direction there are Iulia Monica Oehler Şincai, Sarmiza Pencea, Anna Cristina Bâlgăr, George Cornel Dumitrescu¹.

Another category of Romanian scientific magazines that investigate China's foreign and security policies is the one profiled exactly in this field. The relevant case is the "Strategic Monitor", a publication of the Institute for Defense Political Studies and Military History, subordinated to the Department for Defense Policy and Planning within the Ministry of National Defense. In the first decade of our century, there was close cooperation with the Beijing Institute for Strategic and International Studies - from where Zhou Jian was co-opted into the Editorial Board. Thus, numerous articles by Chinese authors have been featured in issues of the magazine². We also exemplify the case "Studia Securitatis"³, journal of the Center for Research in Political Science, International Relations and European Studies at the "Lucian Blaga" University of Sibiu. The editorial staff is collaborating with Professor Jian Shi of Sichuan University as a member of the Scientific Committee. Articles investigating China's global geopolitical and geostrategic position have been proposed mainly by members of "Lucian Blaga" University⁴.

Romania Industrial Competitiveness and China-Romania Cooperation, "Global Economic Observer", Vol. 5, No. 1, 2017; Fayin Xu, *The Belt and Road Initiative and Globalization: The Perspective of Globalization-Constituting Theory*, „Global Economic Observer”, Vol. 7, No. 2, 2019; Gang Xu, *Sino-Romania Relations Under the Framework of Relations Between China and CEECS Countries: A Perspective of Local Cooperation*, "Global Economic Observer", Vol. 7, No. 2, 2019; Sun Yanhong, *Industrial Restructuring in China and in the EU and New Opportunities for China-EU Industrial Cooperation in the Context of a Changing Global Economy*, "Global Economic Observer", Vol. 5, No. 1, 2017

¹ <http://www.globeco.ro/>, passim (15.04.2022)

² For example: Zhang Linchu; Zhuang Yixiang, *The Review and Prospects of the Sino-EU Relations*, "Monitor Strategic", Vol. VI, No. 3-4, 2005; Zhuang Maocheng, *On the UN Reforms*, "Monitor Strategic", Vol. VI, No. 3-4, 2005; Qiang Shen, *Relațiile SUA - China: Tactice și Strategiile Administrației Obama*, "Monitor Strategic", No. 1-2, 2011; Wang Shusen, *The Sino-NATO Relations*, "Monitor Strategic", Vol. VI, No. 3-4, 2005; Xie Wenqing, *Relations among Major Powers and Influence on International Strategic Situation*, "Monitor Strategic", Vol. VI, No. 3-4, 2005

³ <https://magazines.ulbsibiu.ro/studiasecuritatis/>, (15.05.2022)

⁴ Casian Anton, *China. Ierarhie, putere și polaritate în relațiile internaționale*, "Studia Securitatis", Vol. VII, No. 2, 2013; Roxana Ioana Banciu, *The gloves are off for Russia-China (Mongolia) - Cuddling in a Regional security complex?*, "Studia Securitatis", Vol. IX, No. 3, 2015; Ovidiu Oltean, *What lies ahead the currency war between US and China*, „Studia Securitatis", Vol. VI, No. 2, 2012; Andreea Maria Pierşinaru; Xu Han, *Chinese and Western theoretical perspectives on Chinese public diplomacy. Common dimensions and differences*, "Studia Securitatis", Vol. XV, No. 2, 2021; Irina Ionela Pop, *China's foreign policy under XI Jinping s administration: from peaceful rise to Great power status?*, "Studia Securitatis", Vol. XI, No. 2, 2017; Dan Alexandru Popescu, *Noi considerații despre relațiile sino-europene, din perspectiva jocului de putere global*, "Studia

Among the journals profiled on the analysis of international relations, stands out the "Journal of Political Science and International Relations"¹ of the Institute of Political Science and International Relations "Ion I.C. Brătianu" of the Romanian Academy. Without developing collaborations with Chinese research, analytical articles are proposed thereby Romanian researchers Lucian Jora, Eugen Lungu, Alexandru Mihnea Ciocan, Cristina Vohn.

Some analytical considerations

Romanian research on the international evolution of China and its military-strategic foundations is far from reaching its potential. There are many explanations and quite a few remedies.

The main cause seems to be the separate and distant evolution of Romania in geopolitical regions and the related international alliances. Romania is an actor with regional pretensions in Eastern and South-Eastern Europe, and bases its interests on membership of the European Union, NATO, the Organization for Security and Cooperation in Europe, and the Council of Europe. In this respect, his interests do not intersect at all with those of China, which expresses itself as an actor with increasingly global demands, but has the main challenges in its immediate geographical neighborhood - where it interacts mainly with Japan, South Korea, the Russian Federation, India, Australia. Also, China's economic and geopolitical interests in Africa do not intersect at all with those of Romania.

Secondly, Romania - through its political leadership - has kept a distance (not only political) from China, unlike its neighbors. Hungary and Poland, members of NATO and the European Union, are cultivating positive political relations and collecting economic benefits. Serbia, Montenegro and other Balkan countries are doing the same. Romania's moderation has automatically been transferred to the editorial policies of research journals sponsored by government structures - primarily those in the field of security and defense. "Journal of the Romanian Diplomatic Institute"² (which focuses on expertise provided by the Ministry of Foreign Affairs), which provides an electronic archive for the period 2005-2010, does not address Chinese issues at all. The same is true for the journals of the National Defense University, "Bulletin of the National Defense University Carol I"³ and "Strategic Impact"⁴, but also for the journals of subordinate military academies. For example, there is a lack of research on military organizations and the strategic importance of China in the journals of the "Nicolae Bălcescu" Land Forces Academy in Sibiu, "Scientific Bulletin"⁵ and "Journal of the Land Forces

Securitatatis", Vol. IX, No. 2, 2015; Eugen Străuțiu, *Think-tankurile chineze de securitate*, "Studia Securitatatis", Vol. VI, No. 3, 2012

¹ <https://journalrspri.wixsite.com/journal> (15.04.2022)

² <http://www.idr.ro/revista-idr-arhiva/> (15.04.2022)

³ <https://buletinul.unap.ro/index.php/ro/> (15.04.2022)

⁴ <https://cssas.unap.ro/> (15.04.2022)

⁵ https://www.armyacademy.ro/buletin_recomandari.php (15.04.2022)

Academy"¹. This category of scientific publications is completely devoid of the Chinese component (as can be seen in the Contents, as tangential references by way of example and without analytical value may be encountered, accidentally).

The causes are many. Of course, the first research task is always to describe, explain and design the internal needs of the institution. Secondly, the main effort is directed towards researching the international and security environment in which Romania is directly evolving - the European and Euro-Atlantic ones. Only when the geopolitical interests of the alliances where we are a member come into contact do research on China's international behavior make sense. Finally, I think we can talk about subjective causes. Profiling the Romania researchers on Chinese issues does not bring comparable benefits to pro-Western profiling, either professionally or personally.

Under these conditions, what are the reasons and strengths on which Romanian research on China's foreign and security policies can be (re) built?

First, by recognizing China's growing economic and cultural presence in our geopolitical realm. The massive "One Road, One Belt" program is already producing consistent effects in neighboring countries, and Romania can only escape this challenge with undeserved damage. In a normal world, Romania must be interested in the contribution of advanced technologies that can come from China, in capital investments, in advantageous loans for the construction of economic objectives. The economic and cultural projects subject to "One Road, One Belt" have a strong foreign policy component, being supported and promoted by Chinese diplomacy. Any diplomatic action also includes a security component: political, economic, cultural-symbolic, and at the edge - military-strategic. Here are enough reasons to know, explain, correctly predict the behavior, style, concrete international policy action of the Chinese state.

Secondly, Romania and the People's Republic of China have in common an increasingly consistent theme: Chinese emigration to Romania. In constant numerical growth, more and more present from the economic and social point of view, this segment of the foreign people in Romania has all the chances to become a bridge between states and peoples. This normalcy must be supported by serious research, including in the paradigms of human, social, economic security.

What to do?

Let's take a look at the academic and research environment in the West, and we can easily see dozens of think tanks profiled on the knowledge, modeling, prediction of the Chinese presence in the world. Well funded, staffed by valuable researchers, in strong contact with Chinese research, they produce programs, projects, volumes, journals, policy proposals.

In Romania, such an instrument is missing¹. There is a need for a think-tank institute that centralizes available energy and disseminates research results to

¹ <https://www.armyacademy.ro/revista.php> (15.04.2022)

policymakers, universities, the non-governmental sector. An essential resource can be the contact with Chinese research: mixed research programs and teams, exchanges of experience, mutual study visits, research grants, especially for young people. Probably the most appropriate institutional support would come from a consortium of universities with programs in the field of international relations, security studies, foreign languages (compulsory Chinese), associated in a convenient formula with Romanian Academy. At the same time, this institute will be able to systematically consult the expertise of Western think tanks in the field. Of course, this strong initiative will not exclude local and sequential ones, which it can associate and support.

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BOOK REVIEW

Nicoleta MUNTEANU
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WORKING TOOLS FOR THE FOUNDING A RESEARCH DIRECTION REGARDING ROMANIAN SYNOLOGY

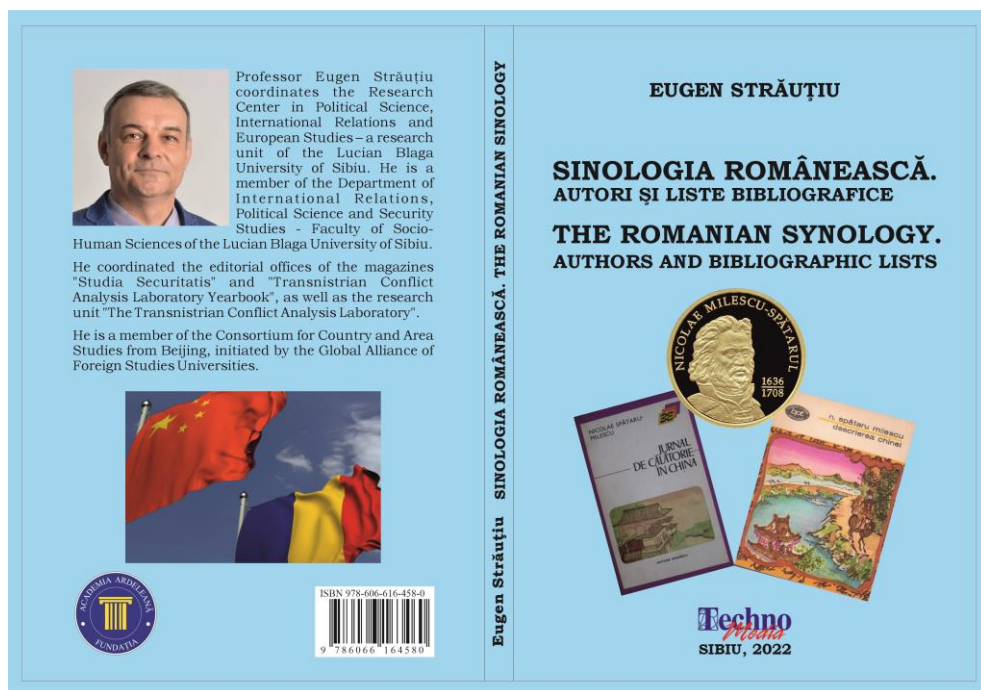
Abstract:	<i>Romanian Sinology (meaning the multi- and interdisciplinarity scientific research of the Chinese world) has not been investigated so far, in terms of authors, currents of thoughts, resources, and the cultural and socio-political consequences generated. Eugen Străuțiu's book "Romanian Sinology – authors and bibliographic lists" offers the first synthetic image of publishing books, studies, articles, and scientific reports in Romanian, with Romanian or foreign authors, who address general or specialized topics, photographing and explaining Chinese space.</i>
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In recent years, the Center for Research in Political Science, International Relations and European Studies, Lucian Blaga University of Sibiu, has provided national and international research with several working tools helpful in opening new topics and research directions in international relations and regional studies. We mention the books offered by Mihai Melinte and Eugen Străuțiu – respectively a chronology and a bibliography of the Transnistrian conflict, which created the context of ideas, as well as an institutional framework for an implementation of a bibliographic information service within the complicated Transnistrian issue¹.

In a similar vision, aiming to substantiate a research direction on Romanian scientific expertise on the internal organization of the Chinese

¹ *LACT inaugurează un serviciu de informare bibliografică*, <https://lact.ro/lact-inaugureaza-un-serviciu-de-informare-bibliografica>, (01.06.2022)

society and the international evolution of the Chinese state, Eugen Străuțiu offers us the printed form of the work “Romanian Sinology – authors and bibliographic lists” (The Romanian Sinology – Authors and Bibliographical Lists), Techno Media Publishing House from Sibiu¹.



The book, totaling 180 pages, offers versions in Romanian and English, according to a table of contents structured as follows: What is, what is not, and what should be the "Sinology"; Romanian Sinology; authors, guidelines, trends (Nicolae Spătaru Milescu and the birth of the Romanian Sinology; From the First to the Second World War; Te communist regime years; The democratic regime era; Some conclusions); Research methodology (Why cannot we propose complete research?; What are we investigating?; Criteria for selecting the bibliographic items; Content structuring; Methodology for selecting the bibliographic items; Citation Rules); Analytical volumes (Romanian authors; Translations); Working tools; Book Chapters; Papers; Studies and reports; Journals; Small dictionary of Romania Sinologists).

¹ Eugen Străuțiu, *Sinologia românească – autori și liste bibliografice (The Romanian Sinology – Authors and Bibliographical Lists)*, Technomedia, Sibiu, 2022

The working tool character of the book is announced and explained by the author in the Foreword: "First of all, write an honest balance sheet, as complete as possible. By describing and understanding the current state of a scientific field, depending on its strengths and weaknesses, realistic projects can be done for its future development. The energies can be mobilized correctly - whether we train researchers, choose the research topic, or design institutional and material resources"¹.

However, it is overcome by a substantial theoretical approach, necessary even when defining terms. A complex and precise discussion also offers fixed points and nuances regarding the concept of "Sinology", as it appears in Romanian dictionaries and several reference dictionaries in the West. The author notices and explains the phenomenon of excluding "institutions" from recent Romanian definitions, as opposed to classical Romanian and Western approaches.

A second introductory discussion calls into question the obligation to know the "Chinese language" to do research in various fields, directions, and topics specific to the Chinese world. The author's conclusions lead to the relativization of this obligation - as long as the classical works of Chinese culture and research are translated into national languages, contemporary. Chinese authors write in a language of international circulation, and computer technology provides applications closer to perfection both for translation and interpretation.

The third introductory discussion brings to light one author's right to be qualified as a "sinologist". It is the aforementioned author's opinion that a tourist offering traveling tips in China, a diplomat who writes a journal about their mission, or a journalist compiling news and writing editorials for the editorial board they work at are not sinologists. To be a sinologist means doing research work, with a specific methodology (mentioning and verifying the bibliographical sources, consistent use of one or more sciences' methodologies, including certification through degrees and other documents attesting to research aptitude, is a must).

The biographical lists, organized by content, give the illusion of a rich and diverse treasure, that starts with Nicolae Milescu Spătarul (1636-1708) and increased rapidly as our days grew closer. From Milescu Spătarul's encyclopedical approach, nowadays the research is more specialized and it is done multi- and interdisciplinary, with information from history, cultural studies, economical sciences, political sciences, sociology, security studies, and many more. The general impression is that

¹ *Ibidem*, p. 7

Romanian sinology has been around for many decades, without being aware of itself, without properly bringing scientists together (which were uncoordinated and disseminated in their work), and without generating domains, directions, and general areas of research.

This threshold can be passed with the contribution of Eugen Străuțiu's volume, which pictures, systematizes, and even generally explains the Romanian sinological production. Some brief ideas about what should be done are expressed in the conclusions. To sum up, "let's develop as much knowledge of the Chinese world as possible; to build cultural, economic, political bridges. If politics do not prioritize the relationship with China, let us do it anyway - based on academic autonomy and the researcher's freedom to set the themes of his work. Let's invite Chinese researchers to the boards of our journals to our conferences; to write articles and studies with us, for us, in our interest. Let's do projects in cooperation. Let us be present in the Chinese world, with our Romanian point of view - to obtain benefits from this relationship for our people"¹.

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¹ *Ibidem*, p. 66